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Summary record of the 4055th meeting

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Chair: Ms. Abdo Rocholl

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The meeting was called to order at 10 a.m.

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

*Fifth periodic report of the Republic of Korea (continued) (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 Chair** invited the delegation to continue replying to the questions raised by Committee members at the previous meeting.
3. **Mr. Soung** Jae Hyen (Republic of Korea) said that recommendations from international human rights bodies had been taken into account in the formulation of the third National Action Plan for the Promotion and Protection of Human Rights, which had involved public hearings and online and in-person meetings with relevant civil society partners.
4. Women currently accounted for 36 per cent of the 3,207 judges in the country and 3 of the 9 Constitutional Court justices. The budget for human trafficking prevention and victim support had been reduced by 44.5 per cent after a regional victim rights protection agency had scrapped a planned pilot project owing to a lack of participants. The remaining budget was being used to provide comprehensive protection to victims.
5. Victims of crime could seek compensation through civil or criminal proceedings. In the former, the award of compensation was not contingent on securing a criminal conviction. In the latter, a conviction could be followed by a compensation order for medical expenses and other damages incurred.
6. The Government took steps to raise awareness among holders of the E-6 (art and entertainment) visa of how to identify and stay safe from potential human rights violations. The process for extending the visa involved considering a checklist of human trafficking indicators. In the second half of 2023, fact-finding inspections would be conducted in entertainment establishments that employed foreigners.
7. In an effort to keep infections under control in the early stages of the coronavirus disease (COVID-19) pandemic, personal information had been used for contact tracing and in epidemiological studies. All such information had been expunged after use. Outside of pandemic response situations, the provisions of the Personal Information Protection Act had taken precedence.
8. There were currently four anti-discrimination bills before the National Assembly. The bills covered different areas and provided for a range of remedies for victims. A need had been identified for more in-depth reviews and public consultations on the matter. A revised school curriculum containing anti-discrimination modules would be taught from 2024 on.
9. Between his appointment in July 2022 and September 2023, the Military Human Rights Protection Officer had handled 941 complaints. The effectiveness of the 2022 amendments to the Military Court Act in reducing the jurisdiction of military courts was difficult to gauge owing to a recent restructuring of the courts and military investigative bodies that had led to the double counting of transferred cases.
10. Multiple checks and controls were carried out, including by the courts, to prevent abuse of the Act on Counter-Terrorism for the Protection of Citizens and Public Security. Article 7 of the Protection of Communications Secrets Act was implemented only for reasons of national security in the context of counter-terrorism operations and rarely in respect of individuals. The issuance of an order to restrict communications during a criminal investigation required court authorization regardless of the suspect's nationality.
11. Acts of violence or cruelty committed in the performance of functions involving the restraint of criminal suspects or others were punishable under the Criminal Act, which provided for harsher penalties in the event of aggravating factors such as injury or death.

12. Regarding the domestication of the Guiding Principles on Business and Human Rights, two bills on human rights due diligence and corporate environmental, social and governance management had been submitted to the National Assembly. Victims of corporate human rights violations could seek non-judicial remedies by lodging a complaint with the Korean National Contact Point.

13. Since 2020, in response to the possibility that members of the military would not seek mental health support for fear that doing so could harm their long-term career prospects, the Ministry of National Defence had been working with specialized external institutions to provide anonymous counselling services. Users of those services had expressed high levels of satisfaction, and the number of persons seeking such services had been increasing in number.

14. The Government was fully engaged in consultations with the National Human Rights Commission of Korea regarding its request for more funding to support its efforts to provide human rights education.

15. **Ms. Šurlan**, noting that the Act on the Improvement of Mental Health and Support for Welfare Services for Mental Patients provided for the possibility of psychiatric hospitalization with the consent of a legal guardian and did not stipulate that admission examinations should be face-to-face, said that she wished to know how the State party ensured that examinations were thorough and that admissions were not determined solely on the basis of written reports. It would be useful to know what safeguards were in place to enable patients themselves to request improved treatment or a discharge examination and make decisions autonomously in cases where their interests clashed with those of their legal guardian. Information on the steps taken to guarantee patients' right of access to a lawyer, the possibility of judicial review of hospitalization decisions and the prompt handling of patient requests would also be appreciated.

16. She would be interested to know what measures the State party was taking, other than those described in its report (CCPR/C/KOR/5), to reduce overcrowding and improve conditions in places of detention, for example by limiting the number of inmates per cell. She would also be interested to learn whether the measures it had taken to date had been guided by specific regulations and what legislative or regulatory steps had been or would be taken to ensure that detention conditions complied with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). She would welcome details of the measures taken by the State party to prevent women detainees from being supervised by male staff, improve the health care of inmates both within prisons and in external medical facilities, prevent prison suicides, bring the duration of solitary confinement into line with the Nelson Mandela Rules, provide for the judicial review of solitary confinement and ensure that, in any case, it did not exceed the 45-day limit prescribed by domestic law.

17. Recalling the Committee's recommendation, made in paragraph 35 (b) of its concluding observations on the State party's fourth periodic report (CCPR/C/KOR/CO/4), to ensure that the use of protective devices in prisons was subject to legally determined limits, she wished to know what measures other than video recordings were in place to guard against abuse of such devices and what was done to prevent their overuse against prisoners with mental disabilities.

18. **Mr. Ahmadov** said that he would be grateful for a response from the delegation to reports that, between 2017 and 2019, suspects had been accompanied by defence lawyers during interrogations only 0.9 per cent of the time and that suspects could receive assistance from a court-appointed defence lawyer only when a remand order had been issued or when they had petitioned the court to review the legality of their arrest or detention. He would be interested to hear the delegation's comments on the fact that, under the Criminal Procedure Act, investigative agencies apparently had extensive discretion in deciding to block the participation of defence lawyers and that, pursuant to the regulations of the Supreme Prosecutors' Office, defence lawyers had to obtain permission from prosecutors to state their opinions. It had also been reported that vulnerable groups were unable to receive assistance from defence lawyers from the outset of investigations. He would appreciate learning what the time frame was for the entry into force of the proposed amendments mentioned in

paragraph 137 of the report and whether the Government planned to extend their scope to cover offences punishable by terms of imprisonment of less than 3 years. He would also welcome an indication of the specific legislation under which North Korean defectors had access to the guarantees outlined in paragraph 139 of the report, including the right to counsel, clarification of whether defectors had the right to appeal deportation decisions and a response to reports that, in some cases, there was no maximum legal period for the application of provisional and protective measures, which could thus be extended indefinitely by the National Intelligence Service.

19. It would be interesting to learn what the State party's timeline was for making the changes to the system of detention provided for under the Immigration Act that would align it with the Covenant and a recent Constitutional Court decision declaring the system unconstitutional. He wondered what practical measures the State party intended to adopt to prevent the detention of children under immigration regulations, improve conditions in immigration detention facilities, including at points of entry, and ensure that such facilities were subject to regular independent monitoring.

20. He wished to know what measures were planned to streamline judicial procedures, decentralize judicial administrative powers and prevent the recurrence of cases of abuse of power. Statistics on the impact of the Improper Solicitation and Graft Act on corruption in the judiciary and details of specific measures taken against judges and prosecutors suspected of corruption would also be appreciated.

21. **Mr. Gómez Martínez** said that he would be grateful for an indication as to whether the State party would consider decriminalizing defamation or, at the very least, depenalizing it altogether. Failing that, he wondered whether it would consider ensuring that imprisonment was not one of the penalties that could be imposed for that offence. He also wished to know whether the State party had plans to repeal article 7 of the National Security Act or, if not, to define the conduct covered by the provision more specifically, thus fulfilling the requirement of legal certainty imposed by article 15 of the Covenant.

22. He invited the delegation to clarify whether civil servants, teachers, workers who had been dismissed and persons such as platform and subcontracted workers had the rights to form trade unions and bargain collectively, whether the Korean Teachers' and Education Workers' Union and the Construction Workers' Union had been legally recognized and whether, in the light of recent legislative developments, the State party would consider lifting its reservation to article 22 of the Covenant. An update on the ongoing legal proceedings involving Korean construction workers would be appreciated, as would assurances from the State party that it would not criminalize the exercise of legitimate rights such as the right to strike.

23. **Mr. Santos Pais** said that, in reference to paragraphs 42 and 43 of the Committee's previous concluding observations, he wished to know whether the State party would introduce judicial controls over access to subscriber information by intelligence and investigative agencies, including the Defence Counter-Intelligence Command. He also would be interested to learn whether the 2022 amendments to the Protection of Communications Secrets Act would lead to investigators seeking judicial authorization only after having collected personal data rather than beforehand, what parameters had been established for the use of what were known as base station investigations to identify participants in demonstrations and whether statistics were available on the use of such investigations during the reporting period.

24. Regarding the right to conscientious objection to military service, he wondered whether the State party would consider shortening the period of alternative service from 36 months to avoid it being considered discriminatory and punitive, bearing in mind that military service lasted between 18 and 21 months, and expanding the scope of alternative service beyond correctional facilities into areas such as social welfare, firefighting, medical care and disaster prevention and relief. It would be helpful to know how many people had refused to perform alternative service, what consequences they had faced, how many cases of refusal were pending before domestic courts and whether the Alternative Service Commission would be made independent of the Ministry of Defence.

25. He wished to know how many political parties had been dissolved over the previous five years and the grounds cited for doing so. He would be interested in the delegation's views regarding the question as to whether or not blanket restrictions on the political freedom of public officials and teachers were in conformity with the principles of legality and proportionality. Information on any measures planned to ensure that public officials, teachers and civilian workers in public institutions and cooperatives were able to enjoy the political freedom guaranteed by article 25 of the Covenant would also be gratefully received. In that connection, he invited the delegation to comment on any legislative or administrative measures, such as amendments to the Act on Execution of Sentences and Treatment of Inmates and the Act on Medical Treatment and Custody, that the State party intended to take to restore the right to vote of prisoners and persons sentenced to medical treatment and custody.

26. In view of reports of a surge in bans and restrictions on rallies and marches held within 100 metres of the President's office despite repeated court rulings that such measures were illegal, it would be useful to know whether the Enforcement Decree of the Assembly and Demonstration Act, which had recently been amended to expand the list of major roads where protests could be restricted, would be further revised, what measures the State party intended to take to prevent the holding of peaceful, duly notified assemblies from being hindered by local governments' refusal to grant permission to use certain roads and whether it would consider revising the Act on the Performance of Duties by Police Officers to bring the use of equipment by the police into line with the Covenant, including by prohibiting the firing of water cannons directly at protesters and the practice of spraying protesters with harmful substances.

27. He would appreciate a response from the delegation to allegations of the excessive use of force by the police during rallies, including a rally organized in the Seoul subway in January 2023 by groups advocating the rights of persons with disabilities. An explanation of why so many workers and human rights activists had been arrested and why such heavy sentences and fines had reportedly been imposed on them would also be welcome. In that regard, he wondered whether the State party would consider discontinuing the National Police Agency's Rally and Demonstration Culture Improvement Plan, which provided for the prohibition of late-night protests, harsher criminal penalties, more stringent noise limits and the use of drone surveillance.

28. **Mr. Ndiaye** said that he would like to receive information on the strategies or reforms envisaged by the State party to establish an asylum system that would increase the refugee recognition rate and respect the principle of non-refoulement. Details on any plans to end the excessive use of "non-referral" decisions at ports of entry, considering its obligations under the Convention relating to the Status of Refugees, would also be appreciated. He wished to know what measures were in place to ensure that administrative detention for immigration reasons was used only as a last resort and for the shortest time possible. Detailed information on domestic legal procedures enabling migrants, including asylum-seekers, to challenge their detention and the safeguards applied in that regard would also be welcome.

29. He would be interested to know what legislative and policy measures were planned to deter hate speech and incitement to hatred or violence against migrants and refugees, what was being done to address the issue of unregistered births, especially among such groups as the children of refugees, asylum-seekers and undocumented migrants, and whether the bill on birth registration for foreign children currently before the National Assembly covered those groups. He also wished to know what the timeline for the bill's adoption was. Lastly, he was keen to learn what could be done to dispel the legitimate fear among undocumented parents that information they provided as part of the birth registration process might be used against them and what safeguards were in place to ensure that the process was accessible to all foreign children and their guardians.

The meeting was suspended at 11.05 a.m. and resumed at 11.25 a.m.

30. **A representative of the Republic of Korea** said that, in 2017, the system of involuntary hospitalization of persons with mental illnesses had been revamped to prevent unnecessary hospitalizations. In principle, the diagnostic hospital admission procedure, which was described in paragraph 124 of the report, should involve a face-to-face

examination, with the results provided in writing. The doctors carrying out the examination referred to the initial assessment that had prompted the admission. The Committee for Examination on Legitimacy of Admission was required by law to include psychiatrists, judges, public prosecutors or licensed lawyers, mental health specialists and family members of the patient. The patient's views should be reflected in the Committee's decision and, since 2018, had been systematically taken into account in the provision of procedural assistance.

31. **A representative of the Republic of Korea** said that, pursuant to the Act on Execution of Sentences and Treatment of Inmates, prison facilities had to offer sufficient space, lighting, ventilation and heating. Efforts were ongoing to expand and renovate existing facilities. The number of inmates fluctuated in response to changes in criminal policy. Steps taken by the Ministry of Justice to reduce overcrowding were detailed in paragraph 127 of the report.

32. Inmates received medical care from visiting specialists and through remote consultations and referrals to external hospitals, among other measures. The salaries of prison medical officers were being raised and salary caps removed to boost recruitment. Inmates underwent regular health check-ups.

33. Prisoner suicide prevention efforts included the provision of psychological therapy and in-person, telephone and video-based counselling services and the early identification of high-risk individuals, for whom a specialized, tailored support programme had been developed.

34. Inmates in solitary confinement were housed in regular prison wings and had access to daily exercise, reading material, regular health check-ups and periodic crisis counselling. The Ministry of Justice was considering amendments to the Act on Execution of Sentences and Treatment of Inmates in order to bring the maximum length of solitary confinement into line with international standards. Protective devices were to be used as little as possible and not for disciplinary purposes. Their misuse was strictly prohibited. The health of prisoners wearing such devices was monitored regularly.

35. The Public Official Election Act had been amended in August 2015 after provisions stripping all inmates of their voting rights had been ruled unconstitutional. As a result, prisoners serving sentences of less than 1 year had the right to vote, provided that they were not barred from doing so by another law or court ruling. Persons subject to medical treatment and custody could not vote until their sentence had been served or lifted. Best practices from other countries would be borne in mind when considering possible future legislative amendments in that regard.

36. **A representative of the Republic of Korea** said that, since 2013, a standard rule had been applied in the design and remodelling of detention facilities. By the end of 2022, improvement works had been completed in 62 out of 107 targeted cells. Between 2015 and 2018, a project had been carried out to prevent self-injury and suicide through the installation of a smart video monitoring system. Thanks to the standard rule, future construction or improvement works would be human-rights friendly.

37. **A representative of the Republic of Korea** said that, in principle, the right to counsel was ensured throughout all stages of criminal proceedings but could be restricted under exceptional circumstances, including when a lawyer's participation might hinder the investigation, pursuant to the regulations of the Supreme Prosecutors' Office and other rules. Bills had been submitted to the National Assembly to strengthen the right to have a lawyer present.

38. **A representative of the Republic of Korea** said that courts had a legal obligation to appoint a defence counsel for accused persons who, at the time of their arrest, were minors or over 70 years of age, had a disability or had been charged with a crime punishable by 3 years' imprisonment or more. Defendants unable to hire a lawyer because of their financial circumstances or for other reasons were entitled to legal aid. Defendants' age and educational background were taken into account when determining whether to appoint a lawyer for them.

39. **A representative of the Republic of Korea** said that the human rights protection officers referred to in paragraph 104 of the report acted in accordance with the Enforcement Decree of the North Korean Refugees Protection and Settlement Support Act. The

immigration of persons not identified as North Korean defectors was governed by the Immigration Act, pursuant to which such persons could appeal deportation orders. A bill to amend the North Korean Refugees Protection and Settlement Support Act was under consideration by the National Assembly. Under that law, the Ministry of Unification was responsible for ascertaining whether North Korean defectors wished to be and should be afforded temporary protection. An intent to seek protection could be verified prior to entry into the Republic of Korea only when clearly expressed to the head of one of the country's diplomatic missions.

40. **A representative of the Republic of Korea** said that individuals without a passport who were awaiting deportation could be detained until a passport had been obtained. In March 2023, however, the Constitutional Court had ruled those provisions unconstitutional and had ordered the Government to issue legislation on the maximum length of immigration detention by 2025.

41. Children under the age of 14 years were held in immigration detention facilities only if they did not have caregivers outside the facility or if their parents wished to remain with the child. In such cases, those children, together with their parents, were held in separate, designated facilities. Various measures were used to minimize the detention of child migrants between the ages of 14 and 18 years, such as departure orders and temporary release orders. A public official was assigned to meet regularly with each child between those ages who was in immigration detention. All such children had access to exercise, meals, medical care and interpretation services.

42. **A representative of the Republic of Korea** said that departure waiting rooms at airports were open facilities. Persons awaiting departure were permitted to wait in other designated places at ports of entry, except where that was not possible owing to airport security concerns. Since August 2022, departure waiting rooms had been operated by a government entity. The lighting in those rooms had been improved, and three good-quality meals were provided per day. Persons awaiting departure were allowed to enter other secure areas of the airport and to purchase meals from restaurants. The departure waiting rooms had shower facilities and a free wireless Internet connection. Foreign nationals in the rooms could use their mobile phones to communicate with others outside the facility and could leave the facility to access medical care.

43. Foreign nationals had the right to appeal against non-referral decisions, the right to legal representation and the right to access the reports on their interviews at the port of entry. Only three persons – who had filed and lost appeals against non-referral decisions – had been in the departure waiting room for more than six months.

44. **A representative of the Republic of Korea** said that the Supreme Prosecutors' Office had investigated the judicial officials who were suspected of abuse of power. The former Chief Justice of the Supreme Court and 14 former and incumbent judges had been indicted; six of them had been tried and eight were still on trial. In 2018, the Chief Justice of the Supreme Court had issued a public apology. Disciplinary measures had been imposed on 20 judicial officers, including 3 Supreme Court judges and 7 district court judges.

45. To ensure the integrity of judicial officers, the authorities had introduced such measures as a property registration and disclosure system, a blind trust system for stock holdings and restrictions on the employment of retirees and on stock acquisitions. Officials also received ongoing training concerning public service ethics and the prevention of corruption and of conflicts of interest. Guidelines on those topics had also been issued. In addition, members of the National Court Administration who were judges were being replaced with non-judicial public officials and experts.

46. The National Assembly was discussing an amendment to the Criminal Act to establish that truth was an absolute defence to criminal defamation. In its examination of the amendment, the Government would consider freedom of expression, any potential gaps in victim protection and the sufficiency of civil punitive damages for defamation.

47. **A representative of the Republic of Korea** said that the Government had no plans to abolish article 7 of the National Security Act, as the threat posed by North Korea had yet to be resolved. The Constitutional Court and the Supreme Court had both confirmed the

constitutionality of that article. Its provisions were applied only where there was a clear and substantive threat to the existence and security of the State or the fundamental democratic order.

48. **A representative of the Republic of Korea** said that, in January 2021, the law governing the establishment and operation of public officials' unions had been amended to allow public officials of grade 5 or higher, firefighters, educators and retired public officials to join trade unions. Public officials could engage in collective bargaining on matters directly related to their working conditions, including compensation and working hours.

49. General workers with recognized worker status were free to establish trade unions. People were classified as workers if they earned a wage or other remuneration. Unemployed persons, persons who had been dismissed and labourers were recognized as workers for the purpose of unionization. The teachers' union and the construction workers' union were recognized as legitimate unions and were active in the country. Dismissed teachers had the right to join the teachers' union.

50. In 2021, the Republic of Korea had ratified the International Labour Organization (ILO) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and incorporated it into national law. At that time, it had also reviewed the possibility of withdrawing its reservation to article 22 of the Covenant; however, while ILO Convention No. 87 limited the right to form and join labour union to workers, the Covenant was broader in scope. As certain public officials did not have the right to form and join trade unions in the Republic of Korea, changes to domestic legislation would therefore be required. The Government would continue to review the matter with experts and stakeholders.

51. The Government upheld labour rights and expected workers and management representatives to engage in voluntary dialogues. Legitimate labour union activities were not criminalized; individuals could be convicted for engaging in illegal activities such as blackmail or intimidation, however. The involvement of a union in bargaining concerning recruitment before a collective bargaining agreement had been signed would lead to restrictions on who could be recruited, which would constitute unreasonable discrimination in violation of the Constitution, the Civil Act and the Framework Act on Employment Policy.

52. **A representative of the Republic of Korea** said that the intelligence and investigative agencies did not require a warrant to obtain personal data from telecommunications companies. The Government was working to amend the law to oblige those agencies to provide ex post notification to the data-holder without delay, as failure to do so had been ruled unconstitutional. Court authorization was required for general and emergency communications restrictions.

53. **A representative of the Republic of Korea** said that, with respect to the system for alternatives to military service, the current 36-month service period and camp-style approach adequately reflected the will of the Constitutional Court, the National Assembly and the public. The alternative service system upheld the right of conscientious objection while ensuring fairness in military service obligations and protecting the national interest. Persons serving under the alternative system were entitled to holidays and outings and could practise their religion freely. Persons who experienced mental illness could be discharged. The Constitutional Court was reviewing petitions received in connection with the alternative service system. The Government would await the Court's decision on those cases before making any further changes to the system.

54. The Alternative Service Review Committee was an independent body, with a membership comprising academics, human rights activists and legal experts. The Ministry of National Defence had no influence over decisions on applications for alternative service.

55. **Mr. Soung Jae Hyen** (Republic of Korea) said that the Government could apply to the Constitutional Court to dissolve a political party if the purposes or activities of the party were found to undermine the democratic order. Dissolution was a measure of last resort, to be used in line with the principle of proportionality and where the benefits for society outweighed the negative impact of such a step.

56. Teachers, as public officials, had a constitutional responsibility to serve the interests of the public as a whole. They were therefore required to maintain political neutrality in order

to ensure the continuity and consistency of public services and secure public trust. Those requirements needed to be balanced against the political freedom of public officials as individuals, however. Sufficient support from Korean society would be required before any changes to those provisions could be made.

57. People had a guaranteed right to hold assemblies in public spaces outside the office of the President, provided that the participants did not pose a clear and present threat to public well-being. The courts recognized the need for minimal restrictions as required to maintain the flow of traffic and prevent serious inconvenience to the public. Article 11 of the Assembly and Demonstration Act provided for exceptions to the prohibitions on protests outside certain public institutions. Court rulings were taken into account during the consideration of each case in order to minimize the restrictions on rallies.

58. The use of different types of equipment by the police was governed by the Act on the Performance of Duties by Police Officers and the Regulations on the Use of Lethal Police Equipment. The police no longer used vehicle-mounted water cannons against protesters. Police officers could, however, use spray guns and vehicle barricades, where necessary. Officers found to have violated restrictions on equipment use could be punished under the law. Officers received ongoing training on the topic.

59. The head of Solidarity Against Disability Discrimination had failed to respond to numerous police summons for questioning. As there had been reasonable grounds to believe that he had committed a crime, the court had issued a warrant for his arrest. Following an investigation, the individual had been released. No members of the organization had been subject to arbitrary arrest or crackdowns. If any members of the public felt that they had been subject to government oppression, they had the right to file a petition with the appropriate national institutions, to submit a complaint to the Public Prosecutor's Office and the police, and to claim compensation.

60. Night-time assemblies were restricted to protect the public's right to peace and order. While the Constitutional Court had validated the legislative purpose of such restrictions, it had ruled the existing restrictions unconstitutional because they were too broad in scope. The National Assembly was therefore deliberating on the necessary legislative amendments.

61. **A representative of the Republic of Korea** said that the Government upheld international standards on the treatment of refugees. Non-referral decisions were handed down to persons suspected of causing harm or of concealing facts during the application process. Since 2013, 2,317 persons had applied for refugee status at ports of entry in the Republic of Korea, of whom 992 had been referred. No person was deported until all administrative proceedings had been resolved. The State provided applicants with meals and other basic services while they awaited such decisions.

62. Between 1994 and 2023, the average refugee recognition rate had been 2.8 per cent. The rate was low not because of a lack of expertise but because the Republic of Korea was geographically distant from, and historically unconnected to, most major countries of origin of migration flows. A designated interpretation system for refugees had been adopted. Interpreters were hired as public officials and received mandatory human rights protection training.

63. **A representative of the Republic of Korea** said that people who had violated the Immigration Act were not detained if they left the country voluntarily at their own expense. Foreigners held in immigration detention facilities could challenge a deportation order by filing a petition with the National Human Rights Commission of Korea or with the Human Rights Bureau of the Ministry of Justice; they could also file a request for the issuance of a temporary release order. In addition, they could lodge an appeal with the courts for the cancellation or suspension of the detention order. Information on the procedural rights of aliens held in immigration detention facilities were posted at those facilities, and pay telephones were available to enable detainees to communicate with the outside world.

64. **A representative of the Republic of Korea** said that if hate speech or discriminatory language was used in broadcasts, the Korea Communications Standards Commission would issue a warning or a penalty to the offending broadcaster. Such incidents were also noted in broadcasters' reauthorization evaluations. If discrimination based on origin, race or other

grounds was promoted in online media, the service provider could be ordered to take corrective action. Institutional improvements to help put a stop to the spread of hate speech were under review.

65. **A representative of the Republic of Korea** said that when hate speech constituted a tort as defined by the Civil Act, the perpetrator must pay damages. If hate speech constituted defamation as defined by the Criminal Code, the perpetrator would be liable to criminal charges. In November 2022, an amendment to the Refugee Act had been submitted to the National Assembly aimed at curbing discrimination against refugees. To make sure that the public had a clear and accurate perception of refugees, the legal definition of a refugee had been included in the standard online encyclopedia.

66. **A representative of the Republic of Korea** said that a birth registration bill covering all foreign children was currently being considered by the National Assembly. Under the proposed law, if a child of foreign parents was born in the Republic of Korea, his or her birth could be registered and a birth certificate issued. The Government would ensure that those children enjoyed the rights to health and education.

67. **Mr. Gómez Martínez** said that he wished to know whether the State party was considering the adoption of measures to secure the fair, impartial distribution of public subsidies and grants to non-governmental organizations, including those that were critical of the Government. He would be interested in hearing the delegation's comments regarding the compatibility with article 22 of the Covenant of the Government's issuance of a return-to-work order to striking cement truck drivers. He would be grateful if the delegation could also respond to allegations that the fines imposed on trade unions for any damage caused through actions deemed to be unlawful were so high that they could jeopardize a union's continued existence. He wondered whether the Government was willing to take steps to ensure that any such fines were proportionate to the damage actually caused. He wished to know whether he had understood correctly that, once a collective agreement was in place, each individual worker had to sign it. In other words, a collective agreement would not automatically cover all workers in a given branch of industry.

68. **Mr. Santos Pais** said that he wished to know whether the State party had a comprehensive strategy to combat all forms, including emerging online forms, of sexual exploitation of children and what the punishments were for such crimes. He would be grateful for a description of the State party's plans for promoting the deinstitutionalization of children and for ensuring family reunification. He wondered whether the State party was considering plans to ensure family and community-based support and protection for children as part of an integrated child protection system. He wished to hear what legislative and socio-educative measures were being implemented to ensure that children's rights could be protected within their original family when child abuse occurred. He would like the delegation to explain in detail the provisions of the Juvenile Act governing the criminal responsibility of minors. Information on the reasons for lowering the age of criminal responsibility would be welcome.

69. **Mr. Ndiaye** said that he wished to know whether the victims of human rights violations committed outside the country by companies based in the Republic of Korea had access to legal recourse and whether there were any cases in which a Korean court had awarded compensation or reparation to such victims. He would also like to ascertain whether a migrant worker had the right to change jobs. He would appreciate information about the steps being taken to ease the conflict surrounding the Daegu mosque issue and about the measures being adopted to put a stop to acts motivated by hatred. He wished to know when the enactment of the bill on the registration of the births of foreign children was expected.

70. **Mr. Ahmadov** said that he would like to know what punishments had been handed down to the judges who had been found guilty in the corruption case involving the former Chief Justice of the Supreme Court. He wished to reiterate his request for statistics illustrating the effects of the Improper Solicitation and Graft Act on corruption in the judiciary and his question about the specific measures taken since 2016 to combat corrupt practices in the judiciary. He would be grateful if the State party could indicate the grounds on which a prosecutor could impose limitations on the participation of counsel in legal proceedings. He wondered whether the State party was considering using non-custodial alternatives to the

detention of migrant families with children at the port of entry as a means of protecting children's best interests.

71. **Ms. Šurlan** said that she had not heard an answer to her question as to whether patients who had been hospitalized under article 42 of the amended Mental Health and Welfare Act had access to a lawyer or court.

72. **A representative of the Republic of Korea** said that the striking cement truck drivers had been ordered to return to work under a law passed in 2016 because the strike had threatened to paralyse land transport throughout the country. Individual members of a trade union did not have to sign a collective agreement. If they went on strike, they were exempt from criminal and civil liability under the Trade Union and Labour Relations Adjustment Act. Workers could have no more than half of their wages deducted to meet a claim for compensation arising from trade union action. A fact-finding survey conducted in 2022 showed that most of the damages which trade unions had been ordered to pay had been caused by illegal acts on their part. The Government encouraged labour and management to resolve disputes voluntarily.

73. **A representative of the Republic of Korea** said that any sex crimes or violence against young persons were dealt with under the Act on the Protection of Children and Juveniles from Sexual Abuse. Offenders' identities were disclosed, and they could not thereafter be employed by organizations that worked with children. To protect young persons from digital sex crimes, a new legislative provision prohibited cybergrooming, permitted undercover investigations and abolished the statute of limitation for crimes involving sexual violence and sexual exploitation aimed at children. The RandoChat app had been designated as a hazardous application.

74. **A representative of the Republic of Korea** said that, in order to receive compensation for an alleged human rights violation committed abroad by a Korean-based company, since the State party would exercise international jurisdiction, the victim would have to prove that the company had committed an illegal act under Korean law.

75. **A representative of the Republic of Korea** said that, in accordance with a new child protection plan announced by the Government in April 2023, vulnerable children were now being given greater welfare support, and a road map had been developed to help the child protection system transition from a reliance on institutional care to an emphasis on family-oriented measures to enable children at risk to grow up in their own homes. Parenting education was provided and family reunification programmes were being implemented in order to enable children who had been separated from their families to return to them. In order to prevent abuse, a case management plan had also been established. The staffing of welfare facilities was to be increased to make them more child-friendly.

76. Children were immediately separated from their family only when there was a strong suspicion that they were being subjected to abuse. Under the previous emergency measures, it had been difficult to separate children from persons suspected of committing abuse unless there was clear proof of harm or injury and, even then, there had been a time window of just 72 hours. The result had been a vacuum in child protection and a greater risk of serious incidents. The best interests of the child were taken into consideration before immediate separation took place. Child victims received sufficient information about their protection plans and about the facilities where they were to be placed as a basis for securing their consent to immediate separation measures. Regular monitoring was conducted after immediate separation and, if the situation improved, a plan to support the child's return to his or her original family would be drawn up.

77. **A representative of the Republic of Korea** said that the National Assembly had passed an amendment in 2023 to the Act on Registration of Family Relations that would require medical institutions to report births to the local authorities. That amendment was due to enter into force in 2024. A birth information system was to be set up to ensure the smooth implementation of the birth notification system. The Protected Birth Bill, which allowed women to give birth anonymously in hospitals, was designed to protect children's right to life.

78. **A representative of the Republic of Korea** said that the Government would faithfully enact the bill currently being deliberated by the National Assembly to ensure the registration of all children born in the Republic of Korea if it was passed into law.

79. **Mr. Soung** Jae Hyen (Republic of Korea) said that the recommendations and guidance provided during the review of his country's fifth periodic report would serve as a cornerstone for the Government's future policies to protect and promote human rights.

80. **The Chair** said that she wished to thank the delegation for the fruitful dialogue that had taken place on numerous issues.

The meeting rose at 1.05 p.m.