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Summary record of the 44th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 11 November 2009, at 3.00 p.m.

Chairperson: Mr. Marchán Romero

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Third periodic report of the Republic of Korea (continued) E/C.12/KOR/3; E/C.12/KOR/Q/5 and Add. 1; HRI/CORE/1/Add.125)

1. *At the invitation of the Chairperson, the members of the delegation of the Republic of Korea resumed their places at the Committee table.*

Articles 10 to 12 of the Covenant (continued)

2. **Ms. Bonoan-Dandan** referred to reports that groundwater had been contaminated by industrial activity and that toxic and carcinogenic pollutants had been detected in bottles of mineral water. Underscoring the threat to the health and livelihood of the inhabitants of the regions affected by such pollution, she asked what, if any, remedial measures the Government had adopted.

3. **Mr. Sadi** requested additional information on the strengths and weaknesses of the green mileage system referred to in the State party's written replies to the list of issues. In particular, he wished to know whether the system was an effective mechanism for combating corporal punishment at home and in schools. Noting that the cost of living surveys used to determine the minimum wage were conducted only once every three years, he asked whether that time interval was sufficiently frequent to enable the authorities to effectively track changes in the cost of living. Lastly, recalling that the State party had privatized 90 per cent of its health-care services, he asked whether the privatization policy had not adversely affected the enjoyment of the right to health in the Republic of Korea.

4. **Mr. Schrijver** noted that neither the State party's report nor its written replies contained information on any formal policies for combating trafficking in human beings, particularly women and children, and asked the delegation to provide information on that subject.

5. **Ms. Brás Gomes** asked whether the State party had ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. In the light of information received from a number of sources which indicated that some members of the population lacked access to social security, in particular persons of no fixed abode who could not obtain a social security number, she also asked whether any other groups were excluded from social security coverage.

6. **Mr. Kim Yun-tae** (Republic of Korea) said that labour laws were now better respected in the Special Economic Zones (SEZs), especially the provisions regarding paid leave. However, it was still difficult to enforce compliance with certain regulations by companies operating in those zones, including, for example, those concerning the employment of persons with disabilities.

7. **Mr. Kim Hong-seob** (Republic of Korea) said that recent statistics revealed a marked decline in the number of illegal strikes. In 2008, only 17 of a total of 108 strikes had been declared illegal, while in 2009, as of the end of October, just 8 of 101 strikes had been declared illegal.

8. **Ms. Lee Boo-yong** (Republic of Korea) said that the law governing the employment of persons with disabilities applied to all companies in both the public and the private sectors. Previously the law had applied only to companies with more than 300 employees,

but amendments introduced in 2004 had extended its application to all companies with more than 50 employees.

9. **Ms. Shon Myoung-ji** (Republic of Korea) said that because the Ministry of Labour had an insufficient number of labour inspectors to carry out checks at all companies, it sometimes contracted private companies to assist it in conducting inspections and ensuring workplace safety. The authorities were taking steps to recruit additional labour inspectors and improve their skills level. With regard to sickness benefits, employers were not legally required to continue paying the salary of a sick employee or to provide any benefits, except in the case of occupational illnesses and workplace accidents.

10. **Mr. Jung Sun-gill** (Republic of Korea) said that the Government had introduced an old-age pension system with a view to combating poverty and ensuring greater social and economic stability among the elderly. It was endeavouring to increase the percentage of persons over 65 years of age who were receiving pension benefits, but there was still much work to be done in that area.

11. **Ms. Yoon Se-jin** (Republic of Korea) said that the Government had broadened social security coverage as part of its poverty reduction strategy. In January 2009, a special team had been set up to identify families in situations of economic crisis, establish their needs and engage all competent authorities in a concerted effort to provide direct aid to households at risk of dropping below the poverty line. In November 2008, the State party had relaxed the qualifying criteria for social assistance benefits, which had previously been far too stringent. Social security coverage was now universal and therefore everyone was now entitled, including persons of no fixed abode, who were no longer required to present a social security card. They were asked for their most recent address, the aim being to establish a system that would make it possible to keep better track of persons who had traditionally escaped the notice of social service agencies. Cost of living surveys were indeed conducted every three years, but a committee composed of representatives of public institutions and civil society met each year to review the trend of the cost of living and address any gaps in the system.

12. With regard to prevention of HIV/AIDS, the Government had spared no effort to inform and raise awareness among the population, particularly the student population. In 2009, a university competition had been organized with a view to designing HIV/AIDS prevention campaigns. The State had also financed information campaigns in the media. To mark World AIDS Day, the Ministry of Health had appointed an ambassador to raise public awareness of the issue. As to the treatment of HIV/AIDS, the Government was striving to make Fuzeon available at an affordable price and to that end was engaged in difficult negotiations with the drug's manufacturers. The Government was currently supplying the drug to patients free of charge. As the Korean Intellectual Property Office had rejected compulsory licensing to allow local companies to manufacture Fuzeon and as the patents held by the multinational companies that manufactured the drug were no longer recognized in the Republic of Korea, the manufacture of a generic product using the same molecules could now be envisaged. In the meantime, the Ministry of Health was making every effort to ensure that patients would not have to interrupt their treatment.

13. **Mr. Son Beyng-young** (Republic of Korea) said that studies undertaken over several years had revealed traces of radon in the groundwater of certain regions. The Government was taking action to improve the supply of drinking water in the areas concerned in order to prevent the consumption of contaminated water. A nationwide survey to investigate levels of groundwater contamination had been initiated and was due for completion in 2012.

14. **Mr. Lee Jun-won** (Republic of Korea) explained that the collapse of the price of rice had forced some Korean farmers to cease production. The Government had introduced

agricultural income stabilization programmes to alleviate that situation and was preparing to launch a plan called Vision 2020 – a form of road map to securing a better standard of living for farmers. The Republic of Korea was self-sufficient in rice production only; it therefore needed to allocate as much land as possible to agriculture and encourage crop diversification, for example, by promoting the cultivation of beans.

15. **Mr. Park Jin-seon** (Republic of Korea), replying to a question about stress among Korean schoolchildren and students, referred to the information given in paragraph 267 of the State party's written replies to the list of issues and explained that measures to prevent suicide among primary and secondary school pupils had been adopted in 2008. The authorities were seeking to improve both the mental and the physical health of pupils. To that end they had introduced a physical health assessment system, had increased physical education in schools, and were encouraging the formation of sports clubs. With regard to the stress attributable to night classes, the Constitutional Court had found that the Government rules limiting the number of hours that children could spend studying at night were consistent with the Constitution. The green mileage system, introduced in 2008, aimed to replace corporal punishment in schools with a scheme wherein points were awarded or deducted for good or bad behaviour; however, the system was still in the pilot stage and its effectiveness had not yet been assessed.

16. **Mr. Lee Sang-heon** (Republic of Korea), referring to the Four Rivers Project, said that all stakeholders had been consulted, including the four local governments, and that public meetings on the project had been held throughout the country. The Government's aim was to improve not only infrastructure but also social protection and to help secure an equitable distribution of resources.

17. **Mr. Oh Young-rok** (Republic of Korea), referring to public policy on affordable housing, said that since 2008 a million housing units had been made available, or would shortly be made available, to modest-income households. That number represented 7.4 per cent of the country's total housing stock, and the aim was to raise that proportion to 20 per cent by 2018. A database on standards of living was currently being developed to provide better evidence for national policymaking. With regard to homelessness, the Ministry of Social Welfare had opened more shelters and provided funding for public housing. There were also national programmes in place to reduce the burden of housing costs on low-income households; for example, the Government provided housing at below-market rents and had frozen rents for public housing. The authorities also had plans to introduce a system whereby rents were set on the basis of tenants' income.

18. **Mr. Yoo Sam-sul** (Republic of Korea) said that the purpose of the Government's development projects was to rectify the situation created by the unplanned development in urban areas following the Korean War, while at the same time increasing the housing stock and improving the urban environment. The Government was endeavouring to ensure that the housing insecurity to which the population — particularly the lowest-income population — was exposed as a result of those projects was only temporary, and was offering grants to help people find new homes and compensation to shop owners who were forced to close their businesses temporarily. Information about development projects had previously been distributed only to property owners, but those responsible were now required to provide information to tenants as well. In the event of disputes between owners and tenants, the parties could seek the services of a mediator. Owners also had the option of lodging a complaint of violation of their property rights if they believed that developers were not fulfilling their obligations in that regard. Overall, the number of new housing units built within the framework of the development projects would be 50 per cent higher than the number demolished. Of course not all the projects would be carried out at the same time, especially in view of the economic crisis. Rather, the Government planned to take a phased approach, implementing projects in different geographic locations at different times.

19. **Ms. Yoon Se-jin** (Republic of Korea) said that, between 2006 and the end of July 2009, the Government had made 378 rental units available to the homeless and provided stable accommodation to more than 2,000 homeless people. From 2010, people experiencing financial difficulties who were at risk of losing their homes would be eligible for temporary subsidies. The Government also offered shelters, emergency assistance and social reintegration programmes for the homeless. Persons who did not wish to live in shelters had access to specialized counselling services. Housing services specifically for the lowest-income population were also available, and home purchase assistance and rent subsidy programmes existed.

20. **Mr. Kim Chong-min** (Republic of Korea) said that the Constitution of the Republic of Korea guaranteed the right to assemble and the right to protest, but that strikes for political reasons were prohibited. The criteria used to determine whether or not a strike was legal were set out in the case law of the Supreme Court. A strike instigated by a party authorized to conduct collective bargaining with the aim of reaching an agreement between management and labour was legal provided that the strike commenced only after the employer had rejected specific demands from workers and that it did not involve acts of violence. Except in certain specific circumstances, trade unions were required to conduct a strike ballot among their members before calling a strike. Law enforcement authorities and the Public Prosecutor's Office determined whether a strike was legal, taking into account the aforementioned criteria and the aim of the strike, the demands of the trade unions, and whether or not proper procedures had been followed.

21. The incident at Yongsan had had nothing to do with the right to housing and did not constitute a case of forced eviction, as the premises from which the demonstrators had been expelled were vacant commercial premises and the dispute had related to the amount of compensation associated with property rights and business interests. The police had been dispatched to the scene not to forcibly remove the tenants but to protect public safety in what had been a situation of illegal occupancy.

22. Trafficking in human beings fell under the authority of the Organized Crime Division of the Public Prosecutor's Office of the Republic of Korea. The Criminal Code prescribed a broad range of penalties for such offences, some of them very severe. The authorities investigated large-scale prostitution rings on an ongoing basis and closely monitored the issuance of visas to workers in the entertainment industry, whose activities were subject to close scrutiny and inspection. The Government was currently drafting laws that would enable it to implement the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), which it planned to ratify as soon as the legislation had been enacted.

23. The Government would not make a decision on whether or not to sign the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption until it had analysed the Convention's content in detail.

24. **Mr. Son Beyng-young** (Republic of Korea), replying to the question concerning the presence of carcinogens in bottled water, explained that there were currently no regulations governing the toxic agents concerned and that the companies involved had not therefore infringed the law. Because the companies had recalled the contaminated lots on their own initiative, their names had not been disclosed. Domestic legislation had been amended in 2009 to bring it into compliance with WHO drinking water standards.

25. Fears of groundwater depletion by bottling operations were unfounded, as the bottled water industry accounted for only 0.9 per cent of total annual groundwater consumption in the Republic of Korea. Any depletion of that source of drinking water was very localized, and in cases where it was occurring the Government was taking steps to

supply the population with running water. The extraction of groundwater by bottling companies was controlled by the State, which issued operating permits on the basis of impact assessments, which had to be conducted every five years.

26. **Mr. Pillay** noted that the right to protection against forced eviction did not apply solely to private homes but also to commercial premises and drew the delegation's attention to the Committee's general comment No. 7.

27. **Ms. Brás Gomes** asked for clarification of the status of the Special Act on Punishment of Domestic Violence, noting that many domestic violence cases were not subject to any legal action. She also sought information on any reconciliation procedures in place to help re-establish family relationships.

28. **Mr. Hong Kwan-pyo** (Republic of Korea) said that he did not believe there was any misunderstanding with regard to the concept of forced eviction. In the incident under discussion the matter at issue was the right to housing – in other words the right to private housing. The incident at Yongsan had not had anything to do with that right.

29. **Mr. Kim Chong-min** (Republic of Korea) explained that, in cases of domestic violence, attempts at reconciliation were generally initiated at the request of the victims themselves because they feared that recourse to legal proceedings would exacerbate the situation of violence.

Articles 13 to 15 of the Covenant

30. **Ms. Bonoan-Dandan** said that she had been alarmed to learn of the large numbers of adolescents who had abortions, young single mothers who dropped out of school and sexually active adolescents who used no contraception. She asked the delegation to provide details on the extent to which sexual and reproductive health education was provided in schools and to indicate when the State party planned to introduce a real school sexual education programme.

31. Citing reports that suggested that the National University of Arts had been instructed by the Ministry for Culture and Tourism to reduce the number of theory courses that it offered and increase the number of practical ones, she asked whether, in light of the principle of academic freedom enshrined in article 15 of the Covenant, the State party was of the view that it could dictate which courses higher educational institutions should or should not be offering.

32. Referring to an incident involving journalists from the NBC television network who had been arrested following the institution of legal proceedings by the Ministry of Agriculture and Fisheries for rumour-mongering and libel in a news report about negotiations on the import of beef from the United States of America, she asked whether their arrest did not constitute a case of media censorship.

33. **Mr. Kerdoun** said that he was pleased to note that secondary education, especially at the lower secondary level, was now free in the Republic of Korea, and that substantial investments were being made in education, which was a strategic area. With regard to access to higher secondary education, at which stage pupils had to choose between vocational training or a general course of study, he wished to know whether that choice was made by the educational institutions or was left to the pupils themselves, depending on the results that they had achieved.

34. With regard to the Government's plans to reform some secondary vocational training institutions to make them more responsive to industry needs, he asked whether the changes would be made in consultation with representatives of companies that might subsequently employ persons trained at those institutions and, if so, whether the delegation could give examples of companies that had already undertaken to offer such employment.

He also asked whether the various ministries, including, for example, the ministries of industry, agriculture and tourism, had their own schools and training centres to provide training specific to their sector of activity.

35. He enquired whether competition from private schools was in any way detrimental to State schools. Lastly, he sought more details about international educational exchanges and the number of foreign students who studied at universities in the Republic of Korea, particularly in view of the obstacle that learning the Korean language posed.

36. **The Chairperson**, speaking as a member of the Committee, asked whether the pilot cultural vouchers programme designed to facilitate access to cultural events for low-income individuals and families was still in effect, and, if so, how it operated and what type of cultural activities it covered. In particular, he wished to know whether people living in rural areas benefited and what budget had been allocated to the programme.

37. **Ms. Yoon Se-jin** (Republic of Korea) said that the State provided education and counselling services for adolescents, in conjunction with local authorities, and ran information and educational campaigns through the print and broadcast media, targeting that age bracket. There were 16 cultural centres for young people and support and assistance centres that provided various services for young mothers and single mothers.

38. **Mr. Kim Dong-man** (Republic of Korea) said that the National University of Arts underwent a routine audit every two years to review its accounts, recruitment of teachers, educational provision and other administrative issues. The purpose of the audit was to ensure compliance with the law, and the process compromised neither academic freedom nor the autonomy of the University.

39. A budget of around 35 billion won had been earmarked for the cultural voucher scheme. A total of 157 communities benefited, most of them rural. Activities covered by the programme included exhibitions, concerts and sports events. As of May 2009, 33,000 people had benefited from the programme. The aim was to increase that number to 200,000.

40. **Mr. Kim Chong-min** (Republic of Korea) said that, in his opinion, the question at issue in the case of the NBC journalists was that of freedom of expression and the matter should therefore be considered in the light of the International Covenant on Civil and Political Rights. Freedom of expression was subject to certain restrictions in order for example, to ensure respect for the rights of others, and to protect public order, national security or public morals. The dissemination of false information was therefore punishable by law. The case in question was currently being considered in court.

41. **Mr. Park Jin-seon** (Republic of Korea) said that a number of decisions, particularly budget decisions, had still to be taken before the availability of free, compulsory secondary education could be expanded. The choice of public policy priorities — low-income individuals and families and people living in remote, rural areas, for example — was another important issue yet to be decided. The new breed of vocational training institutions were expected to be working in partnership with industry as of 2010. Those institutions would be free to set their curricula and ran their operations as they wished. No employment contracts had as yet been concluded with companies. Lastly, Korean language courses were offered to foreign students enrolled in the country's universities.

42. **Ms. Paik Ji-ah** (Republic of Korea) thanked the members of the Committee for the constructive dialogue in respect of the State party's third periodic report. Her Government would carefully consider the Committee's advice and recommendations and would do its best to reflect them in its efforts to ensure the full enjoyment of human rights in the Republic of Korea.

43. **The Chairperson** thanked the delegation of the Republic of Korea and said that the Committee had concluded its consideration of the State party's third periodic report.

44. *The delegation of the Republic of Korea withdrew.*

The meeting rose at 5.25 p.m.