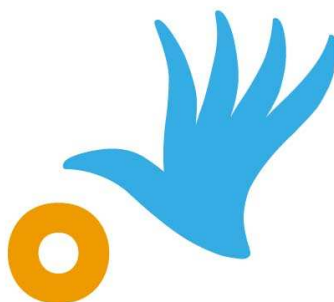


**Submission by National Human Rights Commission of
the Republic of Korea to the forty third session of the
Committee on the Economic, Social and Cultural
Rights in connection with the consideration of the
third periodic report of the Republic of Korea**

1 October 2009



National Human Rights Commission of the Republic of Korea

TABLE OF CONTENTS

A. INTRODUCTION

I. Assessment in Overall Situation	1
II. Assessment in Specific Areas	2
1.Social Security and Education	2
2.Labour	2
3.Gender Equality.....	2
4.Housing	3
5.Health.....	4
6.Migration	4

A. INTRODUCTION

I. Social Security	6
1.Low Budget Rate for Social Security (187-188)	6
2.Increase of People in Poverty (194 and 196).....	6
II. Education and Children.....	7
1.Degradation of Public Education (50-54 and 285-289).....	7
2.Domestic Violence and the Rights of Child (198-202).....	8
III. Working Condition and Discrimination 1: General Issues	10
1.Labour Rights Threatened by Business Friendly Policies (170-171).....	10
2.Excessive Application of Criminal Punishment Against Striking Workers (176-177)..	10
3.Limitation on the Rights to Assembly for the Construction Trade Union and Transportation Trade Union	11
4.Low Minimum Wage and Unproductive Dispute over Its Determination (127-129)....	11
5.Introducing Different Minimum Wages by Region (130).....	12
IV. Working Condition and Discrimination 2: Discrimination against Non-regular Workers	12

1.Limitations on Non-regular Workers Job Training (111-114).....	12
2.Limitations on Non-regular Workers' Complaint Rights to Discrimination Remedy (116-117).....	13
3.Non-regular Worker Protection Weaken (119-120)	13
4.Non-regular Female Workers Maternity Protection Deficiency (124-125).....	14
V. Working Condition and Discrimination 3: Discrimination against Women.....	14
1.Gender-Role Stereotypes (105-110)	14
2.Gender-based Wage Inequality (131-137).....	15
3.Sexual Harassment at Work (138-153)	15
VI. Housing and Standard Living	17
1.Insufficient Securing of the Rights to Housing (218-225).....	17
2.Violation of the Rights to Housing during Gentrification (226-231).....	18
3.Forced Evictions and Forced Removal (235-238)	19
4.Lack of Information on the Situation of the Homeless (232-234).....	21
VII. Health.....	22
1.The Publicity of the Healthcare System Weaken (242-249)	22
2.Insufficient Measures for HIV/AIDS Prevention and Medical Assistance (256-264) ...	23
3.Lack of the Solutions to the Problems of Artificial Abortion (268-272).....	24
VIII. Migrants and Refugees	26
1.Human Rights of the Foreigners Living in Korea (91-92).....	26
2.Deportation of Migrant Workers and Poor Conditions in Detention Centres (183-186 and 239-241)	26
3.Low Rate of Refugee Recognition and Lack of Protections for Refugees (160-161).....	28
[Appendix]	29

A. INTRODUCTION

I. Assessment in Overall Situation

1. Recent policies by the Government of the Republic of Korea (the Government) characterized by free competition, labour flexibility, retrenchment of social welfare spending, and increased budget allocation to massive development projects has caused the general retrogression in the field of economic, social, and cultural rights (ESCR). The Governments privatization of necessity public goods such as healthcare, education, water supply and electricity has become a concern as it challenges the full realization of the ESCR.

2. Based on the recommendation made by the National Human Rights Commission of the Republic of Korea (NHRCK) in January 2006, the Government developed a National Action Plan for Human Rights (NAP) in the following year. NAP not only omitted many of the core recommendations by NHRCK upon its adoption but also partially reduced budgets allocated to the social welfare projects on its August 2008 revision. This contradicts the recommendation from the Committee on Economic, Social, and Cultural Rights (the Committee) demanding states to strengthen support for socially marginalized groups.

3. In 2006, NHRCK recommended a draft bill of the Anti-Discrimination Act which was subsequently submitted to the National Assembly as a government draft bill in the following year. However, the bill was automatically disposed as the term of the Seventeenth National Assembly expired and the possibility of re-submission seems to be scant regardless to increasing social demand.

4. On March 2009, the Government unilaterally downsized the staff and structure of NHRCK by 21.2%. In an era of above-mentioned retrenchment of social welfare spending and contrary to a growing demand for NHRCK to promote and protect ESCR, the government has been severely undermining the essential function of NHRCK as a human rights defender.

II. Assessment in Specific Areas

1. Social Security and Education

5. Despite the existence of basic social safety-net framework, there are multiple blind-spots of social welfare throughout the Korean society. However, the Government has cut the 2010 fiscal year budget for basic livelihood security system and increased the minimum cost of living by 2.75%, below inflation rate, without making fundamental efforts needed to improve the social safety-net that secures the minimum standard of living for disadvantaged people.

6. There is concern expressed over the current education policy focusing on freedom and competition that will possibly make entrance exams harshly competitive, perpetuate academic elitism, and widen education level gaps among social classes. Additionally, only a very small portion of the education budget is allocated for disadvantaged children.

2. Labour

7. The recent global economic crisis has severely effected temporary employees, women, and low income homes. There is a dire need of protection and welfare policy from the nation. The Government's current basic support and protection policy is very insufficient, and rather is focusing on labour laws and the alleviation of labourer protection policy. As a result, citizens' basic labour rights are being threatened. It is being proposed that labour rights are actually in retrogression

8. With the retrogression of the guarantee of the 3 labour rights, that was created through a group labour relations, the Government's excessive municipal order and criminal and civil sanction practices in the group agreement is seen as the cause of this phenomenon. The induction of labour conflict is placing a hindrance in the stability and unity of the Korean society.

3. Gender Equality

9. Despite the fact that women have been increasing achieving a higher level of education, less than 50% were not able to participate in the economy. Only 64% of

women who have received higher education are economically active, which is much lower than the average of the Organization for Economic Cooperation and Development (OECD) member countries. The cause of this low employment of women can be placed on various exposures to unemployment concerns and a lack of a welfare system for child birth and child care. This is confirmed when looking at when the total fertility rate in South Korea is the far lowest (1.2 in 2008) amidst the OECD member countries. It is apparent that poverty among women is increasing as almost 70% of female workers are under a non-regular contract, 55% of women are in dispatch work, and 38% of female workers are employed in low-wage sectors earning less than 1 million Korean Won (KRW) per month. Womenization of poverty as well as povertization of women are becoming a serious issue. As the working condition for women is increasingly deteriorating as along with the current financial crisis, female workers are usually the first choice to be terminated and new job opportunities are primarily replaced by non-regular positions.

10. Since the drastic downsize in structure of the Ministry of Gender Equality, which is the main coordinating body for women policy, the effective implementation of women policy has been hampered. With the shut down of many ministries and its respective women policy divisions during the last few years, increasingly weakened gender equality policies. The Gender Discrimination Prohibition and Relief Act that was abrogated in 2005 was not replaced by any alternative act. Recent efforts to expand the current, Basic Law on Women's Development into the Basic Law on Gender Equality are making little progress.

4. Housing

11. According the Population and Housing Census 2005, there are 1.6 million people live in poor housing conditions below the minimum standards. In detail, out of 680,000 households in South Korea, 586,000 households (1.42 million people) are living in basements (semi-basements), 50,000 households (80,000 people) are living on rooftops, and 45,000 households (11,000 people) are living in shacks, vinyl hothouses and caves.

12. The polarization of housing conditions resulted from the augmentation of rent as well as the rise in housing price which increased the burden of housing cost for low-income families. According to the above-mentioned census, the rent to income rate of the lowest-income class reached 50.7%.

13. Due to inappropriate forced evictions and inadequate compensation during the gentrification project the residents' rights to housing were not being properly protected. The increase of gentrification projects such as the New Town Project is augmenting the housing instability of low-income people living in poor housing condition due to the reduction of small houses and the increase of housing costs in the adjacent areas.

5. Health

14. Despite the liability policy of the National Health Insurance (NHI), there still exists a wide range of marginalized people in the national health care system. A regional and class deviation also exists in the supply of medical service. Especially after the economic crisis, the gap in the medical services among social class has been widening. In order to improve the overall standard of the right to health and the expansion of public disease conditions the following reforms will be needed: expansion of the public disbursement level of medical services, improvement in health care insurance guarantee, increased protection of marginalized people with the dissolution of blind spots in NHI, and the reform of the present medical supply system. It is also important to strengthen the governmental responsibility of the health care system.

15. Nevertheless, the Government has adopted policies to industrialize healthcare service in order to strengthen competitiveness and promote it as a growth engine. Exploiting medical service resources as a profit-making tool in a weak public healthcare environment may undermine the right to health and the current healthcare system.

6. Migration

16. Since last year, the Government has strengthened the apprehension of undocumented migrant workers. The apprehension process has been accompanied by excessive physical force, and has resulted in issue raising human rights violations. Undocumented migrant workers are currently being denied the right to organize a labour union. In addition, the current executives of the Migrant's Trade Union have become a target of investigation by the Government and have resulted in repeated deportation.

17. In 2006, more than 50% of marriage immigrant family's yearly income falls below the lowest cost of living standard. In 2008, it was found that 11,255 international

marriage couples, or 1 out of 3 couples, ended their marriage in divorce. There are many foreign women who marry into Korean families that endure domestic violence, poverty, unjust divorce, language barrier difficulty which cause discrimination and cultural isolation as a result leads to severe suffering and difficulty in the settlement to Korean society. The children of these migrant workers and foreign women are being reared in the most unfavourable environment due to the parent's low economic status and differences in learning language and culture.

18. Interest in a cultural diversity is on the rise and policy relating to the issue is continuously being developed. However, due to Korea's each governmental department being in competition to improve policy it is difficult say that an appropriate distribution of compensation and regional support is occurring. Foreign marriage women and their families, migrants categorized as nationals, legal aliens are usually the main point of subject in these policy's. However due to the details of the assimilation policy and the onetime events that is placed with a lot of weight, it is difficult to conclude that the efforts is gearing the protection of right to society and improvements.

B. CORE ISSUES

I. Social Security

1. Low Budget Rate for Social Security (187-188)¹

19. Even though governmental budget for ESCR has steadily increased during the last eighteen years, the level of protection of ESCR in the Republic of Korea is relatively lower than other developed welfare states. Dividing average income into market income and social income, the latter, comprising unemployment allowances, childcare subsidy, basic old-age pension, health insurance etc., constitutes only 7.9% in Korea compared to the 31.9% average of OECD countries. Diminishing job opportunities due to economics crisis poses a serious threat to Korean wagedworkers as they rely mostly on market income for their livelihood. Therefore, it is necessary to make vigorous effort to expand social welfare resources for enhancing social security level.

2. Increase of People in Poverty (194 and 196)

20. In regard to social welfare budgeting, there is an urgent need to solve the problem of blind-spots resulting from economic downturn and institutional loopholes. An estimated 1.6 million households are placed on health insurance suspension for not being able to pay the fees and almost half of local subscribers of the national pension system are exempt from the duty to subscribe. Only 40% of employed workers are covered by employment insurance as low wage and non-regular workers are excluded from the system. Seventeen percent (1 million) of the total population that is in poverty have been excluded from basic benefits such as livelihood subsidies, medical subsidies, and rehabilitation subsidies as a result of the stricter criteria to be eligible for benefits. The Government estimates that the population situated in various blind-spots to be around 3.4 million. The safety-nets established in response to the economic crisis are not sufficient for people who newly fell into the poverty and quasi poor class from experiencing further suffering.

¹ The numbers in the brackets hereafter refer to the paragraphs in the Replies by the Government of the Republic of Korea to the list of issues (E/C.12/KOR/Q/3).

II. Education and Children

1. Degradation of Public Education (50-54 and 285-289)

21. Through the free market the Government aims to improve the quality and reduce the cost of education by widening customer's choice and strengthen competition among schools emphasizing competition, liberalization and efficiency in its education policy. Paragraph 52 of the Government written replies states that Diverse High Schools project such as incorporating independent private schools intend to improve the quality of public education. However, the project unilaterally allows privileged students with high performance in their admission to the so-called "*Illyu Daehak* (privileged universities)" and therefore there is concern for the perpetuation of entrance exam competition and academic elitism, as well as increase in private education spending and education gap among classes.

22. The Government states that "[t]he near-100 percent retention rate of elementary or middle schools indicates that equal opportunity for education is provided in Korea." However, in 2005, the number of drop out reached 15,669 (0.8%) among middle school students and 23,567 (1.3%) among high school students. More detailed researches as well as concrete countermeasures need to be developed for the 30,000 or more children that annually drop out of school.

23. According the OECD *Education at a Glance 2009*, the level of private spending was the highest among member states. While the Government's expenditure for public education of 4.5% was lower than OECD average (4.9%), the private burden rate for public education spending of 2.9% was three times higher than OECD average (0.8%). High proportion of private spending reflects the lack of government support for education welfare. According to the Statistics Korea², the total spending for private education of primary and secondary students was estimated to reach 20.9 trillion KRW. In 1990 an average household spending for private education was 20,000 KRW for a monthly consumer spending of 670,000 KRW. However, by 2008 spending for private education steeply increased to 340,000 KRW for an average consumer spending of

² The Statistics Korea is a new name of the former National Statistical Office.

2,830,000 KRW. Moreover, private education spending gaps among social classes are huge as households with incomes higher than 7 million KRW spend 8.8 times more than households with incomes lower than 1 million KRW causing not only difference in immediate education opportunity but also social gap in eventual job opportunity. Paragraph 288 of the Government's replies notes that "it will be necessary to review the policy and national financial capacity to lessen education expenses borne by families from mid- and long-term perspectives." Taking into account the current private education expenses an immediate review of the public education policy is needed in order to improve the quality of public education.

2. Domestic Violence and the Rights of Child (198-202)

24. Domestic violence incidences are either handled as a criminal case or a family protection case. However, most of them are reviewed as a family protection case even in the case it is handled as a criminal case the prosecution rate is low and usually the offenders receive a suspension from prosecution on the condition that the offender receives counselling or endure a summary trial. Even though the prosecution rate is higher than total criminal case's average rate, it fails to reflect the characteristics of domestic violence. Majority of the prosecuted cases are even settled through fines. In 2008, 4,833 cases were sent to family court. Taking into account the fact that family protections cases take 4 to 5 months to proceed, it is questionable whether the protection of victims from further violence from offenders can be effective.

25. Suspension of prosecution on the condition of counselling has the advantage of a speedier proceeding than protection order procedures, but it should be limited to relatively light offences or cases where counselling is deemed to be effective. Family protection order should be adjudicated to cases that necessitate protection measures other than counselling. Serious and repeated domestic violence should be sanctioned through criminal punishment which in reality is relatively rare.

26. Fact-finding and securing evidence are difficult for cases of domestic violence as offences are usually covertly committed over a long period of time. The 2006 *UN Secretary-General's Study on Violence against Children* notes that laws established to fight violence against women are useless unless application and enforcement of the law is granted, and can be enhanced by gender sensitive training of law enforcement

officials, prosecutors and judges, as well as guidelines for adequate application of the law. Domestic violence is characterized by the special environment of family and can be a serious criminal action that can threaten lives, therefore law enforcement officers should be educated to understand its nature.

27. Child abuse preventing mechanisms as well as human resources are insufficient as 300 counsellors from 44 specialised institutions are in charge of follow up, rehabilitation, prevention, and indictment process for 10,490,534 (Statistic Korea 2008) children.

28. 80% of child abuse take place inside family environment but legal protection mechanism for children are slow and prosecution is possible only in case of serious after-effects. Moreover, there is neither a legal basis nor a professional organization for the rehabilitation and correction of offending parents, and awareness building efforts are limited.

29. Presidential Decree of the Primary and Secondary Education Act stipulates that "... alternative measures of discipline and admonition should be used, and no physical pain should be inflicted on students unless inevitable for educational purposes," leaving the possibility of corporal punishment and providing no systemic training for non-violent discipline methods. There is no institutionalized parents' education to change perception about corporal punishment, and courts leniently punish guardians in case of corporal punishment by tacitly recognizing its disciplinary value. More than half of the schools have not adopted any measure to oust corporal punishment.

30. Therefore, there is a need for comprehensive measures to improve current court system, designate professional institutions for counselling and rehabilitation, and revigorate education and awareness building in order to promptly protect child victims and correct perpetrating parents. Additionally, prohibition of corporal punishment need to be stipulated in legal terms and policies institutionalizing non-violent disciplinary measures training for teachers, parents, social workers and legal officials should be established.

III. Working Condition and Discrimination 1: General Issues

1. Labour Rights Threatened by Business Friendly Policies (170-171)

31. Government's policy orientation to increase labour flexibility and hence create a business-friendly environment takes the form of policies alleviating Labor Law provisions on the protection of workers.

32. The revision of the Non-regular Workers' Act that enables the extension of the employment period of non-regular workers is a good example of such policy. Government's correction order or unilateral termination of previous collective agreement in the public sector is threatening the business-pacific role of collective agreements concluded through the principle of labour-management self-regulation and is causing unnecessary conflicts.

33. On the other hand, in the name of a rise in employment proliferating policy that promotes unstable jobs is on the contrary becoming a concerning issue. The public sectors advancement plan linked to the public sector summed up a fixed reduction of man power. This instatement of this reduction introduced temporary employment, however it switched good quality regular employment jobs into low income non regular employment jobs and has caused a greater gap in polarity in the labour market.

34. Additionally, the readjustment of minimum wage assessment standard, the increase of temporary agency workers, the enforcement of prohibition of allowances to full-time trade union officials, the enforcement of unification of negotiation party in case of multiple trade unions, and the alleviation of laws limiting dismissal are further expected.

2. Excessive Application of Criminal Punishment Against Striking Workers (176-177)

35. Labour actions during trade disputes such as strike is in reality limited by the Criminal Code, the Assembly and Demonstration Act or the Punishment of Violence Act, even though the right to collective action is guaranteed under the Article 33 of the Constitution of the Republic of Korea.

36. The Ssangyong Cars trade union and management reached a dramatic agreement after 77 days of strike. However, the company and the Government detained 60 workers and filed a criminal lawsuit demanding reparation for injury and provisional seizure of a total of 5 billion KRW. International Labour Organisation (ILO) pointed out repeatedly the excessive legal measures targeting workers participating in strikes. The NHRCK explained in detail such practice in paragraph 121 and 125 of the report submitted to the Pre-sessional Working Group of the Committee in November 2008.

3. Limitation on the Rights to Assembly for the Construction Trade Union and Transportation Trade Union

37. The National Construction Trade Union and the National Transportation Trade Union received the Trade Union Registry Certificate from the Ministry of Labour in 2007. However, in 2009, the Ministry delivered a correction order to exclude cement-mixer drivers and dump truck drivers from the trade union according to the interpretation that economically dependent workers were not employees according to the Labour Law. The Ministry informed that the trade union would be illegalized if it did not follow the order. However, economically dependent workers are ‘disguised self-employed’ and *de-facto* dependent to third parties in providing labour, therefore need the protection of Labour Law. ILO indicated that also people with no employment relation, such as self-employed workers in general and those who practice liberal professions, had the right to enjoy freedom of association as much as other employed workers. The Government needs to explain its position toward the basic labour rights of economically dependent workers and its future prospects

4. Low Minimum Wage and Unproductive Dispute over Its Determination (127-129)

38. The importance and significance of minimum wage as legal protection mechanisms for the minimum living standard of low-income workers is ever growing as the net income of workers is decreasing due to the economic crisis and low income class are expected to suffer more.

39. The current minimum wage system that is determined through labour-management agreement has the potential of prolonging exhausting conflict among parties until

consensus is reached. Alternative systems such as setting minimum wage in proportion to the average wage of workers are being suggested.

40. Current minimum wage (4,000 KRW per hour, 836,000 KRW per month) is far below the average monthly living cost per household members (2 person household: 2,223,000 KRW, 3 person household: 2,890,000 KRW, 4 person household: 3,500,000) and insufficient to diminish income gap and achieve the goal of income redistribution for a decent living of all workers as provided in Article 7 (a) (ii) of the Covenant.

5. Introducing Different Minimum Wages by Region (130)

41. NHRCK commented that the draft amendments to the Minimum Wage Act proposed on 18 November 2008 introducing different minimum wages by region, expanding reduced minimum wage, and deducing lodging expenses from minimum wage calculation should be reconsidered as they contradict the purpose of minimum wage. The differentiation of minimum wages by region can violate Article 7 (non-discrimination) of the Covenant, undermine equality among workers in different regions, be irrelevant to a geographically small country like Korea, and cause concentration of labour force in areas with high minimum wage and create doughnut phenomenon in low minimum wage regions and hence aggravate disparity among regions.

IV. Working Condition and Discrimination 2: Discrimination against Non-regular Workers

1. Limitations on Non-regular Workers Job Training (111-114)

42. According to the Statistics Korea's Economic Active Population supplemental essay conducted in March of 2009, 8,411,000 of South Korea's wage earners or 52.3% are non regular workers (See [Table 1] in the Annex). It was found that their monthly earning was 124,000 KRW; this clearly presented a large gap between non-regular and regular workers whom earn a monthly salary of about 253,000 KRW a month (see [Table 2] in the Annex). In addition, employment insurance, social insurance, retirement allowance, vacation, overtime pay benefit only applied to 10-30% of non-regular workers, which is very low compared to regular employed workers (See [Table 3] in the

Annex).

43. Several systems supporting vocational competency development training for non-regular workers listed in Paragraphs 111 to 113 of the Government replies are based on the Employment Insurance Act. The systems cannot be applied to the workplaces and companies that are not joined the employment insurance. In reality that non-regular workers subscribing the employment insurance is merely 35.7%, the opportunity to receive training is very limited.

2. Limitations on Non-regular Workers' Complaint Rights to Discrimination Remedy (116-117)

44. Presently the remedy system for discrimination against non-regular workers allows individuals only to file complaints. However, considering the reality that complainants as individuals could be additionally victimized by some possible disadvantages (revoke renewal of license), it is very difficult for victims themselves to file. It is thus necessary to allow the labour unions to file.

45. The Act on the Protection of Fixed-Term and Part-Time Employees, and the Act on the Protection of Dispatched Workers (Non-regular Employment Law hereafter) that place a time of 2 year employment of non-regular employment to be changed to regular employment which protected detached workers and temporary contract workers is in reality being abused. Following an industry that changes the affiliation to provide workers it is necessary to regulate such actions.

3. Non-regular Worker Protection Weaken (119-120)

46. Government that is fast approaching the 2 year mark of the Non-regular Employment Law, is concerned that many corporations will rather terminate non-regular employment workers before the term. In response they are getting ready to submit a proposal to the National Assembly to extend the 2 year term to 4 years. However, this extension does not coincide with the legislation that is to prevent non-regular employment abuse and regular employment instatement. It actually escalates the concern of an increasing non regular employment.

47. Asides from the Ministry of Labor's concern over unemployment disturbance, the

Ministry this year 7.16-8.12 implemented on its own a nationwide surveyed 11,000 businesses that employed 5 people. The survey indicated that more than 60% during their time of employment, their employment was not terminated or contract terminated. This indicates that corporations prefer the switch from non regular worker to a regular change in order to maximize the skill that has already been acquired which eventually will elevate production.

48. Public sectors that are in the position of leading the private sectors in finding a solution with the non regular employment situation is rather going into the direction of terminating non regular employed workers. It is necessary for the Government to go back to the original meaning of the legislation of requiring non regular employment to change into regular employees encourage and aggressively instate a solution that will provide corporation support in implementing this law.

4. Non-regular Female Workers Maternity Protection Deficiency (124-125)

49. According to the Supplementary Survey to the Survey on the Economically Active Population (March 2009), 64.9% of women are non-regular employed. Due to the economical crisis the operation of corporations has weaken and usually non-regular employees are the most at risk of unemployment during these times. It was found that non-regular workers employment insurance enrolment was a mere 35.7%. 64.3% of those non-regular employed workers due to the un-enrolment to employment insurance are not eligible to receive benefits. Especially, women in pregnancy who are not enrolled in employment insurance are usually exposed to possible job termination. They are not eligible to receive maternity leave (30 days) benefits. There is a dire need to find a solution to this problem.

V. Working Condition and Discrimination 3: Discrimination against Women

1. Gender-Role Stereotypes (105-110)

50. At the Korean Institute for Gender Equality Promotion and Education is operating various gender equality education. However, it is not sufficient to improve the deeply

rooted notion of gender roles in the society. Even when fundamentally women are economically active there are gender-role stereotypes that it is the woman's duty to rear child, maintain housework, and take care of the sick and elders. The Government should also abruptly increase public child caring centres, which cover less than 10% of all centres. It is necessary that the Government places effort in implementing policy that will change the deeply rooted notion of gender roles. Along with this, it is necessary to promote awareness with public service announcements, education through media, and awareness education to the nation. The current administration is presently providing women employment training, in this training only low end jobs are being offered. This only instigates that the role of women is child rearing and housework. It is necessary to re-evaluate the basics of women employment policy.

2. Gender-based Wage Inequality (131-137)

51. The 2007 Basic Survey on Wage Structure released by the Ministry of Labor in March 2008 reveals that women's monthly pay averages 1.58 million KRW, which is merely 66.4% of men's monthly pay (2.38 million KRW), indicating a broad gender-based wage gap. Still, very few women workers file a complaint or lawsuit on gender-based wage discrimination to the competent authorities, including the Ministry of Labor, NHRCK and Courts, to seek remedies.

52. Until end-August of 2009, only 15 complaints were brought to the NHRCK in relation to gender-based wage discrimination. Similarly, there were only 54 complaints brought before the Ministry of Labor to claim the breach of the Equal Employment Act, which is a mere 4.8% of the entire complaints brought to the Ministry (1,149 cases).

53. The possible reason why only a few complaints have been filed to the competent authorities of discrimination remedies is that the affected workers are afraid that they might be victimized at work for having made such complaint and they are not confident that filing a complaint would resolve the wage discrimination.

3. Sexual Harassment at Work (138-153)

54. An analysis of the cases of sexual harassment at work that were brought to NHRCK for remedies shows that sexual harassment at work is more frequent in smaller workplaces; many cases involve physical or verbal harassment by middle managers and

employers; and in general the victims continue to be exposed to the harassment, being at a loss what to do to stop such harassment, or are forced to leave the workplace after having raised the problem. In this light, it is much more important to take proactive measures to prevent sexual harassment at work, than to provide reactive remedies for the victims.

55. Under the National Human Rights Commission Act, NHRCK is confined to the function of providing reactive remedies with regard to the cases of sexual harassment at work, while the Ministry of Gender Equality and the Ministry of Labor are responsible for preventive and proactive actions, respectively in the public sector and the private sector. The Ministry of Labor requires private companies to give regular employee education to prevent sexual harassment at work and report the outcomes of the education to the Ministry, but it seems that in many cases such education simply ends up in a formality. Therefore, the Ministry should direct more of its resources toward the activity of inspecting the company-based education to prevent sexual harassment at work.

56. Another important issue involved in sexual harassment at work is to prevent 'secondary victimization' against the victims of sexual harassment. Indeed, many victims complain that they faced a harsher suffering and damage after having made an official allegation that they had been sexually harassed at work. This discourages other victims from making any allegation: when a victim knows that many other victims suffered disadvantages just because they had filed a complaint on sexual harassment or made public their case, he/she would give up raising his/her problem. Furthermore, in reality, even when it is determined that a person has been sexually harassed at work by a competent authority, he/she would be victimized and be forced to leave the workplace. The Ministry of Labor and the Ministry of Gender Equality need to review the existing system of supervision and control to prevent sexual harassment at work and streamline the system.

VI. Housing and Standard Living

1. Insufficient Securing of the Rights to Housing (218-225)

57. According to the Population and Housing Census 2005, 2.06 million households (13% of the households surveyed) were living below minimum housing standards. The Government, in No. 218 of its Replies, outlining the meaning and elements of the minimum housing standards, mentions that such housing standards can be considered a significant reflection of 'the availability of services, materials, facilities and infrastructure', 'habitability', 'location' and 'cultural adequacy', among the elements mentioned in General Comment No.4 (on 'adequate housing') of the Committee. However, the number of the substandard households would be much larger if some of the facility criteria and the housing structure, performance and environment criteria, which were excluded from application in the Census on the ground that they were difficult to measure in an objective manner, are included.

58. The Housing Act in force provides that the Government may give preferential benefits to substandard households, for example, by providing houses or offering loans from the National Housing Fund. However, the ongoing Comprehensive Housing Plan (2003~2010) does not contain specific measures to minimize substandard households, as it was drawn up before the Government's obligation to set up minimum housing standards and work to reduce substandard households was written in law.

59. Almost all of the residentially disadvantaged households living in underground (semi-underground) houses, vinyl houses or single room occupancy hotels are below minimum housing standards. They suffer from: a substandard number of rooms in proportion to the number of household members; a substandard space available; poor requisite facilities including a separated stand-up kitchen, a flushing toilet and a bathing facility; and substandard conditions of housing structure, performance and environment, including susceptibility to disasters such as fires and floods and poor sound-resistance, ventilation and lighting. What is worse, those living in vinyl houses are usually denied an official address by their local governments and, accordingly, their right to basic livelihood and their children's right to education are not properly protected.

60. The fact that, as of 2005, approximately 2.06 million households were living in a residence which fails to meet the space criteria and the facility criteria included in the

minimum housing standards illustrates a low level of rights to housing protection in Korea. The Government should take positive actions to improve the human rights of substandard households, by introducing new concrete measures into the Comprehensive Housing Plan to fulfil its minimum core obligation to guarantee their right to live a decent life in the residential environment of minimum standards.

61. The Government should formulate and implement comprehensive policy measures to improve the human rights of substandard households, with a view to securing the right to adequate living.

2. Violation of the Rights to Housing during Gentrification (226-231)

62. Until now, the urban renewal projects, a gentrification, whose proper purpose is to improve the residential environment and expand the infrastructure to enhance the quality of life for the people in antiquated urban areas, have served as a means of maximizing profits of the private developers. The Government, in No. 226 of its Replies, mentions that 'it is making every effort to ensure that citizens have housing security by making it mandatory by law to build rental housing units, pay compensation for any business losses and cover residence relocation costs'. However, as is indicated in the fact that after the New Town Development projects are completed only 17% of the former residents would come back to the new apartments, the Government's actions have not brought substantial achievements. This poor performance is attributable to the limitations inherent in the urban renewal mechanism and the operational problems of the compensation system. First of all, the urban renewal projects were almost simultaneously carried out and were focused on building mid- and large-sized apartment houses, which pushed up the sales prices of the new houses, the housing destruction and loss rate and lease deposits, making it difficult for the residents in the neighbourhood to enjoy their right to adequate housing. Furthermore, even the legal and institutional measures originally intended to protect the rights to housing of those living in the affected areas have not been implemented properly. The consequence is that, in the course of urban renewal, the housing poor including small house owners and tenants are forced to leave their neighbourhood to find a cheaper house but with poorer conditions.

63. The Government has recently taken an action which is to the detriment of their protection. The Government mentions in No.231 of its Replies that it is required to provide "compensation for residence relocation costs under Article 54 of the

Enforcement Rule of the Act on the Acquisition of Land, etc. for Public Works and the Compensation". However, the Government revised the Enforcement Rules of the Urban and Living Environment Improvement Act in order to narrow the eligibility scope of the compensation for relocation costs available to tenants, citing an objective of preventing incidence of moral hazards, including fraudulent tenancy registration. This could make a large number of tenants ineligible to such compensation. Considering that more than 70% of the residents in the New Town Development areas are tenants, it is feared that the tenants might be relocated without being fully compensated.

64. NHRCK recommended in June 2009 that the Government, noting that the compensation for relocation costs was intended for social security purpose, should ensure that the rights and interests of tenants are fully guaranteed with regard to the compensation for relocation costs, in revising the Enforcement Rules. Nevertheless, the Government did not accommodate the NHRCK' submission and published the original version with no modifications as final in August 2009.

3. Forced Evictions and Forced Removal (235-238)

65. Forced removal and forced evictions in the course of urban renewal may take diverse forms: insufficient prior measures, forced demolition of a house where people are still living, physical clashes in the process of forced removal or forced removal at an inappropriate time. There occur physical clashes among the residents who are for and against the urban renewal project. It has been criticized that, with regard to these clashes, the competent authority which is responsible for preventing and restricting such violence is not active enough to perform its responsibilities. Meanwhile, the employees of security service providers are sometimes dispatched to the site of urban renewal to conduct forced evictions themselves, and this act might constitute a criminal offence as it is beyond the permitted business scope of security service providers defined in the Private Security Act. Some forced evictions and removal were carried out in the wintertime or at nighttime, increasing the likelihood that the human rights of the residents would be violated because of the untimeliness.

66. The Yongsan Tragedy of January 2009 is a good example of the ongoing problems involved in urban renewal in this country, including reckless actions for forced evictions and insufficient prior consultation and compensation. The tenants of store buildings in Yongsan who were subject to eviction staged a demonstration in protest against the

forced eviction and removal, claiming that they should be given a guarantee a right of business after the renewal project is completed. There were a pile of inflammable materials, including the containers of thinner and petroleum, at the site of demonstration, and the use of police force resulted in a big fire, leaving 5 tenants and 1 policeman dead. The Government has not taken any official measure so far to deal with this tragic accident, although some citizens were killed while the police force was in use. As of September 14, 2009, the bereft families have not held a funeral rite for the 5 dead people as yet and continued to demand apology and proper compensation from the Government. In the meantime, as the Government keeps refusing to publish the 2,400-page records of investigation, the court proceedings have not been in normal progress.

67. In order to ensure that human rights violation is minimized in the course of urban renewal, the relevant laws and regulations should provide for stricter requirements of advance actions for forced removal so that forced removal is used only as a last resort. For this purpose, it should be prescribed in law that no project of urban renewal is allowed unless advance actions, such as sufficient prior notification and temporary housing, are implemented in good faith. In addition, it is necessary to improve the related laws and regulations to prohibit forced removal in cases there are still residents living in the houses concerned or at an inappropriate time, such as wintertime or nighttime. Furthermore, with a view to protect the human rights of the residents in the course of urban renewal, the Government should ensure that public officials are sent to the site of forced eviction or forced removal to have a strict control over what happens there and that the police take proactive intervening actions to prevent the employees of private security service providers from violating the related law provisions by giving threats and exercising violence to the residents in the process of forced eviction or removal.

68. NHRCK, in a bid to prevent human rights violation of the residents subject to forced removal, made a recommendation to the Government in February 2009 on the fundamental principles that should be complied with when a forced eviction is conducted for an avoidable reason, and on how the principles could be incorporated in the laws and institutions. However, the Government has not implemented this recommendation as yet.

4. Lack of Information on the Situation of the Homeless (232-234)

69. The definition of homelessness includes the persons living in the streets, the shelters for the homeless, the facilities for vagabonds, unauthorized accommodating facilities, prayer houses, single room occupancy hotels, boarding places for examinees, and inns and motels and those with no known family members or friends living in other social welfare institutions (including those for persons with disabilities, women's refuge, nursing facilities). The number of homeless people depends on which definition is used. In the narrowest definition, the homeless merely include those living in the streets and the shelters for the homeless and are estimated to be about 5,000. If a broader definition is used to include those living in the facilities for vagabonds, the number of the homeless would increase to 12,000. Furthermore, in case the broadest definition is applied as the "Presidential Commission on Social Inclusion" did in 2005, the homeless people refer to the persons living in the streets, the shelters for the homeless, the facilities for vagabonds, unauthorized accommodating facilities, prayer houses, single room occupancy hotels, boarding places for examinees, and inns and motels and those with no known family members or friends living in other social welfare institutions, and the estimated number of the homeless is as many as 97,000. However, the research of the homeless in this country is simply confined to measuring the size of this group and there have been no significant research and studies to identify the features and the changing trends of the group.

70. At present, the Government's support for the homeless is focused on the institutionalized people, and there exist almost no measures to secure constant and stable housing for those living in the streets or temporary shelters to facilitate their social inclusion. Indeed, the temporary accommodations available to the homeless people who are completely deprived of a basis for living activities do not allow them to stay for long enough to help them secure a sound foundation for self-support. In fact, in not a few cases, homeless persons, after having left the shelter, failed to get themselves permanent housing and began to move one facility to another or chose to go back to a street life.

VII. Health

1. The Publicity of the Healthcare System Weaken (242-249)

71. The Government asserts that it will retain the current medical care system which is cantered around the NHI system. However, the policy orientation toward increasing the profitability thorough medical industrialization, without specific measures to reinforce the public interests of the health care system would likely aggravate the existing gap in the use of medical service and undermine utility of the NHI system.

72. In the healthcare system of Korea, the publicity and accessibility the medical care service have been successfully secured by operating the universal NHI system and allowing non-profit private organizations to provide medical service. Nevertheless, because private hospitals account for 90% of all hospitals, the public expenditure for medical care is low as indicated in the fact that the NHI fund covers a mere 64.6% of the total medical expenses spent by the public, and even the medical benefit recipients of classes 1 and 2 are required to pay 5-13% of the medical costs incurred, the people with serious illness, as well as the marginalized and disadvantaged, are burdened with high medical costs, which leads to inequality in the use of medical service. Accordingly, in order to guarantee people's right to health, the Government should formulate and implement policy measures to maintain the non-profit nature of medical service providers and to increase the Government's accountability for the health care finance system.

73. The Government is rather speeding up its activities to facilitate industrialization of the medical service sector which was first initiated in 2008. Although the Government insists that for-profit hospitals will be permitted only in Jeju Special Self-governing Province and special economic zones, it is feared that the permission will be spread over to other regional areas or, at least, their existence will have a substantial impact on the medical care system of other areas. In particular, given that the Government is working to introduce some institutional arrangements to promote profit-seeking activities by non-profit hospitals and stimulate private health insurance business, it is not unlikely that medical service will funnel into some wealthier patients, the general medical costs will go up, the NHI system will be weakened and the disadvantaged groups including persons with disabilities or a history of illness will be discriminated against.

74. While having taken no action to predict what impact the policies of medical industrialization would have on the publicity of the medical service, the Government is simply reiterating that there will be no discrimination in the access to medical service. The Government should come up with specific measures to ensure that *ex post facto* impact assessments are conducted in an objective manner before related Government policies are finalized. The process of collecting opinions from various social standings is a must in the course of implementing the policy measures.

2. Insufficient Measures for HIV/AIDS Prevention and Medical Assistance (256-264)

75. The Government has provided various education programs that focused on eliminating the spread of HIV/AIDS as well as the prevention of discrimination against those infected with HIV/AIDS. However, as such efforts of education and publicity are centralized on some “vulnerable groups,” it could give a misleading impression that HIV/AIDS is a disease with which only some particular groups of population are infected, and cause discrimination against the groups.

76. The AIDS Prevention Act in force expressly provides non-discrimination and privacy, but the personal information of those infected with AIDS is not fully protected in the procedures for reporting after anonymized medical examination and for providing financial assistance for medical treatment and living costs.

77. The Government controls inflow of the foreigners infected with HIV/AIDS, by not only forbidding the HIV/AIDS-infected foreigners to arrive in this country but also deporting the foreigners who are reported to have been infected with HIV/AIDS. However, the Government has not established any institutional system to support medical care service for a large number of HIV/AIDS-infected foreigners staying in this country, excluding foreign spouses of Korean nationals, recognized refugees and naturalization applicants.

78. The Government should review the target and contents of its publicity and education activities for prevention of the spread of HIV/AIDS and resolution of discrimination against HIV/AIDS patients, while working out the systems to protect personal information of HIV/AIDS patients, whether national or foreign, and provide them with medical assistance.

79. The Government, in Nos.263 and 264, gives a brief description on the AIDS treatment drugs available in this country; on why some of them are not reimbursable (for example, due to supply rejection by the manufacturers); and on the limited budget for medical fee assistance.

80. As the new drugs manufactured by multinational pharmaceuticals are usually high-priced or sometimes are not available in this country, those living with HIV/AIDS in Korea have a limited access to those new drugs. Within the framework of the NHI system in which patients can get a reimbursement for a drug only when it is included in the reimbursement list, it is not unusual that a drug manufacturer fails to reach agreement on sales prices in the negotiation with the Government and so gives up placing the drug on the reimbursement list or just refuses to supply the drug.

81. In particular, Roche had been withholding distribution of Fuzeon, an essential AIDS drug for the patients who have developed resistance to existing antiviral medicine, for four years on the ground that it couldn't settle for the sales price proposed by the Government. The Government didn't anything to address this situation. Some raised a need to enforce the distribution of the Roche-patent drug and filed an application for forced supply of Fuzeon before the Korea Intellectual Property Office, but the application was dismissed. At present, Roche is distributing Fuzeon free of charge, but the HIV/AIDS patients' access to the drug is still very unstable.

82. Therefore, the Government should take proactive measures, including forced supply of drugs, to ensure that the drugs which have not been in distribution within the country by the reason of no agreement on sales prices are made available to the domestic HIV/AIDS patients. In addition, it needs to work out specific subsidy programs to ensure that essential medical substances are offered to the patients at affordable prices on a temporary basis when an agreement on sales prices is not negotiated.

3. Lack of the Solutions to the Problems of Artificial Abortion (268-272)

83. In Korea, as artificial abortion is prohibited by law, it is difficult to get a clear picture on the exact status and scale of artificial abortion operations. *The Research on and Comprehensive Setup of Countermeasure against Artificial Abortions* published by the Ministry of Health and Welfare in 2005 shows that approximately 350,000 artificial

abortion operations were conducted in a year and unmarried women accounted for about 42%. However, it is estimated that the actual number of artificial abortions would be much larger: for instance, a Gallop poll estimated about 1,500,000 cases a year.

84. The key reason of the artificial abortions among the women between the ages of 20-24 is pre-marital pregnancies, considering that the average female age of marriage in Korea (according to the Statistics Korea) is 28.3 as of 2008. The artificial abortions of this age group has a particularly close relation with the absence of the systematic social support for unmarried mothers and the lack of preventive services, including subsidized contraception. Indeed, given the large number of new unmarried mothers (2,000~3,500 a year, according to the Ministry of Health and Welfare) and the high rate of artificial abortions among unmarried women, which is severely undermining the reproductive right of women, it is urgent to design and provide specialized services on sexual and reproductive affairs, especially, for women in their early twenties.

85. The target groups of the Government's initiative to 'conduct research on the status of reproductive health and to develop and distribute assistance programs including education' are middle and high school students and married women, and the college students or the women within the labour market who are in their twenties are left outside the public system of sexual and reproductive services. As for the juvenile sex education, some progress has been made by local governments (the 'Resource Centre for Young Women' run by Seoul City and the 'Aha Sexuality Education & Counselling Centre for Youth') in developing sex education programs, training instructors of sex education and including requisite hours of sex education in the middle and high school curricular. Still, the women in their twenties remain as a blind spot, not being included from the coverage of the juvenile sex education policy.

86. In the current campaigns to prevent artificial abortions, the focus is usually given to the respect for life, rather than women's reproductive rights (the rights to healthy and safe pregnancy, childbirth and child rearing), mostly under the leadership of the religious community, resulting in a stronger sense of guilt on women's part. Accordingly, these campaigns need to be replaced with the ones about women's reproductive rights from a gender-sensitive perspective.

VIII. Migrants and Refugees

1. Human Rights of the Foreigners Living in Korea (91-92)

87. The purpose of the Act on the Treatment of Foreigners in Korea is to facilitate foreigners' adaptation to the Korean society and create a social environment for mutual understanding and respect between Korean nationals and foreigners. This Act contains fundamental but abstract provisions, including the ones that obligate the Government to formulate policies about the foreigners living in Korea and endeavour to improve their treatment. However, the definition of the term 'foreigners living in Korea' in the Act, unlike its ordinary meaning, excludes undocumented foreigners, and there are no specific provisions about the enjoyment of the economic, social and cultural rights by "non-nationals". In this light, the Government's Replies need to clarify further on how the rights of 'non-nationals' are protected under individual laws and institutions.

2. Deportation of Migrant Workers and Poor Conditions in Detention Centres (183-186 and 239-241)

88. The Immigration Control Act in force requires that when a responsible public official detects an offender of any immigration regulation while in performing his/her duties he/she should report it to the jurisdictional immigration office without delay. This requirement impedes the remedies for undocumented foreigners, including settlement of unpaid wages. In response, NHRCK recommended on the 20th of February 2003 that 'the reporting obligation of the public officials responsible for the work of rights remedies of foreign workers should be relaxed and the minimum procedures for rights remedies should be offered lawfully even to undocumented foreigners. Similar recommendations were made later on several occasions.

89. The Ministry of Labor established the 'guidelines on handling the complaints by foreigners' and had taken a 'remedies first, reports later' approach so that undocumented foreigners would be reported to the immigration office once their remedial procedures, including the one to settle unpaid wage, are completed. But these guidelines were repealed in June 2008, raising concerns that the Government is paying less attention to protection of the rights of undocumented foreigners.

90. When the deportation of the three executives of the Migrant Workers' Union on the

13th of December 2007, NHRCK was already conducting an investigation based on the complaint received on the 27th of November 2007. The Ministry of Justice deported the three union leaders at the same time, without giving any advance notice to NHRCK. In this regard, NHRCK immediately expressed regret at the action by the Ministry of Justice which disturbed the process of investigation by NHRCK about the complaint received.

91. There is a recent case which has raised concerns about the right to organize of migrant workers. Ninety one migrant workers submitted a statement of the establishment of the "Union of Migrant Workers in Seoul, Gyeonggi and Incheon", for which the head of the Seoul Regional Labor Office (SRLO) required supplementary documents for the establishment. The applicants failed to meet the requirement, and the SRLO head turned down the statement on the 3rd of June 2006, on the ground that the Union is largely composed of "illegal" foreigners not qualified to work. Then, the Union filed a suit calling for cancellation of the turn-down decision but the court of first instance dismissed the Union's application, ruling that the decision of the SRLO was legitimate. In contrast, the Seoul High Court, the court of second instance, revoked the earlier ruling and invalidated the SRLO decision to turn down the establishment statement. Currently, this case is pending in the Supreme Court.

92. The Government's Replies in this regard are simply about 'the hygiene management of the collective food service facilities', 'overcrowding' and 'fire-fighting facilities', but do not contain any information on the restrictions of personal liberty ("threats to their physical security" in the Question) within the detention centre, which is one of the critical questions regarding "the conditions within the detention facilities.

93. Currently, a protection facility for foreigners has a "protection zone", mobility in and out of which is strictly controlled. The protection zone has a separate iron-barred "room" in which the foreigners accommodated should stay even when they have a meal. In 2007 when there was a fire in Yeosu Immigration Office that left 10 foreigners dead, it was criticized that a protection facility which should serve as a processing centre for the foreigners awaiting deportation was being operated in a similar way to a detention centre. However, little progress has been made in terms of facilities and treatment. At this juncture, the Government should provide detailed information on whether there is any legal foundation to justify the operation of protection facilities in a similar way to detention centres and on whether it has a plan to improve the operational mechanism.

94. Additionally, the Government should give accurate data on the status of the protection facilities for migrant workers throughout the country. In particular, it should provide detailed information on the status of the protection facilities with no playground, on allocation of physicians within a protection facility and on the space occupied per person within a room.

3. Low Rate of Refugee Recognition and Lack of Protections for Refugees (160-161)

95. On the 12th of June 2006, NHRCK made following recommendations on policy improvements for protection of refugees' human rights which calls on the Government: firstly, to make the refugee recognition process more accessible to applicants for the refugee status; secondly, to increase the number of public officials responsible for refugee affairs to ensure that the ever-growing work involved refugee recognition is performed in a smooth and specialized manner; thirdly to establish a legal foundation for refugee recognition agencies, guaranteeing operational independence for both the first-review and the second-review agencies; and fourthly and finally to secure the rights of refugee applicants to make a statement in the appeal process and inspect the information related to the dismissal of his/her application, giving details on the reason of such dismissal. The Government is advised to accept these recommendations.

96. As is specified in the recommendation above, the Government should take actions to ensure that recognized refugees are eligible for the benefits under the National Basic Livelihood Security Act are covered by the National Pension Plan and are eligible for a lump-sum refund under the Plan; are eligible for medical benefits under the Medical Act; and are also eligible for welfare benefits under the Emergency Welfare Assistance Act.

[Appendix]

Statistics on Non-regular Work

[Table 1] The size of non-regular workforce

		No. of workers (in 1000 persons)					Proportion (in %)				
		Mar. 2007	Aug. 2007	Mar. 2008	Aug. 2008	Mar. 2009	Mar. 2007	Aug. 2007	Mar. 2008	Aug. 2008	Mar. 2009
Wage workers		15,731	15,882	15,994	16,104	16,076	100.0	100.0	100.0	100.0	100.0
Regular		6,946	7,268	7,414	7,707	7,665	44.2	45.8	46.4	47.9	47.7
Non-regular		8,785	8,614	8,580	8,397	8,411	55.8	54.2	53.6	52.1	52.3
Contract-based	Casual	8,623	8,431	8,338	8,225	8,279	54.8	53.1	52.1	51.1	51.5
	Long-term casual	5,071	4,983	4,941	4,868	4,726	32.2	31.4	30.9	30.2	29.4
	Temporary	3,552	3,448	3,396	3,357	3,552	22.6	21.7	21.2	20.8	22.1
Hours of work	Part-time	1,231	1,202	1,301	1,229	1,317	7.8	7.6	8.1	7.6	8.2
Method of labor supply	On-call	914	846	940	818	854	5.8	5.3	5.9	5.1	5.3
	Special	643	635	602	595	632	4.1	4.0	3.8	3.7	3.9
	Dispatched	175	175	172	139	131	1.1	1.1	1.1	0.9	0.8
	Subcontracted	584	592	617	641	575	3.7	3.7	3.9	4.0	3.6
	Domestic	154	125	151	65	69	1.0	0.8	0.9	0.4	0.4

Source: Statistics Korea, Supplement to the Economically Active Population Survey; Yu-Son Kim, The Scale and Status of Non-regular Work in 2009

[Table 2] Average monthly wages, by year and by employment status, and the wage gap
(regular worker wage=100)

	Amount (in10,000 KRW)					Wage gap (in %)				
	Mar. 2007	Aus. 2007	Mar. 2008	Aug. 2008	Mar. 2009	Mar. 2007	Aug. 2007	Mar. 2008	Aug. 2008	Mar. 2009
Wage worker	172	175	181	185	185	72.4	72.9	73.4	73.9	73.2
Regular	238	239	247	250	253	100	100	100.0	100	100
Non-regular	120	120	124	125	124	50.5	50.1	50.3	49.9	48.9
Casual	120	119	123	124	123	50.4	49.9	50.0	49.7	48.7
Long-term casual	112	112	114	117	113	46.9	46.8	46.3	46.7	44.7
Temporary	132	130	137	135	136	55.2	54.4	55.3	54	53.9
Part-time	54	56	56	57	56	22.7	23.4	22.6	23	22
On-call	89	89	90	98	87	37.5	37.3	36.5	39.4	34.3
Special	136	142	162	155	146	57.2	59.4	65.7	62.2	57.5
Dispatched	133	134	148	147	143	55.6	56.1	60.0	59	56.6
Subcontracted	101	102	114	108	108	42.5	42.8	46.3	43.3	42.7
Domestic	60	57	73	49	55	25	23.8	29.6	19.5	21.9

Source: Statistics Korea, Supplement to the Economically Active Population Survey; Yu-Son Kim, The Scale and Status of Non-regular Work in 2009

[Table 3] Coverage of social insurances and working conditions, by employment status
(as of March 2009, %)

	National Pension	Health Insurance	Employment Insurance	Retirement pay	Bonus	Overtime pay	Paid leave	5-day workweek	Written contract of employment
Wage worker	64.9	66.6	57.9	62.2	57.8	43.1	54.1	48.3	48.1
Regular	98.1	98.7	82.2	99.3	97.4	75.0	90.1	68.3	61.2
Non-regular	34.7	37.5	35.7	28.4	21.7	14.1	21.3	30.2	36.1
Casual	33.8	36.5	34.8	27.2	20.6	13.2	20.3	29.7	35.5
Long-term casual	20.2	21.4	20.9	12.4	8.6	3.4	6.8	18.2	17.6
Temporary	51.8	56.5	53.2	47.0	36.5	26.4	38.2	45.1	59.3
Part-time	6.7	6.9	7.3	4.2	3.9	2.4	2.8	18.6	20.2
On-call	0.4	0.5	3.0	0.1	0.3	1.3	0.0	1.0	3.8
Special	6.7	7.6	7.8	4.2	3.5	1.5	3.1	46.7	36.7
Dispatched	72.5	75.0	74.1	71.8	52.4	43.8	59.8	57.8	74.1
Subcontracted	60.2	79.5	68.6	69.5	39.9	27.9	42.7	38.6	77.3
Domestic	5.3	6.4	4.4	5.3	4.8	1.6	3.8	2.4	6.3

Source: Statistics Korea, Supplement to the Economically Active Population Survey; Yu-Son Kim, The Scale and Status of Non-regular Work in 2009

[Table 4] Actions on maturity of the employment contract (June-July 2009)

Classification ¹⁾	Workers with a matured contract		Converted to regular work ²⁾	Termination of the contract ³⁾		Others ⁴⁾		
Jul-09	19,760	-100	7,276	-36.8	7,320	-37	5,164	-26.1
Jun-09	53,500	-100	20,735	-38.8	16,331	-30.5	16,434	-30.7

Source: A Survey by Ministry of Labor (July-Aug of 2009)

- 1) Those classed for 'June 2009' refers to the workers with a service period of 2 years or longer and whose contract expired in June 2009; and those classed for 'July 2009' refers to the workers with a service period of 2 years or longer starting after the Act took effect and whose contract expired in July 2009.
- 2) Includes both i) the persons who signed an indefinite-term contract with better conditions and more opportunities of job promotion and ii) the persons who signed an indefinite-term contract with no improvement in treatment.
- 3) Means the termination of the fixed-term contract.
- 4) Includes the cases when 'another fixed-term contract was made', 'the fixed-term job was retained irrespective of the law provisions' and 'no specific measure was taken'. Under the Act in force, the workers in these cases shall be all treated as becoming a regular worker.