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National report submitted pursuant to Human Rights Council resolutions 5/1 and 16/21*

Republic of Korea

* The present document is being issued without formal editing.



I. Introduction

1. The Government of the Republic of Korea (Government) hereby submits the National Report for the Fourth Cycle of the Universal Periodic Review (UPR) in accordance with the Human Rights Council (HRC) Resolution 16/21.
2. This report contains information on the implementation of accepted recommendations from the previous cycles and all legislative, judicial and administrative measures taken for the improvement of the human rights situation in the Republic of Korea, since the previous Third UPR Cycle in November 2017.
3. In April 2022, the Government voluntarily submitted the Third Cycle Mid-term Report containing the implementation status of all recommendations made during the Third UPR Cycle to the HRC. The Report was publicly released on the website of the Ministry of Justice (MOJ).

II. Methodology and process for the preparation of the report

4. The MOJ drafted the report following the reporting guidelines of the OHCHR based on the Human Rights Council decision 17/119. As recommended in the guidelines, the Ministry referred to the UN Sustainable Development Goals (SDGs) in preparing the implementation status of the recommendations and specified the relevant goals and targets along with the previous recommendations. This will strengthen the consistency and efficiency of national policies and accountability to protect human rights and achieve SDGs.
5. The Government drafted this report in consultation with 12 relevant ministries and institutions, while holding discussions to gather public opinion. Moreover, the MOJ requested the opinions of the National Human Rights Commission (NHRC) on the report. The recommendations of civil society and the NHRC were reviewed and partly incorporated in the report.

III. Implementation of recommendations from the third cycle

A. Recommendations implemented

1. Implementation of international human rights mechanisms

6. The Government has made efforts to fulfill the obligations in accordance with the core international human rights treaties and to comply with the human rights mechanisms. The Government has extended its standing invitation to all thematic special procedures of the UN HRC and held a constructive dialogue during the country visits of the Special Rapporteurs.¹ The Government has continued its cooperation with the OHCHR Seoul Office, despite the difficulties due to the spread of COVID-19 since 2020, and has continued its cooperation and support via non-face-to-face methods. (Recommendations 130.7-130.9)

Withdrawal of reservations to Article 25(e) of the CRPD

7. At the time of the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in December 2008, due to the concern regarding its conflict with Article 732 of the *Commercial Act* prohibiting persons with mental disabilities from subscribing to life insurance, the application of Article 25(e) of the CRPD which prohibits discrimination against persons with disabilities when providing life insurance was reserved. However, the given provision was amended in March 2014 to allow persons with mental disabilities who possess mental capacity to enter into life insurance contract. Thus, the reservation to Article 25(e) of the CRPD was withdrawn in December 2021. (Recommendations 132.12)

Business and human rights

8. When establishing the 2018-2022 third National Action Plan for the Promotion and Protection of Human Rights (NAP) in 2018, the Government drafted a separate chapter on

business and human rights to include relevant policy tasks and track the annual implementation status. Also, in 2021, the Government presented a bill to the National Assembly (NA) for the *Framework Act on Human Rights Policies* containing corporate responsibility to respect human rights and the state's duty to protect and promote human rights. The Government held forums in 2020 and 2021 to facilitate discussions and published guidelines for companies to better understand and implement the international standards on business and human rights. (Recommendation 130.26; SDG 12.6)

International development cooperation

9. The Government has made efforts to implement development cooperation based on a human rights-based approach. The Government's third Strategic Plan for International Development Cooperation (2021-2025) stipulates that gender and human rights should be considered in formulating ODA policies and designing projects. Also, the Korea International Cooperation Agency (KOICA) is developing projects to promote the rights of vulnerable groups, including women and children, under the Mid-Term Strategy for Human Rights (2021-2025) and the Human Rights-based Development Cooperation Implementation Plan (2020-2023). The Government takes human rights into account over the course of planning, implementing and evaluating grant development cooperation projects by implementing human rights impact assessment. Furthermore, to improve accountability, the Government has taken necessary measures on implementing agencies in case of human rights violations against locals, based on the second KOICA Human Rights-based Management Plan (2021-2023). (Recommendation 132.69)

2. Changes in national framework

National Action Plan

10. The Government established and implemented the third NAP (2018-2022) to seek the institutional practice of ensuring human rights. In due process, the Government ensured the participation of the NHRC, academics and civil society by holding public hearings, collecting opinions and closely cooperating with the relevant ministries. The Government is preparing for the establishment of the fourth NAP to fulfill new demands for human rights issues and international standards and will ensure the participation of various stakeholders. (Recommendations 130.12-130.14)

National human rights commission

11. The *National Human Rights Commission of Korea Act* stipulates that the NA, the President and the Chief Justice of the Supreme Court receive recommendations for candidates or opinions from the society and nominate or appoint commissioners. To collect opinions, the NHRC posts matters concerning the expiration of the terms of the commissioners and information regarding the recommendations for commissioners online and distributes press releases. The independence of the commissioners are guaranteed through the exemption from responsibility for their remarks or decisions delivered during the performance of their duties if made without purpose or negligence, and the commissioners cannot be removed unless they are sentenced to imprisonment. NHRC plans to make amendments to ensure organizational independence and transparent and participatory procedure in the election of the commissioners. (Recommendations 130.10-130.11; SDG 16.a)

Improvement of human rights in the military

12. After the late Private Yoon who had died from the abuse of other comrades in 2014, the grounds for the establishment of the military human rights protection officer were newly inserted in the *Framework Act on Military Status and Service* in December 2015. After a long discussion, in 2022, the NHRC established the officer position and the committee responsible for investigation, corrective measures and policy recommendations concerning human rights violation and discrimination in the military. The Government is operating a comprehensive system to prevent suicide through the stages of identification, management and separation, and by providing mental counseling and treatment for soldiers in difficulties during service. The Government organized a private-public-military joint committee to prevent sexual abuse

in the military in 2021 and drafted recommendations for the prevention of sexual abuse in the military and victim protection and support. In 2022, the Ministry of National Defense and the military established organizations for the prevention of and response to sexual violence to deal with relevant cases, and in order to protect and support victims, the number of sexual grievance counselors in the military was increased. Also, through a newly inserted provision on perpetrator-victim separation, the Government streamlined the procedures and established the guidelines on dealing with collateral damage. The full-scale investigation on the actual status of sexual violence in the military is being conducted every year since 2022, and mobile applications for anonymity and integrated case management are under development. For the fundamental improvement of the military culture, the Government has been developing and operating various programs and gender-sensitive education courses reflecting the job characteristics of military ranks.

Human rights education

13. The Ministry of Education included human rights education as a subject of school curriculum in 2018. Accordingly, the Ministry has developed instruction materials and operated various training programs for teachers' capacity-building in human rights education since 2019. In 2020, the *Enforcement Decree on the Elementary and Secondary Education Act* was amended to allow schools to establish their own rules on school life based on the self-governing activities to raise awareness on human rights. Since 2021, the Ministry and 17 Offices of Education have cooperated to develop and distribute human rights education programs to school members and prepare for the capacity-building training of teachers.

14. The NHRC monitored the textbooks of elementary and middle schools in 2017-2018 and stated a joint declaration with the superintendents of the 17 Metropolitan and Provincial Offices of Education to raise awareness on human rights and strengthen human rights education. The NHRC has also facilitated human rights education in universities by organizing the council of human rights centers in universities in 2020. In addition, it has made efforts to spread human rights awareness across the society by providing education according to targeted groups in each field such as society and public institutions e.g. human rights training for government officials, journalists and by developing various content. (Recommendation 130.65; SDG 4.7)

3. Civil and political rights

Eradicating human trafficking

15. The *Act on the Prevention of Human Trafficking and the Protection of Victims, etc.* has been enacted and will be enforced from January 2023. The Act defines the concepts concerning human trafficking and the group of crimes in line with international norms, while stipulating the establishment of a government-wide response system; strengthening the identification, protection of, and support for victims; and promoting the general public's awareness-raising; etc. Under the Act, the Government is able to systematically seek policies by establishing a comprehensive plan to prevent human trafficking and reviewing the progress of each ministry. Also, the Government plans to develop and use the identification indicators of victims, determine cases, provide medical, legal and livelihood support for identified victims, etc. At present, financial support (e.g., rescue funds; medical, livelihood, tuition, funeral expenses; etc.), legal counseling and litigation and psychological support are being provided. (Recommendations 130.44-130.47, 132.112; SDG 8.7, 16.2, 16.3)

Prevention of domestic violence

16. The Government has amended and enacted the *Act on Special Cases Concerning the Punishment of Crimes of Domestic Violence* from January 2021, in order to extend the definition of crimes of domestic violence and to impose criminal punishment upon violation of the restraining order. The Government is providing various services for victims including psychological, legal, and medical services through counseling centers, shelters, emergency hotlines, etc.² In 2020, the Government increased the number of workers at counseling centers, provided support for vocational training expenses—such as by funding vocational training—and expanded public rental housing, resulting in the strengthening of victims'

stable independence and housing safety. The victim support system is promoted both online and offline. National institutes, local governments, schools, etc., are operating the domestic violence prevention training program every year. (Recommendations 130.27-130.35; SDG 5.2, 16.3)

Conscientious objectors and alternative services

17. From January 2020, the Government enacted the *Act on the Assignment and Performance of the Alternative Service* as to implement the recommendation which was not supported during the third cycle. This is a follow-up measure of the decision delivered by the Constitutional Court in June 2018, stating that Article 5 of the *Military Service Act* is unconstitutional due to the lack of the stipulation of alternative service. The new Act provides regulations on alternative service for conscientious objectors, which entails serving 36 months in correctional facilities. From October 2022, they are called up for service, and 886 persons are performing their duties in correctional facilities as of June 2022. In the meantime, all persons imprisoned for conscientious objection have been released by February 2019. (Recommendations 132.94-132.106; SDG 16.1)

Right to privacy

18. In August 2018, the Constitutional Court ruled that the *Protection of Communications Secrets Act*, which allowed to intercept a wide range of communications through the packet interception of internet lines, did not conform to the Constitution. Accordingly, the Act was amended to newly insert a supplementary requirement upon request for the provision of communication confirmation data to the base station and to prepare the court's control procedure for packet interception. The amendment on the *Telecommunications Business Act* is further discussed to allow telecommunications service providers to provide communications data to investigative agencies and to subsequently notify telecommunications subscribers.

4. Economic, social and cultural rights

Measures for vulnerable groups

19. The Government made efforts to address social inequality and lay the foundation for an “inclusive welfare state” by continuously expanding the social safety net for vulnerable groups. The Government abolished the standard for the person obligated to support for basic livelihood security, under which those with a direct family member, etc., earning a certain level of income are ineligible for livelihood benefits, in a phased approach over four years from 2017 to 2021. Since 2018, the Government has sought policies to resolve polarization by expanding child allowances, raising basic pension benefits and pension benefits for persons with disabilities, creating more jobs for older persons and operating a pilot project on a Korean-style accident and sickness allowances. Since 2017, the state’s responsibility system for dementia patients has been operated through strengthening the national care for dementia patients, expanding infrastructure including support centers, reducing medical and examination costs and creating a dementia-friendly environment. The state responsibility for care has also been strengthened by expanding public daycare centers and abolishing the disability classification system in 2019. (Recommendations 130.23-130.24)

Guarantee of housing rights

20. The Government implemented various policies to ensure the right to housing. The Government provided guidance about the housing welfare system including public rental housing and housing benefits when conducting visit surveys involving those residing in inadequate housing and administering housing welfare counseling services including providing consultation on whether to move to public rental houses, preventing people from being deprived of an appropriate living environment due to the lack of information. In addition, from 2018 to 2021, the Government has provided 140,000 public rental houses and 40,000 publicly supported private rental houses on average, prioritized the supply of public rental houses to vulnerable groups and subsidized relocation costs. (SDG 11.1)

Welfare for older persons

21. In order to improve the living conditions of older persons, the Government expanded the number of local senior protection agencies from 34 to 37 in 2021 and has provided tailored care services since January 2020. Also, to prevent abuse, promotion and training were carried out, with approximately 50,000 people completing the course as of 2020. In addition, emergency safety and security services including emergency situation monitoring, response measures and follow-up responses are being promptly provided to emergency situations like fires or accidents involving older persons living alone and persons with disabilities. To promote these services, the Government plans to replace in-house equipment with the latest equipment for 300,000 households by 2023. (Recommendations 130.55-130.62)

Support for single-parent families

22. In 2019, the Government raised the age of children eligible for single-parent childcare subsidies from less than 14 years old to less than 18 years old to expand support for single-parent families. Also, single parents who received livelihood subsidies may be given childcare subsidies and single parents aged between 25 and 34 are given additional childcare subsidies of KRW 50,000-100,000 per month. The *Single-Parent Family Support Act* was enforced in April 2021 to enable foreigners who raise a child of Korean nationality, regardless of their marital status, to be eligible for the support designed for single-parent families. Also, the *Act on Enforcing and Supporting Child Support Payment* was amended and enforced in July 2021 to impose administrative disposition, criminal punishment, etc., including the suspension of driver's license or the prohibition of departure of non-custodial parents who intentionally do not perform the obligation for child-rearing expenses, to strengthen the enforcement of child support payment. In addition, the Government expanded the period for temporary urgent support for child-rearing expenses from a maximum of 9 months to 12 months, strengthening the support for low-income single parents raising children. (Recommendations 130.48-130.49; SDG 5.1, 8.5)

Strengthening fundamental labor rights

23. The Government has announced and promoted the measures to eradicate unfair labor conducts since June 2017 to strengthen fundamental labor rights. The Economic, Social and Labor Council has convened since October 2019 to discuss the ways to improve the labor representative system as well as the practices and issues of the labor union and the collective bargaining of special types of employers. As a result, the Government decided to regulate the appointment procedures, method, status and guarantee of activities of labor representatives. Later on, the amendment to the *Act on the Promotion of Employees' Participation and Cooperation* reflecting such content was presented, which is to take effect in December 2022. The Government is expanding the scope of social insurance coverage, such as employment and industrial accident insurances, in order to strengthen the social safety net for workers including special types of workers and platform workers. As of June 2022, industrial accident insurance is applied to 15 occupations and the scope of application will be further expanded. In January 2022, employment insurance has been applied to 14 occupations by adding two additional occupations, such as delivery persons and drivers. Meanwhile, in September 2021, in order to protect workers of various types of employment, such as persons of special employment and platform workers, protection measures are to be prepared and in progress, by creating transparent and fair workplaces, improving the working environment and expanding the job safety net. (Recommendation 130.51; SDG 8.8).

Healthy work environment

24. The Government has prepared and promoted measures to protect employees from harassment at the workplace since July 2018. As part of such efforts, the *Labor Standards Act* was amended (enacted in July 2019) to define and prohibit harassment at the workplace and to impose an obligation on the employer to investigate and take measures regarding the perpetrator and the victim in the case of harassment. Also, unfair treatment towards victimized employees was prohibited, and measures to prevent workplace harassment and countermeasures were described. In addition, the *Labor Standards Act* was additionally

amended (enacted in October 2021) to adopt restrictive regulations such as imposing fines in the cases where an employer (including employees who are relatives of the employer) harassed anyone at the workplace or failed to fulfill the obligation to conduct investigation and take measures in the case of harassment. It also newly inserted the provision on confidentiality to strengthen the effectiveness of the system and to prevent secondary damage. (SDG 8.5, 8.8)

Measures for non-regular workers

25. The Government continuously made efforts to address abuse and discrimination against non-regular workers. To create the culture of hiring regular workers, the Government mitigated the requirements for subsidies for regular worker conversion, extended the period for tax benefits for those converting to regular workers in 2017 and expanded and strengthened the employment form publication system. It also revised the guidelines on stable employment and the protection of working conditions of fixed-term employees to induce private companies to voluntarily improve their employment structure.³ The Government includes discrimination against non-regular workers as a mandatory category in labor inspections and takes corrective actions. Since 2010, the Workplace Support Group has been operating a project to provide diagnosis on discrimination status, make improvements in measures at worksites across the country, and provide education and counseling for human resource personnel. In 2021, a group of relevant experts was organized to provide diagnosis on employment structure and consult workplaces on employing non-regular workers. (Recommendations 130.52-130.53; SDG 8.5, 8.8)

Affordable education

26. Since 2021, the Government ensures all students to be provided with opportunities for education without the burden of educational costs until high school.⁴ For children from families with 50 percent or lower of the median income, the Government runs public assistance programs such as education subsidy that can be used with autonomy and also provides education expenses including tuition fees in the case of private schools. The Ministry of Education drew up the basic plan of education subsidies in September 2020, making it more convenient for beneficiaries by integrating supporting subsidies that had been divided into categories. (Recommendations 130.63-130.64; SDG 4.1, 4.2)

5. Women

Plans at the national level

27. The Government established and implemented the second Gender Equality Basic Plan (2018-2022) to eliminate discrimination against women and to promote gender equality. In addition, as violence against women occurs in various forms such as stalking, the *Framework Act on Prevention of Violence against Women* was enacted and implemented since December 2019, to comprehensively and systematically promote policies to prevent violence against women. The Act clarifies the responsibility of the state and local governments in the prevention of violence against women as well as victim protection and support, and the first Basic Plan of Policies to Prevent Violence against Women (2020-2024) was prepared and implemented. The Government established a pan-governmental council in February 2018 to establish measures at the national level and to strengthen inter-ministerial cooperation.⁵ (Recommendations 130.18, 23-130.24, 130.30, 130.33, 130.35, 130.71; SDG 5.1, 5.2, 16.1, 16.3)

Eradicating stalking crimes

28. The Government enacted and enforced the *Act on the Punishment of Stalking Crimes, etc.* to prevent crimes by defining and punishing stalking as a crime since October 2021. The Act defines stalking as an act that causes anxiety or fear by approaching or contacting the victim without a justifiable reason and against the victim's will, and the Act enables punishment against continuous or repeated stalking by imprisonment, etc. Also, protective procedures, such as emergency and interim measures, are prepared to protect victims from the initial stage of crime and to prevent stalking from extending to violent crimes. The

Government prepares to enact the *Act on Prevention of Stalking and Victim Protection, etc.* to strengthen victim protection and support. (Recommendations 130.30, 130.33, 130.35; 130.71; SDG 5.1, 5.2, 16.3)

Eradicating digital sex crimes

29. In order to respond to digital sex crimes, the Government has prepared and implemented measures jointly with relevant ministries. The Ministry of Gender Equality and Family (MOGEF) opened the Digital Sex Crime Victim Support Center in April 2018 to support victims of digital sex crimes, providing comprehensive services such as support for the deletion of illegally filmed videos, 24-hour counseling and connection with legal and medical support. In addition, since 2021, it provides tailored healing and recovery programs to the victims of digital sex crimes by operating regional-level counseling centers. Meanwhile, the *Sexual Violence Prevention and Victims Protection Act* was amended (enforced in July 2021) to expand the eligibility of those who can request the deletion of illegally filmed videos circulating online from victims themselves to their lineal relatives, siblings, and representatives. Regarding sexual exploitation videos of children and adolescents, a legal ground for preemptive support for deletion thereof, even without the request of the victim, was made to strengthen the protection of child and adolescent victims. In addition, for digital sex crime prevention education, content for each grade in elementary, middle and high schools were produced in 2021 and an education platform was opened in 2022 to provide related content free of charge. The MOJ amended the *Act on Special Cases Concerning the Punishment of Sexual Crimes* to insert the provision on punishment against the acts of producing and distributing “deepfake” videos, etc., which have sexually edited the body of a specific person, etc., and possessing and watching illegally filmed sexual videos (enacted in June 2020), while the statutory punishment related to illegally filmed videos was strengthened (enacted in May 2020). From 2020, the Korea Communications Commission reinforced the obligation of internet business operators to delete digital sex crime videos and prevent their distribution by imposing the obligations on internet business operators of a certain size to immediately delete illegally filmed videos, etc., and to take technical and managerial measures to prevent the distribution thereof. (SDG 5.2, 16.1)

Supporting victims of sexual violence

30. By operating counseling centers and protection facilities, the Government provides counseling and protection, requests necessary cooperation and support to legal aid institutes, and provides shelter and meals for victims of sexual violence. Through one-stop centers⁶, the Government provides 24/7 counseling, medical services and investigation support for the victims of sexual violence, domestic violence and sex trafficking. (Recommendation 130.27)

Gender mainstreaming and spreading the culture of gender equality

31. The *Framework Act on Gender Equality* stipulates that in the case the state and local governments organize committees, any particular gender shall not exceed 60 percent of the number of members commissioned. This provision has been incorporated in several other laws and regulations. The average proportion of female members of government committees exceeds 40 percent as of 2021. In February 2021, the MOGEF made efforts to make gender mainstreaming policies by establishing a specialized evaluation committee within the Gender Responsive Budget and Settlement Council to strengthen preliminary deliberation. In May 2020, the Government amended the *Framework Act on Gender Equality* to designate “Gender Equality Salary Day” and provide a legal basis for publicizing relevant statistics. In addition, it conducted mass media monitoring and developed customized gender equality training content for media, media workers and public officials.⁷ (Recommendations 130.17, 130.19-130.21)

Promoting gender equality at work

32. The *Equal Employment Opportunity and Work-Family Balance Assistance Act* stipulates the principle of equal pay for equal work and has a provision to impose punishment upon gender discrimination in wages. The Government conducts intensive supervision of the operation status of the system to support gender equality in employment and work-family

balance every year, including equal pay for equal work.⁸ To counter gender discrimination in employment, the Government operates the Affirmative Action (AA) which requires business operators to submit the status of male and female workers and managers every year to induce them to voluntarily fulfill the female employment standards, and the target business operators have been continuously expanded to include workplaces with 500 workers or more (including workplaces with 300 workers or more in the group of corporations subject to disclosure), all public institutions and local public corporations. From 2017, the list of business operators who failed to fulfill were announced.⁹ The entire business operators subject to AA should submit the status of gender wage gap and the cause analysis, and support services for poor workplaces are strengthened.¹⁰ (Recommendations 130.17-130.21, 130.48, 130.68-130.70; SDG 5.5, 8.5)

33. The Government has operated a mentoring program for young women to help them in various fields of society explore career paths with female leaders and receive support for social advancement and contributed to the creation of women-friendly jobs by finding and supporting future social enterprises in the field of women, family and adolescents. To prevent career interruption of women, the Government has continuously increased the number of the employment support institution for women.¹¹ Since 2018, career interruption prevention service has been provided to support career development for women and their adaptation to the workplace and to promote the improvement of corporate culture. As the *Act on Promotion of Economic Activities of Career-Interrupted Women* was amended to the *Act on Promotion of Economic Activities of Women and Prevention of Career Interruption* (enforced in June 2022) to strengthen support for prevention of career interruption by expanding the target and scope of the policies, newly inserting the provision defining “the prevention of career interruption” and expanding the scope of projects. By publishing the status investigation of the economic activities of women and the white paper and collecting and providing employment and recruiting information, the Government laid the foundation for support for female employment. (Recommendation 130.50)

Increasing female representation

34. As a result of establishing and managing a plan to enhance female representation in the public sector (2018-2022), the Government achieved 10% of executives, 24.4% of directors, and 22.5% of executives in public institutions as of 2021. In the private sector, the Government implemented a gender-balanced and inclusive growth partnership project to improve gender balance within the company, providing voluntary agreements, research, and consultation to support the enhancement of gender equality. As a result, the ratio of female executives in listed corporations increased from 4.0% in 2019 to 5.2% in 2021. To enhance female representation in the NA, when a political party recommends a candidate for the proportional representative, female candidates should account for at least 50%. Women should be recommended for every odd number in the list of candidates. Subsidies for a political party are decided based on the ratio of the recommended female candidates. In April 2018, the act was amended so that when the recommendation ratio and rank for female candidates are not fulfilled, the application for registration of candidates shall not be accepted. (Recommendations 130.66-130.70, 132.113; SDG 5.5, 8.5)

Work-family balance

35. Workers can take up to one year of parental leave to raise children aged eight or under or in the second grade of elementary school or under, and the Employment Insurance Funds pays for the parental leave. To induce more male workers to take parental leave, the upper limit of the father’s parental leave bonus (salary support) was increased.¹² The Employment Insurance Funds provide support for maternity leave for themselves, maternity leave for spouses, reduction in working hours during childrearing, etc. Maternity leave for spouses was increased from five days (three days of paid leave) to ten paid days, and the benefits system for maternity leave for spouses was established to support pay for the first five days for the companies subject to preferential support. The period for reducing working hours during childrearing was expanded to two years, including the period for parental leave, and the pay was increased. The pay for maternity leave has also been increased in stages. The Government has operated the “family-friendly certification system.”¹³ to certify companies and public institutes operating an exemplary system supporting childbirth, childrearing,

flexible working hours, etc. The State supports business operators installing and operating a workplace childcare center to expand such facilities, preventing career interruption due to the burden of childcare and promoting work-family balance. (Recommendation 130.66; SDG 5.5)

6. Children

Plans at the national level

36. The Government prepared the National Inclusive Children Policy (2019) and the second Basic Children Policy Plan (2020) to ensure the rights of children and expand the state's responsibility for children. The child policies were promoted by introducing child allowance and expanding national and public daycare centers. To strengthen the children's right to be protected, the Government established a system to intervene and decide the stage of protection occurrence and post-management after protection measures are taken. Also, in 2019, the National Center for the Rights of the Child was established as an institute comprehensively responsible for the support for children and general policies as formerly done by the private sector, and infrastructure for policies was expanded by increasing the number of protection agencies and shelters for abused children. (Recommendations 130.23, 130.24)

Eradication of sexual violence against children

37. To eradicate sexual violence against children, the Government amended the relevant laws in 2020 to exclude the application of the statute of limitations to the crime of sexual intercourse with or molestation of a person under the age of 13, increase the age limit for sexual acts deemed as rape against minors from 13 to 16, punish preparations and conspiracies of serious sexual crimes, such as rape, and increase the statutory punishment of indecent acts by compulsion against a person under the age of 13. The *Act on the Protection of Children and Youth against Sex Offenses* was revised to define children and youth involved in commercial sex acts as "victims" to strengthen legal protection. The Government has also strengthened its response to digital sex crimes by increasing punishment on sexual exploitation videos of children and adolescents, newly inserting the provision to punish online grooming, and introducing special provisions regarding undisclosed identity and disguised investigations. (Recommendations 130.76; SDG 5.2, 16.2)

Response to child abuse

38. The Government amended the *Child Welfare Act* in April 2020 to make public officials responsible for child abuse in all local governments, receive child abuse reports, conduct on-site investigations, seek emergency protection, etc. In addition, the immediate separation system has been introduced since March 2021 to ensure the safety of children as a top priority and to prevent the recurrence of child abuse. Also, the protection project by foster parents for children at risk was established for abused children under the age of six to be protected in a family-like environment. At the same time, the family-type protection system, such as protection by relatives and foster care, was prioritized in case of protection. The Government expanded the shelters for abused children¹⁴ with treatment personnel to protect separated children and the child protection agencies¹⁵ responsible for counseling, treatment, education, and case management for abused children and their families, strengthening support for the recovery of abused children. In addition, a psychological support team has been established within the child protection agencies to strengthen support for the psychological treatment of abused children. Medical institutions designated by each local government provide medical diagnosis and specialized treatment for abused children. The *Act on Welfare of Persons with Disabilities* (DWA) in July 2021 was amended to provide the grounds for the establishment and operation of shelters for abused children with disabilities for temporary protection of abused children with disabilities.¹⁶ The Ministry of Health and Welfare (MOHW) provides statutory and mandatory training on the prevention of child abuse in the public sector every year for those obligated to report child abuse and produces and distributes training videos for parents. The Government deleted the provision on the right to disciplinary actions in the *Civil Act*, which stipulates that persons with parental authority can take necessary disciplinary actions to educate their children, to raise public

awareness that violence against children is unacceptable. (Recommendations 130.73-130.76; SDG 5.2, 16.2)

Child welfare

39. The Government introduced a child allowance in September 2018 so that all children aged seven or under can receive a child allowance regardless of their parents' wealth or income. As of April 2022, 2.73 million children have received child allowances, and 87.3% of beneficiaries answered that they were satisfied and that it was helpful in raising children, contributing to reducing the burden on households raising children. Also, in January 2019, the *Child Welfare Act* was amended to provide the grounds for the establishment of the Together Care Center, which provides after-school care services for elementary school students and made it mandatory for newly approved housing complexes with 500 or more households to establish the Together Care Center from January 2021. In particular, for children with disabilities, the number of care service supporters and hours of care have been increased, and the income condition for support has been alleviated.¹⁷ (Recommendations 130.23, 130.24, 130.74)

7. Persons with disabilities

Ensuring access to medical care for persons with disabilities

40. The Government is promoting health management projects for persons with disabilities, such as a health doctor pilot project for the persons with disabilities and a project to designate a disability-friendly medical check-up institution, based on the *Act on Guarantee of Right to Health and Access to Medical Services for Persons with Disabilities*, which was enforced in December 2017. The Government also has made efforts to expand the delivery system for health management of persons with disabilities, including the operation of central and regional health and medical centers for persons with disabilities, the establishment and designation of public rehabilitation medical institutions for children, support for medical rehabilitation facilities for the persons with disabilities, regional rehabilitation hospitals, etc. (Recommendations 130.77-130.78; SDG3.8)

Prevention of abuse against persons with disabilities

41. The Government amended the DWA to prevent abuse against persons with disabilities and provide post-management for abused persons with disabilities. It has also established institutes for advocating the rights of persons with disabilities since 2017. As of 2022, the Government is systematically responding to abuse, discrimination, and human rights violations against persons with disabilities through 19 institutes for advocating the rights of persons with disabilities. One other institute will be established in 2022. The *Act on the Improvement of Mental Health and the Support for Welfare Services of Mental Patients* stipulates the limitation on forced hospitalization and special treatment and prohibition of cruel acts for hospitalized mental patients, and evaluation and certification of psychological medical institutes thereunder have been regularly conducted. Also, human rights training was provided to the operators and workers of mental health promotion facilities. The NHRC seeks remedies to protect persons with disabilities residing in facilities from unfair treatment, including violence or abuse through investigations by visiting facilities or examinations of the filed complaints. (Recommendations 130.79, 130.80; SDG 16.1)

Income guarantee for persons with disabilities and the phase-out of the disability classification system

42. The Government raised the basic pension benefits for persons with disabilities, which are provided to the bottom 70% of the severely disabled in terms of income, from a maximum of KRW 200,000 in 2017 to KRW 300,000 in 2021.¹⁸ In July 2019, the Government abolished the disability classification system, which classified the disability status into six stages based on medical standards, and determined whether to provide services into six classifications based thereon. The system was reformed for persons with disabilities to receive necessary welfare services and support given the needs and environments of persons with disabilities based on a comprehensive survey. (Recommendations 130.61, 130.78)

Corrective order on discrimination against persons with disabilities

43. Since 2008, the MOJ has formed the Disability Discrimination Correction Deliberation Committee to check the implementation of the recommendations by the NHRC and review whether to impose a corrective order. To increase the effectiveness of the corrective order and reinvigorate the system, the requirements on corrective orders were eased by amending the *Act on the Prohibition of Discrimination against Persons with Disabilities and Remedy against Infringement of Their Rights* in June 2021. The committee was held quarterly from yearly starting in 2021.

8. Migrants and refugees*Plans at the national level*

44. The Government has established basic foreign policy plans every five years based on the *Framework Act on Treatment of Foreigners Residing in the Republic of Korea* and is currently implementing the third Basic Plan (2018-2022). The policy goal includes promoting the social integration policy for immigrants. The Government designated May 20 as “Together Day” and has held ceremonies to reward people of merit, hold various cultural events, and publish storybooks of foreigners residing in Korea. In addition, the MOJ formed a group of advisors composed of immigrants who have settled in Korea since 2020 for the Korean public and foreigners living in Korea to communicate and understand each other and to support migrants’ social adjustment. Also, the MOJ has provided training courses for participants to understand different cultures. (Recommendation 130.25)

Support for marriage immigrants and multicultural families

45. To ensure the stable settlement of multicultural families and improve the quality of life, the Government is promoting various policies, such as establishing a multicultural family policy basic plan and operating a multicultural family support center based on the *Multicultural Families Support Act*. Interpretation and translation services, Korean language training, etc., are provided from the early stage of settlement. Call centers support marriage immigrants to integrate into Korea and provide counseling for family problems in 13 languages. The Government also supports planning for the future, including raising children and entering society with the “support package for marriage immigrant settlement by stage” and connects support services with multicultural families given their complex demands through case management. Also, to support childrearing and education of multicultural families, visit services to support the living of children and language development support are being provided, and psychological counseling, career guidance, and basic learning support are provided for school-age children from multicultural families. The Women’s Saeil Centers across the nation provide employment support services, vocational training, and internships to facilitate the employment of marriage migrant women and to make them financially independent. (Recommendation 132.49)

Measures to respect cultural diversity

46. To create a society that respects cultural diversity, the Government endeavors to support cultural exchanges between cultural minorities, including migrants and local residents, conduct cultural diversity training and surveys, celebrate the week of cultural diversity, etc., based on the *Act on the Protection and Promotion of Cultural Diversity*. Especially in 2018, the Government submitted the second Periodic Report for the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and in 2021, has established and implemented the first Basic Plan for the Protection and Promotion of Cultural Diversity (2021-2024). In accordance with the *Multicultural Families Support Act*, the Government conducts multicultural understanding education for youth, public officials, and educators to prevent social discrimination and prejudice against multicultural families and respect cultural diversity. The Government amended the Public Notice of the MOJ, which originally required foreign workers to go through HIV testing. It completely abolished the requirement by deleting the HIV testing item from the employment physical checkup document. (Recommendations 130.81, 130.85; SDG 10.3)

B. Recommendations under implementation

1. Implementation of international human rights mechanisms

Ratification of international treaties and conventions

47. The Government has made efforts to revise domestic laws and regulations to join and ratify international human rights conventions that had not been ratified. In December 2020, the Government amended the *Trade Union and Labor Relations Adjustment Act*, the *Act on the Establishment and Operation of Public Officials' Unions* and the *Act on the Establishment and Operation of Teachers' Unions* to ensure the right to organize in accordance with international human rights norms such as Article 22 of the UN International Covenant on Civil and Political Rights (ICCPR) and the core conventions of the International Labor Organization (ILO),¹⁹ and ratified No. 29, 87 and 98 of the core ILO conventions. The Government did not include convention No. 105, considering the Korean penalty system and the situation of a divided country. Accordingly, there has been a need to withdraw the reservation of the application of Article 22 of the ICCPR, which is currently under review. (Recommendations 130.1-130.6, 132.19, 132.20; SDG 16.10, 8.7, 8.8)

48. The Government voluntarily pledged to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPPED) when elected as a member of the UN HRC in 2019. From November 2020 to September 2021, the MOJ operated committees to review necessary measures to implement the Convention at the domestic level. In July 2022, the Government submitted a bill to join the CPPED to the NA and is currently waiting for the NA's approval. (Recommendations 130.6, 132.1-132.3, 132.19)

49. The Government decided to prepare for the accession to the Optional Protocol to the CRPD, which was formerly noted at the third cycle review. The bill for accession to the Optional Protocol was submitted to the NA on December 2021, and the procedures for obtaining approval by the NA are in progress. If the individual communication procedure is introduced upon the accession to the Optional Protocol to the CRPD, it is expected to ensure individual rights through international procedures. (Recommendations 130.6, 132.12, 132.19)

2. Changes in domestic institutions

Promotion of enactment of the Framework Act on Human Rights Policy

50. The Government is preparing for the enactment of the *Framework Act on Human Rights Policy* to prepare the legal basis for the establishment, implementation, and promotion system of the NAP, which is a basic plan for the protection and promotion of human rights, and to promote integrated and comprehensive human rights policies. The MOJ and the NHRC jointly prepared and submitted the bill to the NA in December 2021 and will support the legislative discussion for the enactment of the Act. (Recommendations 130.15-130.16)

3. Civil and political rights

Measures on Article 92-6 of the Military Criminal Act

51. In April 2022, the Supreme Court made an acquittal in the case of an indictment for violating Article 92-6 of the *Military Criminal Act*, which punishes sexual acts between soldiers of the same sex, etc. The Court mentioned that it is challenging to apply the provision to the cases where it is difficult to deem that sexual acts, etc., which were made under the voluntary agreement in a private space out of working hours, directly and specifically infringed the sound life and discipline in the military. Accordingly, the military courts and investigators will operate the military jurisdiction system considering the intention of the Supreme Court decision. (Recommendations 132.44, 132.45, 132.65-132.68; SDG 10.3)

Guarantee of the freedom of assembly and association

52. In November 2017, the Government prepared the "Measures to Ensure Assemblies and Demonstrations Based on Autonomy and Responsibility" to ensure the freedom of

assembly and demonstration to the maximum extent. Since October 2018, the Government introduced the “Korean-Model of Police Dialogue System,” which serves as a facilitator for an assembly to be held peacefully through dialogue and communication with the assembly participants, and has made efforts to improve police expertise by expanding related training courses, etc. With these efforts, the number of rallies increased from 2018 to 2021. Still, the number of injuries by the police and illegal acts at the assembly sites decreased.²⁰ In addition, to strengthen the protection of human rights in the process of law enforcement, the Government institutionalized the completion of human rights training for police officers in June 2020, and the human rights impact assessment for the overall police activities regarding assembly and demonstration has been adopted and implemented in September 2020.²¹ As the number of cases of false reports to obstruct others’ assemblies is increasing, prior notifications are required if assemblies are not held as reported in order to ensure opportunities for others. (Recommendations 130.38-130.41; SDG 16.1)

4. Economic, social and cultural rights

Guarantee of basic medical services

53. To ensure basic medical services, the Government has operated the medical benefits system as a public assistance system that helps low-income people resolve their medical problems. The Government supports the total amount of medical expenses for the vulnerable except the personal expenses of the beneficiary of medical benefits. In July 2020, the second Comprehensive Basic Plan for Medical Benefits (2021-2023) was established to gradually expand recipients by lowering the standard of dependents and improving access of the vulnerable to medical services by reducing personal expenses, putting the upper limit thereof, and supporting disaster medical expenses. (Recommendation 130.63; SDG 3.8)

Welfare of older persons

54. As the basic pension system was introduced in 2014 to ensure old-age income and support stability, the Government provides a pension to the bottom 70% of the elderly above 65. The Government has expanded the basic pension from KRW 200,000 to 300,000 and the eligibility of recipients from the bottom 20%, in terms of income, in 2019 to the bottom 70% in 2021. The Government also has made efforts to reduce the poverty rate of older persons and narrow the gap in poverty and income of older persons by increasing the base pension amount of the basic pension by 2.5% in 2022 compared to the previous year.²² Also, the number of jobs for older persons aged 65 or older (at least 60 years old for some type) is continuously increasing in the public and private sectors.²³

5. Women

Right to abortion

55. In April 2019, the Constitutional Court ruled that the crime of abortion did not conform to the Constitution. In response, the MOJ submitted a bill to amend the *Criminal Act* to expand the requirements for abortion. The MOHW submitted a bill to amend the *Mother and Child Health Act* to stipulate support and procedures for safe artificial abortion to the NA in November 2020. Both ministries will support the discussion on the legislation of the relevant bills. In August 2021, the MOHW newly established a budget for training and consultation of medical workers to protect women’s health related to artificial abortion, helping pregnant women receive counseling and training from medical experts through health insurance on the procedure of artificial abortion and precautions before and after the procedure. (Recommendations 132.114-132.115; SDG 5.6)

6. Persons with disabilities

Improving welfare services for mental patients and persons with mental disabilities

56. Since January 2021, the Government has provided support for mental patients to receive timely and appropriate treatment through the treatment cost support project for the mentally ill. Since June 2017, a public guardianship support project has been implemented

to support mental patients suffering from a lack of decision-making ability without a guardian among residents of the mental care facilities to return to society and stand on their own feet. With the amendment to the DWA in December 2021, the provision on the restrictions on the application of the DWA to persons with mental disabilities was deleted so that persons with mental disabilities are allowed to use welfare facilities for persons with disabilities. (Recommendation 130.54; SDG 10.2, 10.4)

Guarantee of mobility rights of persons with disabilities

57. The Government continues to support the introduction of low-floor buses to ensure the right to move in public transportation for persons with disabilities. Under the *Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons*, the central and local governments are providing financial support to transport business entities that operate low-floor buses for regular route passengers. From 2004 to 2021, it supported about KRW 1.2 trillion; by the end of 2021, the introduction rate of low-floor buses for city buses was 30.6% across the country. The given Act was amended in January 2022 to increase the introduction rate of low-floor buses and is to be enforced in January 2023 to require the introduction of low-floor buses when route buses are replaced or scrapped.

7. Migrants and refugees

Introduction of universal birth registration

58. At the third cycle review, the Government did not support the recommendation to introduce the universal birth registration system for migrant children but changed its position to support it and is preparing to introduce it. In June 2022, the bill of the *Act on Birth Registration of Foreign Children* was presented to the NA under which in cases where a child, who is not granted Korean nationality, is born in Korea, the parents, etc., may register the birth of the child and apply for the peruse and issue of the certificate to prove the child's birth and identity. (Recommendations 132.118-132.124; SDG 10.3, 16.9)

Eradication of discrimination and hate speech against foreigners and migrants

59. The Government included the agenda to prevent racial discrimination and xenophobia in the policy task of the third Master Plan for Immigration Policy (2018-2022), and the third NAP (2018-2022) also included policies to strengthen monitoring and deliberation on discriminatory and derogatory content and information. The Government has obligated broadcasters subject to caution and warning of the Korea Communications Standards Commission (KCSC), due to their violations of the *Regulations on Broadcasting Deliberation* which prohibits the aggravation of prejudice or mockery and insult against a specific race, to inform the viewers of the fact. Also, the Government has been operating a system where if a broadcaster becomes subject to a restrictive measure, their points are deducted from the annual broadcast evaluation. The KCSC deliberates expressions of prejudice, mockery, insult, etc., against a specific race being distributed on the Internet and social media and requests them to correct the expressions under the *Regulations on Deliberation Regarding Information and Communications*. (See Annex 1 and 2) (Recommendations 130.25, 132.46, 132.47, 132.49-132.55; SDG 10.3)

Guaranteeing education and granting status of residence for school-age migrant children

60. The Republic of Korea guarantees the right to compulsory education for all children, including foreign children, regardless of their status of residence. If it is challenging to prove immigration or alien registration, compulsory education is still guaranteed when residency is proven. For academic background, an academic examination is taken to enter the public education system. However, it has been pointed out that unregistered children taking education courses in Korea are not granted the status of residence and have to live in fear of deportation. The Government refrains from strictly controlling migrant children attending school until they complete the courses, delays the execution of forced deportation, and does not issue a protective order for children under 14. In addition, the Government prepared conditional relief measures by collecting opinions from academia and field experts. Previously, the status of residence was granted only to children born in Korea, who stayed in

Korea for at least 15 years, and enrolled in middle or high school or graduated from high school in Korea. But the eligibility for the status of residence, temporarily between 2022 and 2025, was significantly expanded by granting the status of residence to children who were born or entered Korea when they were under the age of six, stayed for at least six years, and were enrolled in elementary, middle, or high school in Korea or graduated from high school, or other children who entered when they were aged six or older, stayed for at least seven years and were enrolled in elementary, middle, or high school in Korea or graduated from high school in Korea. Their parents are temporarily permitted to stay in Korea until their children graduate from high school or become an adult. (Recommendations 132.126, 132.129, 132.130)

Protection of labor rights of foreign workers

61. To prevent discrimination and violence against foreign workers and protect their working conditions, the Government has conducted guidance and inspections for about 3,000 workplaces every year. Administrative and judicial measures, revocation, and restriction of employment permits were imposed on workplaces in violation thereof. They were subject to disadvantageous measures when new foreign workers are assigned.²⁴ To prevent foreign workers from failing to receive help due to language problems, interpretation and counseling services are provided through 40 foreign worker support centers and call centers, 49 employment centers, and 152 interpreters are providing interpretation support services during the foreign workers' visits to institutions for employment permits, visits to their workplaces, attendance surveys for the complainants, and investigations on workplace conditions. (Recommendations 130.81-30.84; SDG 8.8)

Improvement of the Employment Permit System

62. The Employment Permit System is a system that supports the shortage of manpower in workplaces where Koreans are not employed. As foreign workers are granted permission to enter and stay in Korea on condition that they work at the permitted workplace with the relevant employment permit, in principle, they must work at the original workplace but are allowed to change the workplace for reasons not attributable to the worker, such as termination or expiration of the employment contract, late payment of wages, or violation of working conditions. However, by accepting the recommendation that restrictions on workplace change could lead to human rights violations, the workplace change system has been improved eight times to expand the reasons for change. As a result, they are allowed to change workplaces no matter how many times they change in cases where they cannot continue work for reasons not attributable to them, such as suspension or closure of the business operation, revocation of employment permits, violation of working conditions, and unfair treatment. From 2021, employers obtaining employment permits for foreign workers for the first time are required to receive training on labor-related laws, industrial accident prevention, health management, and human rights protection. In addition, the training hours for labor-related laws, including occupational safety, were increased from 12 to 15 hours for employment training for foreign workers with employment permits after entering Korea. Workplaces punished pursuant to the *Occupational Safety and Health Act* for the death of foreign workers have been restricted from employing foreigners to strengthen the protection of foreign workers from industrial accidents starting in 2022. From 2023, individual agricultural and fisheries with less than five workers not subject to the mandatory subscription of the industrial accident insurance may hire foreigners only when they purchase industrial accident insurance or agricultural workers' and fishermen's safety insurance. Workplaces must submit visual data about residential facilities when applying for an employment permit from 2021 to improve the living environment. If the facility is an illegal temporary building, the employment of foreigners shall not be permitted. Foreign workers living in such illegal facilities are allowed to change their workplaces. By applying the labor relations acts to female foreign workers employed under the employment permit system, it is monitored if they are not dismissed due to pregnancy or childbirth, leave before and after childbirth, are guaranteed, and benefits for maternity leave were paid during workplace inspections. (Recommendations 132.127-132.128; SDG 8.8)

Measures for foreign victims of crime

63. The Government has granted “other” status of residence (G-1) from 2013 to foreign victims of crimes such as sexual violence and human trafficking, to ensure a stable stay until the right remedy procedures, such as investigations and lawsuits, are completed. Legal aid is provided to victims of domestic and sexual violence free of charge. When the *Act on Prevention of Human Trafficking and Protection of Victims, etc.*, is enforced, legal support for female foreign victims of human trafficking will be strengthened. The *Crime Victim Protection Act (CVA)* does not discriminate against the applicable targets by dividing them into Koreans and foreigners. Still, if a foreigner is a crime victim or bereaved, he or she can be eligible for relief payments only if there is a mutual guarantee from his or her own country. Also, the prosecutors provide financial support, including medical expenses, living expenses, etc., for crime victims who are foreigners with a legal status of residence in Korea. To expand the scope of relief funds support, the MOJ has submitted a bill for the amendment to the CVA to provide relief money to marriage immigrants regardless of mutual guarantees and further plans to support the discussions for the legislation. (Recommendation 130.72; SDG 5.2, 16.3.)

Improvement of the refugee status determination

64. In response to soaring applications arising out of the enforcement of the *Refugee Act* in 2013, the Government has continuously secured officers dedicated to refugee status determination (RSD) for efficient response with expertise, thereby successfully preventing long wait times²⁵ and offering prompt protection to refugee claimants. (See Annex 3) Meanwhile, to strengthen the capacity of RSD officers, the Ministry made it mandatory for the officers to complete related training and education and has invited outside experts, such as the UNHCR, to bring a diverse set of courses. In addition, the launch of the Refugee-Dedicated Interpreter Certification ensures that certified interpreters who have completed the training and passed the test of an outside institution offer interpretation based on enhanced understanding and skills as to RSD during a case review. Audio or video-recording of refugee interviews began in earnest, better ensuring the procedural rights of refugee claimants while efforts to change negative public perception toward those seeking asylum continue by, for instance, starting refugee awareness education for local government employees who serve the public on the frontline. Currently, the Government is preparing for the amendment to the *Refugee Act* for applicants to receive interpretation and translation services not only during interviews but also in the process of application and getting notification of the review results, and to allow those with humanitarian grounds to obtain a work permit earlier.

C. Recommendations unimplemented

1. Implementation of international human rights mechanisms

Ratification of international treaties

65. The Government is still considering its position regarding the International Convention on the Protection of the Rights of All Migrant Workers and their Families because the domestic legal system and environment must be comprehensively considered.²⁶ However, the Government joined in the adoption of the Global Compact for Migration at the General Assembly (GA) in December 2018, which was based on the protection of the rights of migrants, their non-discriminatory access to the labor market and the protection of vulnerable migrants. (Recommendations 131.1, 132.13-132.15, 132.125)

66. The ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment requires careful consideration over potential conflicts with domestic laws, impact on national security, and overseas cases. As the Protocol ensures the UN Subcommittee on the Prevention of Torture to access the information on detention facilities and all places of detention, it is difficult to immediately ratify the Protocol due to the potential conflicts with domestic laws, such as the protection of secrets of the military and confidentiality. The Government is currently reviewing the ratification of the Optional Protocol to the International Covenant on Economic, Social and

Cultural Rights, considering the potential conflicts with domestic laws and the necessity to amend the laws. (Recommendations 132.7-132.8)

67. The Government has made efforts to eliminate discrimination in education by ensuring free education until high school pursuant to Article 31 of the Constitution. The ratification of the UNESCO Convention against Discrimination in Education will be continuously considered. (Recommendation 131.2)

2. Changes in domestic institutions

Enactment of the Comprehensive Anti-Discrimination Act

68. The Republic of Korea guarantees the principle of equality and non-discrimination under Article 11 of the Constitution. It has continued to make legislative efforts to eliminate discrimination through the enactment of individual laws on disabilities and ages, etc. The bills on the comprehensive anti-discrimination act were presented to the NA several times since 2007 but failed to be discussed at the NA due to social controversies over the reasons for anti-discrimination, etc., and ended up being withdrawn or denounced. Four bills were presented to the 21st NA, and the public hearing at the NA for the review was held in May 2022. The Government will support the legislative discussion of related bills presented to the NA. (Recommendations 132.26-132.45, 132.57-132.62, 132.64; SDG 10.3)

Abolition of the death penalty

69. The Republic of Korea, recognized as a *de facto* abolitionist state, has not executed the death penalty for about 25 years since December 1997. The Government voted for the 75th GA resolution on the use of Moratorium on Death Penalty in November 2020²⁷ and the 48th HRC resolution on the Question of the Death Penalty in October 2021²⁸ for the first time. The above votes were to join the international community's efforts to protect the right to life. However, the abolition of the death penalty is a serious matter related to the foundation of the punitive authority of the state. It requires careful review with comprehensive consideration of public opinion, its function in criminal justice, and domestic and international circumstances, including resolutions of the GA. The Government will support the legislative discussion of related bills presented to the NA. (Recommendations 132.70-132.89, 132.4-132.6)

Decriminalization of defamation

70. In February 2021, the Constitutional Court ruled that the crime of defamation by publicly alleging facts provided in the *Criminal Act* is constitutional. Decriminalizing defamation by publicly alleging facts is a matter that must be carefully reviewed in careful consideration not only of freedom of expression but also of whether there is a gap in the protection of victims, whether there is a system for punitive damages, a strong civil sanction, etc. The Government will support the legislative discussion of related bills presented to the NA. (Recommendations 132.107, 132.108)

Abolition of the National Security Act

71. Based on the court precedents, the *National Security Act* is applied to the necessary and minimum extent only when there is a specific and obvious risk that may practically endanger the existence and security of the state or democratic order to prevent unfair restrictions on freedom of expression by the application thereof.²⁹ (Recommendations 132.25, 132.90, 132.109-132.111; SDG 16.1, 16.3)

IV. Implementation of voluntary commitments and national efforts in the context of COVID-19

72. As a member of the UN HRC (2016-2018 term, 2020-2022 term), the Government has actively participated in discussions on human rights within the HRC and the Third Committee of the GA. In particular, the Government led the adoption of the resolutions on New and Emerging Digital Technologies and Human Rights and Local Government and

Human Rights to expand the basis of human rights discussions. The Government will continue to actively participate in discussions at the UN human rights mechanisms and make financial contributions to the OHCHR to contribute to the UN and the UN human rights mechanisms.

73. The Government made efforts to protect and promote the human rights of vulnerable groups in the context of COVID-19. Various policies were implemented to prevent a discontinuity in childcare, and measures were established to resolve deepened female employment crisis. Also, online learning connected with the social distancing phases was provided to protect the safety of children and ensure their rights to learn. Sign language interpretation was supported for the government briefings on COVID-19 for all people with disabilities to access relevant information. To ensure migrants' rights to health, the Government conducted policies including COVID-19-related interpretation support and COVID-19 testing without checking visas. (See Annex 4).

Notes

- ¹ Special Rapporteur on the right to adequate housing in May 2018; Special Rapporteur on the right to privacy in July 2019; Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea in July 2018, January and June 2019, February, June and August to September 2022; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in June 2022.
- ² Domestic violence counseling centers supported 428,911 counseling cases in 2021, and shelters for domestic violence victims provided psychological treatment, investigation and connection with and support for medical and legal services to 172,385 victims in 2021. In 2021, they subsidized medical expenses for 8,996 persons (13,870 treatment cases) and supported free legal aid and counseling for 11,010 cases. Female Emergency Hotline 1366 provided 313,868 counseling cases in 2021 and temporarily protected 5,433 victims at emergency shelters.
- ³ Due to this, the ratio of fixed-term employees who worked for longer than one and a half year and converted to regular workers was in an increasing trend from 16.8% in June 2016 to 26.0% in June 2019. However, the conversion ratio slightly decreased due to COVID-19 in 2020, but the conversion rate increased by 12% in June 2021 on a yearly basis. In the meantime, the ratio of employees dispatched or under a service contract or subcontract among all employees of the companies with at least 300 employees was 17.4%, decreased from 18.3% in 2020.
- ⁴ In the Republic of Korea, entering high school is commonplace with 99.7% of the school entrance rate between 2005 and 2021. Free high school education was expanded from the third grade of high school in the second semester in 2019, the second and third grades in 2020 to all grades in 2021.
- ⁵ The Status of Policies to Eradicate Sexual Harassment and Violence in the Public Sector and Countermeasures, the Measures to Eradicate Sexual Harassment and Violence in the Workplace and the Culture and Art Industry, the Measures to Eradicate Sexual Harassment and Violence in the Education Sector and the Measures to Eradicate Irregularities Including (Sexual) Violence in the Sports Sector were established.
- ⁶ One-stop centers named "Sunflower Centers" are available for victims of sexual violence.
- ⁷ The number of requests to deliberate gender discrimination cases in mass media was 119 in 2017, 268 in 2018, 323 in 2019 and 579 in 2020. The trainees of gender equal media training were expanded from the monitoring group of the KCSC in 2017 to adolescents in 2018 and journalists and broadcasters in 2020.
- ⁸ Intensive supervision was conducted for 868 workplaces in 2021, and will be conducted for 1,000 in 2022.
- ⁹ The Government has disclosed the lists of business operators who failed to implement it with 42 workplaces in 2018, 50 in 2019, 51 in 2020 and 30 in 2021.
- ¹⁰ The gender wage gap in Korea is showing a decreasing trend with 37.2% in 2015, 36.7% in 2016, 34.6% in 2017, 34.1% in 2018 and 32.5% in 2019 according to the OECD Statistics. The analysis result of the AA in 2021 shows that the ratio of female managers stood at 10.22% in 2006, but reached 20.39% in 2017, 20.56% in 2018, 19.76% in 2019, 20.92% in 2020 and 21.30% in 2021.
- ¹¹ The number of Saeil Centers which is the employment support institution for women whose career is interrupted was increased from 150 in 2016 to 155 in 2017, 157 in 2018 and 159 in 2021.
- ¹² The upper limit amount of parental leave bonuses has been increased from KRW 1.5 million for the first child and KRW 2 million for the second and the following child in July 2017, KRW 2 million for every child in 2018 to KRW 2.5 million for every child in 2019.
- ¹³ The number of certified companies increased from 14 in 2018 to 4,918 in 2021.
- ¹⁴ The number of shelters for abused children increased from 73 in 2019 to 98 in 2021.

- ¹⁵ The number of child protection agencies increased from 67 in 2019 to 77 in 2021.
- ¹⁶ In April 2022, local governments were selected to install and operate shelters for abused children with disabilities. Six shelters in three regions will be launched in the second half of 2022 to open two shelters in each region across the country.
- ¹⁷ The number of supporters and annual care hours have been expanded from 4,005 and 720 hours in 2021 to 8,005 and 840 hours in 2022. Previously, the services were provided to households with 120% or lower of standard median income without out-of-pocket expenses. Still, with the design for out-of-pocket expenses, households with more than the standard median income can receive such services from 2022.
- ¹⁸ The number of people eligible for KRW 300,000 basic pension benefits for the disabled was 276,000 as of December 2021.
- ¹⁹ The *Trade Union and Labor Relations Adjustment Act* allows the unemployed and laid-off to join the unions of each company; the *Act on the Establishment and Operation of Public Officials' Unions* abolished the restriction of joining the unions by rank and allows firefighting, education, and retired public officials to join the unions. The *Act on the Establishment and Operation of Teachers' Unions* allows retired teachers to join the unions.
- ²⁰ The number of assemblies and demonstrations is increasing with 68,315 in 2018, 95,266 in 2019, 77,453 in 2020, and 86,552 in 2021, but the number of injured police officers decreased from 84 in 2018, 76 in 2019, 31 in 2020 and 40 in 2021. The number of illegal acts at the scene of assemblies also decreased, and the number of those indicted for violating the Assembly and Demonstration Act decreased to 3,425 in 2016, 1,276 in 2017, 488 in 2018, 1,220 in 2019, 1,060 in 2020, and 1,211 in 2021. According to the general public opinion poll, the rate of respondents who answered that "assemblies and demonstrations are being held peacefully" has increased from 52% in 2016, 73.9% in 2017, and 74.8% in 2019 to 84.8% in 2019.
- ²¹ The human rights impact assessment of assemblies and demonstrations is a system where a monitoring group fills in the checklist of the situation of the assembly scenes to revise and complement the policies and stance relating to assembly management based on post-evaluation.
- ²² The Government has adjusted the wage level every year considering the inflation rate and further evaluated the appropriateness of wages by appropriateness evaluation every five years.
- ²³ For the quantitative expansion of the number of projects for older persons' jobs, the Government has allowed regional social and economic organizations (social cooperatives) and non-profit organizations to join the projects and tried to diversify and expand the institutions to seek such projects by supporting training for such institutions. Accordingly, the number of jobs for the older persons increased from 510,000 in 2018, 640,000 in 2019, 740,000 in 2020, 820,000 in 2021 to 845,000 in 2022.
- ²⁴ As a result of the inspection of over 10,003 business places between 2018 and 2021, 5,416 were found to violate labor-related acts. For 18,900 violation cases of the labor-related acts, 17,471 corrective orders, 27 judicial actions, 484 fines, 237 administrative dispositions, and 681 notifications were imposed.
- ²⁵ As a result of persistent efforts to add more RSD officers, the figure climbed to 90 in 2021 from 39 in 2018 and 18 in 2013, the year of enforcing the *Refugee Act*.
- ²⁶ The obligation to protect and promote family reunification of migrant workers(Article 44), the obligation of the state party to set conditions for migrant workers who entered Korea for employment to engage in self-employment(Article 52, paragraph 4), birth registration and nationality of children of all migrant workers(Article 29), efforts to regularize undocumented migrant workers (Article 69(1)) of International Convention on the Protection of the Rights of all Migrant Workers of their Families are in conflict with the current *Immigration Act, Nationality Act, Foreign Workers' Employment Act*, etc.
- ²⁷ See the UN General Assembly resolution on the Moratorium on the use of the Death Penalty(A/RES/75/183).
- ²⁸ See the UN HRC resolution on the Question of the Death Penalty(A/HRC/RES/48/9).
- ²⁹ Accordingly, the number of persons prosecuted for violating the *National Security Act* was seven in 2017, four in 2018, one in 2019, two in 2020, and 11 in 2021.
-