



Human Rights Council
Working Group on the Universal Periodic Review
Forty-second session
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Summary of stakeholders' submissions on the Republic of Korea*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.¹ It is a summary of 27 stakeholders' submissions² for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The National Human Rights Commission of the Republic of Korea (NHRCK) recommended the ratification of ICRMW³, ICPPED⁴, ICCPR-OP2⁵, OP-CAT⁶, OP-ICESCR, OP-CRC-IC⁷ and OP-CRPD.⁸

3. NHRCK stated that recommendations from human rights treaty bodies, particularly decisions of those bodies on individual complaints had not been fully implemented.⁹

4. Four anti-discrimination bills have been pending before the National Assembly. NHRCK recommended enacting the proposed Equality Act, prohibiting discrimination based on sexual orientation, gender identity and other grounds in all spheres of life.¹⁰

5. During the presidential campaign in 2021–2022, the Korean society witnessed the escalation of gender conflict, including hatred and violent expression against women, and controversy over the abolition of the Ministry of Gender Equality and Family.¹¹

6. NHRCK recommended that the authorities consider abolishing the capital punishment and introducing alternatives to death penalty.¹²

7. NHRCK recommended that the authorities review the protection and prevention mechanisms on sexual violence in the military and prevent retaliation against those who

* The present document is being issued without formal editing.



reported sexual violence, and prevent suicide in the military, paying attention to the identification of the root causes of suicide.¹³

8. NHRCK recommended reducing overcrowding in correctional facilities.¹⁴

9. NHRCK recommended ensuring the rights to justice and remedies for victims of sexual slavery by the military of a foreign country (comfort women).¹⁵

10. NHRCK recommended preventing big data-based artificial intelligence from causing human rights violation and discrimination.¹⁶

11. Under Article 83(3) of the Telecommunications Business Act, courts and investigative agencies might request telecommunications business operators to provide communications data without a warrant, in order to conduct an investigation or trial. However, the scope and extent of requests were broad, and a proper system of a control over such procedures did not exist. NHRCK recommended introducing control systems and procedures to prevent an arbitrary use of the information obtained from telecommunications business operators by investigative agencies.¹⁷

12. The domestic legislation prohibited public officials and teachers from engaging in political activities, including the expression of political views, membership of political parties, and campaigning in elections. NHRCK recommended revising relevant laws to eliminate excessive restrictions on the political freedom of public officials and teachers.¹⁸

13. NHRCK recommended reducing gaps in the working conditions of different types of employment, and guaranteeing the labour rights to employees in new forms of employment, including platform workers. It recommended expanding the scope of the application of the Serious Accidents Punishment Act to safeguard the lives and safety of workers and citizens effectively, and enhancing the effectiveness of the law through its stricter enforcement when industrial accidents occur.¹⁹

14. NHRCK recommended establishing an integrated response system for climate risks and developing action plans to protect the rights of persons vulnerable to climate risks.²⁰

15. NHRCK recommended the provision of access to safe abortion, including insurance coverage of abortion.²¹

16. NHRCK recommended strengthening legislative measures and financial support to enhance the access of persons with disabilities to public transportation and facilities.²² It recommended minimizing the involuntary hospitalization of persons with mental illnesses, and establishing community-based system for mental health and treatment.²³

17. NHRCK recommended reducing excessive restrictions on migrant workers to change their workplace, and preventing human rights violations in immigration detention facilities.²⁴

18. Noting a low refugee recognition rate and the absence of an appeal process for rejected applications for refugee status, NHRCK recommended increasing the fairness of refugee status determination to guarantee the rights of refugees set forth in the Convention Relating to the Status of Refugees and the Refugee Act, and establishing appeals procedures by an independent body for rejected applications.²⁵

III. Information provided by other stakeholders

A. Scope of international obligations²⁶ and cooperation with human rights mechanisms

19. It was recommended that the authorities ratify the 1961 Convention on the Reduction of Statelessness²⁷, the Convention No. 105 of the International Labour Organisation (ILO)²⁸, and the Amendments to the Rome Statute of the International Criminal Court.²⁹

20. JS14 recommended the withdrawal of reservations on the Article 22 of the ICCPR.³⁰

21. ICAN called upon the State to sign and ratify the Treaty on the Prohibition of Nuclear Weapons.³¹

B. National human rights framework

Institutional infrastructure and policy measures

22. JS7 stated that the authorities should expand human resources and budget of the National Human Rights Commission of the Republic of Korea, and revise the Act on the Commission to establish an independent selection committee in order to implement the recommendations of Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions. The independence of the Commission should be respected.³²

C. Promotion and protection of human rights

1. Implementation of international human rights obligations, taking into account applicable international humanitarian law

Equality and non-discrimination

23. JS2, JS6 and JS7 noted the failure of adopting a comprehensive anti-discrimination act since 2007.³³ AI recommended enacting comprehensive anti-discrimination legislation prohibiting discrimination based on, among others, sexual orientation, gender identity, expression and sex characteristics.³⁴

24. HRW reported on discrimination against women, LGBT persons, children, persons with disabilities³⁵, and older persons as well as against racial or ethnic minorities.³⁶ Access to justice of those groups were limited.³⁷

25. JS6 reported on exclusion of and discrimination against people living with HIV/AIDS at medical institutions. Cases of refusal to examine and treat them owing to concern for HIV infection have continued to occur.³⁸ Discrimination against and violations of the rights of people living with HIV/AIDS in detention facilities had occurred. HIV-positive inmates were reportedly kept in solitary confinement and their seropositive status were disclosed by prison officers.³⁹ JS6 recommended preventing the infringement of the right to health and discrimination against people living with HIV/AIDS, especially those in detention facilities. JS6 recommended abolishing the criminalization of potential HIV transmission by repealing Article 19 of Prevention of Acquired Immunodeficiency Syndrome Act.⁴⁰

Right to life, liberty and security of person, and freedom from torture

26. AI stated that death sentences continued to be imposed although no executions had been carried out since 1997.⁴¹ JS13 and JS8 noted a brief submitted by the Government in 2021 to the Constitutional Court regarding a death-penalty case, arguing for the retention of the death penalty.⁴² AI recommended commuting all death sentences without delay to terms of imprisonment and adopting legislative measures to fully abolish the death penalty.⁴³

27. JS3 noted that the State's defense policy included nuclear deterrence undertaken in cooperation with a foreign country and provided for the possibility of a use of nuclear weapons in retaliation against a nuclear attack and the first use against an adversary in an armed conflict.⁴⁴ JS3 recommended that the authorities announce a policy to relinquish its reliance on the first-use of nuclear weapons and propose regional negotiations for a North-East Asia nuclear-weapon-free zone in order to phase out reliance on nuclear deterrence without reducing national or regional security.⁴⁵

28. Reporting on cases of violence and death in the military, JS8 stated that the Government should ensure full investigation of such cases, punish perpetrators and responsible officers, and provide adequate assistance to the victims and their families.⁴⁶

29. JS8 stated that the Government should take measures to define torture and cruel and inhumane treatment or punishment as a crime, exclude the application of statutes of limitations for such crimes, and provide psychological support to the victims and ensure their right to reparation.⁴⁷

30. JUBILEE noted reports that many defectors from the neighbouring country suffered from social stigma, mistreatment, and discrimination.⁴⁸ JS13 stated that they were at risk of

serious human rights violations such as prolonged administrative detention and torture, and forced repatriation to their country, and were not afforded the due process, including the right to an attorney and to be brought before a judge to assess the legality of the detention.⁴⁹

Administration of justice, including impunity, and the rule of law

31. JS8 stated that the Government should ensure that solitary confinement remains an exceptional measure of last resort and applied for a duration that does not exceed 15 days.⁵⁰

32. JS4 reported on unresolved cases of victims of sexual slavery by a military of a foreign country prior to and during the Second World War (comfort-women), including the Government's failure to fulfil the victims' right to justice and reparation.⁵¹ AI recommended that the Government refrain from allowing the invocation of procedural hurdles hampering efforts of comfort-women survivors and their families to obtain full and effective reparation through justice procedures and work with the foreign country and other affected countries to ensure that effective systems are put in place to implement reparation measures for survivors, taking into account their views and needs.⁵²

33. JS13 noted unresolved cases of enforced disappearances, including since the Korean War and decades-long authoritarian rule, as well as abduction of civilians and internment of prisoners of war by the neighbouring country.⁵³ Similarly, KPRC and NKHR reported on cases of abductions and enforced disappearance of the citizens of the Republic of Korea during and after the Korean War.⁵⁴ NKHR observed that numerous victims of enforced disappearance have remained in detention in the neighbouring country and that approximately 90,000 prisoners of war have been enslaved in various mining zones.⁵⁵ KPRC noted a lack of adequate efforts of the Government to investigate the cases of enforced disappearances by the neighbouring country.⁵⁶ NKHR observed that the Government neither asked for repatriation of its citizens, nor had used the term "abductees" during negotiations with the neighbouring country to avoid confrontation. NKHR explained that victims' family members have had limited access to information and documentation already revealed because of government restrictions on disclosure of information based on national security or privacy. The Government has classified the victims of abduction and their families as separated families, not victims of enforced disappearances.⁵⁷

34. NKHR stated that the Government must adopt a comprehensive legal framework, and national program to provide full and effective reparation, encompassing measures of compensation, rehabilitation, restitution and satisfaction. NKHR recommended establishing a specialized crime unit and an independent unit with a centralized information system to provide access to truth, accountability and reparation to its citizens.⁵⁸

Fundamental freedoms

35. IFOR and CPTI noted that the Constitutional Court ruled in 2018 that the failure to offer alternative civilian service to conscientious objectors was unconstitutional. Likewise, the Supreme Court held that moral and religious beliefs were valid reasons to object to military service.⁵⁹ IFOR, CPTI, JS1 and AI reported on the adoption of legislation on alternative service to mandatory military service for conscientious objectors in December 2019.⁶⁰

36. AI stated that the legislation, however, still violated the right to freedom of thought, conscience and religion or belief because it imposed unreasonable and excessive burdens on conscientious objectors. It stipulated a disproportionate length of the alternative service – 36 months, compared to 21 or 18 months for military service, and provided that military authorities shall administer the alternative service.⁶¹ CPTI reported that the procedures for assignment to alternative service were to be suspended in a time of general mobilisation.⁶²

37. IFOR stated that the alternative civilian service was performed in prisons or other correctional facilities.⁶³ JS1 explained that because alternative service was restricted to correctional facilities, only 1,600 of the approximately 3,200 applicants could be accommodated by 2023.⁶⁴ IFOR highlighted that the alternative civilian service performed in prisons and correctional facilities might not be compatible with conscience reasons of certain individuals objecting military service and that certain conscientious objectors still faced

imprisonment.⁶⁵ JS1 concluded that the State had not yet provided a genuinely non-punitive civilian alternative service, meeting international human rights standards.⁶⁶

38. AI recommended that the Government make provisions for conscientious objectors to carry out an appropriate alternative and non-punitive service of a genuinely civilian character and of a comparable length to military service with any additional length based on reasonable and objective criteria.⁶⁷ IFOR recommended that the Government place the assessment of applications for conscientious objector status under the full control of civilian authorities, and release all conscientious objectors from prison, cease the prosecution, imprisonment and criminalization of all conscientious objectors, and provide effective remedy, including adequate reparations, to all conscientious objectors who have suffered violations of human rights.⁶⁸

39. HRW stated that the Government continued to use criminal defamation laws and sweeping intelligence and national security laws to restrict speech.⁶⁹ HRW recommended that the State revoke all criminal defamation laws and ensure its civil defamation and criminal incitement laws are written and implemented in a manner that provide protections for freedom of expression.⁷⁰

40. AI recommended that the authorities repeal, review or amend the National Security Act, in particular its Article 7, so that it complies with international human rights law and standards. This law should not be used to harass, intimidate, arrest or prosecute those who are lawfully exercising their rights to freedom of opinion and expression.⁷¹

41. JS14 stated that the Government did not bring the Assembly and Demonstration Act and Criminal Code in compliance with article 21 of the ICCPR during the reporting period.⁷² AI recommended amending the Assembly and Demonstration Act to bring it in line with international human rights law.⁷³

42. JS7 reported that the Government has imposed excessive restrictions on the right to peaceful assembly since the outbreak of COVID-19.⁷⁴ JS14 noted the adoption of the Infectious Disease Control and Prevention Act that conferred powers to the administrative authorities to put a broad ban on public assemblies and impose disproportionate criminal sanctions for violations without a check-and-balance mechanism.⁷⁵ AI reported that after the outbreak of the Covid-19 pandemic, bans on assemblies for the purpose of preventing infectious diseases were arbitrary and disproportionate.⁷⁶

43. AI recommended ensuring that measures that restrict the freedom of peaceful assembly for reasons such as prevention of infectious diseases comply with international human rights law and standards.⁷⁷ JS7 stated that Article 49(1) of the Infection Disease Control and Prevention Act should be amended so that the restrictions on basic rights can be imposed only through clear grounds and appropriate procedures.⁷⁸

44. JS14 and JS9 stated that public officials, school teachers and employees in public institutions and cooperatives were banned from freely joining a political party or political organization, and from freely expressing political opinions with punitive sanctions under several laws.⁷⁹ JS14 recommended ensuring the right to freely associate and free expression of political opinions of public officials who are not employed in state administration, teachers, and employees in public institutes and cooperatives by repealing the laws that restrict access to those rights.⁸⁰

Right to privacy

45. HRW recommended that the authorities better define the offenses subject to surveillance by the National Intelligence Service (NIS), and limit the scope of the work of the NIS, linking it closely to countering serious external security threats.⁸¹

46. JS7 stated that the authorities should provide adequate safeguards to ensure the right to privacy during infectious disease situations and improve the infectious disease-related legislation that infringes the right to privacy.⁸²

Prohibition of all forms of slavery, including trafficking in persons

47. JS10 stated that the legal definition of human trafficking was narrow. Thus, perpetrators of crimes falling under the definition of human trafficking in the Palermo Protocol had not been prosecuted and punished. The legislation did not provide for adequate punishment for the crime of human trafficking. Investigative agencies and immigration officials had not been able to identify effectively victims of human trafficking, and victims have been detained in immigration detention centres and forcibly deported instead of receiving protection.⁸³

48. JS14 noted that several provisions in domestic laws provided for imprisonment with forced and compulsory labour for various offences. JS14 recommended that the State review and amend those legal provisions imposing imprisonment with labour in conformity with ILO Convention No.105, in consultation with trade unions.⁸⁴

Right to work and to just and favourable conditions of work

49. JS12 stated that the Labour Standards Act did not apply to more than 60 percent of workplaces as its key provisions, including on payments for overtime work and paid annual leave, covered only business or workplaces with five and more regular employees.⁸⁵ JS14 recommended repealing Articles 11 and 18(3) of the Labour Standards Act to ensure all workers, regardless of form of employment, are entitled to the same labour protection.⁸⁶

50. JS14 stated that a narrow definition of employee in the Trade Union and Labour Relations Adjustment Act excluded the growing number of non-regular workers, and other forms of disguised employment. The size of non-standard forms of employment has amounted to 61.65 percent of the total workforce in 2021.⁸⁷ JS14 recommended repealing Article 2(1), Article 23(1), Articles 12 (1)–(3) of the Act, and amending the Act in conformity with the recommendations of the ILO. The Government should consult trade unions on regularization policies to close the gaps in the employment conditions and right to collective bargaining between non-regular and regular workers.⁸⁸

Right to an adequate standard of living

51. JS10 state that the Government should expand the supply of long-term public rental housing so vulnerable groups can afford to pay housing rent, and revise the Housing Lease Protection Act to strengthen the protection of tenants. The Government should introduce housing strategies to end homelessness and reduce informal settlements and substandard houses that do not meet minimum housing standards. The state housing policy should include migrant workers and youths among its targets.⁸⁹

Right to health

52. JS12 noted that the rate of public health insurance coverage was 65.3 percent, which was lower than the OECD average of 80 percent. JS12 recommended the expansion of the public health insurance coverage.⁹⁰

53. JS7 stated that during COVID-19 pandemic, health inequities deepened because needs of social minorities, including persons with disabilities, migrant workers, and homeless people had not been considered. Mass infections had occurred in institutions where persons with disabilities lived. Measures of testing and treatment for people living in inadequate housing or homeless people had been insufficient. Financial support did not cover migrant workers and homeless people.⁹¹

54. JS2 stated that the Constitutional Court ruled, in 2019, that the criminalisation of abortion by the Criminal Code was unconstitutional and called on the National Assembly to revise anti-abortion provisions by 31 December 2020. As the National Assembly failed to adopt bills revising the anti-abortion provisions, Article 269 Paragraph 1 and Article 270 Paragraph 1 of the Criminal Code became null and void in January 2021.⁹² HRW noted that due to the legislature's failure to act to implement the court ruling, there remained little clarity on how, when, or where an abortion can be obtained.⁹³

55. AI recommended reforming the Criminal Act and ensuring universal access to safe and legal abortion.⁹⁴ JS2 recommended that the authorities design and implement policies

and programmes with adequate budget to provide safe, accessible, and quality abortion services to all women.⁹⁵ HRW recommended providing information about sexual and reproductive health and rights, including abortion, to the public.⁹⁶

Right to education

56. HRW stated that children with Korean citizenship have a right to nine years of compulsory education. It observed, however, that access to education was discriminatory. Although migrant children might have the right to attend school, they did not benefit from compulsory education. Children with disabilities faced difficulties obtaining an education.⁹⁷ HRW recommended ensuring all children have a right to free and compulsory primary education, and access to education on a non-discriminatory basis.⁹⁸

57. HRW noted that in schools, LGBT children and young people experienced isolation and mistreatment including bullying and harassment, a lack of confidential mental health support, and discrimination based on gender identity.⁹⁹ JS6 recommended ensuring that LGBTI youth are free from discrimination and bullying in schools.¹⁰⁰

58. HRW recommended conducting a major reform of the sexuality education curriculum to remove gender stereotypes, provide scientific information about healthy sexuality and include inclusive teaching about consent, gender-based violence and healthy relationships.¹⁰¹ It recommended redesigning the national sexuality education curriculum to include materials about sexual orientations and gender identities and objective information on prevention and treatment for HIV and other sexually transmitted diseases.¹⁰²

Development, the environment, and business and human rights

59. JS11 stated there was no strategy to implement a human rights based approach to international development cooperation projects.¹⁰³

60. AI stated that the emissions reduction target of the State was far below the minimum required level to keep the global temperature rise below 1.5°C. The reduction plan was still evaluated as highly insufficient.¹⁰⁴ JS11 stated that the Government continued to build coal power plants at home and abroad.¹⁰⁵

61. JS12 reported on an absence of laws that mandate companies to conduct compulsory human rights and environmental due diligence in their supply chains. The government should enact laws to make human rights and environmental due diligence mandatory for Korean companies, including government-funded overseas development projects. Additionally, it is necessary to prepare comprehensive measures to respond to human rights violations and environmental destruction by Korean companies operating overseas.¹⁰⁶

2. Rights of specific persons or groups

Women

62. JS2 stated that women and girls continued to experience structural and systemic inequalities and discrimination, which have been rooted in the patriarchal social norms of the society.¹⁰⁷ JS2 and AI recommended promoting gender equality, including by eliminating the drivers of discrimination against women, such as harmful gender stereotypes.¹⁰⁸

63. JS2 stated that women experienced gender-based discrimination in political domains. In the Parliament, women hold just 57 seats (19 percent) out of 300, which is more women in Parliament than ever before.¹⁰⁹

64. JS11 and JS2 reported on existing discrimination against women in recruitment.¹¹⁰ JS11 and HRW noted that the State has had a high gender pay gap with a 31.5 percent difference between the genders in 2020.¹¹¹

65. JS2 recommended reducing gender inequality, including by increasing women's participation in the judiciary and law enforcement, political and public life, and in the private sector, ending the gender pay gap and increasing equity in caregiving.¹¹²

66. HRW stated that violence, sexual harassment and online gender-based violence against women and girls remained widespread.¹¹³ Similarly, JS2 noted a rise in gender-based

violence and cyber-crimes against women and girls, including sexual violence, harassment and bullying on digital platforms such as Telegram and on social media.¹¹⁴

67. JS2 stated that the National Assembly had adopted a law, which came into force in 2021 and subjected online platforms to criminal punishment if they did not stop the circulation of digital content involving sexual crimes on their platforms. The Government established a government-led support system for the victims. However, it was not effectively implemented, and the support centres remained understaffed or did not have the trained staff to provide the required support to victims. Victims of cyber-sex crimes were reportedly not able to receive effective redress due to flaws in the prosecution processes, and inadequate punishments for cases that resulted in convictions.¹¹⁵

68. JUBILEE encouraged the authorities to create stricter measures against domestic violence and to hold abusers accountable through the justice system.¹¹⁶

69. JS2 and JS11 recommended eliminating cyber sexual violence through online platforms.¹¹⁷ JS2 recommended providing sufficient funding to support services for all victims of digital sex crimes.¹¹⁸ AI recommended that the Government recognize the transnational nature of online gender-based violence and encourage domestic and international private intermediaries to take all appropriate measures to eliminate all forms of online discrimination and violence.¹¹⁹

70. JS2 recommended revising the legal definition of rape to include absence of consent in accordance with international human rights standards.¹²⁰

71. Noting gaps in legislation to punish sexual harassment, HRW recommended that the State ratify and make reforms in alignment with the ILO Convention on Violence and Harassment (No. 190), including comprehensive measures to promote prevention, monitoring, and remedies to ensure work free from violence and harassment.¹²¹

Children

72. ECLJ noted that the age of consent has been 13. Therefore, if a child over the age of 13 claims having a sexual activity with an adult in a consensual situation there were no clear regulations, and the punishment was up to judges' discretion.¹²²

73. Noting an increase in the number of reports of child abuse, JS11 stated that the Government should establish a system for early detection of child abuse and for the prevention of recurrence of child abuse, and a child-rights based support system.¹²³ JUBILEE urged the authorities to exercise due diligence in investigating reports of reasonable suspicion of child abuse submitted by day-care and school workers, and medical professionals.¹²⁴

74. JS5 and JS11 stated that the birth registration system required parents with Korean citizenship to report the birth of their child. However, there were no monitoring mechanism to check the parents' compliance with their birth registration obligations.¹²⁵

75. JS11 stated that parents with foreign nationality had to register the birth of their children through the embassies of their countries.¹²⁶ JS5 explained that refugees, humanitarian status holders, and refugee status applicants found it difficult or impossible to report their children's birth to a state agency of their home country.¹²⁷ JS5 stated that in 2022, the Government proposed a bill to mandate all healthcare providers to notify births of children to a state institution. However, under the bill, the birth notification system did not apply to children of undocumented migrant parents without alien registration numbers or medical benefits management numbers.¹²⁸

76. JS5 and JS11 recommended introducing a universal birth registration system to guarantee that every child born within the jurisdiction of the Republic of Korea is officially registered, regardless of their parents' nationality, race, religion, or legal or social status.¹²⁹ Additionally, JS11 stated that the Government should improve its birth registration system to allow children born to unwed parents to be registered without difficulties.¹³⁰

Older persons

77. JS12 stated that the Government should secure sufficient budget for the care of older persons, considering inter alia an increase in cases of abuse against them.¹³¹

78. JS12 reported on a high poverty rate among older persons.¹³²

Persons with disabilities

79. JS10 reported that the average wage of persons with disabilities to whom the minimum wage did not apply was only 20 percent of the minimum wage in 2020, and 11 percent of the national average wage. Most of those paid under the minimum wage were working in 'sheltered workshops' that separated persons with disabilities from the rest of the society.¹³³

80. JS10 noted that the number of persons with disabilities living in institutions has decreased from 31,406 in 2014 to 29,086 in 2020. The budget for institutions was about 300 times the budget for deinstitutionalization. Persons with developmental disabilities experienced difficulties living in the community. The type and amount of services were too narrow to support people with developmental disabilities and their family. As a result, many families still wanted their family members with developmental disabilities to enter the institutions.¹³⁴

81. JS10 stated that the Government should introduce laws and systems for persons with disabilities that meet the international human rights standards, and secure adequate budget for their implementation.¹³⁵

Lesbian, gay, bisexual, transgender and intersex persons

82. AI stated that LGBTI persons continued to face legal, social and economic barriers, which increased their social exclusion and isolation.¹³⁶

83. Noting cases of hate crimes against LGBTI persons, JS6 recommended preventing and investigating homo/transphobic hate speech and hate crimes.¹³⁷

84. JS7 stated that transgender people could apply for legal gender recognition according to Supreme Court rules, not a law, and that the rules included strict requirements for legal recognition.¹³⁸ AI recommended that the Government stop conditioning legal gender recognition for transgender individuals upon unreasonable and discriminatory requirements such as undertaking psychiatric diagnosis, seeking medical treatment, the prohibition to marry or having children, and that the recognition is made through swift and accessible administrative procedures based on individual self-declaration.¹³⁹

85. JS6 recommended ensuring the bodily integrity of intersex persons, especially infants, children, and adolescents, by prohibiting unnecessary medical interventions carried out without their free and fully informed consent.¹⁴⁰

86. AI stated that the Article 92(6) of the Military Criminal Act continued to be used to punish consensual sexual activity between men with up to two years in prison. As a result of the criminalization of sex between men in the military, LGBTI soldiers experienced discrimination, intimidation, violence and isolation.¹⁴¹ JS6, JS8, AI and HRW recommended repealing Article 92(6) of the Act, which prohibited and punished consensual same-sex sexual conduct in the military.¹⁴² HRW recommended dropping all cases against soldiers charged for consensual same-sex activity.¹⁴³

87. JS6 reported on discrimination against same-sex couples in the enjoyment of their economic, social, and cultural rights. JS6 stated that same-sex couples could not enjoy the same rights guaranteed for married opposite-sex couples.¹⁴⁴ JS7 explained that de-facto couples of the opposite sex could receive the same social security benefits as legally married couples, but same-sex couples could not.¹⁴⁵ JS6 recommended ensuring that same-sex couples are not discriminated in the realisation of their economic and social rights and benefits, and legalizing same-sex marriage.¹⁴⁶

Migrants, refugees and asylum-seekers

88. JS10 stated that the Government limited the number of times and reasons migrant workers can change a workplace and that many migrants were forced to work at workplaces despite non-payment of wages or verbal abuse.¹⁴⁷ JS14 noted that the 2019 revision of article 25 of the Foreign Workers Act had not removed the limit to the number of workplace change

allowable to migrant workers.¹⁴⁸ JS14 recommended amending the Act to ensure that migrant workers are able to exercise the right to free choice of employment.¹⁴⁹

89. JS10 reported on the poor condition of dormitories for migrant workers. Illegal temporary buildings such as greenhouse, containers, prefabricated panels, and temporary buildings within the workplace were still being provided as dormitories.¹⁵⁰

90. JS10 noted that the visa for foreign spouses who married Korean citizens depended on whether they were maintaining a family with their spouse or raising children, and in case of divorce whether they could prove the divorce was due the spouse's fault. Therefore, JS10 concluded that the stay of marriage-migrant women in the country depended on their Korean spouse's will to support.¹⁵¹

91. JS10 stated that there was neither limit on the period of detention in the Immigration detention centre nor external independent body monitoring legality of the decision on detention. Some refugee applicants were detained for a long period of time. During the COVID-19 pandemic, the detention centres were overcrowded.¹⁵²

92. JS10 noted a low level of refugee recognition rate. Refugee applicants were not provided with interpretation at the stage of filing an application. Legal assistance guaranteed under the Refugee Act was not provided during the refugee status determination process. Due to the delay in the determination process, refugee applicants had to wait in an uncertain situation for a long time.¹⁵³

93. AI recommended that the authorities stop arbitrary denial of and detention during refugee status determination procedures.¹⁵⁴

94. AI recommended ensuring that all asylum-seekers have access to a fair, individualized and effective asylum procedure, and establishing mechanisms to ensure due process at its international borders so that all asylum-seekers are treated in accordance with international human rights law, including the principle of non-refoulement.¹⁵⁵

Stateless persons

95. JS5 reported on the absence of stateless determination procedure, legal provisions regarding definition, recognition and reduction of statelessness, and reliable data on the number of the stateless persons.¹⁵⁶

96. JS5 stated that the children of refugees born in the country could not automatically acquire the nationality. Many of those children have been at a risk of being stateless.¹⁵⁷

97. JS5 recommended developing and introducing an effective statelessness determination procedure and ensuring the right to employment and social welfare of the stateless persons.¹⁵⁸

Notes

¹ See A/HRC/37/11 and the addendum A/HRC/37/11/Add. 1, and A/HRC/37/2.

² The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with A status).

Civil society

Individual submissions:

AI	Conscience and Peace Tax International (Switzerland); Amnesty International (United Kingdom of Great Britain and Northern Ireland);
CGNK	Center for Global Nonkilling (Switzerland);
ECLJ	European Centre for Law and Justice (France);
HRW	Human Rights Watch (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons (Switzerland);
IFOR	International Fellowship of Reconciliation (Netherlands);
IRICH	International Research Institute of Controversial Histories (Japan);
JSHT	Japan Society for History Textbook (Japan);
JUBILEE	Jubilee Campaign (United States of America);
KPRC	Korean Peninsula Research Club (Republic of Korea);
NKHR	Citizens' Alliance for North Korean Human Rights (Republic of Korea);

Joint submissions:

JS1	Joint submission 1 submitted by: Joint Submission by the Asia-Pacific Association of Jehovah's Witnesses (Japan) and the European Association of Jehovah's Witnesses (Germany);
JS2	Joint submission 2 submitted by: Asia Pacific Forum on Women, Law and Development (Thailand), and Korea Women's Association United and Korea Center for United Nations Human Rights Policy (Republic of Korea);
JS3	Joint submission 3 submitted by: Basel Peace Office (Switzerland), Abolition 2000 Working Group on Nuclear-Risk Reduction (United States of America), Aotearoa Lawyers for Peace (New Zealand), Pax Christi Korea, World Future Council (Germany) and Youth Fusion;
JS4	Joint submission 4 submitted by: Comfort Women Action for Redress and Education, and Daegu Citizen's Forum for Halmuni (Republic of Korea);
JS5	Joint submission 5 submitted by: Duroo – Association for Public Interest Law, GongGam Human Rights Law Foundation, Dr. Chulhyo Kim and Nationality For All (Republic of Korea);
JS6	Joint submission 6 submitted by: Rainbow Action against Sexual Minority Discrimination coalition of 43 NGOs (Republic of Korea);
JS7	Joint submission 7 submitted by: Coalition of 461 NGOs of the Republic of Korea that includes South Korean NGOs Coalition for Law Enforcement Watch, Advocates for Public Interest Law, GongGam Human Rights Law Foundation, Korean Lawyers for Public Interest and Human Rights 'Hope and Law', National Action to Abolish the National Security Act, International Child Rights Center, Center for Military Human Rights Korea, Korean Transnational Corporation Watch, KTNC Watch, Join Action for Setting Right the Basic Livelihood Security Act, Refugee Rights Center, Green Korea United, The Center for Historical Truth and Justice, MINBYUN – Lawyers for a Democratic Society, Supporters Health And Right of People in Semiconductor Industry, Duroo – Association for Public Interest Law, National Solidarity against Sexual Exploitation of Women, Rainbow Action Against Sexual-Minority Discrimination, Open Net,

	Joint Committee with Migrants in Korea, Migrants Trade Union, Activists group for Human Rights ‘BARAM’, South Korean NGO Task Force to monitor government human rights policy, Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan, Korean Confederation of Trade Unions, Solidarity Against Disability Discrimination - committee for Labor Rights, World Without War, Korean Network for the Right to Housing, Korean Progressive Network Jinbonet, South Korean Coalition for Anti-discrimination Legislation, People’s Solidarity for Participatory Democracy, Catholic Human Rights Committee, LGBTQ Youth Crisis Support Center Ding Dong, Solidarity for Child Rights Movement Jieum, Youth Housing Rights Network, South Korean Human Rights Network in Response to the COVID-19, Korean Unwed Mothers Support Network, Korea Cyber Sexual Violence Response Center, Korean Women’s Associations United, Korean Womenlink, Migrant Health Association in Korea WeFriends, Women Migrants Human Rights Center of Korea and Korean Disability Forum;
JS8	Joint submission 8 submitted by: Coalition of 461 NGOs (Republic of Korea);
JS9	Joint submission 9 submitted by: Coalition of 461 NGOs (Republic of Korea);
JS10	Joint submission 10 submitted by: Coalition of 461 NGOs (Republic of Korea);
JS11	Joint submission 11 submitted by: Coalition of 461 NGOs (Republic of Korea);
JS12	Joint submission 12 submitted by: Coalition of 461 NGOs (Republic of Korea);
JS13	Joint submission 13 submitted by: Transitional Justice Working Group, and Citizens’ Alliance for North Korean Human Rights (Republic of Korea);
JS14	Joint submission 14 submitted by the International Trade Union Confederation (Belgium), and Korean Confederation of Trade Unions and Federation of Korean Trade Unions (Republic of Korea);

National human rights institution:

NHRCK	National Human Rights Commission of Korea, Seoul (Republic of Korea);
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³ See also JUBILEE, para. 4.

⁴ See also CGNK, p. 7; JS7, p. 4; JS13, pp. 6–7; JUBILEE, para. 4 and NKHR, p. 6.

⁵ See also CGNK, p. 6; JS7, p. 4; JS8, p. 5; AI, para. 46 and JUBILEE, para. 4.

⁶ See also JUBILEE, 4; JS8, p. 5 and JS7, p. 4.

⁷ See also JS7, p. 4.

⁸ NHRCK, para. 19.

⁹ NHRCK, para. 20.

¹⁰ NHRCK, paras. 6–7.

¹¹ NHRCK, para. 44. See also JS11, para. 61 and JS2, paras. 17–18.

¹² NHRCK, para. 9. See also para. 2.

¹³ NHRCK, paras. 31 and 33.

¹⁴ NHRCK, para. 11. See also JS8, p. 6.

¹⁵ NHRCK, para. 43.

¹⁶ NHRCK, para. 17.

¹⁷ NHRCK, para. 14–15.

¹⁸ NHRCK, paras. 12–13.

¹⁹ NHRCK, paras. 37 and 39.

²⁰ NHRCK, para. 55.

²¹ NHRCK, para. 41.

²² NHRCK, para. 23.

²³ NHRCK, para. 25.

²⁴ NHRCK, para. 47.

²⁵ NHRCK, paras. 48 and 49.

²⁶ *The following abbreviations are used in UPR documents:*

ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-IC	Optional Protocol to CRC on a communications procedure
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

²⁷ JS5, Section VII, para. 22.

²⁸ JS14, pp. 5 and 11.

²⁹ JS13, p. 13.

³⁰ JS14, pp. 5 and 11. See also JS7, p. 4.

³¹ ICAN, p. 1.

³² JS7, p. 5.

³³ JS2, para. 8; JS6, para. 3 and JS7, p. 10.

³⁴ AI, para. 26. See also JS2, para. 20; JS7, p. 10; JS6, p. 21 and HRW, para. 16.

³⁵ See also JS10, para. 46.

³⁶ See also JSHT, p. 5.

³⁷ HRW, para. 2. See also JS7, pp. 10 and 11.

³⁸ JS6, Section IX, paras. 41–45.

³⁹ JS6, Section IX, paras. 45 and 46.

⁴⁰ JS6, p. 22.

⁴¹ AI, para. 23. See also JS13, p. 4 and JS8, p. 5.

⁴² JS13, p. 3 and JS8, p. 5. See also NHRCK, paras. 2 and 8.

⁴³ AI, para. 45. See also CGNK, p. 6 and JS8, p. 5.

⁴⁴ JS3, p. 5.

⁴⁵ JS3, p. 8.

⁴⁶ JS8, pp. 8–10.

⁴⁷ JS8, p. 6.

⁴⁸ JUBILEE, para. 29.

⁴⁹ JS13, pp. 7–11. See also JS5, Section VI, para. 8.

⁵⁰ JS8, p. 7.

⁵¹ JS4, p. 2. See also JS9, paras. 19 and 20; and IRICH, section 2.

⁵² AI, paras. 37 and 38. See also JS4, pp. 6 and 11; and JS9, para. 20.

⁵³ JS13, pp. 7 and 17.

⁵⁴ KPRC, paras. 1–2 and NKHR, p. 2.

⁵⁵ NKHR, p. 2.

⁵⁶ KPRC, para. 3. See also NKHR, pp. 3 and 5.

⁵⁷ NKHR, p. 4. See also KPRC, paras. 19–22.

⁵⁸ NKHR, p. 6.

⁵⁹ IFOR, para. 3 and CPTI, para. 8. See also JS1, para. 8 and 9.

⁶⁰ IFOR, para. 4; CPTI, para. 9; JS1, para. 10; and AI, para. 5.

⁶¹ AI, para. 6. See also NHRCK, para. 28; CPTI, paras. 15–20; IFOR, paras. 9 and 19; JS12, para. 31; JS1, paras. 15–19 and JUBILEE, para. 8.

⁶² CPTI, para. 21. See also JS1, para. 25.

⁶³ IFOR, para. 11. See also NHRCK, para. 28 and JS1, para. 15.

⁶⁴ JS1, para. 24.

⁶⁵ IFOR, para. 4. See also JUBILEE, para. 8.

⁶⁶ JS1, para. 48. See also JS12, para. 31.

⁶⁷ AI, para. 27. See also See also NHRCK, para. 29; CPTI, para. 31; JS1, para. 49; IFOR, para. 23 and JS12, para. 31.

⁶⁸ IFOR, para. 23. See also AI, paras. 28–30; CPTI, para. 31 and JS1, para. 49.

- 69 HRW, para. 2. See also HRW, paras. 21–24; JS12, paras. 32 and 33; AI, para. 20 and JS9, para. 27.
- 70 HRW, para. 25. See also JS9, para. 27.
- 71 AI, para. 41. See also HRW, para. 25 and JS12, para. 32.
- 72 JS14, p. 5.
- 73 AI, para. 40. See also JS9, para. 26 and JS14, pp. 6 and 11.
- 74 JS7, p. 9.
- 75 JS14, p. 5. See also JS7, pp. 7–9.
- 76 AI, para. 17.
- 77 AI, para. 39. See also JS14, p. 6.
- 78 JS7, p. 9. See also JS14, p. 6.
- 79 JS14, pp. 6–7 and JS9, para. 29.
- 80 JS14, p. 11. See also JS9, para. 29.
- 81 HRW, para. 25. See also JS9, para. 25.
- 82 JS7, pp. 8–9.
- 83 JS10, para. 50.
- 84 JS14, pp. 4, 5 and 11.
- 85 JS12, para. 34. See also JS14, p. 9.
- 86 JS14, p. 11. See also JS12, para. 34.
- 87 JS14, p. 7. See also JS12, para. 35.
- 88 JS14, pp. 9 and 11. See also JS12, para. 35.
- 89 JS10, para. 45.
- 90 JS12, para. 40.
- 91 JS7, pp. 6–7. See also JS10, para. 53.
- 92 JS2, para. 14. See also NHRCK, paras. 40–41 and ECLJ, para. 5.
- 93 HRW, para. 6. See also AI, para. 8; ECLJ, para. 5 and JS2, paras. 4 and 15.
- 94 AI, para. 31. See also HRW, para. 7.
- 95 JS2, para. 28. See also HRW, para. 7.
- 96 HRW, para. 7.
- 97 HRW, para. 8.
- 98 HRW, para. 12.
- 99 HRW, para. 14. See also JS6, paras. 4 and 21.
- 100 JS6, p. 21.
- 101 HRW, para. 7.
- 102 HRW, para. 16. See also JS6, p. 21.
- 103 JS11, p. 10.
- 104 AI, para. 25. See also JS11, p. 11.
- 105 JS11, p. 11.
- 106 JS12, para. 38. See also NHRCK, para. 53.
- 107 JS2, paras. 2 and 6. See also JS11, para. 61.
- 108 JS2, para. 32 and AI, para. 34.
- 109 JS2, para. 7.
- 110 JS11, para. 63 and JS2, para. 6.
- 111 HRW, para. 3 and JS11, para. 62. See also JS2, para. 6.
- 112 JS2, para. 21. See also HRW, para. 7.
- 113 HRW, para. 3.
- 114 JS2, para. 9. See also JS11, para. 64.
- 115 JS2, para. 13.
- 116 JUBILEE, para. 21.
- 117 JS2, para. 22. and JS11, para. 64.
- 118 JS2, para. 23.
- 119 AI, para. 35.
- 120 JS2, para. 27.
- 121 HRW, paras. 5 and 7. See also JS2, para. 24.
- 122 ECLJ, para. 24.
- 123 JS11, para. 58.
- 124 JUBILEE, para. 27.
- 125 JS5, Section VI, para. 1 and JS11, para. 56.
- 126 JS11, para. 56. See also JS5, Section VI, para. 3.
- 127 JS5, Section VI, para. 3. See also JS11, para. 56.
- 128 JS5, Section VI, para. 2. See also JS11, para. 56.
- 129 JS5, Section VII, para. 22 and JS11, para. 56.
- 130 JS11, para. 65.

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- ¹³¹ JS12, para. 42.
¹³² JS12 para. 43. See also HRW, para. 17.
¹³³ JS10, para. 47.
¹³⁴ JS10, para. 46.
¹³⁵ JS10, para. 46.
¹³⁶ AI, para. 4. See also JS7, p. 10 and JS6, paras. 11 and 12.
¹³⁷ JS6, paras. 4 and 21, and p. 21.
¹³⁸ JS7, p. 11. See also AI, para. 9 and JS6, paras. 30 and 31.
¹³⁹ AI, para. 33. See also JS6, p. 21 and JS7, p. 11.
¹⁴⁰ JS6, pp. 21–22.
¹⁴¹ AI, para. 10. See also HRW, para. 15; JS7, p. 10; JS8, pp. 10–12; and JS6, paras. 5–7 and 13–15.
¹⁴² JS6, p. 21; JS8, p. 12; AI, para. 32 and HRW, para. 16. See also NHRCK, para. 35.
¹⁴³ HRW, para. 16.
¹⁴⁴ JS6, paras. 37 and 38. See also JS7, p. 11.
¹⁴⁵ JS7, p. 11.
¹⁴⁶ JS6, p. 22. See also JS7, p. 11.
¹⁴⁷ JS10, para. 48. See also JS14, p. 10.
¹⁴⁸ JS14, p. 10. See also JS7, p. 11.
¹⁴⁹ JS14, p. 11. See also JS10, para. 48.
¹⁵⁰ JS10, para. 48.
¹⁵¹ JS10, para. 52.
¹⁵² JS10, paras. 49 and 53.
¹⁵³ JS10, para. 51.
¹⁵⁴ AI, para. 42.
¹⁵⁵ AI, paras. 43–44. See also JS10, para. 48.
¹⁵⁶ JS5, Section IV, paras. 19 and 23 and Section V, paras. 25 and 26.
¹⁵⁷ JS5, Section V, para. 29.
¹⁵⁸ JS5, Section VII, para. 22.
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