



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fourth periodic report of the Republic of Korea*

I. General information

1. Please provide an assessment of the implementation of the second National Action Plan for the Protection and Promotion of Human Rights (2012-2016) and provide information on the main objectives of the third action plan (2017-2021), in particular with regard to economic, social and cultural rights. Please also provide information about the participation of and consultation with civil society in the evaluation of the previous plan and the drafting of the current plan. Please provide information on the National Human Rights Policy Council and its impact on the implementation of economic, social and cultural rights.
2. Please provide information on remedial procedures in place to address infringements on economic, social and cultural rights in the State party. Please also provide information on whether the mandate of the National Human Rights Commission of Korea covers all Covenant rights and whether individuals can file complaints on violations of economic, cultural and social rights with the Commission. Please provide data on cases related to these rights that have been investigated over the past five years.
3. Please provide information regarding any decisions taken since the submission of the State party's report towards ensuring that non-citizens are guaranteed the economic, social and cultural rights in the Covenant and clarify the ways in which they can claim these rights. Please explain which of the Covenant rights are recognized as being "by nature, universally applicable to individuals" in the State party and whether the "right to a life worthy of human beings" (see E/C.12/KOR/4, para. 4) is equal to article 11 of the Covenant.
4. Please provide information on the steps taken to prevent and combat corruption at all levels of public governance and in the corporate sector. Please also furnish data on the number of prosecutions and sentences passed against high-level officials accused of such conduct, as well as on cases in which the Act No. 10472 (2011) on the Protection of Public-interest Whistle-blowers has been applied.
5. Please inform the Committee about the findings of the research on the status of domestic relief procedures for the rights in the Covenant mentioned in the State party's report and the follow-up measures, if any, as well as explain whether a ratification of the Optional Protocol to the Covenant is being considered.
6. Please provide information on legislative, administrative or other measures taken to ensure that businesses respect economic, social and cultural rights and apply the principle of due diligence throughout their operations, including when acting abroad, in particular in

* Adopted by the pre-sessional working group at its sixtieth session (27 February-3 March 2017).



the extractives sector and commercial operations involving the appropriation of land. Please provide information on any human rights impact assessments carried out by the State party in development assistance projects or required by the State Party from businesses operating abroad.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Maximum available resources (art. 2 (1))

7. Please indicate the exact percentage of gross national income dedicated to official development assistance. Please inform the Committee what the perspectives of achieving the internationally agreed target of 0.7 per cent of gross national income are and by how much the grant element of the bilateral aid to least developed countries was increased during the reporting period.

Non-discrimination (art. 2 (2))

8. Please provide information on whether the State party intends to adopt a general anti-discrimination law and, if so, what would be its basic features and the timeline for adoption.

9. Please provide statistical data on the number of refugees and asylum seekers in the State party, disaggregated by sex, age, country of origin and ethnicity, and on the granting or rejection of refugee and/or asylum status during the reporting period. Please also provide information on the average waiting time for the processing of an asylum request and the main provisions of the Refugee Act No. 11298 (2012) that are relevant to economic, social and cultural rights.

10. Please provide up-to-date statistical data on the socioeconomic status of foreign women married to Korean nationals, covering in particular the scale of poverty, life expectancy, literacy rates and access to employment. Please provide information on the possibilities available to foreigners married to Korean nationals of acquiring permanent residence status or naturalization in the Republic of Korea.

11. Please provide information on legislative, administrative and other measures taken to eliminate and prohibit discrimination on the basis of sexual orientation and gender identity.

Equal rights of men and women (art. 3)

12. While noting the enactment of the Gender Impact Analysis and Assessment Act in 2012, the Committee would like information on the results of the comprehensive gender-based review of all its existing legislation, as was requested in its previous concluding observations. Please also indicate what specific measures have been taken by the State party to increase the representation of women in political life and in decision-making positions in both the public and private sectors.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Right to work (art. 6)

13. Please provide statistical data for the last five years on unemployment rates, disaggregated by age, sex, ethnic origin, disability and geographic location.

14. Please clarify whether legislative amendments are foreseen to criminalize various forms of forced labour, including child labour, and what other measures are being taken to counter such practices and to provide support to victims.

Right to just and favourable conditions of work (art. 7)

15. Please provide information on the implementation of the Act No. 8074 (2006) on the Protection of Fixed-term and Part-time Workers in particular regarding pay and insurance coverage for the most vulnerable and disadvantaged groups. Please provide information on the working conditions for migrant workers, in particular in the agricultural sector.

16. Please inform the Committee about the extent to which the minimum wage is respected in practice by employers in the public and private sectors. Please specify whether the minimum wage allows workers and their families to have a decent living in line with the Covenant.

17. Please provide information on the steps taken to rectify the wage gap between women and men, which remains at 37 per cent. Please also provide information about the impact of specific measures taken by the State party, such as the Certification System for Family-Friendly Businesses and government subsidies, to increase work-life balance through, for example, the development of childcare facilities in places of work.

18. Please provide information on the scope of the informal economy and any changes made in this area during the reporting period. Please clarify what measures are in place to guarantee just and favourable conditions of work and access to social protection for workers in the informal economy. Please also provide more information on the content and impact of the Comprehensive Measures for Non-regular Workers and on the impact of the Guidelines on Job Security of Fixed-term Workers that is aimed at encouraging the conversion of non-regular workers engaged in jobs of a continuous and permanent nature to regular status. Please explain how the Supreme Court Ruling of 14 April 2011 (2007 Doo 1729 Judgment) has been implemented, including any legislative amendments.

19. Please provide information on workplace inspections carried out by the Labour Commission, including the number of inspections carried out in the last two years, assessment of employers' compliance with labour laws and follow-up measures. Please indicate the sectors in which inspections have been conducted and, more specifically, please provide information on whether domestic work and agricultural work are covered by such inspections. Please clarify whether the State party intends to empower the Labour Relations Commission to impose penalties (not only order compensation to employees) for employers' non-compliance with labour laws. Please provide information about the impact of the measures taken to regulate occupational health and safety and to raise awareness among workers in this regard, including about their right to an effective judicial and/or administrative remedy.

20. Please provide information on the steps taken to criminalize sexual harassment in the workplace and to punish perpetrators and ensure compensation to victims. Please provide data on cases in which sexual harassment has occurred, including the sanctions imposed and victims compensated.

Trade union rights (art. 8)

21. Please clarify the requirements for the registration of trade unions. Please indicate the restrictions imposed on the enjoyment of trade union rights by public officials and whether the State party intends to lift the restrictions on teachers' right to join a trade union. Please provide information on the effects of the replacement of the "compulsory arbitration system" at essential public workplaces with "the essential business system" (see E/C.12/KOR/4, para. 75) and provide data on the number of strikes that have taken place at public workplaces before and after the amendment to the law.

Right to social security (art. 9)

22. Please provide information on the percentage of the population that has access to the National Basic Livelihood Security System and about the coverage of disadvantaged and marginalized individuals and groups. Please also provide information about the impact of the easing of the income criteria on access to the system.

23. Please provide information on how the 2014 amendment to the National Pension Act has affected the right of older persons to benefit fully from the national pension system,

including the proportions of older persons who are fully and partially benefitting from the pension system.

Protection of the family and children (art. 10)

24. Please provide information on registered and prosecuted cases of domestic violence, including marital rape, disaggregated by sex, age and ethnicity, and indicate the sanctions imposed on perpetrators and the remedies provided to victims. Please also provide information on the effectiveness of the measures taken to combat domestic violence, including the Comprehensive Measures to Prevent Domestic Violence adopted in June 2013.

25. In the light of the 2013 amendment to the Criminal Act which introduced the crime of trafficking in persons, please provide comparative data on the number of investigations, prosecutions and convictions relating to trafficking in the State party which would demonstrate the impact of this measure.

Right to an adequate standard of living (art. 11)

26. While noting the enactment of the Act on Support for Welfare and Self-reliance of the Homeless, the Committee would like information on the causes and extent of homelessness in the State party, as well as on the measures applied with a view to implementing the Act. Please also provide disaggregated data on the availability and the adequacy of housing and information on the impact of the Measure for Housing Support for Households Living in Insecure and Inadequate Housing.

27. Please provide information on the steps taken to prevent forced evictions. Please provide statistical data on the number of forced evictions annually for the last five years and clarify whether, in case of evictions, affected residents are consulted prior to the decision being taken.

28. Please provide information on the impact of the installation of the water contamination warning system across the country for the detection of accidents involving drinking water and on the steps taken to ensure a balance between urban and rural areas with regard to the water supply rate and sanitation.

Right to physical and mental health (art. 12)

29. Please inform the Committee about the impact of any measures taken to improve access to and the affordability of health care for the most disadvantaged and marginalized individuals and groups. Please provide information about the dynamics of public expenditure for health care since the consideration of the State party's previous report in 2008, as well as about the implementation of the Committee's recommendation concerning the plan to increase such expenditure.

30. Please provide information on the impact of the dissemination of knowledge about contraception through sex education programmes in schools. Please indicate what steps have been taken to ensure access to sexual and reproductive health services by all sections of the population and to promote sexual and reproductive health education, in particular for adolescent girls and boys. Please also provide statistical data on the prevalence of teenage pregnancies.

Right to education (arts. 13 and 14)

31. While noting the efforts made by the State party to limit academic stress through, for example, imposing a cut-off time that lessons can be offered by "cram" schools, the Committee would like information on the actual impact of such efforts on students' health.

32. Please provide information about the impact of the Special Act on the Normalization of Public Education and Regulation of Advanced Education on reducing the financial burden of private education and on equality of access to education.

Cultural rights (art. 15)

33. Please identify the main challenges faced by the State party in its efforts to promote multiculturalism.

34. In the light of the 2012 initiative by the Internet Newspaper Committee concerning self-regulation of Internet newspapers, please provide information on the progress made towards enhancing the credibility of Internet newspapers and on the powers of the public authorities in this context.

35. Please provide information on the results of the Master Plan for Science and Technology with regard to expanding official development assistance for science and technology.

36. Please provide information on the measures taken to facilitate the use of the Internet by older persons and disadvantaged and marginalized groups.
