



International Covenant on Civil and Political Rights

Distr.: General
1 November 2023

Original: English

Human Rights Committee 139th session

Summary record of the 4054th meeting

Held at the Palais Wilson, Geneva, on Thursday, 19 October 2023, at 3 p.m.

Chair: Ms. Abdo Rocholl

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Fifth periodic report of the Republic of Korea (CCPR/C/KOR/5;
CCPR/C/KOR/QPR/5)*

In accordance with rule 108 of the Committee's rules of procedure, Mr. Soh withdrew during the consideration of the fifth periodic report of the Republic of Korea.

1. *At the invitation of the Chair, the delegation of the Republic of Korea joined the meeting.*

2. **The Permanent Representative of the Republic of Korea to the United Nations and other international organizations in Geneva**, introducing the delegation, said that the Republic of Korea gave the highest priority to the universal values and norms of democracy, the rule of law and human rights. The dialogue between the Committee and the delegation would provide a new opportunity to advance human rights in his country.

3. **Mr. Soung** Jae Hyen (Republic of Korea), introducing his country's fifth periodic report, said that the Government was currently preparing the fourth National Action Plan for the Promotion and Protection of Human Rights. That plan would be designed to reflect the latest changes and developments in society, including the need to protect basic human rights in the digital environment, to promote universal access to technology, to reduce marginalization and inequality resulting from the digital divide and to address human rights violations involving the use of technology.

4. Since submitting the periodic report, his country had acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. The Government's commitment to combating gender-based violence had been demonstrated by the establishment of the country's first Framework Plan for the Prevention of Violence Against Women and the adoption of two new laws governing the prevention and punishment of stalking offences. The Government had also introduced legislative amendments to codify new types of digital sex crimes and provide greater protection to children and adolescents from commercial sex trafficking. The provision of the Civil Act on the right to disciplinary actions, under which persons with parental authority were authorized to take necessary disciplinary actions to educate their children, had been repealed and a new birth notification system had been put in place.

5. In 2022, the Government had created dedicated teams in each branch of the military tasked with addressing cases of sexual violence and providing victims with support. The number of specialized counsellors available to military personnel with grievances related to sexual violence had also been increased. To protect the human rights of military personnel at a more general level, the Government had established the position of military human rights protection officer, and a remedial mechanism for human rights violations in the military had been set up within the National Human Rights Commission.

6. The Act on the Prevention of Human Trafficking and Protection of Victims had come into effect in January 2023. Providing for a comprehensive and systematic response, the new law was aligned with international standards on the definition of human trafficking and related crimes, including sexual exploitation, forced labour and organ removal. It also set out the prevention roles of the central and local governments. In accordance with that law, the Government had developed indicators for use in identifying victims of human trafficking and had adopted a comprehensive action plan to guide all anti-trafficking policies.

7. A dedicated medical team had been set up to improve the treatment of persons deprived of their liberty who had mental illnesses and/or developmental disabilities, and the presence of medical personnel in correctional facilities had been increased. The Government had also introduced electronic monitoring as an alternative to pretrial detention with a view to reducing prison overcrowding and, under new measures designed to improve detention conditions for non-nationals, foreign detainees now had the right to make telephone calls and be informed of their rights in any one of nine languages. Steps had also been taken to improve

the support available to crime victims, including by relaxing the eligibility requirements for the services of State-appointed counsel.

8. In 2023, legislation on data protection had been amended to strengthen citizens' control over the transmission of their personal information. Pursuant to a ruling by the Constitutional Court, the Government was preparing new legislation mandating courts and investigative agencies to notify individuals of any personal data they had requested or obtained from telecommunications providers. Under an amendment introduced in 2022, investigators must also promptly seek court permission for all emergency communications restrictions.

9. In 2020 and 2021, legislation had been passed easing the restrictions on public assemblies within the immediate vicinity of the National Assembly, courts and the offices of certain senior officials. Three International Labour Organization conventions had been ratified in April 2021, paving the way for legislative amendments that had strengthened the authority of trade unions to determine the scope of their membership. The law on trade unions and labour relations also prohibited discrimination on grounds of race and now provided for the right of foreign workers to establish and join migrant workers' trade unions irrespective of their residency status.

10. Several steps had been taken towards implementing the Committee's recommendations on business and human rights and on means of countering discrimination against minorities. A dedicated section on business and human rights would be included in the fourth National Action Plan for the Promotion and Protection of Human Rights, and the Government had also published its Guidelines on Business and Human Rights in Korean and English. With respect to discrimination, four bills prohibiting direct or indirect discrimination based on race, sexual orientation and gender identity were currently being considered by the National Assembly. Since submitting its report to the Committee, the Government had also passed into law new redress procedures for victims of workplace discrimination and had implemented its first framework plan for protecting and promoting cultural diversity.

11. **Mr. Santos Pais** said that he would be interested to know when the enactment of the Human Rights Framework Act was expected. Although that bill provided for a domestic implementation mechanism for recommendations of international human rights institutions, the State party had indicated that full compliance with the Committee's recommendations would not be guaranteed under the new legislation. He would therefore appreciate clarification as to whether the Committee's Views would continue to be disregarded by domestic courts. If so, it would be helpful to know what measures the State party intended to take to implement the recommendations of United Nations human rights treaty bodies at the domestic level and to establish mechanisms to give full effect to their decisions under individual communications procedures. The delegation might also like to comment on reports indicating that the judiciary was generally unfamiliar with international human rights treaties and the decisions of treaty bodies and that legal practitioners in the State party required further training on international human rights law. On a separate note, he wished to know whether key stakeholders such as the National Human Rights Commission and civil society had been invited to participate in the formulation of the fourth National Action Plan for the Promotion and Protection of Human Rights and whether a time frame had been set for its adoption.

12. On 29 October 2022, 159 people had been killed and hundreds more injured in a crowd crush in the Itaewon district of Seoul. He would like to know whether the State party intended to establish an independent investigative body to look into the events surrounding that disaster, to ensure the participation of victims in the investigation, to hold all responsible public officials to account and to take steps to ensure that such a disaster would never be repeated. It would be helpful to hear why the authorities had failed to respond to warnings that had been issued four hours before the fatal events and why appropriate emergency measures had not been taken immediately after the disaster. The delegation might also like to comment on reports alleging that the police had used unjust force at memorial rallies and were investigating human rights activists who participated in such assemblies.

13. He would welcome further information on the action taken by the Government to protect the public during the coronavirus disease (COVID-19) pandemic, including details

on any measures derogating from the provisions of the Covenant. He would appreciate receiving information that would illustrate whether or not the Government's actions had complied with the strict rules on derogations set out in article 4 of the Covenant and whether or not all the measures taken had been temporary, proportionate, strictly necessary and subject to judicial review, in line with the Committee's general comment No. 29 (2001).

14. **Mr. Ndiaye** said that the Committee would welcome further information on the ways in which the 2016 amendments to the legislation governing the National Human Rights Commission guaranteed a fully transparent and participatory process for the selection and appointment of members to the Commission. He also wished to know what steps had been taken to establish an independent committee to nominate candidates and ensure that the Commission was financially independent and was able to publish and disseminate its reports and to engage in human rights education programmes.

15. In view of reports that public and private business enterprises domiciled in the Republic of Korea continued to perpetrate human rights violations in their operations abroad, it would be useful to know what measures had been taken to ensure that businesses domiciled in its territory and/or subject to its jurisdiction respected human rights standards. For example, he would be interested to know whether the State party intended to adopt binding legislation requiring such enterprises to exercise human rights due diligence and disclose relevant information in that regard. The Committee would also welcome further information on any measures being taken or planned to strengthen victims' access to effective remedies.

16. The Committee would be grateful to receive further information on all steps being taken with a view to abolishing the death penalty. For example, it would be useful to know whether any activities were being carried out to raise public awareness on that subject and what progress had been made towards conducting a comprehensive review of public opinion about the death penalty. In the light of the Human Rights 75 campaign, he wished to know whether the State party would consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and whether it would consider establishing a *de jure* moratorium on executions, thereby preparing the ground for full abolition.

17. The delegation might like to comment on reports that the State party had not allocated sufficient resources for suicide prevention efforts. Among other issues, it was alleged that there were not enough specialized centres at the local level and that those in operation were understaffed. The Committee would also welcome further information on all measures taken to address the root causes of suicide. It would also be helpful to know whether the State party had incorporated the gender dimension into its approach to suicide prevention. Lastly, given the high rates of suicide in the military, he would like to know what measures were being taken to ensure that military personnel were not penalized in terms of their career development for having recourse to counselling or other mental health support and to ensure that the families of military personnel who committed suicide did not suffer discrimination with respect to their right to compensation and benefits.

18. **Mr. Gómez Martínez** said that he would like to know what steps had been taken to eradicate discrimination in the State party and whether the Government had a plan of action for addressing the social and economic effects of discrimination. It would be useful to know whether the State party intended to adopt comprehensive legislation prohibiting discrimination on any ground, including sexual orientation and gender identity. In view of reports that some local authorities were attempting to repeal human rights ordinances, he also wondered whether the State party was considering developing specific anti-discrimination legislation, in particular for the protection of LGBTQI+ persons.

19. The Committee would welcome statistics on the number of convictions secured under article 92-6 of the Military Criminal Act over the previous five years. In the light of the restrictions placed on the application of that article by the Supreme Court in April 2022, he would like to know whether there were any plans to amend or abolish the legislation to ensure that military personnel were not subject to disciplinary action or criminal prosecution for engaging in consensual same-sex sexual acts.

20. He wished to know whether the State party intended to amend its procedures and requirements in order to facilitate the legal recognition of gender reassignment and to ensure

that sterilization and sex reassignment surgery were not prerequisites for such recognition. It would also be useful to know whether there were any plans to develop human rights policies for sexual minorities and to include information on diverse forms of gender identity in education programmes. He wondered whether the State party was considering adopting legislation on the recognition of same-sex couples to ensure that they enjoyed the same rights as other couples.

21. He would be interested to know how many human rights violations had been detected by the recently designated Military Human Rights Protection Officer. The Committee would also welcome disaggregated data on the human rights cases that had been brought before military courts both prior to and since the amendment of the Military Court Act in 2022. Lastly, he would appreciate clarification as to whether persons who filed complaints concerning human rights violations in the military were guaranteed anonymity.

22. **Ms. Šurlan** said that she would like to know what measures were being taken to ensure equality between women and men in all spheres of the public sector, including by amending the Political Parties Act and the Public Official Election Act. It would also be helpful to know what objectives had been established under the new plan on gender representation in the public sector and what specific steps had been taken to increase the representation of women in the military, the police and academia. She would be interested to know whether the disproportionately low number of women in academic positions stemmed from their underrepresentation in the student population. She would also welcome statistics on the numbers of women judges and prosecutors and the number of women who had been appointed as heads of courts, particular in the Supreme Court and the Constitutional Court. It would be helpful to hear what measures had been put in place to eliminate the gender pay gap and to do away with gender disparities in respect of sectoral minimum wages. She also wished to learn more about the State party's strategy for increasing the representation of women in decision-making positions in the private sector. She would also appreciate clarification as to whether the National Assembly still had a committee for gender equality and family affairs and whether the State party still intended to abolish the Ministry of Gender Equality and Family.

23. The Committee would welcome further information on any guidelines provided for law enforcement personnel and judges with respect to handling cases of gender-based violence. She would also be interested to hear what measures were being taken to encourage women to report acts of violence committed against them and to strengthen support for victims, including by increasing the number of shelters. She wondered whether any plans had been made to replace the Expert Committee on Digital Sex Crimes, which had been disbanded in 2022, and what other measures were being taken to combat digital sex offences. She wished to know whether the law had been amended to reflect the fact that child victims of sexual crimes could now participate in court proceedings via video link from the Comprehensive Support Centre for Sexual Violence Victims (Sunflower Centre). She also wondered what legal value was attached to such testimony and whether victims who were not receiving support from the Sunflower Centre could choose to testify from another location.

24. She would welcome further information on the remedies available to victims of violence. In that regard, she wished to know whether access to compensation was dependent on the perpetrator being convicted and whether victims could claim compensation in both criminal and civil cases. It would be helpful to hear what steps were being taken to criminalize marital rape and allow victims of such acts to seek redress in criminal and civil cases. The delegation might also like to indicate what progress had been made towards defining all forms of rape in terms of absence of consent rather than intimidation or violence and towards implementing the Constitutional Court ruling on the decriminalization of abortion. With regard to the latter, she also wondered whether any steps had been taken to obtain approval for a safe abortion pill.

25. Given that the State party had adopted a new law on the prevention of trafficking in persons but had not amended the Criminal Act provisions on human trafficking, she would like to know what measures were being taken to ensure that all legislation on trafficking was being effectively enforced. She wondered what punishments were established for perpetrators under the Act on the Prevention of Human Trafficking and Protection of Victims.

Moreover, it would be useful to know what specific measures had been put in place to prevent human trafficking. She would also welcome further information on any steps taken by the State party to ensure that public officials were trained to identify victims of human trafficking. The delegation might indicate what steps were being taken to strengthen victim identification, especially since the procedure put in place by the Ministry of Gender Equality and Family apparently did not apply to all public officials who handled human trafficking cases. She would also be interested to know what specific measures had been put in place to ensure that victims of human trafficking did not have their passports and other personal documents confiscated and that migrant workers were able to communicate with immigration officers in privacy.

26. **Mr. Ahmadov** said that the Committee would welcome further information on the impact of the amendment to the Protection of Communications Secrets Act that had expanded the State party's powers to use wiretapping. In view of concerns about the suitability of certain provisions of that law, the delegation might inform the Committee about any planned legislative or other measures for ensuring that the collection of personal information by intelligence agencies was always subject to judicial approval and supervision. He also wished to know what steps had been taken to ensure the effectiveness and independence of the Counter-terrorism Human Rights Protection Office.

27. He would like to know whether the State party was planning to amend the Criminal Code to include a definition of torture that was fully in line with article 7 of the Covenant, preferably by codifying it as a separate offence, and to introduce penalties that were commensurate with the gravity of that crime. He also wished to know whether the State party intended to take legislative and administrative steps to prohibit the practice of night-long interrogation without the free and informed consent of all parties. With regard to the statistics on torture included in the State party's report, the Committee would welcome further information on the number of convictions secured and any compensation awarded to victims and their families. The delegation might also explain why, in relation to so many of the torture-related complaints received by the authorities, no penalties had been imposed on the guilty parties. It would be useful to know whether the State party intended to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to establish an effective national preventive mechanism. He would also like to know what measures were planned to ensure that all reports of acts of torture and ill-treatment, including those allegedly committed by private entities, were investigated by an independent body. In particular, it would be helpful to hear what measures the State party intended to take to prevent such acts from being committed at the protection centre for defectors from the Democratic People's Republic of Korea and whether it would consider transferring the responsibility for interrogating those persons from the National Intelligence Service to the Ministry of Justice.

The meeting was suspended at 4.10 p.m. and resumed at 4.25 p.m.

28. **Mr. Soung Jae Hyen** (Republic of Korea) said that State authorities had the power to intervene in demonstrations by human rights defenders if they posed a danger to the public but that the actions of the authorities were nonetheless subject to safeguards against the excessive use of force.

29. **A representative of the Republic of Korea** said that the executive branch was actively participating in the deliberations on the draft Human Rights Framework Act currently being held in the National Assembly. One of the aims of the bill was to create a mechanism through which the recommendations and Views of international human rights institutions would be incorporated into domestic law.

30. **A representative of the Republic of Korea** said that the Government had commissioned research into the effectiveness of his country's implementation of the recommendations of international human rights institutions. National courts had referred to provisions of the Covenant on approximately 80 occasions.

31. **A representative of the Republic of Korea** said that civil society organizations, academic experts, the National Human Rights Commission, relevant government agencies and the public were all being consulted in connection with the drafting of the fourth National Action Plan for the Promotion and Protection of Human Rights. To inform the drafting

process, an external organization working in the field of human rights had also carried out a review of the implementation of the third National Action Plan. The fourth National Action Plan was scheduled for adoption before the end of the year.

32. Transparent rules had been put in place to govern the appointment of members to the Korean National Contact Point for Multinational Enterprises. The Government was in the process of appointing new members in order to strengthen that body's effectiveness and professionalism. The National Contact Point provided companies with specific, practical recommendations on compliance with the Guidelines for Multinational Enterprises on Responsible Business Conduct of the Organisation for Economic Co-operation and Development (OECD) and asked them to provide follow-up information on their implementation of those recommendations.

33. **A representative of the Republic of Korea** said that the police and prosecutors had both launched investigations in the immediate aftermath of the disaster in Itaewon in 2022. The National Assembly had also ordered an enquiry as part of far-reaching investigations designed to identify the root causes of the accident, to ascertain the need for redress and to assess the adequacy of the response effort. The Government had made considerable efforts to provide victims and their families with support and assistance, including through the creation of a dedicated victim support organization which held regular meetings with representatives of victims and bereaved families. The Government was working closely with local authorities to build a memorial to those who had died and had also formed an interministerial task force to review its guidance on crowd control measures. The task force had already issued 65 measures intended to prevent the recurrence of such an incident and continued to meet to monitor implementation of its recommendations.

34. **A representative of the Republic of Korea** said that the Government had taken a very proactive stance in setting up testing and treatment procedures during the COVID-19 pandemic. A strict system had also been put in place to ensure that infected persons did not come into contact with other people. The Government was nonetheless aware that concerns about the scope of the restrictions had been raised in certain quarters, and it therefore planned to review its actions in that regard.

35. **A representative of the Republic of Korea** said that the National Human Rights Commission of Korea Act had been amended in February 2016 to ensure that commissioners were sufficiently qualified and came from different sectors of society. The suitability of candidates for commissioner positions was reviewed by a candidate recommendation committee, which was responsible for advising the President on appointments.

36. In 2021, the National Human Rights Commission had been reaccredited with category A status by the Global Alliance of National Human Rights Institutions (GANHRI). The Government was committed to giving effect to the recommendations made by GANHRI as part of the reaccreditation process, which called for the Commission's independence to be strengthened and for its candidate selection process to be formalized. Interministerial discussions were currently being held to explore ways to address the Commission's need for more staff and a larger budget.

37. Two bills that would address concerns about human rights and environmental violations in the global supply chains of Korean companies were under consideration in the National Assembly. Companies working on projects overseas were required to carry out due diligence, comply with local labour and environmental regulations and promote the human rights of the local population. They provided medical equipment and food to impoverished families and took steps to ensure that any pollution caused by their activities would not harm surrounding neighbourhoods.

38. **Mr. Soung Jae Hyen** (Republic of Korea) said that a bill on the abolition of the death penalty was currently before the National Assembly, and the Constitutional Court was also considering the matter. The death penalty was prescribed by the Constitution as the maximum sentence for a crime, however, which meant that its immediate abolition and the immediate ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, would be difficult. Death sentences were handed down for only the most serious crimes and only in exceptional cases. Due process was followed in all criminal proceedings.

39. **A representative of the Republic of Korea** said that efforts to prevent suicides among individuals serving in the military were ongoing. Individuals deemed unfit for military service were prevented from enlisting. Enlisted personnel who were experiencing difficulties had access to counselling services. Confidential counselling and psychological support services had been set up so that officers could receive help without fear of being stigmatized or hindering their chances of promotion. An expansion of such services was planned.

40. There had been improvements in the support offered to families of soldiers who had committed suicide or died from other causes during military service. Families of soldiers who had died in the line of duty received compensation, a survivor's pension and other benefits.

41. **A representative of the Republic of Korea** said that the Government had gradually been strengthening the suicide prevention system. It had established the Suicide Prevention Policy Committee and, in 2021, had launched the Korea Foundation for Suicide Prevention. High-risk individuals could receive treatment from dedicated suicide prevention centres, and counselling was available through a 24-hour suicide prevention hotline. Ongoing efforts were being made to increase the staffing of those services.

42. The Government had introduced more stringent controls on dangerous articles that could be used in a suicide attempt. Punishments were handed down to individuals found to have disseminated information promoting suicide. The Government aimed to provide tailored support to suicide prevention personnel at the local government level and to ensure that they had a sufficient budget. It collected statistics on the causes of suicide and used those statistics to produce its annual white paper on suicide prevention.

43. **A representative of the Republic of Korea** said that the Government ran numerous programmes for refugees from the Democratic People's Republic of Korea to support their integration into society and enable them to live independently.

44. **A representative of the Republic of Korea** said that the Government condemned all forms of discrimination against minority groups. Four anti-discrimination bills currently before the National Assembly addressed aspects such as penalties for discriminatory acts, compensation for victims and the transfer of the burden of proof. Public consensus on the bills would be needed before they could be enacted.

45. All individuals had the right to an education without discrimination. Under the Framework Act on Education, schools were required to offer a gender-sensitive sex education programme that included activities geared towards preventing sexual violence. Measures were being taken to promote gender equality within schools and prevent students from developing discriminatory attitudes towards minority groups.

46. **A representative of the Republic of Korea** said that steps had been taken to ensure that investigations under article 92-6 of the Military Criminal Act, which criminalized sexual acts between soldiers of the same sex, were pursued only in cases that met a series of strict criteria, and prosecutions were kept to a minimum. The article was currently under review by the Constitutional Court.

47. The anonymity of military personnel who provided information about human rights violations was protected under the Framework Act on Military Status and Service.

48. **A representative of the Republic of Korea** said that decisions on whether to legally recognize the self-perceived gender of transgender individuals were made by the courts, which were required to consider biological, psychological and social factors before issuing their ruling. Although the current procedural guidelines on legal gender recognition did not specify that transgender individuals needed to have obtained a psychiatric diagnosis and undergone relevant medical procedures, it appeared that such individuals had been required to do so in practice. The Government was set to consider amendments to the guidelines in order to put an end to that practice.

49. Steps were being taken to prevent the marginalization of same-sex couples. Prior to making any decision on whether to approve same-sex marriage and amend the Civil Act to provide for the legal recognition of same-sex couples, the Government would first need to consider relevant cultural aspects of the issue and assess whether the population deemed such changes to be necessary.

50. **A representative of the Republic of Korea** said that the matter of whether same-sex couples should be entitled to the same type of spousal or dependent health insurance coverage as heterosexual couples was one that required further discussion on a society-wide basis.

51. **A representative of the Republic of Korea** said that a bill that would require political parties to ensure that no more than 60 per cent of their candidates were of the same sex had been submitted to the National Assembly.

52. In 2023, the Government had introduced a five-year plan to increase the number of women occupying decision-making positions across a number of public institutions, including leading universities. One of the specific objectives of the plan was to ensure that, by 2027, more than 30 per cent of senior positions in government ministries and local governments were held by women, in line with the average rate among OECD member countries.

53. The Government was planning to merge the Ministry of Gender Equality and Family and the Ministry of Health and Welfare by establishing an office under the latter to handle family- and gender equality-related matters. The intention was to improve the effectiveness and coordination of services offered to women, single-parent and low-income families and at-risk youth. Once the office had been established, the Minister of Health and Welfare would attend its meetings and play a role in coordinating gender equality policies.

54. Centres had been set up to support victims of domestic violence by providing them with counselling, temporary protection, medical treatment and legal aid. Steps would be taken to better tailor such services to victims' needs.

55. The Government had taken legal and institutional measures to tackle digital sex crimes and had organized awareness-raising activities to that end. The police conducted undercover investigations into such crimes, and dedicated prosecutors had been appointed in 18 prosecutors' offices across the country. The statute of limitations for crimes involving the production of child sexual exploitation material had been abolished. Amendments had been made to the Act on Special Cases Concerning the Punishment of Sexual Crimes to ensure that severe punishments were handed down for all digital sex crimes. The Government would hold consultations with relevant ministries to identify ways of guaranteeing the fulfilment of victims' right to seek remedies.

56. Pursuant to a decision by the Constitutional Court, the Government was required to guarantee defendants' right to cross-examination while simultaneously protecting individuals under 19 years of age from secondary victimization. Accordingly, relevant laws had been amended to provide for the admissibility of video evidence in specific cases, raise the age up to which young people were eligible for child witness support from 13 to 19 years and enable children giving evidence to be accompanied by a trusted counsellor when doing so.

57. The Act on Prevention of Human Trafficking and Protection of Victims had entered into effect in 2023. To ensure that cases of trafficking in persons were detected as early as possible, the Government had produced information leaflets, run awareness-raising campaigns and developed victim identification indicators.

58. **A representative of the Republic of Korea** said that the Government had introduced a series of measures to address discriminatory practices in the workplace in May 2022. The Labour Relations Commission handed down penalties to employers found to have intentionally discriminated against certain groups of employees, who, in turn, were entitled to compensation. The Government hoped to inspect some 20,000 workplaces in 2023 to identify any cases of gender-based discrimination. From 2020 on, employers had been asked to provide information on the wages paid to men and women. A project requiring businesses to disclose their gender wage gap was currently being piloted. Steps were being taken to minimize family-related interruptions to women's careers and to encourage women to return to high-quality jobs after giving birth.

59. The number of inspections conducted in workplaces employing foreign workers had increased from 3,000 to 5,000 per year. Inspectors checked employers' compliance with labour standards and investigated whether foreign workers had been subjected to threats, exploitation or forced labour. The inspections also sought to detect cases in which employers had confiscated foreign workers' passports, which was prohibited under the Immigration Act.

Any employer found to have done so could be sentenced to up to 3 years' imprisonment or fined up to 30 million won.

60. **A representative of the Republic of Korea** said that the Government supported all victims of trafficking in persons, regardless of their nationality, by providing them with legal counsel. A number of concerns remained regarding the proposition of defining all non-consensual sex as rape. A bill on the issue had been submitted to the National Assembly.

61. **A representative of the Republic of Korea** said that the Government was committed to complying with the ruling by the Constitutional Court that the criminalization of abortion was unconstitutional. In November 2020, it had held consultations with relevant organizations, experts and the wider public to develop detailed procedures regarding abortions and the provision of psychological support for mothers. Relevant amendments to the Mother and Child Health Act and the Criminal Act were pending adoption by the National Assembly. In the interim, the Government would strive to ensure that women choosing to undergo an abortion could do so safely. It was essential for women to be offered counselling and consultations with health-care professionals to ensure that they had all the necessary information before deciding whether to undergo an abortion. Abortion costs would be reimbursed under the national health insurance programme. The Government was currently assessing the safety and efficacy of abortion pills.

62. **A representative of the Republic of Korea** said that the collection of information on suspected terrorists, such as their entry into or departure from the country, financial transactions and telecommunications, were subject to the requirements and procedures provided for in the Immigration Act, the Protection of Communication Secrets Act and other relevant legislation. In order to prevent the commission of human rights violations in the context of anti-terrorism activities and ensure independent oversight, the Counter-terrorism Human Rights Protection Office had introduced a mandatory system under which officers conducting counter-terrorism investigations had to report to the Chair of the National Counter-Terrorism Committee. The procedures for the prosecution of crimes of terrorism under the Criminal Procedure Act complied with international standards relating to the rights of suspects and accused persons.

63. All acts of torture and cruelty were punishable by law. Pursuant to article 12.2 of the Constitution, no citizen could be compelled to testify against himself or herself in criminal cases. Penalties for torture-related crimes were set forth in the Act on Punishment of Crimes under the Jurisdiction of the International Criminal Court and the Act on the Aggravated Punishment of Specific Crimes. Among other laws, articles 1 to 5 of the Criminal Code specifically provided for the punishment of human rights violations committed during police investigations. Acts of torture were covered by criminal provisions on the use of bodily force and on any act that inflicted mental or physical pain.

64. The National Intelligence Service was responsible for the examination, temporary protection and evaluation of settlement options for North Korean defectors and acted with the utmost professionalism.

65. **A representative of the Republic of Korea** said that the regulation on mutual cooperation between prosecutors and judicial police officers and general rules of investigation of the Korean National Police Agency prohibited interrogations between 9 p.m. and 6 a.m. Any exceptions had to be authorized by a human rights protection officer. Rules on police investigations and on human rights protection in police investigations enacted in January 2021 and March 2023, respectively, contained specific provisions to protect suspects from abuse during night-time interrogations.

66. **A representative of the Republic of Korea** said that the possibility of ratifying the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment would have to be analysed carefully to preclude any conflict with domestic provisions and assess potential implications for national security, as visits to places of detention under the Optional Protocol touched upon issues relating to military confidentiality and the confidentiality of information relating to public duties, among other things. The National Human Rights Commission was an independent body and functioned as a national preventive mechanism within the meaning of the Optional Protocol.

67. **A representative of the Republic of Korea** said that, in response to concerns over suppressive inspection and solitary confinement in the course of the temporary protection and investigation of North Korean defectors, the Centre for Protection of DPRK Defectors had transferred the authority to conduct investigations from the Criminal Investigation Department to a separate investigation and protection unit. It had also established an open investigation room and appointed external lawyers as human rights protection officers to ensure independent oversight.

68. **Mr. Santos Pais** said that he was looking forward to receiving more specific information on the practical application of the State party's laws. It was rather discouraging to hear the same replies to questions about follow-up to the Committee's Views or about court cases in which the Covenant had been invoked as during the Committee's previous dialogue with the State party. More examples and additional details would be greatly appreciated.

69. The State party might consider drawing on the Committee's concluding observations on the fifth periodic report to inform the fourth National Action Plan for the Promotion and Protection of Human Rights, 2023–2027. More meaningful engagement with civil society organizations and the National Human Rights Commission in the preparation of future reports might yield a fuller picture of the human rights situation on the ground.

70. He wished to know whether any type of compensation or reparation had been provided in connection with the incident in the Itaewon district of Seoul in 2022.

71. It was important to engage in frank dialogue on issues such as the indiscriminate collection of personal data and other derogations from Covenant obligations in the context of the COVID-19 pandemic in order to prevent any unwarranted restriction of fundamental human rights in the future. A dialogue of that nature would help the Committee gain a better understanding of any difficulties the State party might face in fulfilling its obligations.

72. **Ms. Šurlan** said that she wished to know how the planned 44 per cent cut in the budget for human trafficking prevention and victim support might affect those services. She wondered whether trafficking victims were only compensated if the perpetrators had been convicted and whether compensation claims were part of the criminal proceedings or must be brought as separate civil cases.

73. She had taken note of the measures adopted by the State party to curb the use of E-6 visas as a vehicle for the trafficking of persons for the purpose of prostitution and would appreciate it if the delegation could elaborate on any progress made in that regard.

74. **Mr. Gómez Martínez** said that he would like to know whether the draft anti-discrimination bills currently before the National Assembly addressed discrimination in all spheres of life, as recommended by the Committee in paragraph 13 of its concluding observations on the fourth periodic report of the Republic of Korea (CCPR/C/KOR/CO/4). He wished to know whether there was a timeline for their adoption.

75. He had been pleased to learn that the issue of gender identity had been incorporated into school curricula and would be grateful if the delegation could indicate when that change had been made and elaborate on any results observed thus far.

76. He would welcome data on the number of cases handled by the Military Human Rights Protection Officer of the National Human Rights Commission and on the number of cases tried by military courts before and after the Military Court Act had been amended in 2022. He was curious to know whether the reduction in the scope of military jurisdiction had effectively reduced the number of cases tried by military courts.

77. **Mr. Ahmadov** said that he would welcome clarification about the powers of the National Intelligence Service in regard to surveillance and data collection. The delegation might kindly clarify whether there were any oversight mechanisms for counter-terrorism activities other than the Chair of the National Counter-Terrorism Committee. He wished to know whether it was true that judicial warrants were required for the collection of personal information on nationals of the Republic of Korea in the context of counter-terrorism activities but were not required in the case of non-citizens.

78. He wondered whether the efforts of the National Human Rights Commission to prevent torture and ill-treatment in places of detention were effective given its limited financial, material and human resources and the fact that the scope of its investigations did not extend to certain places of detention, cases that dated back more than one year and acts of torture and ill-treatment committed by private individuals. The delegation might also explain how the State party made sure that punishments were commensurate with the gravity of the crime of torture, given that domestic laws defined acts of torture and ill-treatment as “violence” or “cruelty”, which carried a maximum penalty of 5 years’ imprisonment.

79. **Mr. Ndiaye** said that he was curious to know what prevented the State party from making the Guidelines on Business on Human Rights legally binding. It would also be helpful to find out about any binding regulations in place to ensure that companies domiciled in the State party respected human rights in their operations in other countries. He would welcome data on cases where victims of human rights violations committed abroad had been afforded compensation and legal remedies in recent years.

80. The abolition of capital punishment was not a prerequisite for the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Instead, such ratification would make it possible to replace the de facto moratorium with a de jure moratorium and help garner public support around abolition. The State party might seize the opportunity of the seventy-fifth anniversary of the Universal Declaration of Human Rights in December 2023 to commit publicly to the eventual abolition of the death penalty.

81. He struggled to see how anonymous counselling could effectively prevent suicide. It was more likely that a desire for anonymity arose from a reluctance to seek help for fear of career repercussions. It was also unclear why suicide prevention mechanisms should be unsuitable for active members of the military given the high suicide rates among military staff. He wondered whether the Military Human Rights Protection Officer played a role in preventing suicide in the military and, if so, whether those efforts were yielding the desired results. He also wished to learn more about the criteria used for the selection and appointment of members of the National Human Rights Commission.

82. **Mr. Helfer** asked whether the State party’s legislation provided for post-conviction reviews on the basis of new evidence. If so, he wished to find out more about the practical application of such procedures.

83. **Mr. Soung** Jae Hyen (Republic of Korea) said that the Criminal Procedure Act made provision for the conversion of a conviction into an acquittal on the basis of new evidence.

The meeting rose at 5.50 p.m.