



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to submission of the fifth periodic report of the Republic of Korea**

A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on the steps taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/KOR/CO/4). Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and provide information on measures taken to ensure full compliance with each of the Views adopted in respect of the State party, in particular regarding the numerous cases concerning conscientious objection.

2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including examples of cases in which the provisions of the Covenant have been referred to by national courts, and since the most recent follow-up information received from the State party.

B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. In the light of the previous concluding observations (para. 9), please provide information on the steps taken to adopt the legislation necessary to ensure a fully transparent and participatory process for the selection and appointment of members to the National Human Rights Commission of Korea and to ensure its independence.

4. In relation to the previous concluding observations (para. 11), please report on the measures taken to ensure that all companies domiciled in the territory of the State party or that are subject to its jurisdiction respect the human rights standards enshrined in the Covenant throughout their operations and that victims of the activities of such companies operating abroad obtain appropriate remedies. Please report on any plans to establish a national action plan on business and human rights.

* Reissued for technical reasons on 3 December 2019.

** Adopted by the Committee at its 126th session (1–26 July 2019).



Non-discrimination (arts. 2 and 26)

5. With reference to the previous concluding observations (para. 13), please report on steps taken to combat discrimination, especially against ethnic minorities and nationals of the Democratic People's Republic of Korea, and to adopt comprehensive anti-discrimination legislation explicitly addressing all spheres of life and defining and prohibiting discrimination on any ground, including race, sexual orientation and gender identity. In this respect, please provide information on the sanctions imposed for direct and indirect discrimination committed by both public and private entities, and on the remedies provided for the victims.

Sexual orientation and gender identity (arts. 2, 7, 17 and 26)

6. Please report on any measures taken to combat discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons, including in the military. In connection with the Committee's previous concluding observations (para. 15) and its report on follow-up to the concluding observations (CCPR/C/124/2, pp. 10–12), and taking note of the information provided by the State party in the first addendum on follow-up to the concluding observations (CCPR/C/KOR/CO/4/Add.1, paras. 3–9), please indicate the measures taken to:

(a) Address discrimination, hate speech and violence against lesbian, gay, bisexual, transgender and intersex persons, including in connection with public events, and the propagation of "conversion therapies";

(b) Strengthen the legal framework to protect lesbian, gay, bisexual, transgender and intersex persons;

(c) Repeal article 92-6 of the Military Criminal Act. In this respect, please report on the number of convictions under this article;

(d) Facilitate access to the legal recognition of gender reassignment;

(e) Develop sex education programmes at all stages of the education system that provide comprehensive, accurate and age-appropriate information regarding sexuality and diverse forms of sexual orientation and gender identity.

Equality between men and women (arts. 2, 3, 25 and 26)

7. In relation to the previous concluding observations (para. 17), please report on measures taken to increase the participation of women in public life and their presence in leadership and decision-making positions in both the public and private sectors.

Violence against women (arts. 2, 3, 6, 7, 14, 17 and 26)

8. With reference to the previous concluding observations (para. 19), please report on the concrete measures adopted to ensure that all acts of violence against women, including domestic violence, are investigated, that the perpetrators of those acts are prosecuted and punished appropriately, and that the victims receive full redress. In this regard, please provide statistics on the number of complaints filed, investigations carried out, prosecutions conducted, judgments handed down and measures of redress granted for victims of violence against women. Please report on the steps taken to adopt a comprehensive strategy to prevent and address gender-based violence in all its forms and manifestations, and on measures taken to raise awareness among the police, the judiciary, prosecutors and community representatives and among women and men in general about the gravity of domestic violence and its detrimental impact on victims' lives. Please report on any measures taken to ensure that victims are not channelled into alternative dispute resolution mechanisms. Please provide information on measures taken to combat sexual harassment in the workplace and the use of spy cameras ("spycams") in public bathrooms in a manner that infringes on women's privacy. Please report on the steps taken to comply with the Constitutional Court ruling to decriminalize abortion.

Counter-terrorism measures (arts. 9, 14, 15 and 17)

9. In connection with the previous concluding observations (para. 21), please report on the current definitions of terrorism and cyberterrorism, and on measures taken to ensure that counter-terrorism legislation and practices are in full conformity with the Covenant and are applicable to terrorism alone.

Right to life (arts. 2 and 6)

10. In relation to the previous concluding observations (para. 23), please indicate whether the State party plans to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, to abolish the death penalty de jure, and to commute all death sentences to terms of imprisonment.

11. With reference to the previous concluding observations (para. 25), please provide updated disaggregated statistics on the number of suicides in the State party, including in the military. Please report on the efforts made to prevent suicides, in particular in addressing the root causes of suicide and in improving suicide prevention policies.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7, 9, 10, 14 and 17)

12. In connection with the previous concluding observations (para. 27), kindly indicate the legislative measures adopted to classify all acts of torture, including mental torture, as criminal offences and to codify torture as an independent crime. Please provide information on the limits on the practice of night-long interrogation. Please also provide statistics on the number of complaints, investigations, prosecutions and convictions concerning cases of torture or ill-treatment, and information on the remedies provided for victims and their families, including rehabilitation and compensation. Please report on any steps taken to establish an independent mechanism to investigate allegations of torture and ill-treatment. Please comment on reports of torture and ill-treatment at the protection centre for “defectors” from the Democratic People’s Republic of Korea.

13. With reference to the previous concluding observations (para. 31), please report on any measures taken to address and prevent human rights abuses in the military, and provide updated statistics on the number of complaints received, investigations carried out and sentences imposed on perpetrators of abuses in the military. Please report on measures taken to ensure the confidentiality of complaints and the protection of victims and witnesses against reprisals. Please provide statistics on the number of soldiers subjected to detention in “guardhouses” and on any plans to abolish this practice.

Elimination of human trafficking, slavery and servitude (arts. 3, 7, 8 and 14)

14. In relation to the previous concluding observations (para. 41), please report on any measures taken to prevent and eradicate trafficking in persons. In particular, describe any measures taken to combat the demand for trafficked persons, to ensure that all reports of human trafficking are investigated and to ensure that perpetrators are prosecuted and punished appropriately. Please report on any steps taken towards adopting a comprehensive law on human trafficking, and indicate whether the definition of trafficking has been brought into compliance with international standards. Please provide information on any mechanisms that have been established to ensure that victims of trafficking are correctly identified and treated appropriately and have access to all the necessary support. Please also provide information on the measures taken to regulate the use of E-6 (culture and entertainment) visas to ensure that they are not used to cover up trafficking for the purpose of prostitution, and provide details on the steps taken to allow all migrant workers to freely change their employer under the Employment Permit System.

Persons deprived of their liberty, and conditions of detention (arts. 6, 7, 9, 10, 13 and 14 and 24)

15. With reference to the previous concluding observations (para. 29), please report on measures taken to ensure that procedures for involuntary hospitalization respect the views

of the individual, and that any representative genuinely represents and defends the wishes and interests of the individual concerned. Please provide information on any steps taken to ensure that psychiatric confinement is supported by adequate procedural and substantive safeguards established by law, and that such confinement is strictly necessary and proportionate, is for the purpose of protecting the individual from serious harm or preventing injury to others and is applied only as a measure of last resort and for the shortest appropriate period of time.

16. With reference to the previous concluding observations (para. 35), please report on the steps taken to reduce overcrowding in places of detention and to improve detention conditions, including in police cells. In this regard, please provide statistics on the number of persons deprived of their liberty, including those in preventive detention, the number of persons who have died in places of detention, the causes of death, the investigations conducted into those deaths and the outcomes of those investigations. Please provide information on the use of solitary confinement as a disciplinary punishment for inmates and on the maximum number of days for which it has been applied. Please explain how the implementation of article 99 (2) of the Administration and Treatment of Correctional Institution Inmates Act is monitored, and provide information on the steps taken to ensure that the use of protective devices is subject to legally determined limits.

17. In connection with the previous concluding observations (paras. 33 and 37), please report on any legal amendments to guarantee detainees access to counsel during interrogations. Please indicate whether access to counsel is guaranteed from the outset of the deprivation of liberty. Please report on measures taken to ensure that “defectors” from the Democratic People’s Republic of Korea are afforded fundamental legal safeguards, including limits on the deprivation of liberty, access to counsel during the entire length of their detention, the right to appeal a decision of deportation and communication with their families. In this regard, please indicate the average detention time for such detainees and report on any steps taken to ensure that reviews of deportation have suspensive effect before individuals are deported to third countries.

18. With reference to the previous concluding observations (para. 39), please report on measures taken to improve detention conditions in immigration detention facilities, including at points of entry, and to ensure that these facilities are subject to regular independent monitoring. Please report on measures taken to limit the period of immigration detention, and set out the conditions under which children can be deprived of their liberty, and for how long. Please comment on reports of the detention of asylum seekers, including children, in airports and at other points of entry.

Corruption and judicial independence (arts. 2 and 14)

19. Please provide information on measures taken to address corruption in the judiciary, to ensure its independence and to guarantee the right to a fair trial and due process. Please report on the impact of the Improper Solicitation and Graft Act and other anti-corruption measures on the relationship between business interests and government officials.

Monitoring, surveillance and interception of private communication (arts. 17 and 21)

20. In connection with the previous concluding observations (para. 43), please report on any legal measures taken to ensure that any surveillance, including for the purposes of State security, is compatible with the Covenant. Please indicate the steps taken to ensure that subscriber information may be issued only with a warrant, to introduce an independent mechanism to monitor the communication investigations of the National Intelligence Service and to enhance the safeguards preventing the arbitrary operation of base station investigations.

Conscientious objection (arts. 17 and 18)

21. With reference to the Committee’s previous concluding observations (para. 45), its report on follow-up to the concluding observations (CCPR/C/124/2, pp. 12–13) and the information provided by the State party in the first addendum on follow-up to the

concluding observations (CCPR/C/KOR/CO/4/Add.1, paras. 10–12), please report on the steps taken to:

(a) Release all conscientious objectors who have been sentenced to prison for exercising their right to be exempted from military service. In this respect, please provide updated information on the number of conscientious objectors who remain in prison;

(b) Expunge the criminal records of conscientious objectors, provide compensation to those individuals and ensure that their personal information is not publicly disclosed;

(c) Ensure the legal recognition of conscientious objection to military service and provide an alternative service of a civilian nature. In this respect, please report on the progress or outcome of the pending constitutional appeal regarding the introduction of alternative service, and provide information on the contents of this appeal, including the proposed length of alternative service and details of the screening process.

Freedom of expression (arts. 9 and 19)

22. With reference to the previous concluding observations (paras. 47 and 49), please report on the steps taken to decriminalize defamation and to ensure that harsh penalties, including imprisonment, are not applied in such cases. Please provide information on any legislative measures undertaken to derogate article 7 of the National Security Act, and comment on reports of arbitrary arrest and detention under the Act.

Freedom of association and right to participate in public life (arts. 19, 22, 25 and 26)

23. In relation to the previous concluding observations (para. 55), please report on the steps taken by the State party to withdraw its reservation to article 22 of the Covenant and to enable those in all sectors of the labour force, including public officials, teachers and employees who have been dismissed, to join trade unions. Please indicate what measures have been taken to remove any restrictions on the registration of trade unions.

24. With reference to the previous concluding observations (para. 51), please report on measures taken to ensure that any decision to dissolve a political party is applied with utmost restraint and as a last resort only, and that it reflects the principle of proportionality. Please also explain how the prohibition of teachers' unions from engaging in political activity is compatible with article 25 of the Covenant. Please report on measures taken to bring article 18 (1) 2 of the Public Official Election Act, denying the right to vote to persons sentenced to periods of imprisonment of one year or more, and article 47 (2) of the Medical Treatment and Custody Act, suspending the right to vote of persons sentenced to medical treatment and custody, into line with article 25 of the Covenant.

Peaceful assembly (arts. 6, 7, 9 and 21)

25. In connection with the Committee's previous concluding observations (para. 53) and its report on follow-up to the concluding observations (CCPR/C/124/2, pp. 13–14), and taking note of the information provided by the State party in the first addendum on follow-up to the concluding observations (CCPR/C/KOR/CO/4/Add.1, paras. 13–18), please report on: (a) the training provided to police officers on crowd control; (b) the steps taken to amend the Assembly and Demonstration Act to ensure strict compliance with article 21 of the Covenant, commenting in particular on reports of restrictions on the right to peaceful assembly of lesbian, gay, bisexual, transgender and intersex persons in this regard; (c) measures taken to review the State party's regulations on the use of force to ensure that they are in compliance with the Covenant; and (d) the investigation into the death of the 69-year-old farmer Baek Nam-gi, the prosecution of those responsible and the reparation provided to his family. Please provide information on measures taken to ensure that organizers of and participants in demonstrations, in particular journalists and human rights defenders, are not criminalized for exercising their right to freedom of assembly.

Migrants, refugees and asylum seekers (arts. 2, 3, 7, 14, 16, 23, 25 and 26)

26. Please provide updated statistics on the numbers of asylum seekers, refugees, humanitarian status holders and stateless persons in the State party and report on measures taken to combat discrimination and hate speech against migrants, asylum seekers, refugees, humanitarian status holders and stateless persons and to ensure that such persons have access to documentation and basic services, including health care, housing, education and employment. In this regard, please provide information on the Covenant rights afforded to non-citizens in the constitutional amendment bill. Please provide information on the proposed draft amendments to the Refugee Act and indicate what measures have been taken to ensure that the refugee status determination procedure and the procedure for asylum-granting decisions, including appeal processes, are set out in accordance with international standards.

27. With reference to the previous concluding observations (para. 57), please report on measures taken to ensure that all births can be registered, irrespective of the legal status and origin of the parents, as well as deaths, marriages and divorces.
