Joint NGO Written Information

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1. Normative and Institutional Framework and Its Implementation

Korean Legislation and Its Application

Part I. Normative and Institutional Framework and Its Implementation

The 1-1. The Korean Constitution and International Law with Domestic Legal Effect of International Law.

1. The Korean Constitution stipulates that the applicable constituents of its effect are “citizens” rather than everyone. It also differentiates the right to freedom civil rights from social civil rights where the state has wide discretion in general and denies the innate inseparability of these two rights. While the Constitution Moreover, it states that international law shall behave “given the same effect as the domestic law”, but in reality denies the binding power of international human rights law has been denied in reality.

National Human Rights Commission of Korea

1-2. National Human Rights Commission of Korea

Although the National Human Rights Commission of Korea has made a number of recommendations on major policies, or laws and ordinances and contributed to human rights improvement brought about considerable human rights reforms by carrying out its stated policy, giving recommendations to certain ordinances and in detention facilities among others, etc., However, it has been passive in addressing major civil social rights violations in relation to economic, social and cultural rights. Moreover, the Korean government has minimized, distorted or disregarded the recommendations rendered by the Commission and thus hindering overall process improvement development in human rights reform.

In 2008, the Presidential Transition Committee of President-elect Lee Myung-bak decided to transfer the currently independent Commission, now an independent organization, to the executive branch (Office of the President) presidential office. The decision based on the lack of understanding on the internationally recognized wrong perception of the status of national human rights institutions and the separation of powers among the three branches of government. As the UN High Commissioner for Human Rights has already expressed her serious concerns, this move will substantially and eroded the Commission’s independence, thus, it is expected that the human rights protection system and its implementation and other human rights-related achievements in the Republic of Korea has achieved so far will be dealt with a severe setback.

1-3. Human Rights-related Units or Department Bureaus within the Government

Although various human rights-related units or department bureaus have been installed within the government, they are lacking in human rights awareness and authority or will to improve human rights. As a result, a considerable part of their work has been shaping they have generally kept in line with a policy which minimizes the public’s requests for human rights reforms and they have been playing the role to . As a result, this neutralizes alleged human rights violations brought against the departments’ of the government where they belong, will and authority to deal with problems related to human rights.

1-34. Human Rights (National Action Plan for the Promotion and Protection of Human Rights) NAP

4. The Korean government’s in its Human Rights National Action Plan for the Promotion and Protection of Human Rights (hereinafter referred to as the “NAP”), has not shown a clear stance on showing no position on the neglects pressing human rights issues such like the nullification of the National Security Act, the abolishment of the death penalty, and the rights initiative of conscientious objectors to military service program. The NAP also neglects the cause of human rights protection of the human rights of vulnerable people the underprivileged such as sexual minorities.

Even worse, while the government has disregarding planned adoption of policies or legal reforms, research and investigation it promised in the NAP and legal reform in these matters, effectively rendering the Plan NAP
itself useless.

Government's 1-45. The Government's Activities on Transitional Justice

5. Although the efforts of the Truth and Reconciliation Commission and other institutions for Committee for Transitional Justice and other related departments to bring about light some past crime of the state and reconciliation is commendable, the wrongdoers' refusal to admit their past crimes and the lack of punitive measures against them has rendered the nature of justice ineffective.

Achievements and Problems of Recent 1-56. The Legislations

6. Although rights-based approach has been strengthened in detention system, it is true there has been some improvement in detention laws due to the revision of the Criminal Procedure Act, and the enactment of the Habeas Corpus Act, the rights of the detainee have been emphasized. However, the revised Criminal Procedure Act reinforces the powers of the police and the prosecutorial office, the Habeas Corpus Act is not completely effective in substantiality due to the fact that it explicitly excludes non-citizens in immigration detention facilities and that it fails to exhibit enough concrete means to ensure habeas corpus protections. Furthermore, the Bill of Enactment for the Discrimination Prohibition Act limits the rights of discrimination and states that it explicitly excludes non-citizens in immigration detention facilities and that it fails to exhibit enough concrete means to ensure habeas corpus protections. Furthermore, the Bill of Enactment for the Discrimination Prohibition Act limits the rights of discrimination and states that it explicitly excludes non-citizens in immigration detention facilities and that it fails to exhibit enough concrete means to ensure habeas corpus protections.


7. The South Korean government still has not clarified its stance on withdrawing rescinding its reservations on a number of provisions of the core UN human rights treaties to ratify the Universal Declaration of Human Rights in its entirety. Moreover, the government of South Korea has been passive in ratifying the Optional Protocol to the Convention against Torture Act and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) as well as the International Convention on the Protection of the Rights of All Migrant Workerstaking part international conventions protecting migrant workers and their families and Members of Their Families (ICRMW).

Part II. Major Challenges and Constraints to the Protection of Human Rights

2. The Key Centralor Human Rights e Issues of the Status of Korean Human Rights in Korea

2-1 The State of Human Rights Situation of Korea in General

Although there has been development in democracy and some improvement in normative and institutional framework and its implementation, due to the implementation of the democratic process into Korean society, there has been a serious regression in human rights situation of Korea in substance. Due to the adoption and reinforcement implementation of the "free market economy-first" policy, the majority of Korea's citizens have witnessed a considerable decrease in their quality of life because of a diminution in their economic, social and cultural rights. Moreover, the government has infringed upon their civil and political rights as well as their rights as citizens by violently suppressing citizensthat protest against this regression. This situation has effectively prevented resolving the issues of vulnerable people in various parts of the Korean society, the underrepresented segments of our society from receiving help.
2-12 The Privatization of Public Services, the Exacerbation of Poverty, Increase in Instability in Employment, the Suppression of the Right to Assembly and Expression, and Protest and Discrimination Against the Underprivileged Class

8. An overall deterioration of economic, social and cultural rights and, an increase in poverty levels and an critical overall setback in dismantlement of public services of health, education, water and broadcasting are prevalent because the Korean government has adopted economic restructuring schemes based on the IMF's "free market economy - first" policy approach of the International Monetary Fund (IMF) at the end of 1997, and has continued strengthening the trend ever since after the 1997 IMF Crisis. The Korean government has been aggressively pursuing free trade agreements (hereinafter referred to as "FTAs") with the United States and other countries like the US, which will severely impede job security and public welfare in the Republic of Korea.

With the Korean labor market which already ranks 2nd place amongst the OECD for labor market fits flexibility, FTAs will result in deepened social polarization. However, this has resulted in a marked increase in “non-irregular” workers without equal labor rights and opportunity and an overall deepening of prevalence in economic disparity and poverty, especially amongst women. Furthermore, with regard to the people’s expression of dissatisfaction with the trend mentioned above or efforts to have influence on the situation, the Korean government is extensively regulating limiting controlling the citizens' political social rights which include the right to express their disapproval by suppressing the people’s right to assemble and to demonstrate through the proliferation of oppressive laws and institutions or by strengthening and diversifying oppressive laws and institutions such as free speech through the National Security Act and other similar legislation. Finally, vulnerable groups like underprivileged class of Korea which includes, handicapped citizens, migrants, and sexual minorities and to people who are members of the LGBT (Lesbian, Gay, Bisexual, Transgender) community are still suffering from both institutional and social discrimination and other human rights violations which in turn is exacerbated by the aforementioned overall human rights situation in Korea.

Part III. Key Human Rights Issues in the Republic of Korea

3. Evaluation and Recommendation

3-1. Right to Life, Liberty and Security of Person and Personal Freedom

9. The Korean government has not presented any specific policy as to embryo cloning and euthanasia and continues to sustain the death penalty without stating whether they support or condemn capital punishment. Women’s right to health and their right to choose has been violated because of illegal abortion practices with women’s right to choose not fully protected. The government must consolidate laws and institutions regulations concerning life ethics, implement legislation on the abolition of the death penalty, cloning and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2(?)). Moreover, the government must also supplement the revised Criminal Procedure law Act to cover punitive measures against human rights violators, compensatory relief for victims and special protective measures for the underprivileged vulnerable people while reinforcing the positive aspects on the revisions.

3-2. Conscientious Objection and Other Military-Related Other Human Rights Issues within the Military

10. Most conscientious objectors are still being sent to jail in Korea due to the fact that it is considered a felony. Moreover, the government’s plan to institute a substitute public service system (which is an alternative option to mandatory military service) in 2007 is unlikely to come into fruition. Conscientious Objectors to Army Reserve training are repeatedly punished and forced to pay inordinate fines. The Korean Military Tribunal System and military judges lack independence due to the Secretary Minister of Defense hiring personnel who are not a part of the judicial community as judges. Arbitrary detention is prevalent in the military because a considerable number of military personnel are sent to military prisons only by the order of their superiors without due process or judicial procedure, while unconvicted prisoners are incarcerated in “substitute cells” (detention cells in the military) special prisons for the unconvicted for significant periods of time.
Military laws and ordinances list defines a homosexual act as a crime and define homosexuality as a disease or a mental handicap and lists it as a felony. The Korean government must institute a substitute public service program, and pardon conscientious objectors currently under criminal punishment or indictment. Furthermore, the Korean government must institute legal reforms that guarantees the independence of the Mmilitary Tribunal and its juristdges, abolisheradicate arbitrary detention confinement and improve detention facilities in the military. Finally, the Korean government must introduce legal reforms that prohibits discrimination against homosexuals in the military.

3-3. Right to Assembley, Free SpeechExpression and Issues of Privacy

11. Although the Korean Constitution expressly forbids a license system for assembly, the government is operationg a de facto license system through issuing prior disapprovals under the related legislationlaw which obligates the protestorpeople to report all protestsassemblies and demonstrations beforehand. By surrounding areas designated for dasssemblies and demonstrations and protests with police squad buses, they police preventsthe average citizenpeople in general from approaching the areas and stiflesstifle any sort of communication, effectively rendering nullifying the right to protestassembly and demonstration. Due to police intervention of transportation from a far distance to demonstrationassembly locations, the right to assembley is furtherexcessively limitrestricted.

12. The National Security Act arbitrarily makes it a criminal act to simply possess contraband literaturebooks or to express anti-government views and is in reality expanding in scope in reality because of new legislations which strengthen applications for surveillance and control of communication, etc... Furthermore, the internetWorld Wide Web, which waiss meant tothe most important and widely used be an open forum for exchanging diverse views and shaping public opinion, has been regulated by law to prohibit the free expression of political views during the national elections. The private citizenIndivid uals isare being regulated through the violation of the right to privacy and surveillance violations and control methods such assystem such as mandatory citizstatus izens registration system, personalresident registration number identification system,s, fingerprinting and excessive compilation of personal information. There has been increased abuse and Plecking of personal information has been leaked and abused by by Ppublic institutions are abusing their powers by releasing personal information, and daily CCTV surveillance inin by both public and private access areassectors without legal basisground.s is becoming more and more commonwidespread. In addition, Aa biometric passport system is in the process of being implemented without the private citizengeneral public having any say in the matter.

The Korean government mustshould immediately refrain from maintaining its de facto licensing permission for assemblies and demonstrations, abolish the National Security Act, and ensure that diverse political views may be freely expressed both off and online. Moreover, the Korean government must should stop its excessive regulation of its private citizensindividuals through the use of the mandatory status registration system, resident registration numbers, fingerprinting and excessive compilation of personal information mandatory citizen registration, personal identification system and fingerprinting system and mustshould prepare appropriate laws and institutions to address the situation which increases the danger of abuse and leaking of personal information such as spread of CCTV and refrain from abusing their privacy and personal information through such insidious tools like moves to adopt the biometric passport system.

3-4. Migrant Workers and Political Refugees

13. The Industrial tTrainee sSystem, implemented via invitation by with invitations from Korean companies having investmentg overseas, which disregards the rights of migrant workers as workers, still exists, and does not recognize trainees as lawful workers. Eand even workers under the foreigner eEmployment licensingPermit Ssystem cannot enjoy have thetheirthe rights guaranteed by law because they are bound to certain employers with limit restricted through limitations on workplace transference or workplaceemployment transfer. The arrest, incarcerationdeporrotation of ununregistereddocumented migrants have been commenced carried out with excessive force out of accordance with the violently against the unConstitution allyand other related laws. and violently. Furthermore, indefinite infinite detention is justified by law and the migrants are unable to voice their request for redressprotestto advocate or declarepractice their rights because of legally enforced detention which do not specify a set time period, and a mandatory reporting systemsa mandatory reporting system offer civil servants.

14. Political aAsylum seekers are deprived of any legal means to maintain their living legally prevented from
individual medical spending over which expenditure the government subsidizes. The patients’ financial burden in the high medical costs, the government must lower implement a policy which decreases the upper limit of patients’ financial burden in health services and prevent economic destruction of families due to patient/government medical care expenditure ratio.

be siphoned off by implementing a comprehensive rather than specific pricing scheme. Finally, in order to National Treasury from the current 20% to 30%, while wasteful expenditure in the medicare system must be decreased the patients’ financial burden is very high. The situation is deteriorating for public health care and sanitation is minimal, one of the lowest among OECD countries, while, the government pursuing, in the name of the industrialization of health, the “marketization of health services” through the such as diminution in the rate of public health security, approval of for-profit hospitals, strengthening of private health insurance, and reduction in health insurance expenditures. Taking into consideration that the Korean government’s assistance to the vulnerable people such as the elderly, persons with disabilities, and children, and that its social insurance and public aid system including the Basic Livelihood Security and the minimum cost of living is the criteria for the amount of financial assistance they receive usually does not meet the applicability requirements. Moreover, the amount of financial assistance they receive usually does cannot cover the actual minimum cost of living. Furthermore, the government, through the retrogressive revision of the Medical Aid Program, an assistance program designed for low-income people, Korean Medicare System limits the access to health its coverage of the poor by requiring them to bear a financial burden for the services. On the other hand, although 1 out of 3, of the elderly person in Korea can be considered poor. Moreover, the amount of financial assistance they receive usually does not meet the applicability requirements. The whole Industrial Trainees System must be abolished and migrant workers under the Employment Permit Licensing System must be permitted to transfer exchange their workplaces at least for prearranged period of stay/employment during their stay. The Korean government must improve revise laws and practices that facilitate the indiscriminate abuse of undocumented migrants’ workerhuman rights through during arrest, incarceration/detention and forced eviction/deportation. Political rRefugees must be given the means to maintain a standard of their living through government subsidized support funds and/employment opportunities, and given a fair and transparent assessment by the establishment of an independent and impartial screening organization to examine review their petition/applications for asylum. Recognized refugees should also They must also be continuously properly protected and supported.

3-5. Right to Social Security

15. Although the there has been some improvement in the Korean welfare system, it cannot be characterized as being universal that is being inclusive of all the members of the Korean society. Rather, it is a selective system which provides coverage only for only the people in the lower income tax brackets citizens or those who are considered extremely poor. In spite of the fact that inequality gets worse with the rich getting richer and the poor getting poorer, there is almost no change in the number of applicable eligible recipients of the Basic Livelihood Security, while the eligibility criteria for basic livelihood security are apparently so rigid as to exclude many of the citizens who require it cannot even receive the benefits because they do not meet the applicability requirements. Moreover, the amount of financial assistance they receive usually does cannot cover the actual minimum cost of living. Furthermore, the government, through the retrogressive revision of the Medical Aid Program, an assistance program designed for low-income people, Korean Medicare System limits the access to health its coverage of the poor by requiring them to bear a financial burden for the services. On the other hand, although 1 out of 3, of the elderly person in Korea can be considered poor expanding a class of accelerating the “elderly poor” ageing in poverty”, but many of a lot of them are not subject to the benefits of do not receive satisfactory coverage the National Pension Scheme and the level of the benefits is also too low to to provide coverage for ensure those in their old age.because of ambiguous and murky applicability standards.

16. In addition, It is interesting to note that, the level expenditures by The Korean government’s expenditures for public health care and sanitation is minimal despite, one of the lowest among OECD countries, while, the level of private expenditure by its the citizen’s people’s financial burden is very high. The situation is deteriorating with the government pursuing, in the name of the industrialization of health, the “marketization of health services” through the such as diminution in the rate of public health security, approval of for-profit hospitals, strengthening of private health insurance, and reduction in health insurance expenditures. Taking into consideration that the Korean government’s assistance to the vulnerable people such as the elderly, persons with disabilities, and children, and that its social insurance and public aid system including the Basic Livelihood Security and the National Pension Scheme, welfare support of the elderly, disabled, and children is a very limited coverage insufficient in spite of the structural soundness of the system, public welfare-related expenditure must be increased to 15% of the GDP within the next 5 years. The criteria for selecting eligible recipients of the Basic Livelihood Security and the Minimum Cost of Living which is the criteria for the amount of financial assistance should be readjusted to realistic levels. A new minimum subsistence level disbursement standard must be implemented. Furthermore, a universal basic pension system must be established to cover those excluded from the present National alleviated the ambiguous and murky provisions which prevent the elderly from receiving the National Pension Scheme and to provide people with proper incomes in their old age, basis financial help required to subsist. Health insurance coverage must be expanded by increasing the funding from the National Treasury from the current 20% to 30%, while wasteful expenditure in the medicare system must be siphoned off by implementing a comprehensive rather than specific pricing scheme. Finally, in order to decreases the patients’ financial burden in health services and prevent economic destruction of families due to high medical costs, the government must lower implement a policy which decreases the upper limit of individual medical spending over which expenditure the government subsidizes. patients financial burden in the patient/government medical care expenditure ratio.
3-6. Right to Habitation

17. Forced evictions without prior warning are still prevalent, even during winter months or the middle of the night during inappropriate times like the winter months. There is a lack of an effective housing policy covering unregistered dwellings and tenants while the existing housing policy is getting worsened to retrogress almost no policy exists for the homeless. Furthermore, Less than 50% of Koreans actually own homes, while there is a dire lack of public rental housing for the poor and very often the poor cannot afford the housing costs (rents, utility fees, maintenance costs, etc.). Affordable community housing projects. Those that do exist are too expensive for many of the poor who need housing. Many of the 2,550,000 habitations including “vinyl houses”, “single rooms in lodgings”, “one-room houses” and “basement rooms” are below the minimum housing minimum standard of habitation” as specified by the Korean laws and ordinances. Furthermore, hundreds of farmers in Pyongtaek have lost their homestead because of the recent move by the Yongsan US Army Garrison to that area.

18. The provisions facilitating forced evictions without prior warning must be eliminated. Furthermore, For the protection of the right to housing, where there are either public projects or private construction projects, the Korean government should make it mandatory to build rental houses or temporary lodgings for those subject to forced evictions. The construction of cheap community housing for access to the poor must be made mandatory. With the increase of the supply of public rental housing for lower income groups, the government should adopt a rent subsidy system for those who cannot afford even these public rental housing. In order to address the issue of “vinyl houses” and “single-room -rooms in sub-standard lodgings” below the minimum housing the housing minimum standard, affordable housing should be supplied. Cheap residences to replace temporary housing arrangements must be made available, while and a realistic criteria for eligible residents for public rental housing should also be adopted. Standard for renting cheap community housing must be implemented. Finally, the current policy promoting eviction must be changed to one of gradual improvement in residential environment.

3-7 Labor Rights

Non-regular workers are facing steep challenges in a country lacking a social safety net and disparities amongst non-regular workers and regular workers regarding income and employment conditions abound. Non-regular workers make up nearly 50% of the Korean workforce contributing to social inequality. A new legislation prohibiting discrimination against non-regular workers and promoting the conversion of non-regular workers to regular workers was implemented, but corporations have taken advantage of legal loopholes by utilizing methods like compulsory the compulsory conversion of irregular workers to regular workers after 2 years of work has been implemented. Finally, the current policy promoting eviction must be changed to one of gradual improvement in residential environment.

3-7. Labor Rights

19. “Irregular workers” are facing steep challenges in the Korean society; they lacking a social safety net and suffer from disparities between among regular workers and non-regular workers regarding income and labor conditions abound. Irregular workers make up nearly 50% of the Korean workers contributing to the deepening of social polarization. New legislations prohibiting discrimination against irregular workers and enforcing making compulsory the compulsory conversion of irregular workers to regular workers after 2 years of work has been implemented. But corporations have taken advantage of legal loopholes by utilizing methods like massive layoffs, and outsourcing, essentially etc. violating the labor rights of the workers. “Contingent special employment workers” like cement-mixer drivers and insurance salespersons receive no legal protection as workers under labor laws and suffer under minimum level of labor conditions poor employment conditions.

20. The Korean Labor Llaw effectively limits a the workers’ rights of workers to collective action and strikeprotest and assembly, while striking workers are arrested and forced to pay excessive amounts in compensation for damage caused during protests. The Korean government has failed to ratify all of the International Labour Organization (ILO) core conventions’ 4 Fundamental Labor Standards central standards of labor while the collective labor rights 3 employment rights of civil servants and teachers are severely restricted. The Non-Regular Worker Act must be revised to truly alleviate discrimination and abuse. Through the revision of relevant laws, resulted in the elimination of the problematic compulsory arbitration system for so-called “essential public services” such as hospitals, railways, subways, airports, electricity, and gas and so on. However, the system was replaced by an “essential activities to be maintained” essential upkeeping activities in those workplaces and increasing the likelihood possible input of substitute workers. Most of the work in those workplaces has been designated as “essential activities to be maintained” essential upkeeping activities effectively interfering with the workers’ right to strike. Since the laws on irregular workers were meant to prohibit abuse or discrimination against irregular status, they should be revised to fill their
connections to prostitution. Enact a Trafficking Prevention Act which will address both inbound and outbound foreign women who have been wrongfully divorced by their Korean spouses must be provided for. And all E-6 status extension through a revision of the current immigration law. Outreach programs and safe houses for experienced sexual abuse must be given overall access to the Korean judicial system, medical care, residential programs must be made mandatory to prevent violence and discrimination in both the public and private sectors. Prostitution (including human trafficking) must be incorporated into the educational system of Korea in general. Foreign women who have immigrated through marriages, etc., and “trafficking-like” marriages and forced marriage through human trafficking, domestic violence as well as political, economic, social and cultural discrimination and some of the government’s gender equality policies and institutions have been repealed, contributing to a lower awareness of the evidently lower attention of women’s human rights in Korea. Women are still routinely exposed to political, economic, and social discrimination as well as exposure to human trafficking, prostitution and domestic violence. Furthermore, the.and comprise nearly 70% of all of the non-regular workers in Korea, deprived of social rights and are more exposed to poverty. Contingent special employment workers and care workers who are not are not recognized under labor and employment laws as workers having no collective labor rights, and other types of female irregular women workers, who constitute 67.8% of all of the women who workers, are suffering from underemployment and low income. To resolve the issue of income inequality based on gender, forms of employment and scales of corporations, the criteria to determine judge equal pay for equal value of work (adoption of job evaluation models and guidelines from gender sensitive perspective) and a system to address discrimination should be adopted. Taking into consideration that 26.6% of all women workers are employed in workplaces in at workplaces that have a maximum of 5 workers with the total number of employees less than 5, the Labor Standard Act, which now applies fully only to workplaces with more than 5 employees, should be revised to extend its scope of application to all workplaces. Relevant laws to protect of women’s labor rights and prohibit discrimination should be enacted or revised, and the Healthy Family Act should be revised to encompass the various different types of families such as de facto marriages, foster families and families through cohabitation, while supporting a consistent and realistic living and employment policy which combats poverty amongst women.

21. Despite the abolishment of the Korean government can be commended for doing away with “the family registerhead system” the newly enacted Healthy Family Act still does not cover, it is a matter of concern that women are common law marriage, family through cohabitation and 위탁가정. Women still experiencing political, economic, social and cultural discrimination and some of the government’s gender equality policies and institutions have been repealed, contributing to a lower awareness of the evidently lower attention of women’s human rights in Korea. Women are still routinely exposed to political, economic, and social discrimination as well as exposure to human trafficking, prostitution and domestic violence. Furthermore, the and comprise nearly 70% of all of the non-regular workers in Korea, deprived of social rights and are more exposed to poverty. Contingent special employment workers and care workers who are not are not recognized under labor and employment laws as workers having no collective labor rights, and other types of female irregular women workers, who constitute 67.8% of all of the women who workers, are suffering from underemployment and low income. To resolve the issue of income inequality based on gender, forms of employment and scales of corporations, the criteria to determine judge equal pay for equal value of work (adoption of job evaluation models and guidelines from gender sensitive perspective) and a system to address discrimination should be adopted. Taking into consideration that 26.6% of all women workers are employed in workplaces in at workplaces that have a maximum of 5 workers with the total number of employees less than 5, the Labor Standard Act, which now applies fully only to workplaces with more than 5 employees, should be revised to extend its scope of application to all workplaces. Relevant laws to protect of women’s labor rights and prohibit discrimination should be enacted or revised, and the Healthy Family Act should be revised to encompass the various different types of families such as de facto marriages, foster families and families through cohabitation, while supporting a consistent and realistic living and employment policy which combats poverty amongst women.

22. Education of professional groups on women’s human rights should be made mandatory to prevent violence and discrimination in both the public and private sectors of society while A comprehensive educational program dealing with various forms of abuse against women (domestic, sexual, prostitution) should be incorporated into the educational system of Korea in general. Foreign migrant women are exposed to the dangers of sexual abuse, “trafficking-like” marriages and forced marriage through human trafficking, domestic violence as well as discrimination based on different cultures. Moreover, their lives in Korea here are transitory at best because of their reliance on their Korean spouses for the their residential status in this country this country and their limited eligibility for social security. Many foreign migrant women who enter the country through an E-6 visas are exposed to forced into prostitution and “sweatshop” sweatshop labor or forced to into sex industry. Relevant laws to protect of women’s labor rights and prohibit discrimination should be enacted or revised, and The Healthy Family Act must should be revised to encompass the various different types of families such as de facto marriages, foster families and families through cohabitation, that exist, while supporting a consistent and realistic living and employment policy which combats poverty amongst women. The Korean government should enact relevant laws and regulations institutions to ensure the human rights of immigrant women who immigrate foreign spouses through marriages, etc., and . A widespread women’s rights educational programs must be made mandatory to prevent violence and discrimination in both the public and private sectors of society while an educational program preventing various forms of abuse against women (domestic, sexual, prostitution) must be incorporated into the educational system of Korea in general. Foreign women who have experienced sexual abuse must be given overall access to the Korean judicial system, medical care, residential status extension through a revision of the current immigration law. Outreach programs and safe houses for foreign women who have been wrongfully divorced by their Korean spouses must be provided for. And all E-6 visa grants must be thoroughly examined for specialty, management, employment quality and possible connections to prostitution enact a Trafficking Prevention Act which will address both inbound and outbound human trafficking.
3-9. Children

23. Children suffer live are under the rigid Korean educational system focused on college entrance examinations, which deprives them of their minimum right to dignity and choice both at home and in school, while a considerable number of children are still suffering from domestic and school violence. Domestic abuse and are deprived of their right to dignity and choice. Although the number of children living below the poverty line who go hungry is disproportionately large in spite of Korea’s economic status, no substantive efforts have been made to address this problem. Moreover, because of their part-time employer status, juveniles suffer from poor employment labor conditions where they are underpaid or withheld pay or underpaid paid with delay but work for long hours. However, they also lack legislative, institutional protection from this situation.

3-10. Persons with Disabilities

24. Although a bill regarding “Anti-Discrimination against and Remedies for Persons with Disabilities Act” has been enacted, employment and income discrimination regarding persons with disabilities employment and income still exists. The Law ensuring the right to move for of persons with disabilities does not guarantee the right to access to roads and buildings, and is lacking in public transportation for people persons with disabilities are commonly often done so without their consent, deprived of their personal relationships and hobbies and suffer from poor housing, and forced labor and environment and violent abuse within the facilities. The “Anti-Discrimination against and Remedies for Persons with Disabilities Act” should include the prohibition of employment discrimination based on the forms of employment, and the government must fulfill the right to continuously monitor private sector as well as public sector to do away with discrimination against persons with disabilities in reality for discriminatory practices to disabled people. An organization regulating and supervising the handicapped welfare facilities institutions must must be created and policies encouraging the self-reliance of disabled persons with disabilities must be encouraged promoted.

Right to 3-11. Education

25. Corporal punishment Punitive measures as well as regulation of hair length for juveniles the youth is still prevalent within the schools systems within Korea and there is also as well as the stringent restriction on the exercise of the right to assembly or expression self-expression through extra-curricular group activities. Public elementary school education, which was meant to be completely free and compulsory financed by the government by law, is placing a significant financial burden on the average family families and expensive private education instruction is widespread in practice in practice and application. Furthermore, the continued emphasis on college entrance examination centered policy is increasing the financial burden for private instruction of families the average family due to private instruction and is causing a disparity in the quality of education amongst Koreans belonging to different income tax brackets. It is still very difficult for persons with disabilities to receive a proper education. The governments must make it possible for the juvenile youth of this nation to exercise their freedom of speech right to expression, organization and political participation through the enactment of a bill protecting the human rights of students with applicable means of redress and remedies. For a truly free and compulsory In order for public elementary school education to be truly free and compulsory government financed, all supplementary educational expenditures must be provided for by the government and special purpose high middle schools, which increases the demand for inciting private instruction must be abolished. The government must also prepare concrete measures to implement take into consideration the recommendations of the UN Committee on Economic, Social and Cultural Rights in 2003 which states that mention the alleviation of the financial educational burden on the lower income tax bracket families can be alleviated by the normalization of public educational systems, drastic reforms for the excessive college entrance examination competition, and the promotion of equal accessibility regarding higher education.

26. It is still very difficult for persons with disabilities to receive a proper education. In order to realistically promote education amongst disabled people persons with disabilities, the Bill for the Special Education of People persons with Disabilities, which advocates the establishment of schools and classes with specialized teachers catering to the disabled people persons with disabilities as well as the free compulsory pre-school primary education for infants with disabilities public financing of the primary and secondary education of disabled children, by should be supported it with an adequate budget and personnel. Finally, Compulsory education
for women with disabilities must be also made mandatory expanded.

3-12. Cultural Rights

27. The difference in spending regarding cultural activity expenditure amongst the various income brackets, which amounts to 10 times difference, is staggering; the upperclass spends 10 times more than the lower class in regards to cultural activity. In order to reinforced the Free Trade Agreement between Korean and the United States-American FTA, the Korean government reduced the screen quota system to half of its former state and it has suspended financing for public cultural facilities. It seems that although Korea voted in favor of the "Convention on the Protection and Promotion of the Diversity of Cultural Expressions (CCD) Cultural Diversity" at the 2005 October UNESCO General Conference meeting, however, the government has not yet ratified it to do anything towards its actual implementation.