



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Summary record of the 2116th meeting*

Held at the Palais Wilson, Geneva, on Thursday, 11 July 2024, at 3 p.m.

Chair: Mr. Heller

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

Consideration of reports submitted by States parties under article 19 of the Convention *(continued)*

Sixth periodic report of the Republic of Korea (continued) (CAT/C/KOR/6; CAT/C/KOR/QPR/6)

1. *At the invitation of the Chair, the delegation of the Republic of Korea joined the meeting.*
2. **A representative of the Republic of Korea**, resuming his delegation's replies to the questions raised at the previous meeting (CAT/C/SR.2113), said that the Government actively participated in international discussions on the phasing out of the death penalty. Abolition was a serious matter, and a careful review of criminal policy, public opinion, legal sentiment, national and international situations and other considerations would be necessary before any decision was taken. It was therefore not possible to commit to immediate ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
3. Under the Constitution, citizens of the Democratic People's Republic of Korea were also recognized as citizens of the Republic of Korea, and the Government's position was that all defectors from the former who requested protection should be granted admission. Those suspected of having committed serious crimes would be dealt with by the judicial system of the Republic of Korea. The decision in 2019 to return across the border two nationals of the Democratic People's Republic of Korea suspected of murder had raised concerns about violations of national and international law and a trial in connection with the matter was currently under way. In an effort to avoid similar incidents in future, the Ministry of Unification had, since 2020, been responsible for directly verifying whether defectors from the Democratic People's Republic of Korea wished to remain in the Republic of Korea. A provision on the referral of the cases of international criminals or serious non-political offenders to the competent agencies for investigation had been included in the recently amended North Korean Defectors' Protection and Settlement Support Act.
4. **A representative of the Republic of Korea** said that all persons newly admitted to places of detention underwent medical examinations to screen for sexually transmitted infections and tuberculosis and measure other variables, including liver function, haemoglobin, blood glucose and total cholesterol levels. The results were recorded and managed in a medical information system. To promote the early detection of chronic diseases, all prisoners underwent medical examinations at least once annually. The number of items examined had increased continuously and now stood at 33. The number of prisoners receiving regular medical examinations had been stable in recent years, at around 40,000 individuals.
5. **A representative of the Republic of Korea** said that there had been no recent reports of torture, ill-treatment or abuse by police officers or in police detention centres. The previous five years had seen 55 cases of self-inflicted injury of detainees and 7 deaths, including 1 suicide, in such centres. Information relating to morbidity and the psychiatric treatment of detainees in those centres was not available.
6. **A representative of the Republic of Korea** said that the Criminal Procedure Act permitted video recording of the interrogation of suspects from start to finish. It was a legal requirement to notify suspects that they were being recorded and to inform them of their rights, including the right to refuse to make a statement. At the request of suspects or their lawyers, the recording could be played back to them and any objection concerning its content written down and attached to the record.
7. **A representative of the Republic of Korea** said that counselling and psychological and resocialization support were provided to juveniles under investigation. In order not to diminish the effectiveness of such efforts, the investigation rooms of juvenile detention facilities were free of recording equipment. Making recordings could raise issues of invasion of privacy, interfere with free expression and weaken trust between staff and juveniles.

8. **A representative of the Republic of Korea** said that no individuals were currently detained as part of ongoing investigations under the National Security Act. Two individuals were serving sentences under the Act and six were detained while on trial. All eight persons had been charged with violations of article 7 of the Act, but most also faced more serious charges relating to espionage, forming organizations benefiting the enemy and holding illegal meetings. Persons were currently detained under the Act in a total of six correctional facilities.

9. **A representative of the Republic of Korea** said that articles 24 and 50-4 of the National Human Rights Commission of Korea Act authorized the Commission to conduct visits to and investigations of predetermined facilities, including correctional institutions and immigration detention centres, but did not apply to the North Korean Refugee Protection Centre. Under article 30 of the Act, the Commission could also conduct investigations in response to petitions it received or ex officio in all detention facilities. No such procedures had been set in motion in relation to the North Korean Refugee Protection Centre over the previous four years. Staff working at facilities under investigation could participate in interviews if they wished.

10. It was not compulsory for institutions to implement the recommendations they received from the National Human Rights Commission. However, to encourage them to do so, the Commission was authorized to request information on the implementation status and publish its findings. Although the National Human Rights Commission of Korea Act provided for the independence of the Commission, there were certain shortcomings in that area. Legislative amendments had been proposed to strengthen its financial independence, increase its organizational autonomy and establish an independent committee to select its commissioners.

11. **A representative of the Republic of Korea** said that victims of torture could file complaints of human rights infringements with the National Human Rights Commission or through the hotline of the Ministry of Justice. The complaints handled by the hotline concerned the Ministry's detention and protection facilities and could ultimately lead to internal disciplinary procedures.

12. **A representative of the Republic of Korea** said that criticism of the Human Rights Violation Reporting Centre of the Supreme Prosecutor's Office had been addressed by expanding and reorganizing it in order to strengthen its functions and promote its use. It was now referred to as the Human Rights Centre. Each prosecutor's office was required to establish a human rights centre and designate a human rights protection officer in charge of performing tasks relating to human rights protection and supervising the handling of infringements.

13. **A representative of the Republic of Korea** said that the refugee recognition rate was low due to the country's geographical distance from major countries of origin and because persons from countries with visa waiver agreements with the Republic of Korea, including the Russian Federation and Kazakhstan, often did not submit valid refugee claims but instead sought asylum for economic reasons. The recognition rate for applicants from countries such as Myanmar, Burundi, Ethiopia and Afghanistan, who had a high need for protection, stood at 59, 54, 30 and 19 per cent respectively. Unsuccessful applicants for refugee status might be granted protection in the form of humanitarian status permits under the Refugee Act if expulsion from the Republic of Korea could lead to infringements of their right to life or personal liberty.

14. The average time required for refugee status determination was currently 13.4 months and the average time taken to review appeals was 10.2 months. Failed applicants then had the option of having their case heard in courts of first and second instance and could ultimately appeal to the Supreme Court. The entire process could take between three and five years. The first half of 2024 had seen more than 9,000 persons apply for refugee status, but only 90 public officials were assigned to refugee screening and other asylum-related work, leading to processing delays. Consultations to increase staffing in that area were under way at ministry level. The challenge of securing interpreters for applicants speaking certain languages led to further inevitable delays in the consideration of their cases.

15. **A representative of the Republic of Korea** said that the Government was seeking to amend the Immigration Act to set the maximum duration for the detention of foreigners subject to deportation at 18 months, which would be increased to 36 months if they had committed serious crimes that endangered national security or public safety. Pursuant to the amendments, an independent body would be set up to review appeals filed by detainees seeking release and periodically assess the need to continue to detain any individuals who had already been held for more than three months.

16. **A representative of the Republic of Korea** said that applicants for refugee status became eligible to receive support for living expenses within six months of filing their application. Help with covering the cost of health check-ups and medical services could also be provided, along with housing and education support. Six months after filing their application, those individuals could obtain work permits for general labour activities; professional jobs that required specific qualifications were subject to legal requirements. Humanitarian status permit holders were subject to the same employment conditions and were eligible for health insurance coverage and medical, housing and educational support. Recognized refugees were eligible for the same social security and basic livelihood security as nationals of the Republic of Korea, including support for living expenses as well as income-dependent housing, medical and educational benefits. They could apply for permanent residence after living in the country for two years. They could also invite their legally married spouse and minor children to reside with them.

17. Foreigners applying for refugee status at a port of entry and departure could expect to receive a decision on whether to refer their application within seven days. A waiting room was provided for them during that period. Under the Immigration Act, persons denied entry were placed in a departure waiting room pending repatriation. It was an open-type facility with showers, bedding, free Internet access and access to the cellular phone network. Changes made in 2022 had shifted responsibility for the departure waiting room, including meal provision, from the private sector to the State. Health care and human rights protection were also guaranteed there, with 24-hour emergency medical assistance and the possibility of hospital visits for medical treatment. Persons assigned to the departure waiting room were guaranteed access to a legal representative. An amendment to the Immigration Act, proposed in December 2022, to establish another departure waiting room outside the airport for persons expecting longer waits, had lapsed.

18. **A representative of the Republic of Korea** said that, when defectors from the Democratic People's Republic of Korea were undergoing investigation, the legal grounds for, duration, purpose and content of the investigation were explained to them. Minors could be accompanied through the process by a trusted individual. The walls of the investigation room were now made of glass so that questioning took place in open view, and an audio or video recording could be made of the interrogation, with the individual's consent or at their request. During the provisional protection period, defectors could receive phone calls or visits from relatives living in the Republic of Korea and were provided with medical treatment, psychological counselling and basic social adaptation education. Defectors from the Democratic People's Republic of Korea could also apply for protection in the Republic of Korea to the head of an overseas diplomatic mission. Defectors granted protection were registered with the family courts, after which the process to create an identity for them in the Republic of Korea was initiated.

19. **A representative of the Republic of Korea** said that article 3 of the Refugee Act stipulated the principle of non-refoulement to ensure that recognized refugees, humanitarian status holders and asylum-seekers were not compulsorily repatriated to places where they might face persecution. Between 1994 and the end of 2023, 2,612 persons had been granted humanitarian status. Nearly half of them were Syrian nationals, and more than one third were Yemenites. Statistics reflecting the processing status and results of refugee applications, the granting of humanitarian status and other variables were regularly published on the website of the Korea Immigration Service. Care was taken, in line with the provisions of article 17 of the Refugee Act, not to reveal information that could disclose the identity of applicants or refugees.

20. A number of improvements had been made to enhance the fairness of refugee status screening procedures. Interviewers and interpreters were selected from among persons who

had no personal relationship with the applicant or any other status that might compromise the fairness of the process. Since July 2018, it had been mandatory to make audio and video recordings of interviews with applicants. During interviews, the right to counsel was guaranteed, and trusted persons were allowed to accompany the applicant at his or her request. Officials of the Office of the United Nations High Commissioner for Refugees (UNHCR) were also permitted to participate in interviews, if desired. Since the introduction of a certification system in 2022, only externally certified interpreters with proven accuracy and expertise had been appointed to provide interpretation services. Seventeen civilian experts had been recruited to assist with refugee status screening. Officials in charge of refugee work were required to undertake 40 hours of annual specialized training. At least six professional training sessions were held annually, two of them in collaboration with UNHCR. In April 2024, in response to a recommendation of the National Human Rights Commission, the Government had established internal standards for the qualification of public officials in charge of refugee work. It planned to amend existing legislation to provide a legal basis for those qualifications.

21. In order to strengthen the independent appeal system available to applicants for refugee status, the Government had established a Refugee Appeal Division in February 2020 to support deliberations of the Refugee Committee. The latter body was composed of 15 members, including 9 private sector experts in refugee matters. When a majority of the members were in attendance, appeals could be considered, with a majority vote of those present being decisive. The Advisory Committee to the Refugee Committee had been set up in July 2020, initially comprising 35 external experts in refugee matters. Its membership had increased to 42 in July 2023 with the addition of child, mental health and international law experts, making the deliberations relating to appeals fairer and boosting the level of expertise that could be drawn upon.

22. **A representative of the Republic of Korea** said that foreign nationals held pursuant to a detention order while awaiting deportation could appeal to the Minister of Justice, who could order their release. They could also apply for suspension of the execution of the order or challenge the legality of their detention. The Government helped detained foreign nationals to leave the country quickly, thereby minimizing the period of detention, which was just over one week on average.

23. **A representative of the Republic of Korea** said that defectors from North Korea who no longer wished to be protected could withdraw their application and leave the provisional protection facility. In its general comment No. 35 (2014) on liberty and security of person, the Human Rights Committee had stated that deprivation of personal liberty took place “without free consent”. Since defectors freely consented to provisional protection under the North Korean Refugees Protection and Settlement Support Act, it did not constitute detention. The provisional protection period, now 90 days, could be extended only once in exceptional circumstances such as an increase in the inflow of defectors. The average length of stay at the protection facility was approximately 60 days. Although not all defectors were entitled to financial assistance, as nationals of the Republic of Korea they were not subject to deportation. No extradition requests for persons suspected of torture had been received during the reporting period.

24. **A representative of the Republic of Korea** said that the human rights code of conduct that the National Police Agency applied prohibited police officers from engaging in or tolerating torture or ill-treatment. Explanatory guidance on the code had been disseminated and officers were trained on the principles of torture prevention. In 2023, the Agency had issued human rights protection rules for police investigations, which stated that police officers must not engage in, instigate or facilitate physical or psychological torture or ill-treatment against suspects or other persons involved in an investigation. All police officers underwent six hours per year of mandatory human rights training, which covered the prohibition on torture.

25. **A representative of the Republic of Korea** said that the Institute of Justice provided mandatory training to all new correctional officers, covering international human rights standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

26. **A representative of the Republic of Korea** said that medical professionals at correctional facilities received ongoing human rights training, including on the prohibition on torture and ill-treatment. All medical professionals were legally required to take at least eight hours of refresher training each year. Owing to time constraints, such training did not cover the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). However, it covered professional ethics, compliance with relevant laws, addressing child abuse and work with persons with disabilities and older persons.

27. **A representative of the Republic of Korea** said that the National Human Rights Commission investigated allegations of torture and abuse and could either make recommendations or file criminal complaints. Prosecutors' offices had human rights protection officers who were responsible for investigating reports of human rights violations and could order measures such as awareness-raising to prevent recurrence, issue compliance orders or warnings or initiate a criminal investigation. Designated investigators to address alleged misconduct by prosecution officials were in place at various levels of the prosecution service.

28. **A representative of the Republic of Korea** said that the construction of new correctional facilities and renovation of existing ones had increased capacity by over 3,000 since 2016. Despite delays owing to factors such as local planning objections, further increases in capacity were expected to reduce occupancy rates from around 113 to 100 per cent by 2028. Recently, local opposition to a construction project had been successfully overcome through the establishment of a conflict coordination council and the holding of a referendum. While current guidelines did indeed specify 2.58 m² of personal space per inmate in prison cells, that would increase to 3.4 m² for newly constructed facilities. In July 2022, the Supreme Court had found that the State was liable for compensation for prison overcrowding, which had been awarded in six cases. In exceptional circumstances only, two inmates could be housed in a single-person cell.

29. **A representative of the Republic of Korea** said that the Government's decision to lower the age of criminal responsibility from 14 to 13 years had been based on the age at which children ended primary education and the high proportion of 13-year-olds among juvenile offenders. However, the Government strictly complied with the law on the separation of adult and juvenile inmates. Moreover, given that only 12 juveniles under the age of 15 were currently in detention, the lower age of responsibility was not expected to lead to widespread detention of children or increased overcrowding.

30. **A representative of the Republic of Korea** said that, although prisoners did not have a guaranteed right to parole, their eligibility was reviewed at regular intervals. To improve prisoner conduct and alleviate overcrowding, access to parole for good behaviour had been expanded, with due regard for victim impact and public opinion about violent crime. Around 10,000 prisoners were released on parole each year.

31. In 2024, the law had been amended to introduce a maximum period of 45 days for the disciplinary measure of solitary confinement. The Government planned to review international best practice to further align the law on solitary confinement with human rights standards and would carefully consider reducing the maximum duration. The vast majority of persons subjected to such punishment spent less than 15 days in solitary confinement. Current legislation provided that, if the act giving rise to disciplinary action was likely to have been committed owing to mental illness, a medical examination must be conducted to determine whether the disciplinary placement in solitary confinement should be postponed or cancelled and whether psychiatric treatment was needed. Some 19,000 inmates had been placed in solitary confinement in 2022 and around 25,000 in 2023, with the majority – 77 and 75 per cent, respectively – remaining there for under 15 days. Although the law provided that inmates should be placed in single-occupancy cells by default, most inmates were currently sharing cells owing to overcrowding. Inmates were never placed with others as a disciplinary measure.

32. Two correctional facilities had mental health units, offering medication, cognitive rehabilitation and psychotherapy. Prisoners in other facilities received mental health care

either remotely, from visiting doctors or in external medical facilities. To improve access to mental health care, the Government intended to establish forensic beds in public hospitals.

33. **A representative of the Republic of Korea** said that, in line with the Criminal Procedure Act, autopsies were performed whenever a deceased person's cause of death was in doubt, including in the case of deaths in custody. The prosecution service generally accepted requests for autopsies from bereaved families disputing the cause of death. Families were notified in advance that an autopsy would be conducted. They did not receive a copy of the report but were informed of the results as long as that would not hinder the investigation.

34. **A representative of the Republic of Korea** said that deaths in correctional facilities were reported to the competent prosecutor's office. In the previous three years, autopsies had been performed following 159 deaths in correctional facilities. However, no statistics were kept on deaths of persons occurring shortly after their sentences had been suspended or they had been released from prison.

35. All inmates could submit complaints of torture or ill-treatment to the National Human Rights Commission. Correctional facilities cooperated fully with all investigations initiated by the Commission unless there were compelling reasons not to do so. The Commission had not issued any recommendations regarding torture or ill-treatment of inmates. However, correctional facilities had independently identified cases of abuse and disciplined the staff responsible. There had been one such case in 2022 and one in 2023. The prison service made continuous efforts to protect inmates' human rights through internal inspections and staff training.

36. **A representative of the Republic of Korea** said that, between 2010 and 2019, the National Human Rights Commission had conducted 151 visits, of which 10 had covered the country's 98 mental health institutions. Over the past five years, the Commission had dealt with over 7,000 individual complaints.

37. **A representative of the Republic of Korea** said that the committees that reviewed involuntary admissions to psychiatric hospitals handled over 900 cases per year. Face-to-face examinations were conducted at the request of the patient or on an ex officio basis when the justification for the hospitalization was in doubt. The proportion of such examinations had increased from around 25 per cent in 2022 to around 40 per cent in 2023. It was planned to expand the criteria for ex officio intervention to further increase that figure. The law had recently been amended to allow hospitalized patients to make a personal statement as part of the review of their admission.

38. All involuntarily hospitalized patients were assessed by two specialists, with the second evaluation conducted within two weeks of hospitalization by a psychiatrist not affiliated with the same institution. If that requirement was not met or the two specialists disagreed on the need for hospitalization, patients were discharged. However, in exceptional circumstances, if no external specialist was available, a specialist from the same institution could conduct the second evaluation; such situations arose because of the severe shortage of psychiatrists, among the worst in Organisation for Economic Cooperation and Development countries.

39. National psychiatric hospitals each established their own committees for the review of involuntary admissions. All local authorities likewise established committees to monitor involuntary hospitalization in psychiatric institutions. The committees operated independently but had similar compositions. It was permissible to integrate the two committees but difficult given the high volume of cases. Moreover, since the existence of two independent committees contributed to impartiality, it was intended to keep the current model.

40. Since 2018, under a pilot project intended to improve patient autonomy and health outcomes, patients who had been involuntarily hospitalized could give their consent to receive various types of assistance, including help with hospitalization procedures, post-discharge support and peer support. Recent legislative amendments facilitating adult guardianship by heads of local governments had been made to protect the rights of patients with impaired decision-making capacity.

41. Physical restraints could be used on persons placed in residential mental health facilities, for both therapeutic and safety purposes, on the instructions of a psychiatrist and in line with strict legal requirements. Staff in such facilities underwent mandatory annual human rights training. All such facilities must have a human rights protection team. Residential mental health facilities were open institutions with free access to the outside. Closed-circuit television was installed to protect patient safety, with due regard for privacy. The National Human Rights Commission was authorized to conduct visits, investigate complaints and carry out ex officio investigations in residential mental health facilities, which were obliged to cooperate with such investigations.

42. **A representative of the Republic of Korea** said that prosecutions related to forced institutionalization were conducted in the same way as in other criminal cases. If convicted, perpetrators would receive appropriate punishments under the law. By way of example, in 2022 the Truth and Reconciliation Commission had acknowledged State responsibility for human rights violations at the Brothers Home and recommended that the Government should officially apologize to persons who had been forcibly confined there and their families, provide them with reparation and rehabilitation, strictly enforce current admission and oversight procedures in residential facilities, improve human rights training for social welfare workers and ratify the International Convention for the Protection of All Persons from Enforced Disappearance. The latter Convention had been ratified by the Republic of Korea in 2023. The Commission had also recommended that the Busan government should provide appropriate financial and organizational support for the implementation of the recommendations. In 2024, the government had allocated a budget of several billion won and had already provided benefits and medical expenses to hundreds of victims.

43. **A representative of the Republic of Korea** said that, prior to deployment on peacekeeping missions, troops from the Republic of Korea were trained for three weeks at a dedicated peacekeeping operations centre at the National Defence University. The curriculum covered human rights, international humanitarian standards and other applicable international law, including the Convention and the Charter of the United Nations.

44. **A representative of the Republic of Korea** said that the number of medical officers in correctional facilities had increased from 260 in 2017 to 358 in 2023, while the number of public health doctors had increased from 50 to 93. In 2024, to address the shortage of medical officers in correctional facilities, the Government had waived the applicable salary cap, allowing such officers to receive salaries comparable to those in the private sector. The budget for medical personal would be continuously increased to resolve the issue.

45. **A representative of the Republic of Korea** said that medical professionals, including doctors, and a supply of medicines and medical equipment were available at specialist and immigration detention facilities. Emergency medical transfer was provided through the 119 rescue services, and agreements with nearby medical institutions ensured that foreign detainees could receive prompt medical treatment. In the event that treatment was not possible at the detention centre, or at the wish of the detainee, treatment was provided at external medical institutions. To ensure that first aid treatment was available if needed, the armed forces medical school provided first responder training for immigration officials, 56 of whom had completed the training as of May 2024.

46. **A representative of the Republic of Korea** said that article 2 of the Act on the Prevention of Human Trafficking and Protection of Victims contained the definition of trafficking in persons, which was in keeping with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Article 4 of the same Act provided that an act that contained the elements of the offence would be recognized as trafficking, even if the victim had consented to his or her exploitation.

47. **A representative of the Republic of Korea** said that statistics relating to complaints of human rights violations made to the different bodies that received such complaints, and their outcomes, and statistics relating to cases of trafficking in persons would be provided in writing.

48. **Ms. Racu** (Country Rapporteur) said that she welcomed the data and information provided by the State party and the representation of a variety of government departments in

the delegation. Despite positive steps taken in the Republic of Korea to prevent human rights violations in the armed forces, reports indicated that violence in the military was increasing; that violence, bullying and ill-treatment often resulted in suicide; and that the number of cases of sexual abuse had risen each year, alongside increases in digital sex crimes. The high suicide rate was a particular cause of concern, as were claims that high levels of pressure during military service gave rise to mental health issues. Clarification would be appreciated of the reasons for the extended length of alternative service for conscientious objectors, compared with regular military service. She would also welcome details of the legislative, institutional and judicial measures taken to prevent violence in military units, and awareness-raising and training efforts conducted and budgetary provision made for that purpose; the results of investigations into violent incidents, the number of such cases that had been referred to the courts and the penalties imposed as a result; the expertise of the military ombudsmen in violence and suicide prevention, and the frequency with which they could conduct visits to military units, including unannounced visits; plans to end the criminalization of same-sex sexual activity between adults under article 92-6 of the Military Criminal Act, and the measures taken to investigate violations of the human rights of LGBTIQI persons and prevent discrimination against such persons within the military and in places of deprivation of liberty.

49. In the light of reports that persons held in police custody were not always granted the required permission to receive medical treatment or medication, she would appreciate statistics on the number of cases in which medical care was requested by persons detained by the police and the number of cases in which such care was refused and the reasons given. Details of the legal provisions on the documenting and reporting of injuries or signs of torture or ill-treatment on admission to police detention would also be helpful, alongside data on the number of such cases identified during the reporting period and the number of criminal proceedings initiated as a result. She also wished to know how a person in police custody could gain access to psychological and psychiatric support.

50. Clarification of the services available to persons with temporary protection status would be helpful, as would an explanation of reports that State support for asylum-seekers was not adequately funded, leading them to rely on the services of civil society organizations. She would appreciate more precise information on the complaints mechanisms available to migrants, asylum-seekers and refugees, and their access to legal counsel and translation and interpretation services.

51. She wished to know what measures had been taken to ensure that victims of gender-based violence could exercise their right to file complaints and to have them investigated and the perpetrators prosecuted and appropriately punished. It would also be useful to know how the State party tackled underreporting of domestic violence, and the low prosecution and conviction rates and lenient sentencing in domestic violence cases, which seemed to have given rise to a lack of trust in the law enforcement authorities; how the application of protection orders was monitored; whether capacity-building on criminal law and violence against women was provided to judges, prosecutors and police officers and other law enforcement officials; and what measures had been taken to prevent and combat online gender-based violence and harassment and the non-consensual sharing of intimate images.

52. Lastly, the delegation was invited to indicate how many comfort women remained alive and to explain the redress and compensation measures provided during the reporting period to such women, many of whom continued to face health challenges and increased vulnerability as result of their experiences. The Committee's recommendations in that respect, addressed to the State party and Japan, remained in place. The Committee was not a political body and it did not wish its jurisprudence to be used to promote a particular agenda. It insisted, however, on full conformity with the provisions of the Convention from each State party thereto. The obligation to provide redress, including rehabilitation, was non-derogable, and it was the responsibility of States parties to put an end to impunity by condemning and tackling the use of sexual and other violence against women and girls as a weapon and upholding victims' rights.

53. **Mr. Kessing** (Country Rapporteur) said that he appreciated the detailed responses provided by the State party. Clarification would be welcome of the State party's concerns relating to ratification of the Optional Protocol to the Convention. He wondered whether the

State party intended to permit the National Human Rights Commission to make unannounced visits to prisons and interview inmates without staff members present; that would introduce some of the measures provided for in the Optional Protocol, even without ratification.

54. The decision to establish a committee to review decisions on immigration detention was welcome. It would be useful to learn more about its membership and status.

55. The delegation might explain whether the Ministry of Justice intended to increase the amount of personal space specified for prisoners in the relevant guidelines, given the increased personal space afforded to inmates in newly constructed prisons. While the accessibility of external medical treatment for prisoners was welcome, he wondered if he had understood correctly that they must bear 11.5 per cent of the cost.

56. According to information before the Committee, the National Human Rights Commission did not compile separate statistics on cases of torture or ill-treatment, but rather on violations of fundamental constitutional rights; that might perhaps explain the lack of recommendations by the Commission on torture or ill-treatment. There had apparently been 5 deaths in prisons and 108 cases of assault or cruel treatment between 2001 and 2022. The delegation was invited to comment on that situation and describe any disciplinary or criminal measures taken against the prison officers concerned.

57. Information provided to the Committee indicated that only 4 per cent of mental health institutions had been visited and investigated by the National Human Rights Commission. It would be helpful to know how the remaining 96 per cent of institutions were monitored and whether additional resources could be provided to allow the Commission to conduct more inspections. In addition, details of any plans to enable the Commission to carry out unannounced inspections of such institutions would be appreciated.

58. He wished to know whether prisoners who had been placed in solitary confinement as a disciplinary measure were provided with daily medical check-ups performed by a doctor, as recommended in the Nelson Mandela Rules. Lastly, information would be appreciated on the existence of any national mechanism to consider and follow up on the Committee's concluding observations.

The meeting was suspended at 5.05 p.m. and resumed at 5.20 p.m.

59. **A representative of the Republic of Korea** said that measures to prevent suicide among members of the military included the introduction of a comprehensive four-step suicide prevention system. Suicide prevention training, which all serving officers had to complete at least once every six months, was provided by instructors who had themselves completed appropriate specialized training provided by the Korea Association for Suicide Prevention.

60. The Ministry of National Defence employed specialized counsellors to help service personnel adjust to life in the military and to identify and address any suicidal tendencies or other potential issues. Similarly, the Ministry had recruited a number of specialized psychologists to provide protection and support to victims of sexual abuse and violence. Efforts to ensure that all acts of violence or ill-treatment, including sexual abuse or violence, were reported included whistle-blower protection measures, as provided for under the Framework Act on Military Status and Service; a round-the-clock helpline to receive complaints from military personnel and provide them with timely and practical counselling services; and a human rights protection officer system introduced by the National Human Rights Commission to provide another channel through which complaints of human rights violations could be made. Preventive measures included the provision of human rights education programmes; all serving military personnel and civilian employees underwent gender-sensitivity training annually.

61. The alternative to military service for conscientious objectors, which involved working in correctional facilities for a period of 36 months, had been agreed on following public consultation and much debate in the National Assembly. When deciding the duration of alternative service, consideration had been given to the need to ensure equity with regard to the burdens associated with military service and alternative service. The Constitutional Court had recently issued a decision in which it had found that the duration and location of alternative service could not be considered a punitive measure. The need to balance respect

for freedom of conscience and the principle of equity would be taken into account in efforts to further improve the alternative service system.

62. **A representative of the Republic of Korea** said that discrimination on the basis of sexual orientation was prohibited. Article 92-6 of the Military Criminal Act, concerning same-sex relations, was intended to protect the human rights of gay soldiers and ensure appropriate conditions for military service. The Constitutional Court had declared the provisions of that article to be constitutional on several occasions, most recently in 2023. The Court considered that, in view of the strict hierarchical structure of the military, indecent acts between military personnel of the same sex, if carried out by force or without the voluntary consent of both parties, should be a punishable offence. In accordance with that decision, the Ministry of National Defence had strived to punish only those cases that directly undermined military discipline; during the investigation process, it would be determined whether the act in question constituted an “indecent act”.

63. **A representative of the Republic of Korea** said that the military human rights protection officer system had been introduced on 1 July 2022. Between that date and 31 December 2023, just over 200 deaths in the military had been reported to the National Human Rights Commission. In such cases, witnesses were interviewed and investigations conducted. The existence of an ongoing military investigation, however, might limit the Commission’s ability to launch its own inquiry. As the Commission had a small number of investigators in comparison with the size of the military, it was constantly taking steps to recruit relevant experts and provide continuous training to staff.

64. **A representative of the Republic of Korea** said that serious offences of sexual violence or domestic violence were dealt with severely. The commission of sexual violence by a family member, for example, was considered an aggravating circumstance. The procedure to be followed by prosecutors in such cases was set out in the law concerning aggravated punishments for specific criminal offences. Cases were dealt with by the family courts and efforts were made to help family members to recover and to prevent recidivism.

65. Marital rape was punishable under article 297 of the Criminal Act, which defined rape as sexual intercourse committed by any persons – thus, including a spouse – by means of violence or intimidation. The Supreme Court had also ruled that article 297 would apply equally to a former or current spouse.

66. Measures of protection for victims of domestic violence were provided for in the Act on the Prevention of Domestic Violence and Protection of Victims. There were a number of temporary measures available, including restraining orders, as was outlined in the report (CAT/C/KOR/6, para. 108). The Act had recently been amended to ensure that perpetrators of domestic violence were not held in shelters intended for victims of domestic violence; instead, there were held in custody in separate facilities.

67. Responses to violence against women included the establishment, in a number of prosecutor’s offices, of divisions to investigate offences committed against women and children. Moreover, there were specialized prosecutors in every prosecutor’s office to handle cases involving violence against women and children. All cases of domestic violence, sexual violence and other forms of violence against women and children were handled in a professional and systematic manner. New and emerging types of violence in the digital environment, including sex crimes, were also being dealt with severely, and the relevant case-handling standards and processes had been strengthened. Seminars had been held to build specialized prosecutors’ capacity and strengthen cooperation between relevant agencies and organizations.

68. **A representative of the Republic of Korea** said that efforts to prevent sexual violence and domestic violence included awareness-raising campaigns and education on violence prevention. Women victims of violence, including sexual violence and domestic violence, received counselling, accommodation, medical services, legal support and other services through specialized one-stop centres and facilities provided by victim support organizations.

69. Every police station in the country had officers trained to investigate cases of violence against women and protect victims. In cases of sexual violence, the perpetrator was

immediately separated from the victim, who was referred to a specialist hospital for evidence collection and treatment, as appropriate. Reports of intimate-partner crime, such as domestic violence, were regularly reviewed and contact with victims was maintained to monitor the situation and prevent recidivism.

70. **A representative of the Republic of Korea** said that measures to support the comfort women, who were now advanced in years, included payment of expenses for medical treatment and rehabilitation, as well as tailored services to improve their living conditions and emotional support in the form of regular visits and counselling.

71. **A representative of the Republic of Korea** said that support measures and commemorative projects for comfort women were carried out under the Act on Protection, Support and Commemorative Projects for Sexual Slavery Victims for the Japanese Imperial Army. The Government observed a day of commemoration, on 14 August every year, in honour of the victims and made efforts to preserve historical memory, without distortion.

72. **A representative of the Republic of Korea** said that the Government would continue its efforts to expand the personal space for prisoners in cells. Regarding the medical treatment of prisoners at external medical facilities, prisoners were liable for a portion of the treatment costs only in cases where their treatment was not directly related to disease or injury, where it could have been performed internally by prison medical staff or where their health was unlikely to deteriorate significantly without external medical care.

73. **A representative of the Republic of Korea** said that, to ensure follow-up to the concluding observations of the Committee and other treaty bodies, an implementation plan was drafted every five years and incorporated into the National Action Plan for the Promotion and Protection of Human Rights. The status of implementation of the Committee's recommendations was evaluated by an interministerial body, the National Human Rights Policy Council.

74. **A representative of the Republic of Korea**, providing data on the number of complaints that had been made through the Human Rights Violation Hotline Centre of the Ministry of Justice in the period 2020–2023, said that most – between 85 and 90 per cent – had related to correctional facilities. In cases of alleged ill-treatment of persons deprived of their liberty, investigators would interview the complainant and the respondent and gather witness statements and other evidence, as necessary. If it was found that a human rights violation had occurred, investigators could recommend certain remedies, such as disciplinary action or institutional improvements to prevent recurrence.

75. **The Chair** said that he wished to thank the delegation for an interesting dialogue. He was hopeful that the State party might play an important role in supporting the treaty bodies, at a time when a liquidity crisis was affecting the entire United Nations system.

76. **A representative of the Republic of Korea** said that, while his Government had made substantial progress in the implementation of the Convention, it was well aware of the many challenges that remained to be addressed. The Committee's forthcoming concluding observations would serve as a valuable guide as the Government continued in its efforts to prevent torture and other cruel, inhuman or degrading treatment or punishment.

The meeting rose at 6 p.m.