



# Economic and Social Council

Distr.: General  
21 July 2016

Original: English  
English, French and Spanish only

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## Committee on Economic, Social and Cultural Rights

### Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

Fourth periodic reports of States parties due in 2014

**Republic of Korea\***

[Date received: 2 June 2016]

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\* The present document is being issued without formal editing.

GE.16-12623(E)



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## List of Abbreviation

|       |   |
|-------|---|
| EPS   | Employment Permit System  |
| KNUA  | Korean National University of Arts                                |
| MCST  | Ministry of Culture, Sports and Tourism                           |
| MND   | Ministry of Defense   |
| MOE   | Ministry of Education   |
| MOEL  | Ministry of Employment and Labour                                 |
| MOGE  | Ministry of Gender Equality                                       |
| MOHW  | Ministry of Health and Welfare                                    |
| MOJ   | Ministry of Justice   |
| MOFA  | Ministry of Foreign Affairs                                       |
| MOI   | Ministry of Interior  |
| MOSF  | Ministry of Strategy and Finance                                  |
| NAP   | National Action Plan for Protection and Promotion of Human Rights |
| NPA   | National Police Agency  |
| NHI   | National Health Insurance   |
| NHRCK | National Human Rights Commission of the Republic of Korea         |
| ODA   | Official Development Assistance                                   |
| SMEs  | Small-Medium Enterprises  |

1. The Government of the Republic of Korea submits this Fourth Periodic Report on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR) (hereinafter referred to as the “Covenant”) pursuant to Articles 16 and 17 of the Covenant. The Report describes the measures the Korean Government has taken to implement the Covenant from 2009 to 2015 in accordance with the reporting guidelines (E/C.12/2008/2) of the Committee on Economic, Social and Cultural Rights and in reference to the UN General Assembly Resolution 62/268 and the Concluding Observations (E/C.12/KOR/CO/3) of the Committee.

2. Taking into account the restriction on quantity in the GA Resolution 62/268, this Report mostly deals with the implementing measures of the Covenant that pertains to the recommendations made by the Committee in its Concluding Observations on the Third Periodic Report.

3. Drafting of the Report was directed by the MOJ based on data from relevant ministries and in accordance with the Committee’s report preparation guidelines. The initial draft thus prepared was subject to consultation with civil society groups in April 2015. The MOJ, for its part, asked the NHRCK for its input on the initial draft pursuant to Article 21 of the *National Human Rights Commission Act*. The NHRCK announced its views in June. Upon reviewing the feedback put forward by civil organizations and the NHRCK, respective ministries revised the initial draft, reflecting some of the suggested views, and formulated the final version.

## General Framework

### Validity of the Covenant

4. With regard to Recommendation 6 of the Concluding Observations, the term “citizens” is used in the Constitution of Korea. However, concerning rights that are, by nature, universally applicable to individuals, the Constitutional Court of Korea and academia interpret such right as guaranteed to all with no distinction between citizens and foreigners. In addition, while the Constitution does not list all Covenant rights, Article 37 sets forth that a right shall not be neglected on the ground that it is not enumerated in the Constitution, thereby ensuring that the basic rights, even if not enumerated, are guaranteed. On the other hand, the Constitutional Court regards a “right to a life worthy of human beings” as a right that is only recognized when specified by law. A “right to social security” under the Constitution is also considered as a legal right only when specific matters concerning the right such as eligibility criteria and the scope of beneficiaries are stipulated under a law.

5. Major cases in the courts of Korea concerning the invocation of the Covenant rights are as follows:

- In the first case, the Constitutional Court ruled the regulation of the Ministry of Labor unconstitutional in the Decision on the Discriminatory Treatment of Industrial Trainees (Constitutional Court 30 August 2007, 2004Hunma670 Decision) by invoking the “principle of non-discrimination” set forth under Article 2 (2) as well as Article 2 (1) and Article 4 of the Covenant. The Court recognized foreigners who are industrial trainees as the subject of the right to work and judged that they should be guaranteed the rights as workers.
- Second, the Constitutional Court ruled in a case where the petitioner alleged Article 66 of the *State Public Official Act* conflicted with the Covenant. The Court judged that the cited legal provision was not in violation of the Covenant (Constitutional Court 30 August 2007, 2003Hunba51 Decision).

- Third, in a lower court administrative litigation that concerned the deportation order against a foreign worker who was the head of a foreign workers' trade union, the court rendered a ruling that reaffirmed the rights of foreign workers by citing the Covenant and other international human rights instruments. The Court judged that "it would be lawful to recognize that a worker's basic rights such as the right to organize and the right to collective action are also accorded to foreign workers who are integrated into the Korean society in view of Article 2 (1) and Article 23 (4) of the Universal Declaration of Human Rights, Article 5 of the International Convention on the Elimination of All Forms of Discrimination, Article 2 (1) and Article 26 of the International Covenant on Civil and Political Rights and Article 2 (1) and Article 8 of the International Covenant on Economic, Social and Cultural Rights" (Seoul Administrative Court 15 September 2011. 2011Guhap5094 Judgment).

### **National human rights institution**

6. In response to Recommendation 8, the NHRCK gained broader investigative power as of March 2013 to investigate human rights infringements in schools and public service-related organizations. Furthermore, as a measure to enhance the expertise of commissioners, the appointment of the NHRCK chairperson became subject to a National Assembly confirmation hearing. With a view to stepping up effectiveness of the NHRCK's recommendations, a process was also put in place through which an entity, issued with such recommendation, is obliged to notify of its implementation plan no later than by 90 days from the date of receipt.

7. The number of the NHRCK staff has been raised from 164 in 2009 to 191 in 2014. Recognizing the importance of ensuring human rights expertise among staff, the NHRCK also maintains an open competitive recruitment process. In September 2014, it drafted a *Bill on Partial Amendments to the National Human Rights Commission Act* that contained explicit rules on the election and nomination process as well as examination criteria and qualifications for its commissioners, recommending the bill to the National Assembly Speaker and Prime Minister. In January 2015, the NHRCK recommended the Guidelines on the Appointment of the NHRCK Commissioners to the President, the National Assembly Speaker, and the Prime Minister, as they were involved in commissioner appointment, urging the establishment of relevant internal regulations. Furthermore, in accordance with its own rules enacted in December 2014, the NHRCK announces the upcoming vacancy for the commissioner's position 3 months in advance, gathers recommendations from the public and relays them to those with appointive powers. The NHRCK-recommended bill passed the National Assembly and promulgated in January 2016.

8. The NHRCK has strived to promote Covenant rights through the following actions: making a policy recommendation for guaranteeing unwed teenage mothers the right to learn; calling for no discrimination against HIV-infected persons in its opinion on the management of inmates with HIV; urging the improvement of maternity protection environment for work-family balance, enhancement of medical service systems, prevention of sexual harassment and prohibition of discrimination in its policy recommendations on promoting the human rights of women in the military; presenting policy suggestions on improving the treatment of non-regular school workers and stabilizing the employment of English conversation lecturers in a bid to improve the human rights of non-regular workers; giving recommendations on the working conditions including the ones for improving the Industrial Accident Compensation Insurance scheme and raising minimum wage observance rate; making a recommendation on guaranteeing the elderly's right to health through securing old-age pensions and building an age-friendly health care system; proposing a policy concerning the human rights status of aged workers in guard and control

occupations; and calling for the guarantee of the rights to residence and medical care as well as the implementation of a job policy for the homeless.

### **Accession to the international human rights conventions**

9. The Committee encouraged Korea to consider ratifying the Optional Protocol to ICESCR (OP-ICESCR) and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) in Recommendations 36 and 38 of its Concluding Observations. As the OP-ICESCR provides for an individual petition process, the Government has launched a research on the status of domestic relief procedures for the rights enshrined in the Convention and domestic legal provisions that would require an amendment. In the case of the ICRMW, its implementation is closely linked to the immigration policies, social welfare and employment and would also accompany a financial burden. As such, its ratification is difficult to pursue at the moment. However, stronger policy actions are undertaken to ban discrimination against migrant workers who are under the Korean Government's jurisdiction and to guarantee their work-related rights.

## **Article 2**

### **General Obligations for the Implementation of the Covenant**

#### **NAP and National Human Rights Policy Council**

10. Upon the Committee's recommendation on the NAP, the first NAP was established in 2007 after social discussion ensued on the matter. With the completion of the 5-year implementation period under the first plan, the second NAP was also formulated for the 2012-2016 period. The recommendations of the treaty monitoring bodies and the UPR are examined and incorporated as policy tasks in the course of drafting such NAPs.

11. The National Human Rights Policy Council chaired by the Minister of Justice was established to develop and carry out the NAP. With the evaluation of the NAP implementation in 2012, a process has been introduced to enhance the objectivity of the assessment by the people's advisory committee from the perspective of stakeholders and incorporate such evaluation outcomes in government policies. In addition, the outcomes of the examination of the periodic state party reports and the UPR are reported to the Council, which discusses ways to implement the recommendations. At the moment, the Government is working to devise measures to fortify its human rights policy implementation system through in-depth discussions on effective approaches for carrying out UN recommendations and human rights policies and by engaging with civil society more intensively.

#### **Official Development Assistance**

12. Responding to Recommendation 7, the ROK, an aid recipient-turned-donor, enacted a framework act to encourage more systematic development assistance projects and joined the OECD DAC in 2010, increasing its assistance steadily ever since. In 2014, Korea provided aid worth 0.13 percent of its GNI with a 75.2 to 24.8 percent breakdown between bilateral and multilateral assistance and a 36.7 to 63.3 percent between loan and grant. By income level of recipient country, as of 2014, 34.8 percent of the total bilateral assistance was disbursed to lower middle income countries, 38.8 percent to the least developed countries and 10 percent to upper middle income countries. In 2013, the Government's ODA stood at around 2.41 trillion won. In 2014, projects valued at 2.26 trillion won, an 11 percent increase from the previous year, were implemented. While the ODA falls short of 0.7 percent of its GNI, it rapidly grew by 312.8 percent over 10 years from 435.7 billion in 2003 to 1.79 trillion won in 2012.

**Prohibition of Discrimination**

13. The *Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion*, which bans age discrimination in all phases of employment, was amended. It was enforced in March 2009 for the recruitment and employment phases, and in January 2010 for other phases. In an effort to rectify age-discriminatory recruitment and employment practices, a total of 7,365 advertisements were subject to monitoring. Of the 248 violations uncovered, warnings were issued against 134 and corrective orders were issued against 114.

14. Concerning Recommendation 9, the Government has been pursuing a range of studies on legislative cases of general anti-discrimination laws and their actual enforcement. It is considering the enactment of such law as one of the policy tasks of the current administration. However, continued social controversies on the prohibited grounds of discrimination, etc., are delaying the legislative process.

**Gender Impact Analysis and Assessment and Gender-sensitive Budget**

15. For the implementation of Recommendation 11, Gender Impact Analysis and Assessment as well as gender budgeting systems have been introduced and implemented. Upon the enforcement of the *Gender Impact Analysis and Assessment Act* in 2012, central administrative agencies and local governments carry out gender impact analysis and assessment when they intend to enact or amend legislations and mid- to long-term plans or major projects. The gender budgeting system ensures equal benefits of the budget for both men and women by analyzing in advance the impact of government budget on gender and incorporating the results in budgeting. The amendment of the *National Finance Act* in 2006 established a basis for the system, under which the 2010 Gender Budget Statement was submitted to the National Assembly. The number of included projects and the size of gender budgeting have steadily risen. The former increased from 195 projects in 2010 to 343 in 2015 while the latter grew by 1.87 trillion won, based on the Government budget, during the same period from 7.31 trillion won to 26.62 trillion won, accounting for 6.9 percent of the total government spending in 2015. On top of such quantitative growth, endeavors to improve the quality of gender budgeting were also made. Budget-drafting agencies set relevant performance targets and adjusted the criteria for selecting projects subject to gender budgeting so as to tighten alignment with gender impact analysis and assessment. Furthermore, systematic gender-sensitivity training was offered and budget-drafting manuals distributed to the agencies' staff with a view to substantializing the budgets they drafted. In order to tackle the problems that had arisen from the absence of a control tower when pushing forward with gender budgeting, a permanent consultative body led by the MOSF with the participation of other relevant ministries was established in 2014. Upon the revision of the *Local Finance Act* in 2011, the MOI and the MOGEF took the initiative in 2012 to pursue a project that demonstrates how to draw up local government gender budgets. In the same year, the 2013 *Local Government Gender Budget Statement* - the first of its kind - was submitted to local councils. Under the 2016 *Government Gender Budget Statement* submitted in 2015, 332 projects of the 43 central administrative agencies are covered while the amount of budget reached at 27.7 trillion won with an increased of 5.8 percent compared to the previous year.

16. Special gender impact analysis and assessment may be carried out on a specific policy within the remit of a central administrative agency or a local government, which is closely related to the improvement of women's status. Opportunities for policy improvement are identified and relevant recommendations are made to corresponding institutions in an effort to heighten the effectiveness of policy improvement. With a view to building an institutional foundation, the Committee on Gender Impact Analysis and Assessment chaired by the MOGEF Vice Minister has been installed as a mechanism to

collect views of the field staff and experts and thereby raise the effectiveness of the system. Central administrative agencies and local governments also designate an officer to be responsible for the analysis and assessment to ensure that gender impact is evaluated in a more systematic manner.

### **Human Rights Education**

17. The subject of education aimed at protecting children and women has broadened from sexual harassment (1999) and sex trafficking (2008) to the prevention of sexual violence (2013) and domestic violence (2014), while most of such education took place at public institutions. Since 2013, in an endeavor to enhance access to education for the general public including employees of private sector businesses and residents of rural/fishing/forestry villages, instructors have been dispatched under the Preventative Education on Visit Program. Furthermore, schools offer education on gender and human rights for children and adolescents while the Center of Sexuality for Youth is also under operation.

18. Human rights education is provided to relevant staff in regard to their respective duties not just at the NHRCK but also at the MOE, MOJ, MND, MOI, MOHW, MOEL, MOGEF, NPA, etc. Efforts to strengthen expertise are also underway at the Court with its judges forming a study group on international human rights laws. The study group organized, in cooperation with its counterpart at the MOJ, a symposium on international human rights laws and anti-discrimination in 2013. Moreover, the MOJ has been sponsoring International Human Rights Moot Court Competitions that involve undergraduate and graduate school students since 2011.

### **Refugees**

19. In response to Recommendation 10, the Government legislated the *Refugee Act* in February 2012 so as to institute an effective, fair and expeditious refugee recognition process while ensuring the treatment of a refugee as provided under the Convention relating to the Status of Refugees. For the deliberation of appeals filed against decisions of non-recognition, the Refugee Committee was also established by bringing together public officials and civil experts in Asia, Middle East and Europe, the regions from which most of the refugee applicants come. The Committee reviews whether to accept the refugee status request on appeal.

20. In addition, the *Refugee Act* stipulates the treatment of refugee status applicants and their families such as the support for the cost of living, housing and medical services as well as the guarantee of education. As such, once refugee applicants apply for assistance, the need is assessed in consideration of their financial circumstances and dependents, etc., before a certain amount of living expense is disbursed. Employment is allowed after six months from the date of refugee status application. The Refugee Support Centre has also been in operation since February 2014 to provide applicants in the early phase of their status determination with residence and livelihood support. They are offered residence, meals that are selected on the basis of their nationality and religion, as well as training for adaptation in Korea such as language and legal system education. Also included in the assistance are psychological counseling for trauma therapy, medical examination and emergency medical services, etc.

### **Immigrant women by marriage**

21. To act on Recommendation 12, the Government has been working to enhance marriage immigrant women's capacity to support themselves. As of January 2014, the number of marriage migrant women reached 240,000. As they appeared to often experience family discord as well as difficulties in raising children and leading stable lives due to racial

and cultural prejudices, twelve ministries collectively formulated in 2006 the Support Measures for Social Integration of the Families of Immigrant Women by Marriage. The *Multicultural Families Support Act* was also legislated in 2008 to lay a legal foundation for assistance.

22. Since July 2009, marriage immigrant women, upon entry into Korea, are informed of the processes for obtaining permanent residency and Korean nationality as well as domestic violence prevention and relief agencies. They are also provided with information necessary for settling in Korea such as basic legal knowledge and daily living information. Since October 2010, in a bid to minimize side-effects that could arise in the course of international marriages, Koreans are educated on institutions and cultures of their spouses' countries and international marriage-related laws. Through the Multicultural Family Support Centers, Korean language education, translation/interpretation services, preparatory education for international marriage, family integration education and vocational training are also offered.

23. Under the new provisions of Article 25 (2) of the *Immigration Control Act* set up in April 2011, a foreign spouse of a Korean national, who is involved in a trial in court, investigation by an investigative agency or procedure for the remedy due to domestic violence, is allowed to sojourn in the country until such procedure for the remedy of the right is completed. Even after the expiration of such extended period of sojourn, if deemed necessary for the recovery from an injury, etc., permission can be given to further extend the period of sojourn. In December 2011, a new status of sojourn (F6) as immigrant by marriage was instituted, laying the legal foundation for granting an extension of the period of sojourn to marriage immigrants who are raising minor children despite discontinuation of their marital relationships and to those who are unable to maintain marital relationships due to their spouses' death, disappearance and divorce, but still find it inevitable to stay in the country. Also, it became possible for marriage immigrants to apply for an extension of their sojourn without submitting their Korean spouses' certificates of good character as the relevant provision requiring such submission was deleted.

24. In the meantime, with the rising share of long-term stayers among marriage immigrants, the focus of policy needs is shifting from initial adaptation support to employment assistance. In particular, given the generally low income level of multi-cultural families and low quality jobs held by such marriage migrants, the need for economic activity assistance is ever growing to enable economic independence of multicultural families. The Government is providing them with orientation programs for their adaptation to the Korean workplace culture, information on vocational training opportunities, job-seeking assistance and job placement services through the Multicultural Family Support Centers. By 2014, 1,460 education and affiliated programs have been operated to facilitate employment of marriage immigrant women, while a total of 13,858 migrants have taken part. Furthermore, the MOGEF and MOEL have collaborated to have persons designated at Employment Centers in locations heavily inhabited by marriage immigrant women for the provision of assistance in finding appropriate jobs.

#### **International cooperation for the enjoyment of social rights**

25. Since joining the OECD DAC in 2009, Korea has been sharing its development experience as a donor country, consistently striving to promote social rights in an array of areas including science and technology with a view to improving quality of life in developing countries.

26. In April 2006, the Partnership Agreement between the Government of the Republic of Korea and the UNDP was signed, which led to the hosting of regular policy consultations and execution of joint partnership projects. In November 2009, an agreement was reached on the establishment of the UNDP Seoul Policy Centre and Republic of Korea



- UNDP MDG Trust Fund. In September 2013, the two sides signed the Cooperation Agreement between the ROK and the UNDP for Global Initiative for Saemaul Undong, concurring to develop a universal rural development model for developing countries and implement joint pilot projects for its application. Under the Cooperation Agreement between the ROK and the UNDP for Gender Equality that was also concluded, the two sides share their experience of enhancing gender equality while cooperating to build capacity in women's empowerment and gender equality.

### **Article 3**

#### **Gender Equality**

##### **Gender equality measures**

27. With regard to Recommendation 13, the Government took the following measures for gender equality.

(a) *Improvement of the Family Relations Registration System*

28. Responding to the criticism that certificates concerning one's identification contain too much information that are easily accessible, efforts are underway to improve the existing Family Relations Registration System to enable certificate applicants to have only the minimum necessary matters disclosed. Certificates will display minimum information as a default and applicants will be allowed to ask for the matters of their choice to be shown under a newly-proposed Specific Certificate system. Towards this end, an advance notice was issued on a partial revision bill to the *Act on the Registration of Family Relationship* in November 2014, which passed the National Assembly in April 2016. Its passage will further bolster the protection of personal information of those reluctant to have their identity and status revealed including single-parent families and those who have experienced divorces and adoptions, relieving them of the concerns over privacy infringement and the sufferings thereof.

(b) *Measures related to work-family balance*

29. Affirmative action was introduced as a way to address unreasonable, gender-discriminatory personnel management practices in March 2006 and its scope of application has broadened ever since. As a result, all public institutions and businesses with 500 or more employees became subject to the program as of May 2013. With a view to raising the ratio of female employees and managers, in December 2013, the ratio of female employees that triggers the implementation of affirmative action was raised. In October 2014, sector-specific employment characteristics were incorporated for further improvement of the system. The name-and-shame system for business owners who fail to carry out their affirmative action plans was enforced in January 2015. Businesses where discrimination of outcome is identified through analysis of promotion and hiring status will become eligible to receive gender equality consulting assistance, which will be pursued in alignment with implementation plans. Moreover, endeavors are being made to facilitate the Family-Friendly Company Certification System while the dissemination of work-family balance culture is spurred in partnership with business community organizations. (Also refer to Paragraphs 46-51 for other measures)

(c) *Expansion of social services for child care*

30. The Government provides customized information on support services available across central and local governments for each stage of one's life from marriage, pregnancy,

and childbirth to child-rearing. The Mom Plus portal service was also launched in 2012 in order to enhance access to such assistance.

31. During the period covered by this Report, child care and daycare services have drastically expanded with the provision of either child care subsidy or home child care allowance for all children aged five years or under from March 2013. All primary and secondary schools started to provide school meals in 2003. Moreover, daycare service infrastructures such as public and private daycare centers are being substantially reinforced in order to increase the accessibility and convenience for the parents who need infant care services. Taking into account diverse employment patterns such as part-time jobs, the Government plans to create part-time child care classes that allow hourly use of daycare services across the nation while expanding the provision of time-extended day care services mainly through public daycare centers.

## **Article 6 Right to Work**

### **Increasing labor market participation by women and promoting youth employment**

32. With regard to the implementation of Recommendation 14, the Government's policy endeavors aimed at creating jobs for women such as work-family balance program initiative will be explained in Paragraph 46 and subsequent paragraphs.

33. The Government has expanded New Job Centers for Women. As of June 2015, 147 such designated centers were in operation, offering job counseling, vocational education and training, job adaptation training, job placement and post-employment management services. More career development-oriented New Job Centers for Women were established (from 3 to 7 centers) in 2015 in an effort to help women find more decent job opportunities, scaling up training on specialized skills and needs-based skills. In the meantime, equipment and facility costs will be partially subsidized for those SMEs, etc., which intend to set up and operate Smart Work Centers so that female workers can harness the time and money saved from commuting for child care or self-development.

34. Youth employment rate, despite a steady upward trend in overall employment rate, has been declining on the back of a growing number of young people who remain economically inactive due to their continued engagement in preparations for their next schools or employment. There is a mismatch between labor demand and supply where both job and labor shortages take place at the same time owing to the discrepancies between academic backgrounds and qualifications, etc., of young job seekers and the actual needs of employers.

35. In a collective endeavor with relevant ministries, the Government developed the Measures for Employment of Young Adults by Life Span in April 2014, pushing forward youth employment policies tailored for each phase of education/training, job search and employment/job change.

### **Measures to reduce unemployment**

36. The Government has been striving to boost the employment of vulnerable groups. For direct job programs, under government-funded job creation programs, the target hiring rate of vulnerable groups was set in 2012, requiring at least 70 percent of such jobs to be filled by vulnerable people. The vulnerable groups are also rendered relevant information on jobs and welfare programs in consideration of age, region, disability, etc.

37. In particular, the Employment Success Package Program has been implemented since 2009 as a way to offer tailored employment services to low-incomers at 150 percent of the minimum living cost or below and, in so doing, lift them out of poverty. The program started to cover vulnerable groups in 2010. The number of program participants, which stood at some 10,000 in the initial stage, rapidly grew to some 320,000 people by 2014. As of the same year, 77.9 percent of them have successfully landed jobs. In addition, the Employment Promotion Subsidy program is applied to the vulnerable class. While subsidies were offered to those who remained jobless for a prescribed period in the beginning, improvements were made in 2011 to extend subsidies to those who complete employment support programs, thereby aligning employment support and vocational training services.

38. Regarding the middle-aged and old people, the *Promotion of Employment for the Aged Act* was amended in 2013, introducing a mandatory retirement age of 60. Businesses that extend the retirement age to 60 with the corresponding adjustment of their wage systems prior to the enforcement of the amended law are entitled to greater government subsidies including the Wage Peak System subsidy. To help retired old people find other jobs expeditiously, customized employment assistance services are arranged through the Job Hope Centers for the Middle Aged and Old People. The older people who find it difficult to find jobs are offered employment mediation services mainly for temporary and daily jobs. In the meantime, retired professionals who are highly educated and formerly worked at large companies, etc., will be rendered an opportunity to apply their expertise and experience through social contribution activities. They are also offered to work as interns at SMEs under an internship program for the middle-aged and old. To sharpen their job skills, employees aged over 50 are allowed to receive individual learning account assistance. Those who expect to leave jobs within 180 days, instead of the previous 90 days, are now eligible to seek benefits under the Tomorrow Learning Card program. Pilot projects for the Job Academy for Middle-Aged People have been carried out while training courses such as those specialized for baby-boomers were opened at Polytechnics for competency development.

39. To help job seekers enhance their employability, up to 2 million won per person is offered in training subsidy to the jobless and micro business owners. Individual training account system is enforced for the unemployed who seek jobs in mostly short-term and service-oriented occupations while more long-term training is also subsidized for national key and strategic industries. In particular, over 75 percent of those who participated for 7 months or longer in the training for the national key and strategic industries have landed jobs in 2014.

40. Thanks to these policy endeavors, the employment rate moved up from 64.6 percent in 2012 to 65.6 percent in 2014 while the jobless rate rose slightly from 3.2 percent to 3.5 percent during the same period. More specifically, the middle-aged (55 to 64 in age) and women - the core target groups of the nation's employment policy - saw their employment rates climb by 2.6%p and 1.4%p each during the same period.

#### **Unfair dismissal**

41. The system of remedy for unfair dismissal has been enforced under the *Labor Standards Act* since its enactment so as to ensure relief for workers against unilateral, unfair dismissal by employers. Until 2007, applications for remedy were filed through two channels, either through local labor offices or the Labor Relations Commission. Since then, however, a unified system has been enforced to have the Labor Relations Commission issue an order for remedy. As a measure to ensure the effectiveness of such order, a charge for compelling the performance has been introduced. Non-performance of an order for remedy shall entail criminal punishment.

### **Vocational training**

42. Recognizing that the low youth employment rate is partially attributable to vocational education and training that fail to reflect the needs of the fields, the Government has been pushing ahead with the Work-Study Dual System since September 2013 so that businesses themselves can directly engage in nurturing human resources. Under this new education and training system, businesses hire young job seekers and provide them with systematic training in practical work and theory. Workers on learning are guaranteed minimum wage and the same legal protection as other general workers in terms of the working conditions and industrial accident compensation insurance coverage, etc.

43. Moreover, support is provided to the employers who offer vocational training to their employees and prospective hires as well as to those workers who choose to take training courses for their own self-development. Employers can carry out employee training either by themselves or via entrustment of training services to external entities. The cost of such training will be partially subsidized by the Government.

44. The rate of training participation by workers at SMEs is lower than the comparable figure at large companies. To close this gap in training, SME-tailored assistance programs have been introduced such as the Consortium for HRD Ability Magnified Program and support for upgrading SME core job-skills. In the same vein, the level of support was also adjusted upward to lessen the burden on SMEs in 2014.

45. The Government also assists workers directly for training by partially subsidizing the expense of their participation in training courses of their own choice. Eligible to such assistance are workers from vulnerable groups who find it difficult to receive training from their own employers. A loan program for covering school and training expenses for workers on employment insurance had been in place until 2013. In 2014, the program was integrated into a school tuition loan program of the Korea Student Aid Foundation. Workers tend to focus on short-term training only for fear of an excessive burden their long-term engagement in training could place on their livelihoods. As this poses constraints in taking quality courses, the loans for living costs program has been implemented to help non-regular workers and unemployed persons with previous job experience.

46. In the coming years, the Government's policies will be geared towards scaling up support for upgrading the skills of workers currently employed, offering training to the middle-aged and old people who need systematic help for occupation change and job search, providing training to young workers who intend to pursue both study and work, and giving priority assistance for the acquisition of advanced skills. In particular, vocational training courses for those currently employed will be reorganized on the basis of the National Competency Standards (NCS) to ensure better alignment between vocational training and job requirements.

## **Article 7**

### **Working Conditions**

#### **Minimum Wage (Recommendation 16)**

47. Paragraph 121 of the Third Periodic Report can be referred to for the process of minimum wage determination. Minimum wage applies to all but the following: businesses that only employ relatives living together with the employer; persons employed for housekeeping; and seamen subject to the *Seafarers' Act* and ship owners employing such seamen. The Minister of MOEL has been urging the Minimum Wage Council to raise the minimum wage to a reasonable level since 2013 by taking into account the economic growth rate and inflation, thereby improving income distribution. Wages that are included

in the minimum wage are wage or allowance that is paid regularly and uniformly for prescribed work once or more per month. As such, the cost of accommodation and meals is not included in the minimum wage. However, if there is an agreement between an employer and a worker, such cost can be deducted from the wage. In particular, the bill, referred to in Recommendation 16 and pending before the National Assembly in 2009, that had been proposed to allow the deduction of the cost of accommodation and meals from the minimum wage, was discarded.

48. Compliance with the minimum wage is a part of the mandatory checklist during workplace labor inspection. As businesses employing adolescent part-timers tend to commit violations frequently, the Partners for Protecting the Working Conditions of Young Workers are organized at such places by bringing together retired professionals from the private sector such as former teachers, corporate labor managers and labor attorneys. Peer group adolescents are also appointed as Youth Leaders for Safeguarding Young Part-Timers to execute publicity activities. Efforts to establish the culture of minimum wage compliance are also undertaken through campaigns and consultation sessions with industry associations and franchise companies. Also introduced were reporting systems. Complaint centers for young part-timers have been installed at major high schools, universities and youth organizations while mobile and web-based hot lines were also established.

49. Pursuant to the *Minimum Wage Act*, an employer who pays below the minimum wage is subject to imprisonment of not more than 3 years or a fine not exceeding 20 million won. However, as the judicial proceedings tend to take a long time and the amount of actual fine levied is small, many employers tend to disregard the law and take corrective actions only and if they get caught. Accordingly, amendment of the law is underway in order to enable the immediate imposition of a fine on violators and boost effectiveness of sanctions.

### **Working Conditions and Work-Family Balance (Recommendation 13)**

50. Gender gap in employment in Korea is mainly attributed to the fact that women bear the burden of childbirth and child-rearing for the most part. As a result, they are most likely to either leave the labor market or experience career interruptions and later settle for lower-quality jobs.

51. The *Act on Equal Employment* was replaced with the more comprehensive *Equal Employment Opportunity and Work Family Balance Assistance Act* in 2007. The Government has intensified its policy endeavors for work-family balance with the introduction of government-wide actions to help women maintain their careers in February 2014.

52. Under the childcare leave system, both men and women are guaranteed the right to take leave for one year. Age eligibility of children was expanded from 3 years or under to 6 years or under in 2010 and again to 8 years or under in 2014 as a way to allow parents to use the leave when most needed. In 2011, a childcare leave benefit paid out of the Employment Insurance to workers was raised from 500,000 won per month to 40 percent of their ordinary wages not exceeding one million won per month. Furthermore, if a business hires a substitute worker, a subsidy for maintaining employment of the worker on a childcare leave is raised from 200,000 won to 300,000 won per month for large companies and from 400,000 won to 600,000 won per month for SMEs.

53. The Reduction of Working Hours for Period of Childcare system was introduced in 2008, allowing parents to continue working, but for reduced hours, instead of taking childcare leave - a measure to help them raise a child and work at the same time.

54. To support installation of workplace childcare facilities and especially help SMEs jointly set up and utilize company daycare centers, up to 1.5 billion won is provided in financial assistance for the establishment of SME consortium company daycare centers and industrial complex co-op daycare centers.

55. As a result of these policies, women's labor force participation rate climbed from 53.9 percent in 2009 to 57.9 percent in 2015 while their employment rate has been trending upward from 52.2 percent to 55.7 percent. The Government has a plan to encourage more men, among others, to take childcare leave in an endeavor to alleviate child-rearing burden on women and help them avoid career interruptions. To this end, beginning October 2014, if both parents take childcare leave for the same child, the amount of monthly childcare leave benefit for the second parent who takes the leave has been raised from 40 percent to 100 percent of his/her ordinary wage. Also under pursuit are extending the period allowed for reduction of working hours from one year to two years and raising the childcare leave benefit amount paid out of the Employment Insurance during such period.

#### **Equal pay for work of equal value principle and actions for non-regular workers**

56. To close the wage gap between men and women, discrimination is prohibited by law and guidance and inspection aimed at improving employment conditions for women are implemented. Although the gap is gradually narrowing, there was a 37 percent difference in the wage between men and women in 2014, indicating the still remaining significant divide.

57. With regard to Recommendation 15, the Government has put in place comprehensive measures on non-regular workers to renew non-discrimination policy.

58. To prohibit undue discrimination against fixed-term, part-time and dispatched workers and to provide relief against discrimination, the discrimination correction system is being enforced. In response to the problem of low utilization of the system and the low acceptance rate, labor inspectors were allowed in August 2012 to request correction without a worker's application if they judged during workplace inspection that an employer had engaged in discriminatory treatment. If the employer fails to respond to the correction request, such facts will be notified to the Labor Relations Commission. The process thereafter will conform to a process that is invoked when a worker applies for correction. In September 2014, the Labor Relations Commission was allowed to order compensation against intentional and repeated discrimination amounting up to 3 times greater than the damage. Once a corrective order is confirmed, a labor inspector is allowed to expand the investigation to look into discrimination against other non-regular workers in the same job in a given business apart from the workers affected by the order. If discrimination is uncovered, correction will be requested. If discrimination is found to be attributable to institutional factors, a corrective order can include an order for institutional improvement such as amending the rules of employment and collective bargaining agreement, etc. Intensive inspections conducted on companies that employ a large number of non-regular workers, mostly fixed-term workers, has revealed 108 cases of discrimination in 2012, 131 in 2013 and 60 in 2014, all of which were subjected to correction guidance.

59. The Comprehensive Measures for Non-Regular Workers prepared by relevant ministries in September 2011 aimed to ensure flexibility in human resource management for businesses while resolving undue discrimination against non-regular workers who engage in the same or similar work as regular workers as well as reinforcing the social safety net and welfare benefits for low-wage workers. To this end, amendments to a total of 8 laws were promulgated in February 2012.

60. Dispatch riders and parcel delivery workers were made eligible for industrial accident compensation insurance in 2012. To ensure that the public sector takes initiative in protecting non-regular workers, the Measures for the Protection of Public Sector Non-

Regular Workers was formulated and the status of some 31,000 non-regular workers was converted to regular status. Upon drafting the Guidelines on Improving Discriminatory Practices by Employment Type in November 2011, companies employing a large number of non-regular workers have been guided to comply. In a drive to eliminate blind spots in social insurance protection, the Government has been pushing ahead with a social insurance subsidy program for low-paid workers who receive less than 1.25 million won per month at a workplace with fewer than 10 employees since February 2012.

61. As a result of enforcing such discrimination correction system and consistent guidance and supervision activities, discrimination against non-regular workers appears to have declined and their working conditions improved. Over the recent years, the total hourly wage of non-regular workers as compared to that of regular workers has been increasing. The comparable figure after adjusting for differences in gender, age, academic background, the number of years in continuous services, occupation type, etc., has also climbed.

62. The Government has devised the Guidelines on Job Security of Fixed-Term Workers that encourages the conversion of non-regular workers who are engaged in jobs of a continuous and permanent nature to regular status in a bid to establish practices for safeguarding job security of fixed-term workers. It plans to encourage companies employing fixed-term workers to enter into a compliance agreement on the Guidelines and subsidize them for the cost of converting fixed-term and dispatched workers as well as safety and health managers to regular status, beginning in 2015. Under this plan, 50 percent of an incremental wage per person that results from such status change will be subsidized for one year.

63. In a case that involves the failure to convert a non-regular worker to regular status after the expiration of a 2-year work contract, the court ruled that the employer's refusal to renew the contract without justifiable grounds, when setting the term was considered to have been a simple formality, was as invalid as unfair dismissal (Supreme Court 14 April 2011, 2007 Doo 1729 Judgment). Workers whose labor contract renewal was unjustifiably rejected are entitled to seek remedy for their rights by filing an application for relief for unfair dismissal with the Labor Relations Commission or initiating the litigation for nullity of the dismissal, etc.

#### **Sexual harassment at workplace (Recommendation 17)**

64. Criminalization of sexual harassment at the workplace requires revision of relevant laws, which demands careful consideration in reference to the types of and punishment for other criminal acts. Notwithstanding this, in an endeavor to prevent sexual harassment at the workplace, the Government has prohibited sexual harassment by law and mandated employers to offer preventive education, while handling petition cases and conducting guidance and inspection for the improvement of women's employment conditions. In 2014, employers' duty to receive preventive education on sexual harassment was also institutionalized. In 2012, a hot line for reporting sexual harassment in the workplace was established, reporting via mobile application was made available and instructors for sexual harassment preventive education were provided free of charge to small workplaces with fewer than 30 employees.

65. The NHRCK handles investigations into acts of sexual harassment and provision of remedy. Once it deems a valid sexual harassment case is established, it recommends sexual harassment perpetrators to receive special human rights education, requests the institutions to which they belong to take disciplinary actions and compensates victims for damages. It also urges those institutions or relevant ministries to draw up countermeasures to prevent recurrence. If the NHRCK's recommendation on remedies for sexual harassment is not accepted, relevant facts are revealed via media if the victim gives consent, or support will

be provided to the victim, if needed, in obtaining legal aid. The Case Books of Sexual Harassment Petitions (2007, 2009, 2010, and 2011) and the White Book on Sexual Harassment Petitions (2012) were published and distributed in an endeavor to establish judgment criteria and conditions that constitute sexual harassment and build stronger social awareness.

### **Industrial environment**

66. In regard to Recommendation 18 that called for measures for reducing industrial accidents, the personnel of industrial safety supervisors have been reinforced. As a result of such endeavor since 2009, the number of industrial safety supervisors has gone up by 22 percent while the industrial accident rate has dropped by 24 percent by 2014.

67. With a view to enhancing workers' safety and health awareness, education has been offered to 4,300,317 persons over the past 5 years through various programs such as the regional specialization education, in-house safety & health education, mobile safety & health education and safety & health education for foreign workers. The Basic Safety and Health Education System was established for the construction sector in 2011, through which a total of 1,449,364 construction workers received education by the end of 2014. The Government plans to shift the focus of industrial safety and health education at the workplace from theories to practical exercises and case studies, increase the quality of education and oblige small workplaces with fewer than 50 employees in 6 accident-prone business categories in service sector to offer education. At the moment, the Government is contributing to preventing accidents at the workplace through a technical guidance program that taps into specialized private sector institutions in accident prevention for small workplaces with fewer than 50 employees, with a focus on businesses with higher risk of accidents, construction sites with the project value of less than 300 million won and service providers in vulnerable business categories.

68. By industry sector, shipbuilders with 100 or more employees were required in 2011 to prepare and carry out Safety and Health Implementation Plans based on their workplace characteristics. Under this new system, the MOEL checks and assesses their implementation progress and places shipbuilders under differentiated management schemes based on their ratings. In 2015, contractors have been asked to bolster safety management for their subcontractors' workers. In manufacturing, accident-prone and high-risk machinery and apparatus are divided into the design stage and usage stage, which are then subject to safety certification and inspection as a way to reduce industrial accidents. From 2013, dedicated supervisors have been assigned to high-risk, mid to large-sized workplaces for intensive management. There are 10,000 target sites, including sites that extensively handle chemical materials, construction sites, and businesses highly vulnerable to fatal accidents such as sites that use cranes as well as sites that rely heavily on machinery. Analysis of accident occurrences at these workplaces showed that, in the single year of 2014, accidental disasters dropped by 13.7 percent.

69. As foreign workers are mostly hired by small businesses and face difficulties in communication, they are more likely to suffer industrial accidents. As such, the Korea Occupational Safety & Health Agency developed the Industrial Accident Prevention Measures for Foreign Workers in 2012, which provides the workplaces that employ foreign workers with guidance and inspection services, relevant materials and classroom education. However, the lack of alignment between such education and the EPS and its enforcing bodies undermined the effectiveness of the endeavors, rendering such education on industrial safety and health perfunctory. To address these problems, the Government drafted the Measures for Industrial Accident Prevention in May 2014, bringing the nation's industrial safety and health policies in greater harmony and integration with the EPS and establishing links among relevant enforcing agencies. Under these measures, workplaces



with foreign employees can enjoy extensive benefits from technical and financial support programs as they are given priority consideration in the selection of technical support recipients. Moreover, practice-oriented industrial safety and health education has been offered with a greater focus on field-driven training. Some 50 types of media materials on safety and health are distributed to organizations related to foreign worker employment in 13 languages while foreign workers themselves are encouraged to make greater use of healthcare centers.

70. The *Labor Standards Act* prohibits discrimination on the ground of nationality and sets forth provisions on remedies for a worker's rights including those on prohibition of forced labor, exclusion of intermediary exploitation and settlement in money or valuables. Foreign workers are able to obtain relief for their rights as it can be sought through a petition with a local labor office.

## **Article 8**

### **Basic Labor Rights**

71. Workers are guaranteed the basic labor rights under the Constitution and other relevant laws. Concerning the rights of government officials and teachers to form trade unions, responses have been already submitted through Paragraphs 149 to 160 in the Third Periodic Report.

72. With regard to Recommendations 19 and 20, the provision that required a single collective bargaining channel for teachers lost force as of 1 January 2010, enabling respective teachers' unions to pursue their own collective bargaining. Concerning the Committee's call for Korea's ratification of the ILO's Right of Association and Protection of the Right to Organize Convention, etc., the Government and ILO still differ in opinion over whether Korea's existing legal institutions are in line with the ILO Conventions, particularly in terms of the scope of public servants entitled to form a trade union as well as unemployed people's right to join a union. As such, it is difficult to proceed with ratification at the moment.

### **Right to form trade unions and labor-management bargaining**

73. Upon the amendment of the *Trade Union and Labor Relations Act* in 2010, the establishment of multiple unions at one workplace was allowed while the bargaining windows were required to be unified within the workplace. The unification of bargaining windows is to be pursued on an autonomous basis at first. If such efforts fail, however, the majority labor union becomes a bargaining representative. If no majority labor union exists, then a representative bargaining trade union is formed. The representatives of bargaining trade union and the employer are given the duties of fair representation in an effort to prevent discrimination against minority trade unions. While controversies existed over whether the unification of bargaining windows infringed upon minority trade unions' bargaining rights, the Constitutional Court ruled the system constitutional in 2012 (Constitutional Court 24 April 2012. 2011Hunma338 Decision).

74. Unfair labor practices are sternly dealt with through investigations, search, seizure, etc., for cases of complaints and accusations against unfair labor practices in regard to the establishment and operation of trade unions. In September 2011, the Cyber Center for Reporting Unfair Labor Practices began its operation. In January 2012, the Standards on Actions against Unfair Labor Practices were amended to allow the immediate initiation of an investigation without first issuing a directive for correction if an employer's unfair labor practices are deemed material or restoration to the original state is considered unfeasible.

**The right to strike**

75. Concerning Recommendation 20, the compulsory arbitration system that placed a preliminary injunction on strikes at essential public workplaces was repealed. Instead, the essential business system was introduced, making it possible in principle to go on strike at an essential public workplace. The term “essential business” refers to businesses that, when suspended or discontinued, may seriously endanger the safety of the lives, health or bodies of the public and the daily life of the public from among the essential public-service businesses. The parties of labor relations must conclude an agreement that stipulates the necessary minimum level of maintenance and operation of the essential business, duties and the necessary number of workers, etc., in order to justifiably maintain and operate the essential business during the period of industrial actions. Should bargaining fail, the Labor Relations Commission is allowed to make such decision based on a request by the parties of labor relations.

76. With regard to a civil claim for compensation for damages caused by an industrial action, civil liability is exempted for a justifiable industrial action while a seizure against an individual is also restricted in part pursuant to Article 3 of the *Trade Union and Labor Relations Adjustment Act*.

77. Application of the crime of obstruction of business to trade unions’ industrial actions under the *Criminal Act* is limited to when such actions are in violation of laws in their purpose, procedures and methods and if such actions are abruptly taken with the likelihood of causing serious confusion or substantial damage in an employer’s business operation, etc., thereby suppressing and disrupting an employer’s free will concerning the continuation of business.

**Improvement of the EPS and migrant worker’s right to form trade unions**

78. Concerning Recommendation 21, the Government has endeavored to prevent discrimination against and exploitation of foreign workers by refining the EPS. The period during which one has to find a job at another workplace after applying for workplace change was extended from 2 to 3 months in December 2009. This period may be extended further if one fails to find another workplace due to pregnancy, childbirth, diseases, etc. In July 2012, an employer’s unfair treatment and violation of working conditions, etc., were included as triggers of workplace change not attributable to a worker. This expanded the scope of workplace change triggers that are not counted in the number of workplace changes. Foreign workers with a legal status of sojourn are guaranteed the same basic labor rights as Korean nationals. In a case where the Government turned down a report by illegal migrants on the establishment of a trade union, the Supreme Court adjudicated on 25 June 2015 that those who provided labor and lived on pay received in return for such labor should be recognized as workers as set forth in the *Trade Unions and Labor Relations Adjustment Act* and that illegally-staying foreigners should not be seen as otherwise. Upon this judgment, the previous decision of rejecting the trade union establishment report was revoked. Respecting the judgment, the Government accepted the establishment report of labor union of foreign workers in August 2015.

**Article 9  
Social Security**

79. Refer to paragraphs 176-219 of the Third Periodic Report with regard to the systems that form the foundations of social security in Korea, i.e., National Basic Livelihood Security System, National Health Insurance, National Pension, Employment Insurance and Industrial Accident Compensation Insurance.

### **National Basic Livelihood Security**

80. Concerning Recommendation 22, the Government makes strenuous efforts to improve the criteria for defining obligatory providers in order to better reflect the reality, such as by reducing the scope of obligatory support providers and easing the criteria for support ability determination. In 2012, to protect vulnerable people in need such as the elderly, persons with disabilities and single-parent households, the income criteria for obligatory providers was eased from less than 130 percent to less than 185 percent of the sum of minimum living expenses of the recipient and his/her obligatory provider. This policy was extended to households with people with rare and incurable disease in 2013. Also, in 2013, the amount of fundamental property not converted into income as deemed necessary for making a basic livelihood of the obligatory provider was raised by approximately 1.7 times for large cities and 1.25 times for small-and medium-sized cities. Of the obligatory provider's property, the income conversion rate of property for residence was relaxed by approximately 4 times. The *National Basic Livelihood Security Act* was amended in 2014 to formulate customized measures for restructuring the National Basic Livelihood Security System. With the amendment, the income criteria will be eased dramatically to enable obligatory providers to maintain a decent life at the level of median income even whilst supporting the recipient. Also, existing integrated benefits will be disaggregated into individual livelihood, medical, housing and education benefits. The recognized system, which entered into force in July 2015, has alleviated the income criteria for determining the obligatory provider's ability to provide support from 2.97 million won to 4.85 million won for a 4-member household, thereby substantially eliminating blind spots. Also, the existing single selection criteria will be tiered for the provision of different levels of benefits to enable the recipient, even when his/her income increases beyond the threshold, to continue receiving benefits that are needed for specific circumstances of the recipient's household.

81. Concerning Recommendation 22, the system is flexibly operated to ensure basic livelihood security of vulnerable people with unstable housing such as the homeless. The Government directly confirms their factual residence with the relevant livelihood security agency to provide necessary benefits for the marginalized as their dwelling is unstable or the resident registration is absent. In cases where their resident registrations have been cancelled or cannot be confirmed, a unique identification number for the social welfare system is granted instead to ensure protection.

### **Medical Care**

82. With regard to the Medical Care Program for the low-income, refer to Paragraphs 197 and 198 in the Third Periodic Report. In 2010, the Government exempted copayment for treatment of rare and incurable diseases that require costly, highly technical procedures and expanded the scope of diseases that can be covered under the program. In 2012, it increased assistance to cover medical expenses for pregnancy and childbirth, applied medical care to dentures for senior citizens aged 75 and older and provided medical care for the homeless. In 2013, benefits were extended to ultrasonic testing for four major serious illnesses (cancer, cardiac, cerebrovascular, and rare and incurable diseases) while the benefits for patients with serious illnesses were unified with the benefits for patients with rare and incurable diseases, granting all of them grade 1 eligibility for medical care and exemption of copayment. In 2014, efforts were made to strengthen coverage for four major serious illnesses including benefits for expensive anti-cancer drugs, improve benefits for three major non-care items that account for the largest share of the costs, and introduce selective benefits while expanding the scope of rare and incurable diseases qualified for deducted copayment. With regard to dental implants, the Government applies benefits to the elderly aged 75 years or older and plans to gradually lower the eligible age to 70 in 2015 and 65 in 2016. With the realignment of national basic livelihood security system

aimed at offering custom-tailored benefits, the minimum cost of living which had been used thus far as the criteria for selecting recipients and calculating benefits was replaced by the median income criteria, thereby introducing the concept of relative poverty while the criteria on obligatory providers were relaxed. As a result, 137,000 persons enjoy basic medical care benefits starting July 2015.

#### **Emergency Aid and Support System**

83. The Emergency Aid and Support System is designed to serve as a welfare system for offering prompt assistance to low-income groups in temporary distress, as provided for under the *Emergency Aid and Support Act* enacted in 2005 and enforced since March 2006. Under this system, distress is defined as the death of the main income earner, serious illness, difficulties in living in a house due to a fire or other causes and domestic violence, etc., in a low-income household with income and property below a certain threshold. Emergency aid is provided to people who face the distress as defined above in the form of livelihood, shelter and medical aid while the appropriateness of such emergency aid is reviewed by referring to the results of ex-post facto investigation after the aid has been rendered.

#### **Assistance for Social Insurance**

84. Workers or owners of small businesses tend to avoid joining social insurance schemes due to concerns over cost, exposure of income, decline in welfare benefits, etc., and as a result, are left unprepared for unemployment or retirement. To tackle the problem, the Government subsidizes social insurance premiums. Since the launch of a pilot project in 2012 and the nationwide roll-out in July 2012, some 1.4 million low-wage workers are now partially subsidized for payment of social insurance premiums.

#### **Expansion of Employment Insurance**

85. Self-employed people constitute a large portion of the Korean labor force, but most of them suffer low productivity and competitiveness. A consensus grew on the need to build a social safety net that assists the self-employed, should their business discontinue, in seeking jobs or restarting a business with a sense of security. Against this backdrop, the Government introduced a system in January 2012 that allows the self-employed to voluntarily subscribe to unemployment benefits. Employment insurance benefits such as unemployment benefits, vocational skills development, job changes support, etc., have been made available for self-employed business owners who hire employees fewer than 50 persons. With the system in place, 30,649 persons have joined as of the end of 2013, of which 17,908 remain insured.

#### **Industrial Accident Compensation Insurance**

86. The Industrial Accident Compensation Insurance aims to provide workers with prompt and fair compensation for any occupational accident and facilitate their rehabilitation. As of the end of 2013, a total of 15,449,228 workers in 1,977,057 workplaces are covered by the scheme. Given the fact that there are more diverse types of work as recently shown in the growing number of workers in special types of employment, and a sharp increase in the number of workers in high-risk businesses, i.e., parcel delivery and express dispatch service in particular, the Government has expanded the scope of industrial accident compensation insurance application to include these workers since May 2012.

87. Workers who become disabled with pneumoconiosis, which is an occupational disease, are provided with basic pension and pneumoconiosis disability pension since November 2010. In the criteria for recognition of occupational diseases, 35 types of new

hazards such as 14 types of carcinogens of occupational cancers, 12 types of occupational cancers and 3 types of new diseases were added in July 2013. To shift the focus from medical care and compensation to rehabilitation of the workers and their return to society, the Government completed the 2009-2011 Second Mid-term Development Plan for Rehabilitation Projects for Industrial Accident Compensation Insurance and is carrying out the 2012-2014 Third Mid-term Development Plan.

### **National Pension**

88. The National Pension Scheme, introduced in 1998, insures 21,125,000 persons as of 2014. The scheme is operated based on contributions equivalent to 9 percent of subscribers' income and 40 percent of its management costs is financed through the national budget. Of the subscribers, farmers and fishermen as well as low-income employees at small workplaces are subsidized by the state for half of their pension premium payment. As of the end of 2014, national pension reserve amounts to 470 trillion won. Income replacement rate in 2008 was 50 percent of average income based on 40 years of insurance coverage period, but to ensure fiscal stability of the scheme, the rate has been lowered by 0.5 percent every year to stand at 47 percent in 2014.

89. In 2012, the National Pension Scheme introduced a program to support up to 50 percent of pension contributions for low-wage employees at small workplaces. Efforts were made to improve the scheme to allow former insured persons of national pension who lost their insured status upon leaving their workplace after marriage such as full-time housewives, to pay pension contributions later for the period in which they lost the insured status and collect pension benefits once they reach old age, if they so desire. The statutory revisions were made in the National Assembly in 2015, and 4.63 million people including full-time housewives are allowed to receive national pension benefits in their old age from 2016.

90. The National Pension Scheme currently operates a divided pension scheme with a view to guaranteeing a stable old life of a divorced spouse by recognizing his/her contributions during the marriage period out of the insurance coverage period of the beneficiary of an old age pension, after the divorced spouse reaches 60 years of age. In 2007, relevant laws were revised to reinforce entitlements by allowing the beneficiary to a divided pension to continue receiving such benefits even when he/she remarries.

### **Income Security for Persons with Disabilities**

91. The income security system for persons with disabilities consists of the National Pension Scheme that functions as a social insurance as well as disability pension and disability allowances that are close to public aid in their nature. Disability allowances were introduced in 1990 to ensure economic security of low-income persons with disabilities. Prior to the launch of the disability pension system in July 2010, they were paid separately for serious and mild disabilities based on the degree of disability. Since the introduction of the disability pension system, people with serious disabilities receive disability pension instead, while those with mild disabilities continue to receive disability allowances. At the moment, people eligible for disability allowances are those who receive basic livelihood security benefits and aged 18 or older, and those with mild disabilities in the marginally poor class. A monthly amount of disability allowances was 20,000 to 30,000 won in 2014, which fell short of the actual additional cost of 130,000 won a month incurred by the mild disabilities, according to the National Survey on Persons with Disabilities 2014. Against this backdrop, the Government raised the level of disability allowance in 2015 to 20,000 to 40,000 won each month and stays committed to increasing benefits to ensure more realistic income guarantees for persons with mild disabilities. Disability pension provides persons with serious disabilities who have difficulty in maintaining a living with basic benefits for

compensating their income in accordance with their reduced work capacity, along with additional benefits to offset extra expenses arising from the disability. To broaden the scope of application for disability pension and raise the level of benefits, additional disability pension benefits were adjusted upward by 20,000 won in 2013 and with the amendment of the *Act on Pensions for Persons with Disabilities* in July 2014, the scope of application was expanded from the bottom 63 percent to 70 percent of income level and the amount of basic benefits doubled from the previous year from 96,800 to 200,000 won. Moreover, the amount of basic benefits is adjusted for inflation every year to contribute substantively to income security. Actual additional expense incurred by the serious disabilities is 230,000 won a month and disability pension of 40,000 to 283,000 won a month is disbursed as of June 2015.

#### **Social insurance for foreigners**

92. Prior to September 2011, a foreigner that could become an eligible recipient in the *National Basic Livelihood Security Act* was limited to foreigners sojourning in Korea who are rearing a minor child of Korean nationality while married to a national. With the amendment of the Act in October 2011, a foreigner, while married to a Korean national, who is herself or whose spouse is pregnant, or supports his/her spouse's lineal ascendant(s) of Korean nationality became eligible recipients. In 2012, the Government also gave entitlements to low-income earners among refugee status holders who live below the minimum cost of living. As of the end of 2013, there are approximately 3,000 people accessing various types of support under the *National Basic Livelihood Security Act*.

### **Article 10 Protection of the Family**

#### **Childcare Support**

93. Since 2013, Korea's childcare policy has been transformed to subsidize childcare fees for all with a child aged 5 or under while rendering allowances for child home care. To meet the demand for quality childcare service, the Government expanded the daycare center accreditation system and assisted the establishment of national and public daycare centers within farming and fishing communities in particular, as infant assistance was weak in these communities. The childcare policies thus far have been centered on quantitative financial assistance, but going forward, will be geared towards qualitative improvements. The Government plans to step up its efforts to ensure customized support for childcare, expand national and public daycare centers, improve the treatment of nursery teachers, strengthen safety at daycare centers, etc.

#### **Ensuring the rights of and strengthening assistance for persons with disabilities**

94. For persons with disabilities, various policies have been put in place to make sure that they receive necessary income, housing, medical and social welfare services. As for income assistance, the Government provides disability pension benefits, carries out projects on promotion of vocations for the disabled and is scaling up the preferential purchase of products manufactured by severely disabled persons. As for housing assistance, additional points are granted to the disabled when they apply for occupancy at permanent rental housing. For medical assistance, the National Rehabilitation Center has been expanded in size to better serve the needs of the disabled while medical expense support, childbirth support for disabled women as well as rehabilitation treatment services for disabled children are rendered. Furthermore, for social welfare service assistance, there are various benefits offered such as reduction and exemption in transportation fares and phone bills,

free rides, exemption from vehicle registration tax, and a special college admission system, among others.

### **Maternity protection**

95. For the protection of women's pregnancy and childbirth, 90 days of maternity leave are guaranteed, of which the initial 60 days are paid leave. For the unpaid 30 days, 100 percent of ordinary wages are paid from the employment insurance fund with 1.35 million won set as a monthly cap. In the case of miscarriage or stillbirth, the worker can take 5 to 90 days of leave in accordance with the length of pregnancy. All male and female workers can use childcare leave for one year to raise a child aged 8 years or under, or instead opt to use the system for the reduction of working hours for period of childcare, under which working hours will be shortened to 15 to 30 hours a week. The duration of maternity leave for multiple births is scheduled to be lengthened to 120 days starting July 2014.

### **Protection of and support for children**

96. Underage labor is specially protected by the Constitution of Korea as stated in Paragraphs 248 through 250 of the Third Periodic Report. As more young people become engaged in part-time work, the Government is undertaking various measures to protect young workers. Guidance and inspection is conducted on workplaces that hire many minor workers and the Partners for Protecting the Working Conditions of Young Workers monitor working conditions of adolescents while a wide range of education and publicity campaigns are carried out to enhance awareness about working environment of minors.

### **Policy for the elderly**

97. With regard to Recommendation 23, basic old age pension became available starting January 2008 for people aged 70 or older, and from July 2008, monthly pension benefit of 84,000 won is disbursed to people aged 65 or older. The amount of pension benefit was determined in consideration of the monthly income, calculated in accordance with a formula on the basis of an aggregated amount of one's property, earned and pension income, etc. Discussions then began to proceed on introducing universal minimum pension system for the old. Pursuant to the *National Pension Act*, legislated in May and took effect in July 2014, senior citizens in the lower 70 percentile of income of total elderly population aged 65 or older are now receiving basic old age pension benefits, calculated in alignment with national pension. Those who are not covered by the national pension scheme receive 200,000 won of monthly basic pension whereas qualified recipients of national pension collect 100,000 to 200,000 won in line with their monthly national pension, depending on inflation.

### **Family unification of immigrants**

98. For foreigners staying in Korea seeking family unification, Visiting or Joining Family (F-1), Long-Term Resident (F-2) and Accompanying Spouse (F-3) status are available. Resident status is granted to a minor child of a national of the Republic of Korea or a spouse and his/her minor child of a permanent foreign resident (F-5). Accompanying Spouse status is granted to a spouse and a minor child of a person qualified for a specific status of sojourn while Visiting or Joining Family status is given to those that do not qualify for Long-term Resident and Accompanying Spouse status but wish to stay in Korea to visit relatives, cohabit with family, seek care or other similar purposes. Foreign workers under the EPA are granted an employment period of 3 years or, in case of re-employment, 4 years and 10 months and are, in principle, required to return to their home countries upon expiry of the employment period. Therefore, family cohabitation by invitation of a foreign worker under the EPS is not allowed, yet family members of the foreign worker, if they

desire to enter Korea for the purpose of tourism and short-term visit, etc., are permitted to come and go as freely as foreigners in general do.

99. For marriage immigrants, the Government introduced a system in July 2011 that permits long-term sojourn of parents and siblings, etc., of marriage immigrants up to 4 years and 10 months with a view to supporting childbirth and child-rearing and emotional stability of marriage immigrants. From March 2011, the Government has granted residential status to foreign-national minor children of Korean nationals and made it possible for them to apply for permanent residence after staying in Korea for two years, thus enabling their long-term sojourn in the country without changing their nationality. Family unification is also guaranteed for recognized refugees.

#### **Sexual violence**

100. Laws related to punishment and prevention of sexual crimes underwent numerous revisions to date. In 2010, the *Act on Special Cases concerning the Punishment, etc., of Sexual Crimes* and the *Sexual Violence Prevention and Victims Protection Act* were established separately. Statutory sentence for sexual crimes against minors below 13 years of age was strengthened while statutory sentence for sexual crimes committed in the state of mental disorder induced by alcohol or drugs is no longer mitigated. In addition, the statutory limitations against sexual crimes committed on minors were made to commence from the month when the victim reaches his/her majority and the online registration and disclosure of personal information of sexual offenders was expanded and enforced to include sexual offenders against adults.

101. In November 2011, the Government defined categories for sexual crimes committed against persons with disabilities to strengthen relevant punishment and introduced life imprisonment for persons who commit rape against minors under 13 years of age and females with disabilities. In June 2013, the Government repealed provisions that rendered sexual crimes as a crime subject to victim's complaint and broadened the object of sexual crimes from "female" to "person". A number of actions were also taken as follows: establishing a crime of imitative rape; expanding the scope subject to the abolishment of the statutory limitations for sexual crimes; limiting the application of mitigating sentences for mental weakness due to alcohol and drugs; strengthening statutory punishment; widening the scope of personal information disclosure; widening the application of state-appointed counsels for victims of sexual crimes; introducing a statement assistant system for child and disabled victims of sexual crimes; and mandating more organizations to provide preventive education on sexual assault, etc.

102. Under the state-appointed counsel system introduced in March 2012 for the child and juvenile victims of sexual assault for the purpose of ensuring their rights and interest in the criminal procedures, the victims are now able to seek legal aid throughout the entire process from the initial stage after the assault leading to investigation and trial. In 2013, the system was expanded to include all victims of sexual crimes and the Government introduced state-appointed counsels dedicated to offering legal aid to victims of sexual crimes so as to prevent secondary damages.

#### **Domestic violence**

103. In response to Recommendation 24, the Government established the Comprehensive Measures to Prevent Domestic Violence in June 2013, aiming to reduce recidivism of domestic violence to 10.4 percent by 2017 by developing a customized and substantive prevention system, bolstering early response and punishment, and expanding protection for the victims and their families. Accordingly, the scope of organizations mandated to receive preventive education on domestic violence has been expanded from schools at each level to state institutions, local governments and public organizations. Various measures were



introduced as well, such as mandatory police mobilization in a reported domestic violence case and fines imposed against those denying the entry of the site and investigation by police officers as well as violators of emergency temporary measures. These efforts are translating into a steady growth in the number of arrests of offenders of domestic violence - from 8,762 cases of arrests made in 2013 to 16,785 cases in 2013 and 17,557 cases in 2014. Recidivism of domestic violence is declining from 32.8 percent in 2012 to 11.8 percent in 2013, and further down to 11.1 percent in 2014.

104. The *Act on Special Cases concerning the Punishment of Child Abuse Crime* designed to intensify punishment on child abuse crime and ensure prompt protection of the child victims thereof went into force as of September 2014. This Act newly established a crime of death caused by child abuse and a crime of serious bodily injury caused by child abuse, which are subject to life imprisonment as a maximum sentence. The Act provides for prosecutors to claim forfeiture of parental authority with a court in case a child abuser causes a serious bodily injury to a child or has habitually committed child abuse.

105. The number of family protective facilities set up to render aid for victims was increased, while victims admitted to such protective facilities are able to receive health examinations as well as assistance for their ordinary medical care and vocational training expenses. In particular, the number of protective facilities designed to protect and help migrant woman victims increased to 27 facilities. In 2014, the admission rate of domestic violence victims at protective facilities was 77.6 percent while the rate at migrant women protection facilities was 104.3 percent. Moreover, to ensure self-reliance and social adaptation of female victims, housing assistance was broadened to provide the victims and their families with a place to live. As of 2014, 239 households have found their home in 203 rental housing units. To help migrant woman victims, group homes have been established to offer shelters and self-support assistance centers operated to conduct vocational training, etc. Furthermore, the number of participants in correctional treatment programs devised to prevent recidivism of domestic violence by correcting sexual behaviors of the offenders rose to 12,023 in 2014 from 11,451 in 2013, indicating a 5 percent increase.

106. From 2013, education to raise awareness of domestic violence among field police officers was strengthened by installing the Practitioner's Course on Domestic Violence at 17 police training centers nationwide. At the Police Training Institute, the trainer's course on domestic violence was newly introduced, which was further expanded and realigned into the advanced course on domestic violence in 2014, with a view to deepening expertise among police officers. These programs have been formulated based on a survey of field police officers, the results of which pointed to a pressing need for training designed to improve the capacity of police officers in handling domestic violence cases, especially on relevant procedures and process. The MOGEF and NPA have joined hands to offer specialized and practical training courses such as the sharing of case examples with regional counseling centers. To substantialize on-site training, the Flow Chart for Handling Domestic Violence Cases which describes the procedure for handling the scene and the Field Response Manual for Domestic Violence were produced and distributed as well. For prosecutors and prosecution investigation officers, professional courses such as Investigation Specialists for Women and Children, Practice of Criminal Investigation for Abuse against Women and Children as well as Guidance and Supervision on Offenders under Probation are carried out to sharpen their expertise.

107. Reflecting a more rigorous stance on domestic violence, 112 Crime Report Center of NPA added a control code for handling domestic violence since 2013. Thanks to active publicity campaigns for reporting, the number of domestic violence cases reported has surged from 160,272 in 2013 to 227,608 in 2014.

**Trafficking in persons**

108. In response to Recommendation 25, the *Criminal Act* was amended to newly establish a crime of trafficking in persons and to revise existing crimes of kidnapping and abduction, etc., thereby completing domestic legislative process for ratification of the Protocol to the United Nations Convention against Transnational Organized Crime. The provision for universal jurisdiction (Article 296-2 of the *Criminal Act*) was installed while new provisions were also introduced for the punishment of trafficking in persons aimed at labor exploitation, sexual traffic, sexual exploitation, organ harvesting, etc. The bill of consent to the ratification to the abovementioned Protocol was submitted to the National Assembly in July 2014 and adopted in May 2015.

109. With the amendment of the *Criminal Act* that includes trafficking in persons, the Institute of Justice under the MOJ provided training to ensure effective response among prosecutors and prosecution investigation officers against offenders of human trafficking, sexual violence and sexual traffic. Four cyber training courses were conducted to provide access to online training. A total of 488 prosecutors and investigators completed the courses in 2013 alone.

110. The *Act on the Prevention of Sexual Traffic and Protection, etc., of Victims* was amended in 2014 to extend the period of assistance to victims of sexual traffic to help them continue their vocational training or study without being re-induced into sexual traffic. Various support for livelihood, child education and childcare was introduced for those not eligible for basic livelihood security benefits, and the results of preventive education on sexual traffic performed at public institutions were monitored. Moreover, supporting facilities for foreign victims of sexual traffic are in operation to offer a wide array of services from shelter, counseling, medical care, legal assistance, and interpretation to assistance with the return to their home countries. Admission period in these facilities is three months in principle, but the duration may be extended when there is a pending investigation or litigation; in the meantime, the victims may participate in job projects arranged at self-support assistance centers.

**Reinforcement of monitoring of issuance of E-6 Visas**

111. In an endeavor to safeguard human rights of foreign women who enter Korea on arts and entertainment visas (E-6) the MOJ, MCST, MOEL and MOGEF have been conducting joint government inspections and crackdowns on adult entertainment establishments that hire foreign entertainers since March 2014. Since May 2007, the MOJ has also permitted foreign women to change to other status of sojourn (G-1) if they are deemed to have suffered from human trafficking such as forced sexual traffic by their employers, so that they can stay in the country until they receive remedies. For foreign entertainers entering Korea on E-6 visas, early adaptation programs have been carried out at 15 immigration offices across the country since May 2014, informing the foreigners on basic living in Korea, immigration laws and remedial procedures and actions to take in case their rights are violated, etc.

112. To ensure international coordination in addressing trafficking in persons, the Government has been implementing ODA programs for helping the victims in developing countries, while establishing a cooperative system with the Government of Cambodia and local private organizations to provide education and training. In areas where illiteracy is high and border crossing occurs frequently, basic training is provided for safe migration and prevention of human trafficking for sexual exploitation along with vocational training for self-support. To promote closer international cooperation since 2012, the Government has continuously endeavored to bolster networks and share outcomes with foreign governments, international organizations and private organizations through organizing

international symposiums on human trafficking for sexual exploitation, while striving to combat transnational organized crimes.

### **Sex education at school and support for unwed mothers**

113. With regard to Recommendation 31, sex education in schools is conducted in a manner that considers developmental characteristics of students from kindergarten to high schools. Also, materials useful for sex education are developed for teachers and their expertise is strengthened while values on sexuality are taught across overall school curricula. Since 2011, sex education at schools has addressed how teenagers can protect themselves against pregnancy, with structured education conducted to help them learn about sex, reproductive health, the use of contraceptive methods, etc.

114. The Government is committed to expanding and intensifying support for single-parent families given the fact that whilst single-parent families facing social prejudice and difficulties in child-rearing and living are growing in number, only 13 percent of them receive any government support. In this vein, welfare benefits were newly introduced in 2012 to render additional assistance to unwed mothers with 50,000 won in additional monthly child-rearing support for those raising a child aged 5 years or under and 50,000 won in yearly stationery assistance for families with a middle or high school child. Monthly assistance for child-rearing expense was adjusted upward to 70,000 won in 2013 and to 100,000 won from 2015, while assistance for rental housing will be scaled up further in the future. The *Act on Enforcing and Supporting the Payment of Child Rearing Expenses* was legislated on 24 March 2014 to ensure that a single parent can collect child-rearing expenses from the other parent who is not raising the child. Also, the Child Support Agency is to be set up in 2015 to offer one-stop services.

115. The Government has stepped up assistance for unwed mothers under 24 years of age, who consist of the majority of unwed mothers, while carrying out Self-support Project for Teenage Single-Parents since 2010 with outreach efforts for eliminating social bias against unwed mothers. Young unwed mothers receive financial assistance such as child-rearing expenses, school completion qualification examination fees or high school tuition as well as self-support allowances, etc. They are offered psychological and emotional counseling, childbirth and maternity care products as well as protection through welfare facilities for mothers and babies. In the early days of the project, the coverage remained limited as unwed mothers were hesitant to come forward to seek help, but thanks to continued outreach to enhance awareness through such means as online campaigns, leaflets and posters, the number of beneficiaries has jumped nearly 71.5 percent to date.

## **Article 11 The Right to an Adequate Standard of Living**

### **Poverty eradication strategy**

116. Concerning Recommendation 26, the minimum cost of living under the *National Basic Livelihood Security Act* has been applied as an official poverty line as well as a baseline for public assistance. The minimum cost of living is calculated based on market-basket method, in which a minimum level of all items necessary for daily life is defined and converted into monetary value. However, such minimum cost of living has an inherent limitation in that it does not fully reflect improvements made in the relative standard of living resulting from the development of economy. As such, the *National Basic Livelihood Security Act* was amended in 2014, and standard median income will be introduced in place of the minimum cost of living. Assuming that all households of a country forms a queue according to their income levels, the income of the household at the center of the queue

would be defined as median income. Using median income as a criterion, the concept of relative poverty can be applied to measure how poor a person is in comparison to others, and such criterion will naturally move up in line with the rise in income of others.

117. In building a social safety net for poverty eradication, the Government shifts its paradigm from passive protection to active anti-poverty assistance. Endeavors are underway to bolster income security and alleviate poverty for vulnerable groups, by introducing disability pension, discovering and assisting people on borderline poverty and launching basic pension, etc. In tandem with these efforts, the Government, with an emphasis on welfare-to-work, is intensifying work incentives designed to lift people out of poverty and assist their independence through a matching fund and incentive wage for the welfare recipients. The Government conducts periodic fact-finding surveys on the impoverished people to identify their demographic, social and economic characteristics and needs and formulates effective support policies for the low-income class. The fourth fact-finding survey is underway at the moment and the third survey in 2010 found that the poor comprised 1.55 million recipients of basic livelihood security benefits (the number stands at 1.33 million as of the end of 2014) and 1.85 million people in the marginally poor group. One-person or two-person households accounted for more than 78.4 to 80 percent of total poverty while the share of woman-headed households was higher in lower-income households. Of the recipient households, 22.8 percent of families had children and 90 percent of households in the marginally poor group had no children. The householder age in 47.6 percent of families receiving basic livelihood security benefits was 65 or older and the average householder age of the marginally poor group was the highest. As for general recipients of basic livelihood security benefits in 2014, women accounted for a larger share of 56 percent than men. By age, middle-aged group was the highest at 37 percent, followed by elderly group at 29.9 percent and adolescent group at 15.3 percent.

#### **Addressing the problem of homelessness**

118. To address the problem of homelessness in Recommendation 27, the Government legislated the *Act on Support for Welfare and Self-Reliance of the Homeless*, etc., which was put into force in June 2012. Under the Act, the welfare service delivery system which had been divided into homeless shelters and vagrant welfare facilities was realigned into self-support, rehabilitation and medical care facilities in order to render customized services to the homeless. Also, a comprehensive support system was set up to offer and manage housing, employment and medical services to cater to the diverse needs of the homeless in an adequate manner. The homeless are able to admit themselves into a disability, mental health, elderly welfare or a specialized facility in line with their circumstances and seek benefits from the programs that promote self-support and their reintegration into society while forming stronger ties with local residents.

119. Apart from welfare facilities, each local government subsidizes temporary housing expenses for homeless persons who are capable of leading independent lives in order to help them resettle in local communities. Assertive Community Treatment Team consisting of psychiatrists, etc., conducts counseling and diagnosis for homeless persons with chronic and severe alcohol addiction, mental disorders or tuberculosis so that they can be either admitted to hospitals, referred to facilities or assisted with temporary housing expenses in line with their needs and characteristics. Such assistance ensures that the homeless in need of emergency measures are not left neglected on the streets.

120. Guided by service-centric policies to resettle homeless persons into local communities, the Government works to come up with comprehensive plans to promote the welfare and self-support of homeless persons, which will include robust preventive assistance for population at risk, measures for eliminating blind spots in medical care and reintegration into local community through residential and employment support, etc. In

addition, as part of public-private partnership, a pilot project is being implemented to provide assisted houses that offer serviced residence. The project is expected to help lift many out of homelessness through independent housing so as to induce this vulnerable group away from streets and to return to society early.

### **Right to food**

121. Since 2007, the Korea National Health and Nutrition Examination Survey has been conducted on a yearly basis. In 2011, the Government revised the life cycle-based dietary guidelines that accounted for the 2010 nutrition standards, diet and diseases, etc., of people. At the moment, common dietary guidelines and a 2015 version of nutrition standards which consider physique and food intakes of the public are in development.

122. The Government has been operating a nationwide program to provide regular nutrition education and specific supplementary food for the poorly nourished population since 2008. As of 2015, such project is carried out at 253 public health centers across the country.

### **Right to water**

123. Contamination warning system is put in place at 70 stations across the country as a response mechanism for early detection of contamination accidents involving drinking water in order to protect water intake sources and prevent widespread diffusion of pollutants. Additional efforts are being undertaken to narrow the gap in waterworks supply rate between urban and rural areas.

### **Right to housing**

124. Refer to Paragraphs 288 through 291 in the Third Periodic Report for details on the status of Korea's housing supply rate, etc. The housing supply rate reached 103.5 percent in 2014 and per capita residential area increased from 26.2 m<sup>2</sup> in 2006 to 33.5 m<sup>2</sup> in 2014. Also, the share of apartments with decent basic structure for living was 58.4 percent in 2010 and approximately 79.8 percent of new housing starts in the 5 years from 2006 to 2010 were apartment complexes. The current trend for apartment construction is expected to expand in the future.

125. In continued pursuit of public housing policies, the Government works to incorporate changes in the housing environment into the policy framework, such as changes in demographics and household structures, socioeconomic dimensions and utilization of urban spaces to achieve the vision of universal residential welfare.

126. The Government aims to supply 110,000 units of public rental housing by 2018. To that end, it plans to diversify supply channels and facilitate provision within urban centers rather than suburbs while continuously pushing ahead with long-term public rental housing, with a view to upgrading the inventory ratio of long-term public rental housing to the level of developed countries. In order to increase rental housing stock, the Government is expanding tax credits and financial benefits to incentivize available private capital to flow into rental housing market while broadening and strengthening the housing allowance system to substantially alleviate housing burden of low-income families. At the same time, it is reinforcing residential assistance tailored to the needs of recipients. The number of eligible households for housing allowances, after the system goes through realignment, is expected to move up from 700,000 to 970,000 in 2013 with the average amount of benefits rising from approximately 80,000 won to 110,000 won in 2013. Jeonsei support funds will be disbursed to 130,000 households in 2015. As of 2014, 60.2 percent (at 3.13 million households) of houseless families in the first to fifth income quintile (at 5.2 million

households) received housing assistance and the government strives to widen the scope of beneficiaries to more than 90 percent by 2022.

127. Responding to Recommendation 28 on the establishment of a focal point, the Government installed a Housing Welfare Support Team within the Housing Welfare Department in 2005, transferred work related to housing allowance from the MOWH to the Ministry of Land, Infrastructure and Transport which oversees housing policies in 2014, and currently operates a Housing Allowance Team within the Housing Welfare Planning Division. The Division aims to solidify a housing safety net through the following efforts: providing stronger housing assistance to low-income families; implementing multi-unit build-to-rent housing and jeonsei (deposit-based) rental projects for lowest-income classes in cities; operating emergency residential assistance project for people whose quality of residence has suddenly deteriorated due to economic crisis; and expanding the coverage of residential assistance projects to include residents of Gosiwon (small studying rooms) and inns in addition to those of confined rooms and vinyl houses to help them to move into rental houses. Starting in 2014, a new housing allowance system will be implemented in full swing, to further broaden the scope of coverage to low-income families with unstable housing and pay such benefits in consideration of residential type and expenses. Moreover, the Government plans to strengthen housing census and establish an information system to make sure the assistance is provided to those in need while introducing a certified housing welfare professional system. Furthermore, improvements will be made to the housing welfare delivery system by linking housing to various other welfare policy tools such as welfare, medical service and education, so that effective services can be rendered to the public.

128. For implementation of Recommendation 28, the Government promoted residential stability and self-support for disadvantaged groups such as dwellers in substandard housing environment, e.g. confined room tenants, through providing rental housing assistance. In June 2007, the relevant authorities drafted the Plan for Housing Support for Residents in Confined Rooms or Vinyl Housing, conducted a demand survey on people wishing to relocate, and followed up with the provision of housing support. In July 2011, the Measure for Housing Support for Households Living in Insecure and Inadequate Housing was introduced to supply broader assistance to homeless shelters and facilities. A comprehensive range of support has been made available through measures such as: conducting a survey on households in insecure and inadequate housing during a resident registration survey and reporting the findings to relevant ministries; selecting these dwellers as preferential beneficiaries eligible for employment promotion programs and arranging their job placement; and executing welfare services pursuant to the *National Basic Livelihood Security Act* and other laws, based on attributes of housing support candidates.

129. The pressure of high residential expenses for leasing one-room type houses near their schools due to the lack of accommodations available in dormitories looms over young people with vulnerable housing, especially college students residing away from their homes to go to school. Against this backdrop, the Government has been leasing existing houses on a jeonsei basis for college students since 2011 while extending low-interest rate loans from public funds to cover up to 90 percent of project costs for dormitory constructions carried out by private universities since 2012. To improve birth rate and support housing for low-income newlyweds without a home, jeonsei rental houses have been provided since 2008 to those married for less than 5 years with children.

130. The Government expanded the supply of national rental housing for marginalized groups such as the disabled and aged, most of whom live on a low income, to help them secure long-term, affordable housing. In addition, the *Act on Support for Underprivileged Group, Disabled Persons and Age, etc.*, was introduced in 2012 to systematically back up residential stability policies for the underprivileged. On the other hand, jeonsei rental

houses are provided to bolster residential security of socially vulnerable children. Entitled to such assistance are children or adolescents who support their families or those who lost their parents in car accidents, and who are houseless and live below the average monthly income of an urban worker. Furthermore, a user-friendly portal for the Housing and Urban Development Fund was put in place to give detailed information on eligibility for assistance for home purchase and jeonse fund, etc.

### **Forced evictions**

131. In connection with Recommendation 29, removal of buildings in a rearrangement project as pursuant to the *Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents* is to proceed after a management and disposal plan is authorized and residents complete their relocation. Physical confrontations may take place in the removal stage over compensations and other claims. In this context, the Government has come up with numerous institutional measures to prevent physical stand-off during removal process. In particular, the voice of affected residents must be heard and reflected in the course of developing a rearrangement plan, their consent is required as a precondition for implementing the plan, a removal plan has to be formulated as part of the project implementation plan, and certain restrictions must be imposed on deciding the time of removal. When the head of a local government formulates a rearrangement plan to rearrange residential environment, he/she has to give written notice to the residents of the plan and undergo procedures such as holding briefing sessions on the plan, opening the plan to the public, and holding hearings of the local council. Also, for composition of a promotion committee or for authorization of establishing an association to implement the rearrangement project, a majority or a 3/4 of consent from residents must be obtained respectively. Moreover, even when a project implementer is permitted to remove existing structures upon obtaining residents' consent, actual execution may be restricted at any of the following times: before sunrise and after sunset; when severe weather alerts are announced in accordance with the *Weather Act* due to serious disaster forecasts such as torrential rain, heavy snowfall, typhoon or cold wave; and when a disaster defined in the *Framework Act on the Management of Disasters and Safety* occurs.

132. Moreover, the project implementer has to fulfill the following responsibilities: pay the tenants relocation expenses and apply mutatis mutandis the *Act on Acquisition of and Compensation of Land, etc., for Public Works Projects* to other compensations; undertake measures corresponding to a temporary admittance for owners or tenants of the housing to be removed by arranging facilities such as rental housing for temporary stay or loans for a housing fund, etc.; and supply rental housing after construction.

133. Pursuant to the *Administrative Vicarious Execution Act*, administrative execution by proxy refers to a system in which occupation is taken away by force from an occupant against his/her will. Such execution is strictly limited to situations where there is non-performance of replaceable duty to act under public laws, due to concerns over possible infringement of human rights. Therefore, application of the above Act is excluded to protect the occupant's right to housing if there is an obligation of forbearance, or even when there is an obligation to act, if it involves an obligation to deliver or evacuate without substitutability. Therefore, if a tenant within a development project zone refuses an eviction order, the project implementer must still file an eviction suit and receive a ruling from the court on the legitimacy of such order before he/she can enforce administrative execution by proxy.

## **Article 12**

### **The Right to Health**

#### **Medical insurance**

134. With regard to Recommendation 30, the coverage rate of the NHI stands at 62 percent in 2013 and the public expenditure ratio in national health expenditure stays relatively low at 54.5 percent in 2011. However, the Government plans to apply the NHI by 2016 to medical care services essential in treating four major serious illnesses, namely cancer, cardiac, cerebrovascular, and rare and incurable diseases, while promoting gradual application of health insurance to non-covered items as well in order to reduce the patients' cost burden.

#### **Program for prevention**

135. The third National Health Plan 2020 established in 2010 aims to promote active longevity and health equity. Under the plan, monitoring is conducted on the implementation of four focus areas - from expansion of healthy lifestyles such as no smoking, abstinence from drinking, physical exercise and nutrition, etc., to preventive health management, demographic group-specific health management and creation of a healthy environment.

136. The *National Health Promotion Act* was amended to reinforce tobacco control policy by raising cigarette prices in 2015 while mandating introduction of anti-smoking images on cigarette packs, etc. Relevant laws were amended to build a national management framework for the infectious diseases under surveillance, thereby ensuring faithful implementation of International Health Regulations of the World Health Organization (WHO). Starting with Gwangmyeong city in 2009, there are now eleven cities and provinces across the nation in June 2015 involved in pilot projects for registering patients with hypertension and diabetes aged 30 or older. Going forward, the Government plans to continuously control health hazards such as smoking and drinking and broaden preventive healthcare programs such as health promotion projects, etc.

#### **Mother and child health**

137. Refer to Paragraphs 323 through 327 in the Third Periodic Report for details on projects for mother and child health. The National Health Plan laid a foundation for a health management system for each stage of the life cycle. For pregnant women, the aim is to strengthen prenatal management for proactively controlling maternal and fetal health risks while for infants the aim is to bolster preventive healthcare as a way to prevent disease and promote health. Since 2008, all expectant mothers receive support for medical costs associated with pregnancy and childbirth as part of their prenatal care, which led to a 42.2 percent drop in maternal mortality ratio in 2012 compared to the previous year.

138. Local governments offer assistance for iron and folic acid tablets to prevent premature births or miscarriages of pregnant women as well as congenital anomalies in newborns. Professionally prescribed supplementary food is supported to pregnant women, infants and breastfeeding mothers with nutritional imbalances such as anemia, etc., and training conducted to enhance their dietary competencies. Neonatal screening tests for congenital metabolic disorders administered on all newborn babies were expanded to six types of tests in 2006. The Government's early diagnosis program for hearing impairments has been under implementation since 2009 for newborns from families with income below a certain threshold.



## Articles 13 and 14

### The Right to Education and Universal Primary Education

#### Purpose of education and universal primary education

139. The purpose of education in the Republic of Korea is detailed in Paragraphs 502 and 503, and free and compulsory primary education has been fully realized as explained in Paragraphs 449 to 451 in the Initial Report.

140. To achieve the spirit of Article 13 (1) of the Covenant in the school curricula, the Government incorporated this content in the Elementary and Secondary School Curriculum in July 2012 and further included contents on respect for humanity, promotion of tolerance and participation in society through education in the general guidelines and nine subject curricula.

141. Measures for alleviating high expenditure on private education and strengthening public education and financial support for low-income families (Recommendation 33)

142. With a view to relieving financial burden of private education, the Government has enacted and enforced the *Special Act on the Normalization of Public Education and Regulation of Advanced Education* in September 2014 to reinvigorate student-focused customized education and normalize public education. Under the Act, a stronger emphasis is placed on character, practical exercises and experience in school education while ability-based classes and standard-based assessment system are expanded and the free semester system is introduced. To help low-income students learn without financial stress, a total of 925.9 billion won of assistance was provided in 2014 alone to cover their tuition fees as well as meal expenses and vouchers for after-school courses, etc.

#### Countermeasures for addressing academic stress caused by competition

143. In response to Recommendation 34, the MOE recommends superintendents of the local education offices to prohibit private cram schools from offering lessons after 10 P.M., considering its impact on school lessons and student health. National-level evaluation is needed to identify academic achievement levels of individual students and schools so as to address learning deficiency in low-performing students and also to utilize the results as basic data for curriculum improvement and administrative and financial assistance. To that end, third-grade middle school students and second-grade high school students are assessed for their academic accomplishments. Students receive report cards based on four levels of academic proficiency - excellent, average, basic and insufficient - and do not get to see the information on actual scores or ranking. Based on this information, schools conduct remedial teaching for students who lack basic proficiency while the MOE and local education offices offer a broad array of programs to enhance basic academic performance of students.

144. In a bid to deliver education suited to the talent and aptitude of students, the Government operates alternative classrooms within schools and provides assistance for excellent education programs run at public and private alternative schools. It also renders extensive support to revitalize alternative education within the public education domain, through relevant personnel training, education contents development, operation consulting and expert forums, etc.

#### Secondary course for technical and vocational education

145. A wide range of policies across the Government for high school vocational education have been implemented since 2008 including programs to upgrade functional capabilities of students and strengthen career guidance with a focus on specialized high

schools. Education is geared towards encouraging students to enter society based on their individual merits rather than academic or educational backgrounds. Starting in 2010, the Government has been nurturing Korean Meister High Schools to align curricula with industrial demands so that students can land jobs immediately after graduation and chart their career paths as Meisters. In addition, relevant ministries are fostering specialized high schools in certain fields to cultivate technical talent for growth engine industries and structurally understaffed sectors. Education fees for students attending specialized high schools are fully subsidized.

#### **Tertiary education: measures for reducing college enrollment fees**

146. To give everyone access to higher education opportunities on the basis of their will and capability without being bound by their financial capacity, the Government introduced an income contingent loan system in 2010 and consolidated existing scholarship schemes for low-income families into a broader national scholarship assistance program in 2012. Moreover, to set college enrollment fees at a reasonable level, the Government amended the *Higher Education Act* to legislate a cap on the rate of increase in enrollment fees as well as enrollment fee deliberation committees in 2011.

147. Since the launch of the national scholarship assistance program in 2012, the budget for government-financed scholarships has grown dramatically, with the number of national scholarship recipients reaching 1.222 million in 2014. In 2015, 7 trillion won will be set aside against 14 trillion won of total required enrollment fees as of 2011 by pooling in 3.9 trillion won of government-financed scholarship funds including national scholarships and another 3.1 trillion won mobilized through university-led initiatives (freezing/reducing enrollment fees and replenishing scholarships) so that the burden of enrollment fees on students and parents is reduced by an average of 50 percent. Moreover, the interest rate on student loans is maintained at 2.7 percent, a level far below the 5-year average price inflation rate of 3.22 percent. Under the new student loan program introduced in 2010, students feel less financial pressure while attending school as they are allowed to pay back the principal and interests on loans after getting a job.

#### **Lifelong education**

148. Refer to Paragraphs 351 to 361 in the Second Periodic Report and Paragraphs 387 to 390 in the Third Periodic Report for lifelong education.

149. Illiteracy rate among adults aged 18 or older is only 1.7 percent of the total population in Korea, but the Government continues to carry out programs to assist undereducated adults who lack basic literacy skills while supporting those who did not receive basic education during their school age to acquire elementary or middle school education. Poorly literate people are mostly adults in their 50s or older who could not get proper schooling due to reasons such as war and poverty. Illiterate women represent twice the number of illiterate men.

#### **Education for minorities and minority children**

150. Given the rise in the number of students from multicultural families (children of international marriage families born in Korea or born abroad who have entered Korea to live as well as children of foreign nationals), the Government has been supporting their bilingual education since 2010, and introduced various other policies. Work-study scholarship for college students is utilized, for example, to have them work as mentors to promote students' scholastic ability such as basic learning skills. Also, high-performing students in the field of math and science, language, leadership, arts and sports receive assistance so that they can be cultivated into global talent.

151. Preparatory classes are offered through special courses for foreign and immigrated students in order to adapt them to a new school environment. Also, multi-culture focused schools are operated for students to improve their sensitivity to cultural differences, eliminate prejudice and discrimination and boost their understanding of other cultures. Moreover, assistance is given to accredited alternative schools that support maladjusted, multicultural students.

152. To develop competence and help form a positive sense of identity among children from international marriages, programs for the language gifted began from the second half of 2009 as a pilot and was rolled out across the country in 2011. Marriage immigrants equipped with certain qualifications were nurtured into bilingual instructors and education on culture and language of major countries where such marriage immigrants come from was conducted mainly for children born from international marriages, aged 3 to elementary school students. Recognizing the importance of creating a bilingual environment at home to effectively enhance bilingual proficiency of children, the Government converted this program into the Bilingual Family Environment Promotion Project from the second half of 2014, operated it on a pilot basis at 6 centers and expanded it nationwide in 2015.

#### **Education for persons with disabilities**

153. With the establishment of the *Act on Special Education for the Disabled Persons, etc.*, on 25 May 2007, compulsory education for persons eligible for special education has been expanded. There are 88,067 persons eligible for special education as of April 2015, indicating a steady increase despite a drop in school-age population. The number of persons with disabilities such as visual, hearing and physical impairments is continuously declining whereas the number of persons with mental retardation, autism and developmental delays is steadily increasing. As there are an increasing number of persons eligible for special education, special educational institutions or special education teachers are likewise growing in number. As of April 2015, there are 167 special schools, 9,868 special classes, 196 special education support centers and 18,339 special education teachers. Moreover, there is a special admission system for the disabled in place to deliver more opportunities for the disabled to pursue higher education. Under this system, 807 disabled students were admitted to 121 colleges and universities in 2015 while 2,750 assistants dispatched at 221 universities and graduate schools to provide aid. As a reference, there are 8,598 disabled students attending 468 universities as of April 2015. Efforts will be made every year to significantly improve the learning environment for disabled students by 2017 through installing and expanding special schools, securing more special education teachers within the legal quota, and increasing a pool of learning assistants for disabled college students.

#### **Gender equality in education**

154. Equality between men and women has been achieved in accessing education opportunities in Korea, with no significant gender difference from primary education to college entrance rate. Women show a rather higher college entrance rate than men.

### **Article 15 Right to Cultural Life**

#### **Support for Culturally Marginalized Groups and Regions**

155. To ensure the right to access broadcasting for marginalized people, the Government has been distributing broadcasting receivers designed to help the disabled enjoy closed captioning and descriptive video services since 2000 while amending the *Broadcasting Act* in 2011 to mandate disability-friendly broadcasting services. Central/regional terrestrial

broadcasting stations, general programming broadcasters and specialized news report channels are required to provide 100 percent of their broadcast programs with subtitles, 10 percent with descriptive video service and 5 percent with sign interpretation. Emergence of new broadcasting- and telecommunication-converged services, coupled with changes in the media environment, are causing concern over limiting the marginalized group's access to broadcasting services. However, continued implementation of these policies is deemed to have significantly contributed to the disabled's access to broadcasting.

156. The cultural voucher project, which began in 2006, has expanded both in terms of beneficiaries and contents. Aimed at closing the cultural divide from social polarization, the project has reached out to a broader audience and offers more targeted cultural and art programs. Also, there are specially tailored programs aligned with the needs of beneficiaries such as the disabled and elderly.

157. To promote sports for marginalized regions and people, the Government promotes the sports-for-all project, the youth sports class voucher program, etc. Sports equipment and life sports programs have been provided to elderly and child facilities since 1997 and the Life Sports Class for Sharing Happiness operated since 2009 for disadvantaged children and teenagers at orphanages, etc. To offer youth from low-income families with continued opportunities for participation in sports activities, a wide range of sports welfare projects are implemented for children and youth from families on basic livelihood security benefits, such as the sports class voucher program that finances monthly tuition fees for sports classes as well as the admission voucher program for watching professional sports games.

### **Cultural diversity**

158. Korea acceded to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions in March 2010, which came into effect on 1 July 2010. As of 2014, Korea is preparing to submit its initial report while pushing for the enactment of the implementing legislation.

Policies for cultural diversity are aimed at ensuring opportunities for the minority to express themselves and the minority groups to participate in cultural life, thereby building a culturally creative and inclusive society. The Rainbow Bridge Project, implemented since 2012, is a flagship project that promotes the value of cultural diversity through the following: opportunities for cultural expression provided to various people such as migrants, multicultural families, the disabled and elderly, etc.; culture and art programs for communicating and interacting with mainstream cultures; cultural diversity education courses for the general public to raise their awareness about cultural diversity; and assistance for producing cultural contents such as books or films.

159. The Government designated 20 May as Together Day in 2008 and has been organizing a wide spectrum of campaigns to deepen public acceptance for multiculturalism. To help immigrants build their capacity to become independent through social engagement, a volunteer corp was launched in 2009 comprised of immigrants who settled in Korea. They were dispatched to immigration offices across the country to work at information desks or as counselors for handling grievances. Moreover, as a way to boost awareness about cultural diversity among civil servants charged with immigration-related duties at local governments or the NPA, the Government has offered Training Courses for Understanding Immigration Policies since 2011 and opened Citizenship Education Courses for Multicultural Society from 2012 for workers at support centers for foreigners, students as well as the general public.

160. Diversified media environment also contributes to fostering a culturally diverse society. With laws enacted on Internet newspapers in 2005, and people spending more time on media via mobile devices, Korea has turned into a society ensured with the right to enjoy

cultural life in a multimedia environment. With the growing scale and social influence of the Internet newspaper market, the Internet Newspaper Committee officially set sail in 2012 for self-regulating the Internet newspapers and began to work towards enhancing the credibility and quality of Internet newspapers. Furthermore, each newspaper and broadcasting companies are actively engaged in a multitude of cultural projects such as spring literary contests, music festivals, and art exhibitions, thereby deepening public participation in cultural life.

#### **Welfare policy for artists**

161. The *Artist Welfare Act* came into force in November 2012 to protect the occupational status and rights of artists and provide support for their welfare. The death of an artist due to financial difficulties in 2012 served as a trigger for legislation, highlighting the need to build a social safety net for artists. They can receive legal and psychological counseling and consulting under the Act. Artists who are unable to join the employment insurance scheme can get support equivalent to unemployment benefits along with vocational training, medical expense assistance and industrial accident compensation premiums which are partially funded. The Act was amended in March 2014 to introduce legal grounds for imposing sanctions on behaviors such as holding payment for appearance or manuscript fees for artists or forcing them into unfair contracts. Related litigation expenses are supported as well.

#### **Culture & art schools and specialized education**

162. The Government carries out culture and art education at schools as a way to provide children with opportunities to experience culture and art from an early age and nurture their creativity, humanity and the ability of communication and empathy through art. Support is extended to 4,735 teaching artists in eight fields of art discipline including Korean traditional music and theater, with benefits reaching approximately 2.5 million students. In particular, the Art-Flower Seed School Project is implemented at 43 schools across the country, which links small schools in culturally marginalized areas with local cultural and art resources so that students can learn to appreciate culture and art. Moreover, assistance has been expanded to cover those who are left out culturally such as children, senior citizens and disabled persons at 463 welfare facilities, inmates at correctional facilities, out-of-school youth, military personnel and workers at industrial complexes. In addition, community participatory programs are offered at some 80 local culture and art centers and 700 culture-based facilities across the nation as the Government adopts a more community-based, grassroots approach to culture and art education.

163. With regard to Recommendation 35, the KNUA organizes and operates autonomous curricula for the cultivation of creative artists and is working to recruit teachers of high caliber. The Faculty of Arts and Liberal Studies was established in 2011 to teach its own curricula designed to promote inter-disciplinary education. Also, the KNUA operates collaborative education courses across different majors and signed an operating agreement with another university on pursuing joint liberal arts studies. As part of its self-regulating efforts for faculty recruitment, the KNUA revised its faculty appointment regulations and assessment guidelines for open recruitment of full-time faculty members, thereby increasing fairness and transparency in the hiring process.

#### **International cultural exchange**

164. As described in Paragraphs 583 to 588 of the Initial Periodic Report, Paragraphs 450 to 456 of the Second Periodic Report and Paragraphs 463 to 465 of the Third Periodic Report, the Republic of Korea promotes international cultural exchange under the principle of mutual benefit. Cultural agreements on promoting cultural exchange at the private level

have been signed with 101 countries as of 2014, and Joint Cultural Commissions are operated with 38 of these countries.

### **Science and technology**

165. With the full revision of the *Bioethics and Safety Act* in 2012 and its enforcement from 2013, the Government broadened the scope of bioethics policy that had been confined to biotechnology such as embryo and genes to include research on humans and human materials, applying bioethics and biosafety standards accordingly. Pursuant to this Act, researchers who wish to perform research on humans and human materials must first ask Institutional Bioethics Committees to examine scientific and ethical validity of their plan. Also, to account for the research subjects' human rights and safety, their written voluntary consent must be obtained in advance. In addition, criteria pertaining to the facility and manpower, etc., of genetic testing institutions were established to control the quality of such institutions.

166. Pursuant to the *Framework Act on Science and Technology*, the Government develops a master plan for science and technology every five years. Under the current 2013-2017 master plan, the Government has established detailed tasks for the following goals: training human resources in science and technology and promoting the utilization thereof; fostering technology transfer and commercialization; managing and protecting intellectual property; funding support for technology innovation; facilitating new industry creation; and generating jobs directly in science and technology field.

167. To promote advancement in science and technology (S&T), universities, businesses and government-funded institutions are working collaboratively to mutually complement one another while the Government, for its part, endeavors to address market failures by focusing its investment on basic research, high-risk research, future growth sectors, areas with public demands and technologies related to small-and medium-sized enterprises. Accordingly, the Government channeled a total of 17.64 trillion won of investment into R&D assistance alone in 2014. Strategic technologies that the Government invests in also include tasks for ensuring the right to a decent living - tasks for overcoming incurable diseases, customizing medical services for patients, responding to an aging society, securing the right to food including food safety, etc., tackling climate change and enhancing convenience in living space, etc. Regarding international science and technology exchange, refer to Paragraphs 466 to 472 of the Third Periodic Report. Annual contribution to the United Nations ESCAP has grown to 4.5 million dollars. Tasks for international exchange in science and technology such as expanding ODA for science and technology, the establishment of international S&T hub and facilitation of international joint research in strategic areas, etc., are included in the Master Plan for Science and Technology.

168. Korea is stepping up cooperation in addressing global challenges such as climate change and energy, etc., while taking part in large-scale international joint research in areas such as space and ocean, etc. As part of the science ODA, Korea is making strenuous endeavours to create S&T innovation and development models and to promote technology transfer.

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