

Republic of Korea's Review in the Working Group
Wednesday 7 May 2008, Afternoon 2.30pm-5.30pm
Overview of the Working Group Session
Report by Tiffany Henderson

The Troika

The troika was composed of representatives from Peru, Egypt and Jordan. Jordan did not take the floor during the interactive dialogue.

Presentation by the Republic of Korea

Speaking Time: 24 minutes

Recognition of problems and/or concerns: The Republic of Korea noted that their country is still suffering from extreme poverty as an aftermath of the ruins of war; the primary duty to conform and guarantee fundamental freedoms lies with the government but they need to ensure that their domestic laws can adapt with international standards; they need to have an increased human rights approach to vulnerable workers, in particular migrant workers (and discrimination associated with their vulnerability).

Achievements made: Bill of Human Rights: provides freedoms and rights that are non-negotiable; Party to the six core human rights treaties; Minister of Justice permanent office to consider human rights issues and coordinate human rights policies with national policy in other areas; National Action Plan (NAP) 2007-2011 involving the promotion and protection of human rights provides a 'road-map' to ensure civil, political, economic, social and cultural rights; NAP includes stakeholder and civil society opinion; National Human Rights Council (NHRC) created in 2001, in line with Paris Principles: 2006 over 6,000 complaints raised, government takes the view of NHRC into account; Established the Commission Against Corruption; created the Anti-Discrimination Act, Disabilities Act ; Women's Rights: given priority in government positions; laws enacted concerning: treatment of foreigners and their children, education (including education of migrant children).

Other issues: Liberty and security of persons; consideration of concluding observations by treaty bodies; amendment of laws such as Criminal Penal Code; measures taken for detainees and criminal suspects (access to justice)

Answers to written questions: *Death Penalty* (Denmark, Sweden, The Netherlands, The United Kingdom of Great Britain and Northern Ireland); *Migrants (Workers)* (Denmark); *Standing invitation to all Special Procedures* (Latvia); *Preparation of UPR National Report* (Sweden, United Kingdom); *National Human Rights Institutions* (United Kingdom); *Human rights and democracy* (United Kingdom); *Penal Code Law* (United Kingdom); *Domestic violence against women* (The Netherlands).

Interactive Dialogue:

Number of countries that took the floor

33 States took the floor during the interactive dialogue: **22 Member-States of the Human Rights Council** (*Brazil, Indonesia, Pakistan, Canada, France, Italy, Slovenia, The Netherlands, Malaysia, Azerbaijan, China, The Philippines, United Kingdom of Great Britain and Northern Ireland, Egypt, Bangladesh, Russian Federation, Romania, Mexico, Ukraine, Japan, Germany, Peru*). **11 Non-Member States** (*Algeria, Belgium, Colombia, Democratic People's Republic of Korea, Turkey, Czech Republic, Luxembourg, Latvia, United States of America, Australia, Tunisia*).

Questions/Issues raised

Freedom of Association and Peaceful Assembly – Brazil, Algeria; **Implementation** – Pakistan, Indonesia (Challenges to implementation of the National Action Plan), *NHRI* – France, Ukraine, Colombia, The United Kingdom (National Penal Code), Egypt (core treaties plus Migrants and Enforced Disappearances Conventions), Japan (Convention on Persons with Disabilities); **Migrants** – Mexico, Romania, Russian Federation, The Philippines, Pakistan (workers' rights); Colombia (public opinion in UPR process), The Philippines (ratify Convention), Bangladesh (visas and fundamental rights); **Rights of the Child** – Canada

(Child abuse), Democratic People's Republic of Korea (CAT and CRC Recommendations), Egypt (combat discrimination of disabled children); **Detention Centers** – Turkey, Canada, Czech Republic (monitoring of standards); **Death Penalty –Abolish** – Algeria, France, Italy, The United Kingdom, Australia, Luxembourg (timetable for abolishment, specific steps); **Women's Rights** – Italy (Definition of discrimination), *domestic violence* – Canada, Mexico, Slovenia (gender perspective in UPR process & victims of sexual violence), *trafficking of women* – Belgium, Russian Federation, Czech Republic (Criminalizing domestic violence), The Netherlands (sexual harassment in the workplace), Mexico (publicity of new equality laws), Germany (foreign spouses); **Sexual Orientation** – France; **Access to Justice** – Azerbaijan; **Economic, Social and Cultural Rights** – Malaysia, Ukraine (right to health); **Discrimination** – Malaysia (prohibit discrimination on all grounds); **Minority Rights** – China; **Freedom of Expression and Opinion** – United Kingdom (National Security Act), Japan (internet); **Civil and Political Rights** – United Kingdom, Australia; **Special Procedures** (Latvia); **Refugee Rights** – Romania;

Recommendations

Implementation

- Ratification of Convention on Persons with a Disabilities without reservations (**Brazil, Tunisia**)
- Provide human rights training to law enforcement personnel (**Canada**)

Impunity

- Improvement in the criminal justice system (**Democratic People's Republic of Korea**)
- Sign the International Convention for the Protection of all persons from Enforced Disappearances (**France**)

Women's Rights

- Human rights training and ensure criminal proceedings when there are instances of domestic violence and child abuse (**Canada**)
- Gender perspective in the UPR process (**Slovenia**)
- Review of legal provisions concerning sexual harassment: law shouldn't be based on complaint only from victim (**Slovenia**)
- Combating domestic violence and reports of illegal prostitution and sexual prostitution of women (**Belgium**)
- Improve legislation concerning the trafficking of women (**Belgium**)

Torture

- Definition of Torture in line with Convention Against Torture Article 1 (**Canada & Belgium**)
- Investigate all allegations of torture and ill-treatment by law enforcement personnel (also impunity) (**Canada**)
- Accession to OP CAT and establish a national preventative mechanism against torture (**Czech Republic, The United Kingdom**)

Economic, Social and Cultural Rights

- Responding to the problem of having the lowest birthrate in the world, and by 2050 highest ratio of elderly to young people in the world (**Malaysia**)

Death Penalty

- Abolish death penalty (**Belgium, The Netherlands, The United Kingdom, Luxembourg, Mexico**)
- Maintenance of the moratorium on the death penalty whilst in the process of abolishing the death penalty (**Italy**)

Sexual Orientation

- Discrimination on the basis of sexual orientation to be included in the bill on discrimination (**France**)

Freedom of Association and Assembly

- Measures to ensure freedom of association and assembly (**Algeria**)

Migrant Rights

- Strengthen protection through the Migration Act (**Indonesia**)
- Ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (**Algeria, Egypt, Mexico, Peru**)
- Protect women migrant workers from discriminatory practices (**Algeria**)
- Human rights training to law enforcement personnel to better protect the rights of migrants (**Canada**)
- Careful formulation of policies that aim at protecting the rights of migrant workers (**Canada**)
- Implementing legislative measures for the protection of migrant workers (**Bangladesh**)
- Ratify other protocols concerning migrant workers (**Peru**)

Freedom of Expression and Opinion

- Abolish the National Security Act (**Democratic People's Republic of Korea**)
- Measures to address prisoners of conscience and political prisoners being adversely (**Democratic People's Republic of Korea**)
- Reform the National Security Act in line with the clarity of criminal law and provide alternative to military service for conscientious objectors (**The United Kingdom, United States of America**)

Civil and Political Rights

- Withdraw reservation to Article 2 of the International Covenant on Civil and Political Rights (**United Kingdom**)

Rights of the Child

- Expressly prohibit corporal punishment through legislation and implementation of measures for non-violent forms of discipline (**Italy**)

Answers provided by the delegation

Migrant Workers (Indonesia, Algeria, Canada, Pakistan, Colombia); **Death Penalty** (Belgium, The Netherlands France); **National Security Law** (Democratic Peoples Republic of Korea); **Gender Perspective** (Slovenia); **Domestic Violence** (Canada); **Freedom of Association and Assembly** (Algeria); **Definition of Torture** (Canada, Belgium); **Detention Centers** (Turkey, Czech Republic); **Deaths in Detention Centers** (Czech Republic); **Discrimination** (Azerbaijan); **Trafficking of Foreign Women** (Canada, Belgium); **Victims of sexual violence** (Slovenia); **Women Migrant Workers** (Canada, Algeria, Bangladesh, Romania); **Economic, Social and Cultural Rights (ageing population)** (Malaysia); **Workplace harassment** (The Netherlands); **Ratification of OP CAT** (Czech Republic, The Netherlands); **Implementation of other core treaties** (Egypt); **Migrants other protocols** (Peru); **Convention on Persons with Disabilities** (Brazil, Tunisia, Japan); **Reservation to Article 2 ICCPR** (United Kingdom, Australia); **Minority Rights (social security)** (China); **Integration of Migrants** (The Philippines, Mexico); **Corporal Punishment** (Ukraine); **Gender Equality** (Turkey); **Gender inequality** (Slovenia, Italy).

Issues for follow-up

The **delegation** of the Republic of Korea stated during the review that they are committed to fulfilling their voluntary pledges as well as the promotion and protection of human rights; that they will fully co-operate with UN Mechanisms; and joined other countries in offering a **standing invitation to all special procedures** mandate holders; Committed to the ongoing consideration of **ratification of the Convention on Persons with Disabilities** and also the Convention on **Enforced Disappearances**; stated that effective follow-up measures should be taken by the Working Group and their government.

Among the issues and recommendations raised by other States, some can be interesting for follow-up: Improve legislation concerning the **trafficking of women**; Provide **human rights training** to law enforcement personnel; **Definition of Torture** in line with Convention Against Torture Article 1; Accession to **OP CAT** and establish a **national preventative mechanism against torture**; Abolish **death penalty**; Discrimination on the basis of **sexual orientation** to be included in the bill on discrimination; Ratify the International Convention on the Protection of the **Rights of all Migrant Workers** and Members of their Families; **Withdraw reservation to Article 2** of the International Covenant on Civil and Political Rights; Expressly prohibit **corporal punishment** through legislation.

States that made solely welcoming statements

No states made solely welcoming statements during the review of the Republic of Korea. **Guatemala** asked to take the floor but was not present in the room when called upon by the President of the Council. **Nigeria** was listed to take the floor but withdrew claiming they did not request an intervention.

Human Rights mentioned in the NGOs reports but not raised during the review

Right to housing; Right to work.

Human Rights mentioned during the review but on which the delegation did not give a response

Challenges to implementation of NAP (Pakistan, Indonesia); **NHRI** (France, Colombia); **Child abuse** (Canada); **CAT and CRC Recommendations** (Democratic People's Republic of Korea); **Detention Centers** (Canada); **Sexual Orientation** (France); **Investigate all allegations of torture and ill-treatment by law enforcement personnel** (Canada); **National Security Act reform** (The United Kingdom, The United States of America); **Human Rights Training to law enforcement personnel** (Canada); **Migration Act** (Indonesia); **Moratorium on death penalty** (Italy); **Definition of torture** (Canada, Belgium); **Combating domestic violence, illegal prostitution** (Belgium); **Criminal justice system** (Democratic People's Republic of Korea); **Criminalizing domestic violence** (Czech Republic), **Sexual harassment in the workplace** (The Netherlands); **Publicity of new family equality law** (Mexico); **Challenges to implementation of NAP** (Pakistan, Indonesia); **National Penal Code** (The United Kingdom).

Speaking time

Overall duration of the review: 2 hours and 45 minutes

Of the State under Review

- During its opening statement: *24 minutes*
- Overall speaking time employed to respond to other States' questions during the interactive dialogue : *36 minutes*
- Concluding remarks: *5 minutes*

The delegation of the Republic of Korea went over the allocated time by *15 minutes*.

Of other States

Members were given 3 minutes to speak and non-members 2 minutes.

Notable was **Canada** and the **Democratic People's Republic of Korea** who both went over their allocated time significantly, while **Algeria, China, The Netherlands and the Czech Republic** who spoke for a significantly short amount of the time allocated to them.

Disclaimer: note that this document only represents an overview with the aim of providing the list of issues that were raised during the discussion and should therefore not be quoted as an official document of the UPR process. This document is protect by copyrights and is property of UPR-info.org. Should you wish to use any of its content and solely for non-commercial purposes, you must attribute it to its author.