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Overview

The Korean Vice Ministers of Foreign Affairs and Trade, Mr Kim Sung-Hwan, headed the delegation of the. He spent around 24 minutes on its initial presentation, and thus left enough room for himself and the expert members of his delegation to address the questions raised. While it was useful to hear experts answer the questions, it was at times not very clear which expert spoke, and which part of the Government he or she represented. The fact that all members of the delegation explicitly mentioned to the question of which State they were replying made the discussion easier to follow, and could be kept as a ‘best-practice’ in terms of proceedings in the Working Group.

33 States took the floor to make comments and recommendations. The innovative methods used in the preparation of the State report, including the use of an online survey among stakeholders, was welcomed by a number of States. Among the main issues raised and recommendations made in the interactive dialogue were:

- The abolition of the death penalty, or at least the continuation of a de-fact moratorium on its application.
- The situation of migrants, migrant workers, and particularly that of female migrant workers.
- Violence against women.
- Ill-treatment in detention.
- Freedom of assembly and association.
- Corporal punishment for children.

- Ratification of international instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), the optional protocol to the Convention against Torture (CAT) and the withdrawal of reservations to the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW).

Basic information on the Republic of Korea

Membership of the Human Rights Council

The Republic of Korea is a member of the Human Rights Council (the Council). It was elected as an initial member for a two-year term from 2006 to 2008. The Republic of Korea has announced its candidature for a further three-year term.¹

Members of the troika

Peru, Egypt, Jordan.²

National consultation

The Ministry of Foreign Affairs and Trade coordinated the process of preparing the report and engaged in close consultations with other relevant ministries and government bodies. The Government consulted the National Human Rights Commission of Korea (NHRCK), non-governmental organisations (NGOs) and experts through consultative meetings. It also made efforts to gather public opinion by conducting on-line inquiries and posting the draft report on-line. The Consultation Meeting with NGOs was held on 18 March 2008.³

Information submitted to the Working Group

State report⁴

The State report is divided into six parts. The first part reaffirms the State's commitment to human rights and the UPR, and describes the methodology and consultations held in preparing the report. Part II details the legal and institutional human rights framework. Part III focuses on the implementation of universally recognised rights such as the right to life, privacy, liberty and security of person, the right to education and the right to hold public office. It also details the Government's efforts to ensure equal treatment, guarantee the rights of women and children, the rights of persons with disabilities, labour rights, and the rights of migrant workers. It also describes efforts to implement voluntary pledges, raise awareness for human rights, and cooperate with international human rights bodies. Part IV highlights achievements such as the adoption of the National Action Plan for the Promotion and Protection of Human Rights (NAP) and the promotion of women's rights and children's rights. It also points out various challenges, including financial difficulties, an increasingly multi-cultural society, an aging population, and national security concerns. Part V identifies the Government's pri-

¹ See http://www.un.org/ga/62/elections/hrc_elections.shtml for information about the elections to the Council coming up on 21 May 2008 and http://www.un.org/ga/search/view_doc.asp?symbol=A/62/754&Lang=E for the pledges.

² The Republic of Korea did not request that a member of its regional group be among its troika. Regional groups selected: African Group, Asian Group, and GRULAC. Members selected: Peru, Egypt, Jordan. There were no objections by the Republic of Korea or by the members of the troika to the selection. For a full summary of the selection of troikas, see http://www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf

³ A/HRC/WG.6/2/KOR/1, paragraphs 5-6.

⁴ A/HRC/WG.6/2/KOR/1, 9 April 2008, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CKRSession2.aspx.

orities and initiatives, namely adopting anti-discrimination legislation, improving social security and other public services, promoting a multi-cultural society, re-evaluating the National Security Law, military service reforms, social reconciliation, and, human rights education. In the final part, the State pledges ‘to participate fully’ in the UPR process and to ‘cooperate closely with the Council’ for the implementation of the UPR. Overall, the report seems to be a frank engagement of the Government with the difficulties and challenges it faces in implementing its human rights obligations.

Official UN documents⁵

The Republic of Korea is a party to six of the core human rights treaties.⁶ A number of treaty bodies encouraged the Republic of Korea to ratify the remaining treaties⁷ and to withdraw existing reservations.⁸ The enactment of new laws, the creation of the NHRCK along with other institutions, and the adoption of the National Action Plan were welcomed.⁹ However, a number of concerns were raised. This included the absence of an anti-discrimination act,¹⁰ discrimination against foreigners¹¹ and the disabled,¹² high incidence of suicide, deaths, torture and ill-treatment in detention,¹³ excessive use of force during arrest and investigation,¹⁴ lack of protection from *refoulement* for asylum-seekers,¹⁵ trafficking of foreign women,¹⁶ and, restrictions of rights and freedoms linked to the Military Service Act and the National Security Law.¹⁷ An increasing participation of women in the labour market was noted, but women remain underrepresented in many sectors.¹⁸ Several treaty bodies raised concerns about the treatment migrant workers.¹⁹ The Human Rights Committee and CAT identified several best practices, including the nomination of special prosecutors for domestic violence cases²⁰ and the establishment of the Presidential Truth Commission on Suspicious Deaths²¹. The information provided by the Special Rapporteur on the human rights of migrants was highlighted, in particular that relating to migrant workers and women migrants. The Special Rapporteur on the situation of human rights in

⁵ A/HRC/WG.6/2/KOR/2, 9 April 2008, available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CKRSession2.aspx.

⁶ Core treaties to which the Republic of Korea is a party: *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD); *International Covenant on Economic, Social and Cultural Rights* (ICESCR); *International Covenant on Civil and Political Rights* (ICCPR); *Optional Protocol to ICCPR* (ICCPR-OP 1); *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW); *Optional Protocol to CEDAW* (OP-CEDAW); *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT); *Convention on the Rights of the Child* (CRC); *Optional Protocol to CRC on the involvement of children in armed conflict* (CRC-OP-AC); *Optional Protocol to CRC on the sale of children, child prostitution and child pornography* (CRC-OP-SC).

⁷ Committee on the Elimination of all Forms of Racial Discrimination (CERD), Committee on the Elimination of All Forms of Violence against Women (CEDAW), Committee against Torture (CAT). Core treaties to which Republic of Korea is not a party: *Second Optional Protocol to ICCPR* (ICCPR-OP 2); *Optional Protocol to CAT* (OP-CAT); *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW); *Convention on the Rights of Persons with Disabilities* (CPD) (signature only; 2007); *Optional Protocol to Convention on the Rights of Persons with Disabilities* (CPD-OP); and *International Convention for the Protection of All Persons from Enforced Disappearance* (CED).

⁸ CEDAW, CRC, Human Rights Committee.

⁹ CEDAW, CRC, Human Rights Committee.

¹⁰ CERD.

¹¹ CERD, United Nations High Commissioner for Refugees (UNHCR).

¹² CRC.

¹³ CAT.

¹⁴ CAT, Human Rights Committee.

¹⁵ CAT, UNHCR.

¹⁶ CERD, CEDAW.

¹⁷ Human Rights Committee.

¹⁸ CEDAW, Human Rights Committee.

¹⁹ CERD, Human Rights Committee, UNHCR, Special Rapporteur on the human rights of migrants.

²⁰ Human Rights Committee.

²¹ CAT.

the Democratic Peoples Republic of Korea (DPRK) encouraged the Republic of Korea to continue accepting refugees from the DPRK.

Other relevant stakeholders²²

The document compiled submissions from seven civil society groups²³ and the NHRCK. Stakeholders urged the State to extend constitutional protection to non-citizens²⁴ and to give public officials adequate human rights training.²⁵ A number of stakeholders noted that the State failed to disseminate treaty body observations and to make ‘sincere efforts’ to cooperate with civil society in their implementation.²⁶ Several civil society organisations welcomed the abolition of the *hojuje*²⁷ was welcomed, but called for more efforts towards gender equality.²⁸ The need to improve the treatment of homosexuals,²⁹ disabled persons,³⁰ migrant workers, refugees and asylum-seekers³¹ was stressed, as was the necessity of reforming the pension system³² and housing.³³ Many NGOs urged the Republic of Korea to abolish the death penalty,³⁴ review the National Security Act,³⁵ improve detention conditions,³⁶ and address domestic violence³⁷ and corporal punishment.³⁸ It was asked to respect the union rights of civil servants³⁹ and to revise policies towards conscientious objectors in the military.⁴⁰ While noting an improvement in the overall human rights situation, the NHRCK emphasised emerging challenges like widening inequality and an aging population. The Government was urged to develop capacity building and technical assistance projects in collaboration with the NHRCK and civil society, and to adopt a rights-based approach to development assistance.⁴¹

Interactive dialogue⁴²

²² A/HRC/WG.6/2/KOR/3, [date], available at www.ohchr.org/EN/HRBodies/UPR%5CPAGES%5CKRSession2.aspx.

²³ Amnesty International; Asian Legal Resource Centre (ALRC); Global Initiative to End All Corporal Punishment of Children (GIEACPC); International Gay and Lesbian Human Rights Commission (IGLHRC); International Trade Union Confederation (ITUC); Korean Women’s Association United - Joint Submission (KWAU-KWH-WMHRCK-DAWU and others); Lawyers for a Democratic Society - Joint Submission (MINBYUN-PSPD-KWAU-KPNJ and others).

²⁴ MINBYUN-PSPD-KWAU-KPNJ and other NGOs.

²⁵ NHRCK.

²⁶ MINBYUN-PSPD-KWAU-KPNJ and other NGOs.

²⁷ The male-only family head system.

²⁸ KWAU-KWH-WMHRCK-DAWU and other NGOs, MINBYUN-PSPD-KWAU-KPNJ and other NGOs, NHRCK.

²⁹ IGLHRC.

³⁰ KWAU-KWH-WMHRCK-DAWU and other NGOs, MINBYUN-PSPD-KWAU-KPNJ and other NGOs, NHRCK.

³¹ Amnesty International; ITUC; KWAU-KWH-WMHRCK-DAWU; MINBYUN-PSPD-KWAU-KPNJ; NHRCK.

³² KWAU-KWH-WMHRCK-DAWU and other NGOs, MINBYUN-PSPD-KWAU-KPNJ and other NGOs, NHRCK.

³³ MINBYUN-PSPD-KWAU-KPNJ and other NGOs.

³⁴ Amnesty International; ITUC; KWAU-KWH-WMHRCK-DAWU; MINBYUN-PSPD-KWAU-KPNJ; NHRCK.

³⁵ Amnesty International, MINBYUN-PSPD-KWAU-KPNJ and other NGOs, NHRCK.

³⁶ NHRCK.

³⁷ KWAU-KWH-WMHRCK-DAWU and other NGOs.

³⁸ GIEACPC, NHRCK, MINBYUN-PSPD-KWAU-KPNJ and other NGOs.

³⁹ ITUC.

⁴⁰ MINBYUN-PSPD-KWAU-KPNJ and other NGOs, NHRCK.

⁴¹ NHRCK.

⁴² Most statements made at the UPR Working Group can be found at <http://portal.ohchr.org/portal/page/portal/UPR>. Fill in the form at www.ohchr.org/english/bodies/hrcouncil/form.htm to receive username and password. Audiovisual archives of the meetings of the Working Group ‘webcast’ are available at www.un.org/webcast/unhrc/index.asp.

Presentation by the State

After an introduction by the Ambassador of the Republic of Korea to Geneva, the Korean Vice Ministers of Foreign Affairs and Trade, Mr Kim Sung-Hwan, introduced the national report. He expressed the Republic of Korea's commitment to the success of the UPR, and said the national report was evidence of the sincere implementation of the voluntary commitments made by the Republic of Korea. He stressed that the UPR should not duplicate the work of treaty bodies.

He recalled that the Republic of Korea had extended a standing invitation to all special procedures during the high level segment at the 7th session of the Human Rights Council (the Council) in March 2008.⁴³ He expressed the Republic of Korea's conviction that peace and security, development and human rights are mutually reinforcing, and that the democracy in the country could only be consolidated in an atmosphere where human rights are guaranteed.

The Vice Minister explained that the Constitution is the 'basic and supreme legal document'. Even though there is no human rights act in the Republic of Korea, he claimed that a range of laws have the same effect. He announced that the Republic of Korea, in an effort to comply with international obligations, has taken steps taken for the ratification of the *Convention on the Rights of Persons with Disabilities* (CRPD), is considering *International Convention for the Protection of All Persons from Enforced Disappearance* (ICPPED) and has held inter-ministerial meetings to discuss the *Optional Protocol to the Convention against Torture* (OPCAT).

The Vice Minister went on to draw attention to the National Action Plan, which sets recommendations by treaty bodies as standards, and claimed that the views of NGOs, the NHRCK and other stakeholders are taken into account when the National Action Plan is amended on an ongoing basis. He pointed out that the National Action Plan also protects sexual minorities. In referring to specific human rights issues, the Vice Minister touched on the recent Anti-Discrimination Act, which was submitted to the National Assembly for consideration. Turning to discrimination against migrant workers specifically, the Vice Minister highlighted the Government's efforts for building a society in which migrant's rights are fully respected. He particularly mentioned the Basic Act on Treatment of Foreigners Residing in Korea, and the Employment Permit System. Acknowledging that there is room for improvement, he stressed that the vulnerability of migrant workers requires a more human rights based approach.

The Republic of Korea thanked Denmark, Latvia, Sweden, the Netherlands and the United Kingdom for the written questions submitted prior to the review.⁴⁴ Vice Minister Kim Sung-Hwan agreed that the issue of the abolition of the death penalty, as raised by a number of States is very important. He stressed that the current moratorium on the execution of the death penalty should be understood as 'closely linked' to complete abolition, but that abolition should be considered 'in relation with societal perception'. Responding to a question by the United Kingdom on the proper application of the Penal Procedure Code during pre-trial detention, the Republic of Korea mentioned that videotaping during interrogation was used widely to avoid abuse.

Responding to Denmark's question on measures protecting illegal migrant workers, the Vice Minister explained that while illegal migrants had to be sent back to their country of origin, they could still file lawsuits to ensure payment for their work.

Netherland had asked the Republic of Korea to comment on domestic violence against women as are remaining cause for concern, despite institutional and legal efforts to address this. The Vice Minister responded that the Republic of Korea had introduced more severe punishment and special treatment programmes for offend-

⁴³ In the OHCHR compilation, it was mentioned that no standing invitation has been issued by the Republic of Korea.

⁴⁴ http://www.upr-info.org/IMG/pdf/QUESTIONS_TO_REP_OF_KOREA_rev.2.pdf.

ers, and that improved medical assistance is provided to victims in application of the amended Act on the Prevention of Domestic Violence and Protection of Victims.

In relation to the United Kingdom's question on the participation of civil society in the preparation of the national report, the Vice Minister detailed that the Government had published a first draft on the Internet, to which any individual could give comments. He also mentioned a customised email service set up to ask experts and academics for their views. Still in relation to a question by the United Kingdom, the Vice Minister affirmed that the NHRCK remained, despite the change in Government, fully independent.

The delegation used roughly 24 minutes for its initial presentation, leaving ample time for responding to questions during the interactive dialogue.

In his concluding remarks, the Ambassador said the Republic of Korea would provide more detailed written answers for the adoption of the outcome in plenary. He said the Republic of Korea had 'gained a sense of the high expectations of the international community on the implementation of human rights in the Republic of Korea' and saw the UPR as a valuable opportunity to see the human rights situation through the eyes of others. He said that the Republic of Korea was conscious that the follow-up would also include the need for introducing supplementary legislation and assume new obligations. He ended on asserting that the Republic of Korea is committed to make sure the UPR does not 'fail the voiceless'.

Table on the interactive dialogue

Country	Positive comments	Critical comments	Questions	Recommendations <small>(including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)</small>	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
Brazil	The report shows the Republic of Korea's commitment, and its willingness to discuss the human rights situation through genuine dialogue and cooperation. The establishment of the National Action Plan is a 'best practice' and could be used by other States. Noted the implementation of the pledges made for initial election.	Encourage Republic of Korea to work on the implementation and dissemination of the recommendations of treaty bodies.	What measures are taken to guarantee the freedom of association and assembly to the fullest extent?	Ratify the CRPD.	The State report shows commitment to constructive engagement.	<i>Freedom of association and peaceful assembly</i> : are guaranteed to the fullest extent, and the law is 'prudently applied'. <i>Discrimination against persons with disabilities and CRPD</i> : domestic procedures for the ratification are currently underway. Since 11 April 2008, the <i>Act on Anti-Discrimination Against and Remedies for Persons with Disabilities</i> has been in effect to counter discrimination against this group.
Indonesia	Applaud contribution of NHRCK and other stakeholders in the preparation of the report. Bravo for the transi-		What are the challenges the Republic of Korea faces in the implementation of the National Action Plan?	Strengthen efforts to uphold the <i>Act on Foreign Workers' Employment</i> to ensure effective protection of foreign work-	National report is very constructive.	<i>Protection of migrant workers</i> : there is a legal framework in place to protect their rights, including the <i>Act on Foreign</i>

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	<p>tion to democracy in a short period of time. Applaud the National Action Plan, which sets out a road map. Welcome the efforts to implement the rights of women. Note that discrimination against foreign workers is prohibited.</p>			ers.		<p><i>Workers' Employment</i>, an appeals mechanism (the Labour Relations Commissions in cases of unfair layoff and disputes related to the non-payment of retirement pension, as well as efforts to provide vocational training before the return.</p>
Pakistan	<p>Impressive economic progress has had a positive influence on human rights, should serve as model for developing countries.</p>	Some challenges.	<p>Inform the Working Group as to how the Republic of Korea will ensure complete implementation of the <i>Act on the Protection of Non-regular Workers</i>? Is the Employment Permit System used to discriminate against workers from countries that have not signed a memorandum of understanding with the Republic of Korea?</p>			<p><i>Protection of irregular workers</i>: a new law on the protection of irregular workers was promulgated on 1 July 2007, limiting the duration of stay to two years. In cases of non-payment of pensions or other problems, foreign workers benefit from the same protection as national workers. Foreign workers are trained in Korean language, habits and</p>

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			<p>Could the Republic of Korea share its plans to deal with challenges included in the national report?</p>			<p>culture, especially to prevent sexual harassment. Since the enactment of the law on the protection of irregular workers, conditions have improved. See also Indonesia, above.</p>
<p>Democratic Peoples' Republic of Korea (DPRK)</p>		<p>Concerned about the continued application of the <i>Security Law</i> of 1948 used for systematic violations or human rights. The Human Rights Committee (HCR) expressed concern about the limits on articles 9, 18 and 19 of the ICCPR imposed by the law. Ideology conversion system raised the concern of the Special Rapporteur on freedom of expression. Contacts with north-erners are criminal-</p>		<p>Abolish the <i>Security Law</i>, and address the negative effects of the <i>Security Surveillance Law</i>. Recommend legislative changes to address torture</p>	<p>UN Compilation – HRC concluding observations of 1992, 1999 and 2006, CAT – definition of torture, CRC freedom of expression and assembly of students.</p>	<p><i>Freedom of peaceful assembly</i>: see Brazil above. <i>Definition of torture</i>: acknowledged that there is no definition of torture, but several laws including the <i>Penal Code</i> prohibit torture. <i>Abolition of the Security Law</i>: there are efforts to achieve a national consensus on the question of revising or abolishing the <i>Security Law</i>. Currently, it is applied cautiously and ‘in a wise manner’.</p>

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		<p>ised, a concern shared by the Human Rights Committee. Concerned about the <i>Security Surveillance Law</i>. Concerned about torture as mentioned by CAT, and the lack of a definition of torture in the <i>Criminal Code</i>.</p>				
Turkey	<p>Significant achievements in the promotion and protection of human rights. Commend equal-employment initiatives. Commend the establishment of women's equality ministry. Pleased to see that the new <i>Basic Act on Treatment of Foreigners</i>. Acknowledge that the Government is aware of the increasing challenges, in-</p>		<p>Do you have plans to improve detention conditions? Do you consider abolishing the death penalty in the near future?</p>		<p>Commend national consultations in the preparation of the State report.</p>	<p><i>Abolition of the death penalty</i>: See also initial response given in the introductory remarks. In addition, inter-ministerial consultations were held to discuss the draft resolution tabled at the General Assembly in November 2007 on the moratorium to the death penalty. But since the issue would require a 'national consensus', and the abolition of the death penalty</p>

Country	Positive comments	Critical comments	Questions	Recommendations (including questions as recommendations, bold text denotes recommendations that enjoy the support of the State under review)	References to State report/ UN compilation/ OHCHR summary	Replies by the State under review
	cluding the ageing population.					should be considered taking into account the ‘social justice function’ and public opinion. <i>Ill-treatment in detention:</i> have made improvements, the NHRCK and ‘early warning centres’ play a role in the prevention of abuse.
Algeria		Migrant workers are continuously discriminated, including by expulsion. Labour laws are discriminatory. Trade union laws.	What has been done to address the restrictions placed on the right to assembly by the <i>Act on Assemblies and Demonstrations</i> , which was criticised by the HRC in 1999?	Ratify the ICRMW. Take measures to protect and fulfil the rights of all women migrant workers and do not submit them to discriminating practices. Freedom of association and assembly should be enshrined in national law.	OHCHR compilation – CEDAW, CRC welcomed the establishment of NHRCK. CEDAW – national machinery for advancement of women HRC – freedom of assembly.	<i>ICRMW:</i> the Republic of Korea is not a party, but will thoroughly examine the recommendation to ratify, taking into account existing domestic legislation. <i>Migrants:</i> see Indonesia and Pakistan above. There are also support centres ‘in places where there are many foreign workers’, and interpretation is provided in seven languages. <i>Freedom of assem-</i>

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						<i>bly:</i> see Brazil above.
Canada	<p>Recognise that the Republic of Korea is party to all core treaties.</p> <p>Voluntary pledges show positive engagement with the international system. Bravo for amending <i>Civil Code</i> to abolish the family head system as recommended by CEDAW and HRC.</p> <p>Commend the Republic of Korea for gender sensitive budget policy.</p> <p>Note that the NHRCK has ‘A’ status.</p>	<p>Concerned about the excessive use of force by law enforcement personnel when handling migrants or dealing with demonstrators. Management of detention centres does not guarantee the protection of human rights.</p> <p>No legal provisions for marital rape, child abuse and domestic violence.</p>		<p>Enact crime of torture as defined by the CAT article 1.</p> <p>Provide training to law enforcement officers.</p> <p>Investigate human rights violations committed in places of detention.</p> <p>Protect privacy through limiting use of registration numbers and reviewing resident registration system.</p> <p>Criminalise domestic violence, child abuse and marital rape, prosecute perpetrators and provide human rights training to official dealing with instances of domestic violence. Establish child sensitive procedure in criminal procedures.</p> <p>Pay special attention</p>	<p>OHCHR compilation: CAT – enact a crime of torture.</p> <p>HRC, CEDAW – amend <i>Civil Code</i>.</p>	<p><i>Domestic violence:</i> the Republic of Korea has recently amended two major acts, and improved protection of domestic violence by ‘allowing prosecutors more leeway’ and introduce more severe sanctions. The medical assistance to victims was also improved. If the offender is unable to pay compensation for the victim, the Government will.</p> <p><i>Trafficking in foreign women:</i> the Government does not see this as a large-scale problem, but is undertaking efforts to prevent trafficking. This includes tighter visa conditions for artists, and punishments for marriage</p>

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				to women and children when designing migration policies, as they are particularly vulnerable to trafficking and sexual exploitation.		agents that break the law.
France	Welcome the establishment of the NHRCK.	Death penalty. Discrimination.	Support questions by the United Kingdom, Denmark, the Netherlands and Turkey and would like to know if the Republic of Korea envisages abolishing the death penalty or turn the practice in a <i>de jure</i> moratorium. Could the Republic of Korea give more details on measures to combat discrimination, particularly based on sexual orientation in the workplace? What would a reform of the NHRCK consist of and how would it strengthen	Recommend signing the ICPPED.		<i>Abolition of the death penalty:</i> see initial response and Turkey above. <i>ICPPED:</i> the Republic of Korea fully shares the goals of that Convention, and continues to consider signing it. Also considers amending domestic law to that effect. <i>Grounds for non-discrimination:</i> the list in the Constitution (sex, religion or social status) is not exhaustive, and other grounds stipulated in international human rights instruments are also prohibited under

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			the compliance with the Paris Principles?			the Constitution.
Colombia	Bravo for broad participation of civil society in the preparation of the State report.		Could the Republic of Korea provide more info on the on-line enquiries used in national consultations? How does the NHRCK facilitate education in human rights?		The State report clearly outlines the challenges, and the efforts undertaken to overcome them.	
Slovenia	Note steps to improve gender equality in employments.	Notes that the HRC has recommended recognising the right of conscientious objection. CEDAW noted that patriarchal attitudes and deep-rooted stereotypes are widespread and the source of violence against women. Low rate of investigation of sexual harassment.		Provide authors of communications to the HRC on the issue of conscientious objection with a remedy. Recognise the right to conscientious objection and decriminalise the refusal to do active military service, remove the prohibition of employment of conscientious objectors in government or public organisations. Include a gender per-	Valuable and impressive national report. OHCHR compilation: HRC – conscientious objection, CEDAW – stereotypes about the role of men and women.	<i>Integration of a gender perspective in the follow-up:</i> women's rights are a significant portion of the national report, and the preparation of it was done in consultation with the Ministry for gender equality. Will do the same in the follow-up process. <i>Punishment of sexual crimes:</i> this is indeed only punished if there is a complaint by the victim, to

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				spective in the UPR follow-up process. Review legal provision that makes sexual crime only the subject of investigation on request.		make sure that respect for private life is maintained, and not produce harmful effects for the victim. In the case of children below 13 years of age, investigations are carried out even if there is no complaint by the victim. <i>Equal opportunities for women and men:</i> subsidies are provided to women before and after childbirth. Women who leave their job receive vocational training to reintegrate after childbirth. The principle of equal pay for equal work is applied, and to prevent sexual harassment, lawyers are trained on this issue. <i>Conscientious objection:</i> as of September 2007, there is an al-

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						ternative, and the reviewed Military Service Act will be submitted to the national assembly this year.
Belgium	The NHRCK established in 2001 has demonstrated independence. Welcome progress in combating domestic violence. Welcome the Government's anti-AIDS programmes.	Death penalty is still possible, but Belgium was grateful for the explanation given. Negative attitude against displaced persons, and in particular against non-qualified workers.	What efforts has the Republic of Korea taken to combat multiple forms of discriminations?	Take steps towards the abolition of the death penalty. Intensify the fight against trafficking in foreign women.	OHCHR compilation: CEDAW – definition of discrimination against women.	<i>Trafficking of foreign women:</i> see Canada above.
Czech Republic	Appreciation for the strengthening of human rights mechanism and especially those protecting women. Welcome support of OPCAT when voting for the adoption of it.		Is there any analysis done of the link between the high number of suicide and ill treatment and acts of torture? What measures has the Republic of Korea taken for improving monitoring detention and investigating allegations of torture?	Accede to the OPCAT and establish a national protection mechanism. Discrimination on the basis of sexual orientation should be included in the draft non-discrimination bill.		<i>Ill-treatment in detention:</i> see Turkey above. <i>Suicide in detention:</i> the suicide rate is not higher in detention than in society as a whole. Before detainees enter a detention facility, their medical history is examined. <i>OPCAT:</i> started consultations on the state

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						of compliance of national legislation with OPCAT, and have a commission that conducts regular visits to prisons.
Netherlands	Thanks for the clear and transparent presentation. Commend recent anti discrimination legislation, and hope it will give equal treatment to all vulnerable groups including gays and lesbians. Welcome more severe punishment for violence against women.			Pass a special bill to abolish the death penalty in the national assembly starting on 1 June 2008.		<i>Abolition of the death penalty:</i> see initial response and Turkey above.
Malaysia	Appreciate ‘lucid’ introduction to the report. Impressed with the National Action Plan for the promotion and protection of human rights, could serve as best practice			How do you address the concerns raised by CESCR in 2001 to address hardships caused by family breakdown?	UN Compilation: CESCR.	<i>Aging population:</i> we have a comprehensive plan to address the low birth rate, under which women who have just given birth are given various support. Persons over 65

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	for other States. Commend the Government's commitment in responding to the problem of an aging population.					have long-term insurance and are offered employment opportunities.
Azerbaijan	Welcome involvement of NGOs and other actors in the preparation of national report. Welcome the intention to withdraw reservation to CEDAW and ICCPR. Welcome the establishment of the NHRCK.		How does the Republic of Korea ensure non-discrimination given that the Constitution does not explicitly prohibit it on specific grounds? What are the legislative and other measures to address this? Persons detained for criminal investigation are not entitled to be brought before a judge immediately, a concern expressed by the Human Rights Committee. When and how does the Republic of Korea intend to address this concern?		UN compilation: HRC – rights of detainees.	<i>Grounds for non-discrimination:</i> see France above.
China	Quite comprehensive introduction.	Protection of vulnerable groups men-	How effective are the measures taken to			<i>Social security net:</i> since the financial

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	Appreciate efforts in the past few years. Took note of the intention to build a social safety net by expanding health and social insurance.	tioned as a challenge.	build capacities of vulnerable groups to deal with the challenges of economic and social reform?			crisis, the Republic of Korea has expanded activities in relation to social security, particularly for vulnerable groups.
Philippines	Commend human rights based approach to the treatment of migrant workers. Hope positive trend of <i>de-facto</i> abolitionist policy continues.		Are you considering the ratification of the ICRMW? What are your efforts in improving situation of undocumented migrant workers, and what is the role of the media in this regard?	Encourage the Republic of Korea to ratify the ICRMW in a timely manner and thereby serve as a model for other countries of destination.		<i>Situation of migrant workers: since 2007, there is new legislation to support and integrate them better. See also Indonesia above. ICRMW: see Algeria above.</i>
United Kingdom	Thanks for the answers to written question. Welcome the creation of the NHRCK. Welcome the National Action Plan of 2007. Welcome the readiness to exchange views and the role that the Republic of		Could the Republic of Korea provide information on the implementation of the Penal Code adopted in 2007? Has the Republic of Korea taken steps to reform the National Security Act? When will the Republic of Korea ratify	Urge the Republic of Korea to play an even stronger role in the promotion and protection of human rights. Join those who called for legislation on the abolition of the death penalty in the upcoming national assembly.		<i>Reservation to ICCPR: this was not decided yet, will have to be considered in the light of labour situation and laws. Abolition of the death penalty: see initial response and Turkey above. OPCAT: see Czech Republic above.</i>

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	Korea plays in the international system.		OPCAT?	Bring National Security Act in line with international law. Allow conscientious objection to military service. Withdraw reservation to article 22 of the ICCPR. Ratify OPCAT.		<i>Conscientious objection:</i> see Slovenia above.
Luxemburg		Death penalty remains legally possible. 60 prisoners remain condemned to death, and in 2007 two new prisoners were condemned to capital punishment.	What measures are you taking to move the debate on the abolition of the death penalty forward towards a national consensus in society and the national assembly? What is your timetable for the abolishment of the death penalty?	Recommend to the government and to the permanent commission on law and justice of the national assembly to push forward the bill abolishing the death penalty.		<i>Abolition of the death penalty:</i> see initial response and Turkey above.
Egypt	Strong institutional infrastructure to protect human rights.		In 2003 the Committee on the Rights of the Child was concerned about societal discrimination against children with disabilities. What is	Recommend that the Republic of Korea accede to ICRMW.	Comprehensive and informative national report including best practices. Compilation mentioned.	<i>Discrimination against persons with disabilities:</i> see Brazil above. <i>ICRMW:</i> see Algeria above. The ICRMW is also considered a

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			<p>nature and scope of this phenomenon, and what measures are taken to address it?</p> <p>Is the ICRMW not recognised as a core human rights treaty? And if so, why?</p> <p>What do you see as the benefit in acceding to the ICRMW?</p>			<p>core treaty, but has so far not been ratified.</p>
Bangladesh	<p>The State report shows that the Republic of Korea is serious about human rights. The national action plan is a welcome development. Economic development has contributed positively to the promotion and protection of human rights.</p>	<p>Discrimination and abuse in the workplace against migration is still very present. Make further efforts to protect foreign migrant workers, including administrative and legislative measures.</p>	<p>Are you re-thinking the issuing of ‘entertainment’ visas, since this ‘lures’ many women into the sex-industry?</p>	<p>Request to deal with these issues in a ‘sympathetic’ manner and legalise migrant workers.</p>	<p>State report.</p>	<p><i>Exploitation of female migrant workers:</i> the Labour Act provides for special protection of all female workers, provides remedies, counselling and language support.</p>
Russian Federation		<p>Treaty bodies and special procedures have expressed concern about the situa-</p>	<p>What legal measures have you taken to strengthen the protection of women</p>		<p>UN compilation.</p>	<p><i>Exploitation of female migrant workers:</i> see Bangladesh above.</p>

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		<p>tion of foreign women who have married Koreans. Their status depends entirely on their husbands, making them very vulnerable. There is sexual exploitation of illegal migrant workers, and they even bear the criminal responsibility for their exploitation.</p>	<p>victims of sexual exploitation? What steps taken by Republic of Korea to combat trafficking and exploitation of women?</p>			
Latvia	<p>Welcome standing invitations and visit by special procedures.</p>					
Italy		<p>Appreciate the non-execution of the death penalty. Appreciate that the Republic of Korea has not voted against the resolution on a moratorium on the death penalty in the General Assembly. CEDAW has noted with concern the lack</p>		<p>Recommend maintenance of the moratorium on the death penalty with a view to abolition. Recommend that the Republic of Korea expressly prohibit corporal punishment in schools and at home, and implement measures promoting</p>		<p><i>Abolition of the death penalty:</i> see initial response and Turkey above. <i>Corporal punishment:</i> children were ‘spanked’ in the past at home, and in order to amend the legislation to ban such punishment, various sectors of society need</p>

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		of a definition of discrimination against women. Concerned about corporal punishment, which is lawful in schools and widely practiced.		other and non-violent forms of discipline.		to be reflected. There is currently no ‘national consensus’ on this.
Romania	Welcome the cooperation with the Council and the international community.		Wanted to ask about measures to improve the situation of migrant workers and in particular women migrant workers, but are satisfied with answers. What is your policy to determine the status of asylum seekers and refugees, and assistance for them pending clarification of the status?	Recommend that the Republic of Korea implement the 1951 Convention relating to the Status of Refugees and its 1967 protocol, and ensure that refugee recognition procedures are in line with international law.	Thanks for national report.	<i>Refugees:</i> acknowledged that there is a need to improve the relevant procedures and the cooperation with NGOs in that respect. The Republic of Korea is trying to address this in close cooperation with UNHCR. Trying to provide employment opportunities for refugees even during clarification of their status. <i>Exploitation of female migrant workers:</i> see Bangladesh above.
Mexico	Appreciate the commitment of the Gov-		What has been the effect on new Family	Strengthen legislation to prevent do-		<i>Migrant workers:</i> see Philippines above.

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	<p>ernment to the promotion and protection of human rights. The national action plan shows progress. Congratulation on the adoption of amended legislation for the administration of justice and the Family Code.</p>		<p>Code, which eliminates the head of family and provides equality?</p>	<p>mestic violence. Ensure practical measures addressing the rights of migrants in particular in access to social services. Ratify ICRMW and withdraw reservations to other treaties limiting the right of migrant workers. Take measures to abolish the death penalty in the domestic legislation.</p>		<p><i>ICRMW</i>: see Algeria above. <i>Abolition of the death penalty</i>: see initial response and Turkey above.</p>
Ukraine	<p>National consultations with NGOs and NHRCK show the sincerity in furthering promotion and protection of human rights. Welcome training offered to all police personnel. Protection of children is one of the key national policy goals. Commend the Government for taking</p>		<p>Elaborate on the NHRCK, in particular on the basis of the mechanism and the impact of its recommendations.</p>		<p>Highly appreciate the national report.</p>	<p><i>NHRCK</i>: the Government takes the recommendations by the NHRCK very seriously. 67% related to human rights policies and legislation, and 87% related to human rights violations were implemented or acted upon. <i>Corporal punishment</i>: see Italy above.</p>

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	measures to prevent physical punishment of children.					
United States of America	Appreciate the comments earlier today on the national security law.		What is done to ensure that vague definitions in the national security law is not abusively interpreted and used to arbitrarily arrest people? Are there plans to amend it?	Amend the national security law to ensure it is not abusively interpreted.		
Australia	Welcome the constructive engagement with the UPR. Welcome moratorium on the death penalty.	While there is no national consensus about the death penalty, 58 prisoners remain on death row, and certain crimes still carry the death penalty.	Give more info on the ‘active consideration’ of signing the second optional protocol to the ICCPR aiming at the abolition of the death penalty.		Summary of stakeholder’s information.	<i>Abolition of the death penalty:</i> see initial response and Turkey above.
Tunisia	Thank you for your remarkable presentation. Commend the innovative methodology used in preparing the State report, in particular the online survey. Note the intention to					

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	sign the CRPD.					
Japan	Appreciate the explanations by the delegation.	Harmful information disseminated over the internet.	While being aware of steps taken to protect the rights of persons with disabilities, does the Republic of Korea have a future concrete plan of action in this regard? When will it sign the CRPD? What measures has the Republic of Korea taken to address violations of human rights on the internet, while protecting freedom of expression?			<i>CRPD</i> : see Brazil above.
Germany	Informative presentation.		Foreign female spouses do not enjoy the same rights as Koreans, they depend on their husbands, and are not allowed to work. What is the Republic of Korea doing to protect them and allow for a more effective participa-		Informative national report.	<i>Discrimination against women</i> : the Republic of Korea has a Ministry for gender equality, which also incorporates family affairs. It was reorganised under the new Government in 2008 and is active in promoting

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			tion of these women in economic life?			the rights of women and include a gender perspective in all policies.
Peru	Democratisation has improved human rights.	‘Artist’ visas can be exploited by human traffickers.		Ratify ICRMW and the Palermo Protocol.		

Adoption of the report 9 May 2008 p.m.

The Ambassador of Jordan presented the draft report on behalf of the troika. The report follows the format of previous UPR reports, listing all recommendations made during the interactive dialogue in the Working Group, and notes that the view of the Republic of Korea on all of these recommendations will be presented to the plenary of the Council in June.

The delegate of the Republic of Korea reiterated the closing remarks of the Minister at the end of the interactive dialogue. He assured the Working Group that the Republic of Korea will review the observations and recommendations carefully, and pledged that the Republic of Korea continues to be open to the recommendations of the UPR and other international mechanisms. The Republic of Korea hoped that the UPR will be able to deliver a real improvement of human rights on the ground.

The draft report was adopted *ad-referendum* by consensus.

COUNCIL MONITOR STAFF

Paul Dziatkowiec, Human Rights Officer
Eléonore Dziurzynski, Communications Officer
Chantal Mutamuriza, Human Rights Officer
Michael Ineichen, Human Rights Officer
Yuri Saito, Fellow
Gareth Sweeney, Deputy Manager
Katrine Thomasen, Manager

Author of this report

Sofia Eugenia Cordero, Intern

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