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Republic of Korea

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I. Methodology and consultation process

1. This report was prepared in line with the guidelines provided in Resolution 16/21 (A/HRC/RES/16/21) and its Annex, and Decision 17/119 (A/HRC/DEC/17/119) of the UN Human Rights Council. The Ministry of Justice prepared the national report based on the results of consultation with 12 ministries and government agencies.

2. The Government of the Republic of Korea arranged two separate meetings with civil organizations for the preparation of this report. The first meeting was held on 22 May 2012, prior to drafting the report, where relevant ministries, the National Human Rights Commission of Korea (NHRCK) and non-governmental organizations shared ideas regarding the preparation of the report. Almost 90 NGOs, including organizations that submitted stakeholder's information, were invited, and representatives from 18 organizations attended the first meeting. The second meeting was held on 18 June 2012 to gather detailed feedback on the initial draft prepared by the Government, in which representatives from eight ministries and 14 NGOs participated and engaged in-depth discussion on the initial draft. In addition to the consultative meetings, the Government collected opinions via other channels such as e-mail. After further discussions among ministries based on feedback from NGOs, the Government finalized its second national report to be submitted for Universal Periodic Review(UPR) in July 2012.

II. Efforts for the implementation of the first Universal Periodic Review

3. Following the first UPR in May 2008, the Government held a National Human Rights Policy Council meeting presided over by the Minister of Justice and attended by representatives from 16 ministries and government agencies, during which the results of the UPR were briefed, including its key recommendations. The attendants affirmed the Government's commitment to implement accepted recommendations while acknowledging the need to address recommendations that the Government has not accepted. On the same day, the National Human Rights Policy Council revised the 2007-2011 National Action Plan for the Protection and Promotion of Human Rights to incorporate the first UPR results, which includes the recommendation on the 'incorporation of a gender perspective into all Government policies'.

4. In August 2008, the Ministry of Foreign Affairs and Trade and the NHRCK jointly organized a meeting to discuss ways to implement recommendations of the UPR with relevant ministries, civil society organizations, and academia. The participants shared their assessment of the UPR and perspectives on the implementation and its monitoring with regard to the recommendations of the UPR.

5. The Government adopted measures to monitor implementation of the first UPR follow-up actions at the National Human Rights Policy Council in October 2009. Consequently, a working group consisting of representatives from ten ministries and government agencies relevant to the UPR recommendations was created in February 2010, and the Ministry of Justice took the charge of monitoring implementation of the first UPR follow-up actions.

6. The Ministry of Justice has examined progress on the implementation of the first UPR recommendations with the help of the working group and reported the implementation status to the National Human Rights Policy Council in September 2010 and December 2011. The report submitted to the Council in December 2011 was published and uploaded on to the website of the Ministry of Justice for the general public.

III. Developments in legislations and institutions since the first UPR

The second National Plan of Action for the Protection and Promotion of Human Rights

7. In March 2012, the Government launched the second National Action Plan for the Protection and Promotion of Human Rights (NAP) for 2012-2016, following the first NAP for the year of 2007-2011. The NAP is an overarching framework on human rights policies and is prepared in accordance with the Vienna Declaration and Programme of Action. It incorporates the evaluation of implementation of the first NAP, recommendations from the NHRCK, recommendations made by international human rights bodies to the Government since the adoption of the first NAP in May 2007, and written opinions from civic groups. Led by the Ministry of Justice, 27 ministries and government agencies took part in the drafting of the second NAP¹. Approved by the National Human Rights Policy Council, the second NAP covers 209 tasks in civic, political, economic, social and cultural sectors. The NAP has been published for the general public. The Ministry of Justice is responsible for monitoring its implementation. The results of monitoring are annually reported to the National Human Rights Policy Council and made public.

Expanding the scope of NHRCK investigation

8. The National Human Rights Commission of Korea is an independent statutory government body established in 2001 in accordance with the *Paris Principles*. Its mandates are to receive complaints and investigate alleged cases of human rights violation or discrimination, in addition to conducting research on laws, systems and policies and issuing recommendations and opinions on human rights issues. While the NHRCK originally had the authority to investigate acts of discrimination allegedly committed by both public and private entities, its investigative authority over human rights violations was restricted to those committed by state institutions, local governments, and detention and protection facilities. With the revision of the *National Human Rights Commission Act* in March 2012, however, the NHRCK is mandated to conduct investigations into human rights violations at schools, public corporations, and other public institutions as well. The wider scope of investigative power given to the NHRCK is expected to further contribute to the enhanced protection and promotion of human rights in the country.

Withdrawal of reservations to international human rights instruments

9. In October 2008, the Government withdrew its reservation to Paragraph 3 of Article 9 of the *Convention on the Rights of the Child* which stipulates that the visitation right of the child to maintain personal relations and direct contact with both parents on a regular basis shall be respected. In September 2009, it also withdrew the reservation to Article 7 of the *Convention Relating to the Status of Refugees* concerning exemption from reciprocity. The withdrawals were made respectively in accordance with the revision of applicable statutes of the *Civil Act* and the *Immigration Control Act*.

Enactment of Framework Act on International Development Cooperation and expansion of official development assistance

10. The Republic of Korea joined the OECD Development Assistance Committee (DAC) in 2010 and enacted the *Framework Act on International Development Cooperation* in the same year to ensure the better effectiveness and efficiency of its ODA. The Framework Act stipulates ‘promoting human rights of women and children’, ‘fulfilling gender equality’, and ‘promoting humanitarianism’ as fundamental principles of official development assistance. In effect, the *2011-2015 Mid-term Policy* devised in accordance with the Framework Act places priority on the contribution to achieving MDGs as a part of the six long-term strategic objectives and principles, and further states that human rights shall be taken into account when planning and executing assistance projects.

Enactment of Habeas Corpus Act

11. The *Habeas Corpus Act* came into effect in June 2008. The Act lays out general procedures² for requesting remedy to courts directly or via legal representatives³ for the violation of physical freedom with institutionalization by an illegal administrative disposition or by a third party.⁴

Amendments to Mental Health Act

12. The *Mental Health Act* was amended in March 2008, aiming to prevent potential human rights violations at mental health institutions. Put into effect in March 2009, the amendments impose stricter requirements on involuntary hospitalization of mentally-ill patients by their legal guardians, mandate mental health institutions to regularly check if voluntarily hospitalized patients wish to be discharged, and make human rights education mandatory for managers and staff of mental health institutions.

Amendments to Act on Prohibition of Age Discrimination in Employment and Aged Employment Promotion

13. Amendments to the *Act on Prohibition of Age Discrimination in Employment and Aged Employment Promotion* were approved in March 2008 and took effect in March 2009. The amendments prohibit age-based discrimination without justifiable reason in employment, including recruitment and hiring. In addition, those who suffer age discrimination are now entitled to relief through recommendations of the NHRCK, and by corrective order of the Minister of Employment and Labor, when such recommendations are not implemented.

Amendments to Public Official Election Act to guarantee the right to vote of citizens residing abroad

14. With amendments to the *Public Official Election Act* in February 2009, citizens residing abroad, including permanent residents of other countries, who were not able to exercise their right to vote despite their constitutional right as citizens, are now able to vote in presidential elections and general elections for proportional representatives. For overseas Koreans who have reported domestic domicile, the amendments also grant them the right to vote in elections for local assembly members and heads of local governments.

Amendments to Act on the Protection of Children and Juveniles from Sexual Abuse

15. The *Act on the Protection of Children and Juveniles from Sexual Abuse* was amended in April 2010. With the amendments, the statute of limitations for sexual abuse against children and juveniles is suspended until the victim reaches legal age of majority. In

addition, the court is required to order convicted sex offenders against children and juveniles to take special education or therapy, in addition to punitive sentence.

16. Additional amendments to the *Act on the Protection of Children and Juveniles from Sexual Abuse* were made in September 2011. Put into effect in March 2012, the amendments recognize boys and male juveniles as victims of rape, make intercourse or sexual indecent assault committed against children with disabilities⁵ punishable by law even if assault or intimidation is not accompanied, and mandate a legal representation program to offer free legal assistance to children and juvenile victims of sexual abuse in criminal proceedings. Sex offenders against children and juveniles are also subject to mandatory probation after serving full sentence. In addition, online service providers are responsible for deleting obscene materials accessible by children and juveniles with a penalty for noncompliance.

Amendments to Immigration Control Act

17. The amendments to the *Immigration Control Act*, which came into effect in November 2010, address the issue of prolonged detention for violators of the Act, as it aims to enhance its procedural control. For those detained over three months, approval by the Minister of Justice is required every three months for the extension of detention.⁶

18. Additional amendments to the *Immigration Control Act* were made in January 2012, with regard to the duty of government officials to report cases of violation of the Act, and put into effect in July 2012. The original provisions obliged officials to report violators of the Act acknowledged in the course of discharging their tasks without delay to immigration authorities. With the amendments, officials now have discretion not to report the illegality of immigration status of migrants to whom they provide assistance and services. It is expected that the amendments will encourage migrants to seek remedies to which they are entitled.

Revision of Crime Victim Protection Act and enactment of Crime Victim Protection Fund Act

19. The *Crime Victim Protection Act*, revised in May 2010 and brought into effect in August 2010, expanded the scope of remedy for crime victims. Victims no longer have to be victims of unknown and insolvent assailants for the payment of relief, which was the previous requirement. The revision also enlarged the eligibility of relief for disability. Furthermore, the fund established by the *Crime Victim Protection Act*, which was enacted in August 2010 and implemented since January 2011, is now available as a stable and sufficient source of funds to protect and support crime victims. It is financed with penalties and claims for indemnity against assailants.

Enactment of Act on Suicide Prevention and Promotion of Life-Respecting Culture

20. The *Act on Suicide Prevention and Promotion of Life-Respecting Culture* was enacted in March 2011 and came into effect in March 2012. Designed as a countermeasure against the rising suicide rate in the Republic of Korea, the Act stipulates the responsibilities of the state and introduces measures to prevent suicide, ultimately aiming to protect people's lives and foster a culture that respects life. In accordance with the Act, the Minister of Health and Welfare is required to formulate a framework on suicide prevention every five years, while national and local governments are required to conduct surveys on the state of suicide every five years. It also lays the legal ground to establish and operate suicide prevention centers at the national and local levels and defines the scope of institutions offering counseling and education for suicide prevention.

Enactment of Personal Information Protection Act

21. The *Personal Information Protection Act*, enacted in March 2011, came into effect in March 2012. Aiming at enhancing remedy for damage suffered by violation of privacy and ensuring rights and interests concerning personal information and privacy, the Act sets forth principles of protection of personal information governing both public and private spheres, as well as standards on personal information handling. Under the Act, the Personal Information Protection Commission was created under the President. The Commission approves the *Framework on Private Information Protection* every three years and its annual action plans formulated by central administrative bodies. It also issues recommendations for corrective and improvement measures to central administrative bodies, local governments and constitutional institutions. Furthermore, the Personal Information Dispute Mediation Committee was also established for dispute resolution concerning personal information. With the enactment, class action suits by civic organizations such as consumer advocacy groups over personal information are allowed in certain cases, and the Minister of Public Administration and Security is mandated to order offenders to implement corrective measures.

Revision of Child Welfare Act

22. The *Child Welfare Act* was revised in August 2011 and will be put into effect in August 2012. With the revision, the Minister of Health and Welfare is required to conduct surveys every five years with regard to the general state of children. The results of the surveys will be publicized and incorporated into the Framework on Policies for Children. The Children Policy Coordinating Committee, expected to be reinvigorated by the revision of the Act after having been adjourned since 2008, will deliberate on the Framework before its finalization. The resumption of the work of the Committee will also contribute to comprehensive deliberation and coordination of children-related policies including the implementation of relevant international treaties.

Enactment of Gender Impact Assessment and Analysis Act

23. The *Gender Impact Assessment and Analysis Act* was enacted in September 2011 and brought into effect in March 2012. Previously, central administrative bodies and local governments conducted gender impact assessment and analysis on a voluntary basis for a limited range of government projects in accordance with the *Fundamental Act on Development of Women*. The *Gender Impact Assessment and Analysis Act* stipulates that gender impact assessment and analysis shall be applied to all legislations as well as major plans and projects. Then, the results of assessment and analysis must be incorporated into policy and budget planning. With regard to sectors especially vulnerable to gender equality which affect daily lives of people, a special gender impact assessment and analysis is to be done with a view to facilitating policy improvements.

Amendments to Social Services Act

24. Amendments to the *Social Services Act* were passed in January 2012 and will be put into effect in August 2012. The amended Act sets forth the protection of human rights as one of basic principles of social services and duties of social service workers. The Act reinforces human rights education for workers engaged in social services, specifies violation of human rights as a just cause for dismissal of executive officers of social welfare foundations, and prohibits employment of convicted sex offenders against children and juveniles by social service institutions. The amendments are expected to enhance human rights protection in the entire sector of social services and promote human rights and welfare of recipients of social services.

Enactment of Refugee Act

25. The *Refugee Act* was enacted in February 2012 and is scheduled to take effect in July 2013. With the enactment, the Republic of Korea now has an independent legislation dedicated to procedures of refugee status determination, which used to be regulated by the *Immigration Control Act*. The enactment of the *Refugee Act* is a part of the Korean Government's efforts to comply with international norms including the *Convention Relating to the Status of Refugees* in terms of the procedures of refugee status determination and protection of refugees. It is expected to significantly contribute to addressing challenges concerning fairness, efficiency and transparency of the refugee status determination procedures and protection of refugees.

Measures to ensure equal opportunities in education

26. Elementary and middle school education is compulsory in the Republic of Korea. Since the first UPR, the government has taken various measures to ensure the right to education for all children, with special attention given to students from low-income households or those with disabilities. Government financial aid programs tailored for students in need have also been available:

- KRW 473.4 billion was allocated to provide school meal assistance to 1.07 million students from low-income households in 2011, and 720,000 students in rural areas benefited from free school meals totaling KRW 345.9 billion.
- A framework to provide education to children with disabilities as appropriate to their development stage has been launched. Infants with disabilities are offered free education assistance, and children with disabilities who are three years old or older are provided with pre-school education, while children of school age receive more care as the number of staff at centers for supporting education of children with disabilities has been increased and special schools for children with disabilities provide all-day classes and after-session programs. Children unable to attend school have more opportunities to learn from teachers visiting their homes or institutions.
- In addition, to ensure educational opportunities to dropouts failing to adapt to regular schools, the Government revamped alternative education programs and supports their operation by offering assistance for training for teachers and curriculum development.

Measures for protection of non-regular workers

27. With a view to addressing the issue of non-regular workers which has emerged as a major social issue in the Republic of Korea following the Asian financial crisis in 1997, the Government adopted the following policies since the first UPR:

- In September 2011, the Comprehensive Policy for Non-regular Workers was launched to address discrimination against non-regular workers. The Policy also puts emphasis on strengthening social safety net and welfare for low-waged workers.
- In July 2008, the *Industrial Accident Compensation Insurance Act* was amended to allow certain categories of workers to be eligible for industrial accident insurance at their discretion. Among the newly entitled workers are home school teachers, golf caddies, insurance sales agents, and self-employed drivers of trucks for hiring. Because of the diversity of their type of engagement, uniform regulation is not appropriate. Thus, it was determined that opinions of workers themselves and tripartite collaboration among workers, employers and the government are necessary to propose industry-specific measures.

28. In 2010, labor-related legislations expanded their application by the amendments of the *Enforcement Decree of the Labor Standards Act* and the *Enforcement Decree of the Employee Retirement Benefit Security Act*. Accordingly, a 40-hour workweek was enforced for businesses with the number of employees between 5 and 19 from July 2011. In December 2010, retirement benefit was introduced to businesses with the number of employees up to 4.

Increasing supply of government housing and improvement of living environment

29. To ensure affordable and stable housing, a project to supply 1.5 million units of government rental apartments (“*Bogeumjari* Housing”) from 2009 to 2018 was planned in September 2008. The project is backed by a special legislation, the *Act on the Construction of Bogeumjari Housing*, which was enacted in March 2009. Among others, the Act offers permanent rental apartments to the lowest-income households. Children discharged from welfare institutions and people in need of immediate relief are entitled to tailored rental housing. In addition, the Government is making efforts to improve residential environments of the disadvantaged, by building infrastructure ranging from water and sewage system, roads, parking spaces to parks.

Expanding the social security benefits

30. Medical care assistance is strengthened for the disadvantaged. Payment born by the beneficiaries is lowered, costs for MRI scans, anticancer drugs, and medications for rare or incurable diseases are now covered, and the scope of financial aid for pregnancy and delivery is expanded.

31. To improve the *National Guidelines on Basic Standard of Living* in a reasonable manner, the Government rationalized the minimum cost of living by reflecting living conditions and price changes. Consumer inflation rate was automatically incorporated to calculation of the minimum cost of living for 2012. Furthermore, with the lowered eligibility criteria, more people of vulnerable groups, including the elderly, persons with disabilities and single-parent households, are now eligible for government aid. The Government also facilitated the work of Local Committees on Basic Standard of Living to make sure that people in need receive proper government aid. As a result, government aid can now reach those who have an estranged family member with income.

Expanding coverage of the National Health Insurance to guarantee the right to health

32. The National Health Insurance of the Republic of Korea, which is universal and compulsory, has been steadily expanding its coverage. For example, maternity grant and support for vaccinations of infants, diagnosis of genetic metabolic disorders, and neonatal care for infants born prematurely or with defect have been increased. For the elderly, dentures are now covered by the Insurance along with expanded services for their dental health and a medical check-up at the age of 66. In addition, copayment rates were lowered for rare and incurable diseases, severe burns and tuberculosis.

33. The Government has increased efforts to promote the right to health through greater support for preventive measures. The supplementary nutrition enhancement project for expecting mothers and infants was expanded to a nationwide scale in 2011, which resulted in the considerable reduction of anemia prevalence rate. In line with the growing demand for long-term care service faced by the aging society, in 2008, the Government introduced the *Long-Term Care Insurance Program for the Elderly* to relieve burden of families supporting their elderly who need constant attendance. The Insurance Program offers in-home or in-facility care services and financial aid to senior citizens aged 65 or older. Those younger than 65 but suffering from age-associated diseases are also entitled by the

Program. In addition, a comprehensive plan for dementia patients, including efforts for early diagnosis and timely treatment and care, has been launched.

Protection and promotion of the rights and welfare for persons with disabilities

34. Since the first UPR, a number of policies were put in place with a specific aim to protect human rights and promote welfare of the people with disabilities. Related major legislative efforts are as follows:

- In 2008, the *Special Act on the Preferential Purchase of Products Manufactured by Persons with Severe Disabilities* was enacted to promote sale of goods produced by rehabilitation facilities for people with disabilities for the growth of their income.
- In 2010, the *Disability Pension Act* was enacted to support people with severe disabilities who are unable to support themselves financially. It offers subsidies for the minimum cost of living as well as financial aid for other expenses associated with their disabilities.⁷
- In 2011, the *Act on the Promotion of Activities of Persons with Disabilities* was enacted to provide mobility assistance service. With the Act, home-visit bathing or care services are also provided.⁸
- In 2011, the *Act on Welfare Support for Children with Disabilities* was enacted as a legal framework for comprehensive support for children with disabilities. To enable children with disabilities to lead an independent life within their communities, a variety of support measures are provided by the Act, including support for their care and medical expenses.

35. With regard to promoting employment of persons with disabilities, the Government revised the *Mandatory Hiring of Persons with Disabilities Program* effective from 2010. The revised Program encourages employment of persons with severe disabilities by reflecting the number of persons with severe disabilities hired to equal the doubled number of persons with non-severe disabilities. The Government also clarified the definition and criteria of vocational disabilities, improved the vocational education and training system for the disabled, and developed employment assistance programs specific to various types of disabilities, which include identifying jobs and tasks strategically suitable for specific disabilities. For women with disabilities, the Government identified jobs appropriate for them, offered job-specific training opportunities, and increased the amount of benefit paid to businesses employing them.⁹

IV. Implementation of and progress on the recommendations of the previous UPR

Implementation and dissemination of the recommendations of human rights treaty bodies (Recommendation 1)

36. The Government has strengthened its efforts to implement and disseminate the concluding observations of the UN human rights treaty bodies. Since 2010, it institutionalized the process of reporting results of dialogues held with human rights treaty bodies, including their concluding observations, to the National Human Rights Policy Council. Recommendations of the human rights treaty bodies and of the first UPR are incorporated in the second NAP, with its each chapter listing relevant recommendations. It makes the recommendations easily available and accessible to government officials as well as the general public. The Government also plans to make more endeavors to fully reflect

recommendations of the treaty bodies to the nation's human rights education programs or materials.

Freedom of association and assembly and freedom of expression and assembly of students (Recommendation 6 and 9)

37. Committed to guaranteeing freedom of association and assembly, the Government has made efforts to make sure the freedom is enjoyed in a peaceful and legitimate manner, without threatening public order or the safety of citizens. Outdoor assemblies at night were formerly be prohibited by Article 10 of the *Assembly and Demonstration Act*, but the provision was ruled as unconstitutional by the Constitutional Court in September 2009.¹⁰ The provision subsequently became invalid at the end of June 2010.

38. No legislations specifically guarantee freedom of expression and freedom assembly of students, but they are not restricted by any law either. A number of local offices of education have formulated students' rights ordinances,¹¹ all of which stipulate that the freedom of expression of students shall be guaranteed. Some ordinances also ensure freedom of assembly as well.

Reservation to Article 22 of the International Covenant on Civil and Political Rights (Recommendation 25)

39. The Government continues to maintain its reservation to Article 22 of the *International Covenant on Civil and Political Rights*. While the right of government officials to organize labor unions was recognized in 2005, limitations remain on the grounds of positions or nature of jobs. On a positive note, the amendment of the *Trade Union and Labor Relations Adjustment Act* allowed multiple trade unions at one workplace since 2011. The Government plans to consider withdrawing the reservation to Article 22 of the Covenant by taking into account developments of domestic legislations and institutions on the right to form a trade union.

Investigation on torture and ill-treatment by law enforcement officers (Recommendation 12)

40. Any allegations of torture and ill-treatment by law enforcement officers may be subject to investigations conducted by the Human Rights Violation Report Center of the Ministry of Justice, the Human Rights Protection Director's Office of the National Policy Agency, the NHRCK, and the Anti-Corruption and Civil Rights Commission, in addition to criminal investigations and legal proceedings. In 2010, the NHRCK conducted a *suo moto* investigation into an allegation of assault by police officers and requested the Public Prosecutor General to launch a criminal investigation, which resulted in the arrest and prosecution of four police officers.¹²

Legislative enactment of torture as a criminal offense and accession to the Optional Protocol to the Convention against Torture (Recommendation 6 and 10)

41. Although the *Criminal Act* does not literally stipulate torture defined in Article 1 of the *Convention against Torture* as a criminal offense, acts that can be construed as torture are prosecuted by the *Criminal Act* and special criminal laws. The Special Sub-Committee on Amendment of Criminal Act, an advisory body to the Minister of Justice which is

currently under operation, is expected to examine whether Article 125 of the *Criminal Act*, a major provision on prosecuting cruel treatment by government officials, needs to be amended to reflect the definition of torture of Article 1 of the Convention against Torture.

42. The Government has been conducting analysis and research on legal issues concerning the Optional Protocol to the Convention against Torture and certain areas require further review and discussion among relevant government agencies. Meanwhile, the NHRCK is mandated with the functions corresponding to the role of national preventive mechanism as stipulated in the Optional Protocol.

Prevention of misuse and abuse of resident registration numbers (Recommendation 13)

43. The Government deems that the resident registration system needs to be in place as a fundamental mechanism enabling the Government to provide necessary services to the people. However, in order to prevent potential risks of privacy violation, the Government has implemented a number of measures, including 1) greater restriction and monitoring of issuance of copies of resident registration certificates and excerpts, 2) reducing the scope of resident registration data available online, 3) discouraging use of resident registration numbers as a means of identification, and 4) penalizing illegitimate use of the numbers, along with strengthening relevant education for users with access to the national resident registration database. Furthermore, those who disclose information on resident registration numbers in exchange for reward are now penalized. In addition, the date of birth was made as a form of identification replacing resident registration numbers in government document forms since 2011.

44. As the amended *Act on Promotion of Information and Communication Network Utilization and Information Protection etc.* is to take effect in August 2012, collecting and utilizing of customers' resident registration numbers by telecommunication service providers including internet service providers are to be considerably restricted. Even when permitted to do so, alternative methods of identification are required to be offered to customers.¹³

Anti-discrimination act (Recommendation 21 and 23)

45. The Government has continued its research and review on a general act on anti-discrimination, encompassing grounds for discrimination such as gender, race, religion, and sexual orientation. While studying relevant domestic legislations, international human rights norms, and legislations of other countries, the Government has sought to address social and economic issues that can be entailed in the enactment of a general anti-discrimination act and to strike a balance between the right to equality and the principle of private autonomy. In 2010, the Government organized a special sub-committee consisting of government officials from relevant ministries, academics, legal experts and interest groups for in-depth discussions in this regard. In 2011, two draft bills for anti-discrimination proposed by lawmakers were submitted to the National Assembly, but they expired with the conclusion of the 18th National Assembly session in May 2012.

Promotion of women's rights and incorporation of gender perspectives into policies (Recommendation 12 and 18)

46. Promoting women's rights is the goal of several key national projects of the current administration. More specifically, the agenda cover 1) developing measures to protect

vulnerable female groups from violence, 2) creating jobs tailored to women, 3) ensuring better representation of women in key sectors of the society, and 4) strengthening the foundation for gender-sensitive policies. With regard to the representation of women in governmental committees and on the executive boards of public corporations, it is placed as a regular agenda at the State Council meetings and the Women's Policy Coordination Committee meetings.¹⁴ In addition, a plan to appoint more women to high-ranking managerial positions in the Government has been implemented.¹⁵

47. The *Gender Impact Assessment and Analysis Act* was enacted in 2011 to ensure effective gender equality in government policies. In addition to gender-sensitive budgeting, the Act enables the Government to incorporate gender perspectives across overall policies. In 2010, the *National Gender Equality Index/Indicator* was introduced to identify the latest state of gender equality in the country and to present targets to promote gender equality. The result was published in the 2010 *National Gender Equality Report*.¹⁶ These initiatives laid the groundwork for the integration of gender-sensitive perspectives into government policy execution. Meanwhile, the Women's Policy Review Committee, organized by the Ministry of Justice with the participation of experts from public and private sectors, has discussed ways to protect rights of women marriage migrants, female inmates, and women crimes victims. Countermeasures against gender-related crimes, such as sexual and domestic violence and sex trade, are also on the agenda. The results of discussions have been reflected in the relevant policies.

Campaign for effective implementation of revised Civil Act (Recommendation 31)

48. With the enforcement of the revised *Civil Act* in January 2008 which abolished the *Family Head System*, there have been significant changes in the individual's identity registration system. The Government distributed informational materials on the revised *Civil Act* and the country's changed identity registration system. Progress made on the implementation of the new system and remaining challenges were reviewed at various occasions in which relevant ministries and women's rights advocacy groups participated together. Provisions of other laws have been revised as required by the abolition of the *Family Head System*.¹⁷

Prosecution of marital rape and toughening of legislation on domestic violence

49. The victim of rape is defined as a "woman" in the *Criminal Act* without further specification, which means that anyone who rapes his 'wife' can be prosecuted under the *Criminal Act*. In effect, the *Busan District Court* in January 2009 and the *Seoul High Court* in September 2011 recognized in their rulings aggravated rape charges against husbands, and the rulings have been upheld.¹⁸

50. Domestic violence is prosecuted in accordance with the *Criminal Act* and the *Special Act on Punishment of Crimes of Domestic Violence and Others*,¹⁹ the latter of which stipulates imposing protective disposition on perpetrators of domestic violence for the purpose of change of environment and correction of behavior. The amendments of the Special Act in October 2011 grant emergency intervention authority to judicial public officers in order to ensure speedy protection of victims and allow victims to directly request protection to the court. Starting January 2012, sexual crimes, including rape, against family members are accommodated in the scope of domestic violence, making their victims eligible for the protective services provided to victims of domestic violence, which include counseling sessions, housing at shelters, assistance for medical care, and education for

independence and rehabilitation. The amended *Act on the Prevention of Domestic Violence and Protection of Victims and Others* effective from May 2012 gives police officers, when dispatched to the scene of domestic violence, the authority to enter and investigate the crime scene to protect victims. It enables effective early response by police officers against domestic violence. In addition, the Government stepped up its efforts to raise awareness of the fact that domestic violence is a crime that is punishable by law, not a private matter.

Countermeasure against human trafficking (Recommendation 21)

51. To fight against human trafficking, relevant ministries have closely cooperated at the national level, and international cooperation has been strengthened.²⁰

52. The Government submitted to the National Assembly in November 2011 the amendments to the *Criminal Act*. The proposed amendments prohibit acts stipulated in the *UN Protocol to Prevent, Suppress and Punish Trafficking annexed to the Convention against Transnational Organized Crime* with relevant penal provisions. Having expired as the 18th National Assembly session closed in May 2012, the bill will be re-submitted to the 19th National Assembly. The Government plans to take domestic procedures required to ratify the Protocol after the proposed amendments are passed.

53. In order to prevent inter-country marriage suspected of human trafficking, the Government amended the *Act on Management of Marriage Brokerage Agency* in 2010. The amendment requires international marriage brokerage agencies to provide personal information of service users to each other in writing and to offer translation and interpretation services to facilitate communication between the would-be couple. In February 2012, the Act was amended again to add provisions prohibiting certain acts of the brokers that may lead to trafficking with a penalty for non-compliance.²¹ In addition, local governments in charge of the registration of international marriage brokerage agencies regularly monitor practices of the agencies in cooperation with relevant authorities.

54. As an effort to deter the international sex trade, Korean nationals convicted of sex trade abroad may now be denied of issuing or renewing passports, upon the notification by Office of Prosecution to the Ministry of Foreign Affairs and Trade.

55. Foreign women, who are acknowledged as victims of trafficking for sex trade, are entitled to the same protection and support as local women in accordance with applicable legislations.²² In certain circumstances, some victims may be granted work/residence permit.²³

Penalizing child abuse and protection of child's rights in criminal proceedings (Recommendation 14)

56. Child abuse is a crime punishable by the *Criminal Act* and the *Child Welfare Act*. The latter prohibits physical abuse, sexual abuse, emotional abuse, neglect, abandonment, and trade of children as well as forcing children to beg for money on the street.²⁴ There are 44 regional child protection agencies across the nation that receive reports of child abuse, look into the scene of allegations, and offer emergency protection.

57. As a part of the Government's efforts to integrate the perspective of children in criminal procedures, the Office of Prosecution developed a *Plan for Improvement of Investigation Practices into Crimes against Children*. The plan aims to ensure reliability of statements made by child victims, prevent the "secondary victimization" of child victims in the criminal process, and reflect child victims' statements and perspectives as much as possible. Prosecutors dedicated to child crimes oversee the entire process from preliminary

investigation to the execution of sentence and professional advice from child psychiatrists or clinical psychologists is sought. Starting from 2011, it has become mandatory to seek professional opinions on statements of victims in the case of sexual crimes against children aged less than 13. To the end, professionals trained by the Government have been staffed at nationwide comprehensive support centers for victims of sexual crimes.

58. The *Act on the Protection of Children and Juveniles from Sexual Abuse* was amended in September 2011 as described in Paragraph 16 of this report, and six training sessions from March to June 2012 were offered to attorneys designated as legal aides for children. The sessions aim to enhance their understanding of children in general, children with disabilities, and sufferings caused by sexual abuse.

59. As of June 2012, the Government is working on amending the *Special Act on Punishment of Sexual Crimes and Others* to provide victims of sexual crimes who are children or have disabilities with assistance from professional aides for making their statements in criminal proceedings. The professional aides refer to those who understand psychological and linguistic characteristics associated with children and the disabled. They participate in investigations or legal proceedings from an impartial standpoint to facilitate or assist communication and to ensure the full representation of the victims' statements without distortion.

Prohibition of corporal punishment against children and promotion of non-violent forms of discipline (Recommendation 29)

60. The amendment to the *Enforcement Decree of the Elementary and Secondary Education Act* enacted in March 2011 allows schools to discipline students in accordance with their own independent guidelines, but prohibits the use of corporal punishment including the infliction of physical pain using tools or body parts. Schools are now required to collect feedback from students, parents, and teachers prior to the revision of their disciplinary guidelines. In addition to the amendment, the *Green Mileage Program* (program to evaluate satisfaction level of students) was introduced and more opportunities for counseling and therapy became available to students who show troubling behaviors. Efforts are also being made to strengthen character development of students, including greater support for extra-curricular activities and student's self-governing activities.

61. Excessive corporal punishment against children committed by parents or guardians at home may constitute as child abuse pursuant to the *Child Welfare Act*, or domestic violence subject to the *Special Act on the Punishment Crimes of Domestic Violence and Others* and the *Act on the Prevention of Domestic Violence and Protection of Victim and Others*. However, there are no separate regulations that specifically address corporal punishment against children by parents or guardians at home.

Protection of the rights of migrant female workers (Recommendation 15)

62. A majority of migrants in the Republic of Korea are migrant workers, marriage migrant women, and foreign nationals with Korean heritage, with the last category accounting for the largest share. As of 2012, there are roughly 1.4 million foreigners living in Korea. In December 2008, the Government formulated the first Framework Policy on Immigration (2008–2012) in order to execute national policies for migrants in a comprehensive manner. The first Framework lists major policy objectives, such as preventing human rights violation in the process of marriage immigration, offering support to marriage migrant women for stable integration, providing support and protection to

migrant women suffering domestic violence, and creating suitable living environments for children of migrants. With the first Framework to be completed this year, the Government is currently designing the second Framework (2013–2017), which will focus on providing expanded comprehensive services, including welfare, health care, counseling, childcare, education, employment, information, to facilitate social integration of marriage migrant women into the society and support education of their children.

63. In accordance with the *Support for Multicultural Families Act* that took effect in September 2008, the Government has implemented various policies to support inter-country marriage families, addressing their need for improved living standards and social integration. In 2009, it created the Joint Multicultural Family Policy Council, which is chaired by the Prime Minister and participated by public and private sectors, and formulated the 2010-12 Framework Policy for Multicultural Families. In 2011, it amended the *Support for Multicultural Families Act* to improve protection and support for victims of domestic violence, assistance for medical care and health services, and provision of information on living and education.

64. In order to prevent inter-country marriage suspected of human trafficking, the initiatives described in Paragraph 53 were implemented. In addition, the Government provides preparatory education for prospected marriage migrants to facilitate their integration into the Korean society. Efforts to provide information on life in Korea include “*Danoori*,” a multi-language portal service in eight different languages, and a periodical on life in Korea published four times a year in ten languages. For Korean men expected to engage in international marriage, the Government offers an informative session on international marriage to help them gain a better understanding of other cultures, communication skills, and relevant regulations. In 2009, the education program was expanded to include couples who were already married.²⁵

65. The Emergency Support Center for Marriage Migrant Women is operating in order to provide counseling and emergency support for those who have fallen victim to domestic violence. The centers offer counseling conducted by marriage migrant women in ten languages, in association with the police, hospitals, and shelters for migrant women. There are 18 such shelters across the country.

Protecting the rights of migrant workers and protecting the rights of all women migrant workers to ensure they are not subjected to discriminatory practices (Recommendation 3 and 8)

66. Migrant workers who entered the Republic of Korea under the *Employment Permit System* are entitled to the same protection as Korean workers pursuant to the relevant labor-related legislations such as the *Labor Standards Act*, the *Minimum Wage Act*, and the *Occupational Safety and Health Act*. The *Act on the Employment and Others of Foreign Workers*, among others, lays out the principle of prohibition of discrimination against foreign workers and their protection. The issue of transferring to a different workplace has been an ongoing concern under the *Employment Permit System*. With the amendment of relevant legislation passed in October 2009, transfer applications based on unfair treatment, withholding wages, and other reasons beyond the responsibility of migrant workers are accepted without restriction.

67. In 2011, with a view to addressing work-related grievances of migrant workers, the Government opened a counseling center for migrant workers, which offers counseling services in ten different languages. In addition, more support centers for migrant workers were established to provide counseling services near their workplaces. As a way to ensure implementation of regulations on the rights of migrant workers, the Government carries out

inspections at workplaces that hire a large number of migrant workers for their employment practices, conduct surveys on migrant workers, and monitors workplaces.

68. The measures described in Paragraphs 66 and 67 are applied in the same manner to women migrant workers. They are also entitled to the same maternity protection as Korean workers, including prohibition of termination for pregnancy and delivery, and guarantee of maternity leave and childcare leave pay. When the circumstance is deemed necessary, they are allowed to stay for a period required to protect their motherhood after the expiration of their visas. When women migrant workers are investigated by authorities or detained in immigration facilities for the violation of immigration status, a female enforcement officer should be assigned to their cases to prevent any potential sexual harassment. When illegal migrant women are in the process of filing legal claims for remedy for human rights violation, including sex trade or sexual abuse, the deportation order is deferred and they are entitled to temporary residency.

Implementation of the 1951 Convention relating to the Status of Refugees and improvement of the refugee recognition procedures (Recommendation 30)

69. The refugee issue is one of the areas that have made significant progress since the first UPR. With the amendments of the *Immigration Control Act* in 2009, the period of appeal for refugee status rejection has been extended from 7 days to 14 days. New provisions on excluding refugees from reciprocity and on extending employment permits to humanitarian status holders and asylum-seekers were also added.²⁶ Based on the amendments, the Government planned to establish the Refugee Support Center to support asylum-seekers with their livelihood and help refugee status holders to integrate into the society. The construction of the center is now underway. The amendments also allocated more human and administrative resources to deal with refugee issues. Furthermore, the *Refugee Act* was enacted in February 2012 and will take effect in July 2013 as explained in Paragraph 25.

Human rights education for law enforcement officers (Recommendation 5)

70. Human rights education for prosecutors, police officers, correctional officers, and immigration officers has been increasingly reinforced. Human rights education sessions are incorporated into the orientation for newly-recruited government officials and in the mandatory job training courses in the course of their career. Their curriculum includes training instructors on human rights, producing documentaries and practical guides on human rights, and workshops to present on human rights practices at work. Furthermore, significant efforts have been made to improve human rights education in areas which require human rights sensitivity such as women, sexual abuse against children, and immigration raids.

V. Challenges and constraints

Death penalty (Recommendation 20 and 27)

71. The Republic of Korea has suspended the execution of capital punishment since 1998. As the abolition of capital punishment requires a fundamental revision of the nation's criminal justice system, including the *Criminal Act* built upon the premise of capital

punishment, careful deliberation is required. On 25 February 2010, the Constitutional Court upheld the capital punishment on the grounds that it does not exceed the limits of the Constitution specified in Paragraph 2 of Article 37 of the Constitution in terms of restricting the rights to life, and that it does not necessarily infringe Article 10 of the Constitution, which provides dignity and value as human beings, only because that the punishment deprives offenders of the right to life.²⁷ While respecting this ruling, the Government, through the Special Sub-Committee on Revision of the Criminal Act, an advisory body to the Minister of Justice, will review the need to revise the penal provisions which acknowledge death penalty as statutory sentencing, together with the abolishment of the death penalty and the introduction of absolute life sentence.

National Security Act (Recommendation 4, 24 and 33)

72. The Government has made efforts to ensure the application of the *National Security Act* to be scrupulous without any arbitrary interpretation or potential misuse since the first UPR.²⁸ Both the Constitutional Court and the Supreme Court have upheld the legitimacy of the *National Security Act*, citing that its constituent requisites do not violate the principle of clarity. The Government will continue to make sure to exercise discretion when enforcing the *National Security Act* in accordance with interpretation guidelines presented in the rulings of the Constitutional Court and the Supreme Court. Individual cases will continue to be examined case-by-case, comprehensively taking into account the severity, nature, and impact of their alleged threat on national security.

Security Surveillance Act (Recommendation 5)

73. The Security Surveillance Program does not violate an individual's freedom of belief and conscience, since it is strictly applied to the minimum required level based on the assessment of potential threat of recidivism against fundamental order of freedom and democracy, rather than the ideology or beliefs of the subjects for surveillance. The Deliberation Committee on Probation, consisting of two internal members of the Ministry of Justice and four external members, determines the threat of repetition of offense under strict guidelines.

Alternative service for conscientious objectors (Recommendation 17 and 24)

74. The Government finds it difficult to introduce alternative services for conscientious objectors to military draft, considering the prevailing security threats on the Korean peninsula, the challenge in securing military personnel if alternative services are introduced, and the widely-shared criticism based on the fairness of military obligation. The Constitutional Court delivered a ruling on 30 August 2011 that the application of the penal provision of the *Military Service Act* against conscientious objectors does not infringe the freedom of conscience guaranteed by the Constitution.²⁹ However, the Government plans to continue thoroughly reviewing and researching on introducing alternative military services to conscientious objectors, considering national security conditions and surroundings, and the agenda is incorporated into the second NAP.³⁰

Sexual crimes subjected to investigation and prosecution only by complaints filed by victims (Recommendation 19)

75. Under the current criminal justice system, most sexual crimes, including any sexual crimes against children, juveniles under the age of 19, and persons with disabilities, are subject to investigation and prosecution. Only certain types of sexual crimes against adults, including rape and indecent assault, that do not accompany any physical injury, require complaints filed by the victims to be criminally investigated.³¹ Careful consideration of the protection of the victims' privacy shall be given to whether or not the requirement of filing complaints for sexual crimes against adults in order to be subject to criminal justice proceedings should be abolished.

Ratifying international human rights instruments and withdrawing reservations (Recommendation 2, 7, 16, 22 and 26)

76. Among international human rights instruments, to which the Republic of Korea was recommended to accede at the first UPR, the Government signed and ratified *the Convention on the Rights of Persons with Disabilities* in 2008. It is currently seeking to amend the relevant legislations on the premise that it will ratify the *UN Protocol to Prevent, Suppress and Punish Trafficking annexed to the Convention against Transnational Organized Crime*. The *Convention on the Rights of Persons with Disabilities* was ratified with reservation to Article 25 (e) which conflicts with a domestic law, but the Government will consider withdrawing the reservation after completing the current amendment of the relevant statute.

77. With regard to the *UN Convention on Enforced Disappearance*, the Government has been conducting comparative analysis on the legal issues concerning the accession to the Convention. Although enforced disappearance is not a matter of concern in the Republic of Korea, further review is underway as deemed required on various elements of the Convention, including the definition of enforced disappearance, criminal jurisdictions and judicial cooperation, collection and retention of records on those deprived of freedom, and guarantee of stakeholders' access to information. Matters on the ratification of the *Optional Protocol to the Convention against Torture* are described in Paragraph 42.

78. The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* presents a number of conflicts with domestic laws along with additional social and economic implications, which serve as obstacles in its ratification. The Government intends to examine the ratification of the Convention, taking into account domestic laws and the nature of Korea's labor market.

79. With regard to the consideration of the ratification of ILO Core Conventions, which was one of Korea's voluntary pledges and commitments made when running for the UN Human Rights Council in 2008, the Government has continued to research and hold consultations among relevant ministries and with the ILO. Challenges remain as some conventions, including those on freedom of assembly (Nos. 87 and 98) and forced labor (Nos. 29 and 105), conflict with relevant domestic legislations and current conditions. The Government will continue to seek measures to ratify the ILO Core Conventions by consulting with the ILO and relevant ministries.

VI. Future plans

80. The Government of the Republic of Korea is seeking the UN Human Rights Council membership for a term beginning 2013. Having complied with its voluntary commitments

and contributions, it will continue to fulfill its obligations with a steadfast commitment to the advancement of human rights of the international community.

81. In order to consolidate domestic mechanisms on the participation in the UPR procedure and the implementation of its recommendations, the Government will keep up its endeavors to protect and promote human rights with better coordination of human rights policies among ministries and cooperation with civic society.

Notes

- ¹ The Government convened one public hearing and one closed hearing for the preparation of the second NAP.
- ² By late 2011, 566 habeas corpus cases were filed to courts, among which 48 cases were approved.
- ³ In addition to inmates themselves, their legal representatives, guardians, spouses, immediate family members, siblings, civil union partners, and employers can make remedy claims pursuant to the *Habeas Corpus Act*. The amendment of the Act in June 2010 allows the staff of detention facilities to make claims as well.
- ⁴ The *Habeas Corpus Act* is not applicable to persons who are arrested and detained in accordance with criminal procedures, inmates serving their sentences, and immigration detainees pursuant to the *Immigration Control Act*.
- ⁵ The children with disabilities refer children under the age of 13 who lack mental capacity due to physical or mental disabilities.
- ⁶ Concerns have been raised that the newly introduced procedure of the approval of the Minister of Justice is only a formality. Apart from the approval procedure, detainees may request the head of immigration office or immigration detention center for temporary relief from their detention. Over the course of 2011, 137 were granted temporary relief.
- ⁷ The Government offers KRW 90,000 to 150,000 per month as financial subsidy to a person aged 18 or older with severe disabilities in low-income bracket.
- ⁸ 30,000 people were eligible for standard mobility assistance, home-visit care and nursing care services in 2011, but the number is expected to increase to 50,000.
- ⁹ The benefit for employing women with disabilities increased from KRW 374,000~450,000 to KRW 400,000~500,000 per person per month, leading to an increase of 11.7% in growth rate of employment of women with disabilities, from 15,904 women in July 2010 to 17,769 in July 2011.
- ¹⁰ The ruling, 2008hun-ga25, was made on 24 September 2009.
- ¹¹ Education offices of *Seoul*, *Gyeonggi-do* and *Gwangju* have formulated students' rights ordinances.
- ¹² Since the incident of assault by police officers in 2010, the NHRCK temporarily operated the Torture Report Center for 3 months from June 2010 and received 15 allegations, among which 2 cases were considered as possible complaints but rejected subsequently. The NHRCK provided consultations for remaining 12 cases. From January 2006 to December 2011, with regard to torture and ill treatment by law enforcement officers, 55 persons were charged with interference with exercise of rights in abuse of authority, 10 with unlawful arrest and detention, 15 with assault in abuse of authority and harsh treatment, and 33 with violation of the *Act on the Aggravated Punishment for Specific Crimes and Others*.
- ¹³ Although the *Act on Promotion of Information and Communication Network Utilization and information Protection and others* and related legislations do not specify identification methods other than the use of resident registration number, other methods are commonly accepted as well, such as face-to-face confirmation, authentication by credit cards and mobile phones, and the use of public authentication key and I-PIN.
- ¹⁴ With a special target to increase the representation of women in government committees, the Government included the number of women in committees in the performance assessment of ministries in 2011, with the Operation Guidelines on Government Committees specifying that at least 40% of committee members should be women.
- ¹⁵ The percentage of female government officials at the managerial level rose from 5.6% in late 2008 to 8.4% in late 2011.
- ¹⁶ According to the equality report, the overall national gender equality index was 61.2 on a scale of 0 to 100. Health ranked the highest in terms of gender equality, followed by culture and information,

education and training, economic activities, welfare and family, with decision-making and safety rated lowest.

- ¹⁷ A total of 279 legislations (6 acts, 63 enforcement decrees and 210 enforcement regulations) were identified to require revisions as a result of the abolition of the Family Head System.
- ¹⁸ On 16 January 2009, the *Busan* District Court ruled that forcing a wife to have sexual intercourse by threatening her with a gas spray and a knife in spite of her refusal on the excuse of menstruation constituted a crime and convicted the husband of aggravated rape (2008go-hap808). On 22 September 2011, the Seoul High Court also convicted a husband who forced his wife to have sexual intercourse after threatening her with a knife of aggravated rape (2011no2052).
- ¹⁹ The table below shows domestic violence cases reported and measures taken since 2008.

Year	Number of Reports Received	Total Number of Measures Taken	Indictment				Non Indictment			Transferred as Family Protection Case	Others
			Trial		Suspension of Indictment	No Rights of Arraignment	Others				
			Trial	Summary							
2008	13,334	13,341	354	1,487	2,593	3,707	249	4,833	118		
2009	12,132	12,154	266	996	2,197	3,745	273	4,579	98		
2010	5,185	5,240	112	465	918	1,654	143	1,908	40		
2011	2,939	2,942	94	435	545	1,365	87	384	32		
Total	33,590	33,677	826	3,383	6,253	10,471	752	11,704	288		

- ²⁰ With a view to reinforcing international coordination for fight against human trafficking, the Republic of Korea participated in the following international meetings:
- ASEAN+3 Ministerial Meeting on Transnational Crime (Myanmar, July 2009);
 - Working Group Meeting on Monitoring Progress of the Implementation of the UN Convention against Transnational Organized Crime (Vienna, Austria, 2010);
 - UN Office on Drugs and Crime Forum on Transnational Crime Countermeasures (Bangkok, Thailand, 2010);
 - Conference on Intergovernmental Law Enforcement Cooperation for Responses against Transnational Organized Crime (Siem Reap, Cambodia, 2010);
 - Meeting of Parties to the Convention against Transnational Organized Crime (Vienna, Austria, 2010);
 - Commission on Crime Prevention and Criminal Justice (Vienna, Austria, 2011);
 - International Conference on Organized Crime in Asia (Las Vegas, US, 2011);
 - Conference on Coordinated Investigation against Transnational Organized Crime in the Asia Pacific Region (Bangkok, Thailand, 2011).
- ²¹ When the amendment comes into effect in August 2012, international marriage brokers following unlawful practices will be subject to imprisonment of no longer than 3 years and a fine of no more than KRW 20 million: alluring and introducing prospects of international marriage with intention to deceive and defraud; demanding unreasonable fees or other expenses; arranging children aged 18 or younger for marriage; setting up 2 or more dates at the same time, arranging 2 or more marriage prospects to meet 2 or more partners simultaneously or consecutively at the same place on the same day; and accommodating 2 or more foreigners in the same residence for the purpose of marriage arrangement.
- ²² Female victims of sex trade are entitled to accommodation, counseling, therapy, medical treatment and support, accompaniment service to investigations conducted by enforcement agencies or to witness interview by court, and support from legal aid organizations. Migrant female victims may also obtain assistance with securing their passage to home country.
- ²³ When a foreigner requests a residency permit while seeking remedies against damage incurred from forced sex trade, repetitive assault or abuse, or other serious crimes, the Ministry of Justice grants them the status of Others (G-1). When the Council on the Protection of Human Rights and Promotion of Interests of Foreigners under the Immigration Office approves a foreigner's petition for remedy,

the Ministry revises the status to Particular Occupation (E-7) to enable employment in the Republic of Korea.

²⁴ There were 299 accusations and charges, consisting of 164 investigation cases and 135 court trials and rulings, in 2009, and 290 accusations and charges, consisting of 130 investigation cases and 160 court trials and rulings, in 2010.

²⁵ 526 persons received such education in 2008, 2,670 persons in 2009 and 2,742 persons in 2010.

²⁶ Permit for Activities beyond Immigration Status was granted to those who have been waiting more than a year after filing refugee status application, with a total of 55 persons were granted with the permit as of June 2012. No work permit request has been rejected for refugee status applicants.

²⁷ The number of ruling is 2008hun-ga23.

²⁸ The table below indicates the number of booked cases and detained persons for violating the *National Security Act*.

Year	2008	2009	2010	2011
Booked Cases	46	57	97	90
Detained Persons	16	18	32	19

The status of *National Security Act* violation prosecution is as follows.

Year	2008	2009	2010	2011	Total
Indictment	27	34	43	39	204
Conviction	23	34	43	19	176
(Probation)	(18)	(30)	(33)	(13)	(137)
Innocent	2	2			8
(Confirmed)	(0)	(0)			(2)
On Trial	2 at 1 st Trial			20 at 1 st Trial	22

²⁹ The number of ruling is 2008hun-ga22.

³⁰ The number of conscientious objectors stood at 728 in 2009, 721 in 2010 and 633 in 2011.

³¹ The *Criminal Act* and the *Special Act on the Punishment of Sexual Crimes and Others* stipulate that certain types of sexual crimes require complaints filed by victims for criminal investigations. Rape, indecent assault by force, quasi-rape and quasi-indecent acts by force, and sexual intercourse in abuse of occupational authority are listed as such crimes in the *Criminal Act*. Indecent acts in abuse of occupational authority, indecent acts in public places, and obscene acts by using telecommunication tools are stipulated in the *Special Act* as crimes subject to criminal investigation upon complaints. However, the requirement of complaints does not apply to crimes committed against children under the age of 19 or persons with disabilities. In addition, there are exceptions to the requirement even when victims of rape are adult women, when the rape led to death or injury of the victim, when it was followed by the murder of the victim, when it was committed with the use of weapons or dangerous objects, when 2 or more persons were involved, when the perpetrator broke into victim's home at night, or if the perpetrator was the victim's close family members.