



Promoting and strengthening
the Universal Periodic Review

Recommendations & Pledges

REPUBLIC OF KOREA

Second Review Session 14

Review in the Working Group: 25 October 2012
Adoption in the Plenary: 14 March 2013

Republic of Korea's responses to recommendations (as of 21.05.2013):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
No response, all pending	42 recs were accepted in full, 1 accepted in part (underlined in blue), 27 commented with no clear position and 1 left pending ¹	No additional information provided	Accepted: 43 Rejected: 0 No clear position: 27 Pending: 1 Total: 70

Paragraph headers are as in the Report of the Working Group, but the nature of responses to recommendations may have subsequently been changed.

List of recommendations contained in Section II of the Report of the Working Group A/HRC/22/10:

124. The following recommendations will be examined by the Republic of Korea, which will provide responses in due time, but no later than the twenty-second session of the Human Rights Council in March 2013. The response of the Republic of Korea to these recommendations will be included in the outcome report adopted by the Council at its twenty-second session.

¹ Recommendation 124.28 was accepted in part but as the part accepted was clearly explained, the rec. was split into two. The part not accepted was commented but without giving a clear position. The total number of recommendations is now 71.

A - 124.1. Study the possibility of ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), the Second Optional Protocol to the International Covenant on Civil and Political Rights, (ICCPR-OP2) aiming at the abolition of the death penalty, the Optional Protocol to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT) (Argentina);

NC - 124.2. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Spain); Consider signing and ratifying OP-ICESCR (Palestine);

NC - 124.3. Ratify OP-CAT (Spain); Sign and ratify OP-CAT as a matter of priority and found the national preventive mechanism accordingly (Czech Republic); Accede to OP-CAT and establish an effective national mechanism to prevent torture or degrading treatment (Bulgaria); Adhere to OP-CAT and consequently establish a national mechanism responsible to conduct visits to detention centres (Costa Rica); Consider ratifying OP-CAT (Slovenia); Rapidly complete the process of considering ratifying OP-CAT (Tunisia);

NC - 124.4. Consider an early ratification of the third Optional Protocol to the Convention on the Rights of the Child on a communications procedure (OP- CRC-IC) (Slovakia);

NC - 124.5. Further consider acceding to the relevant Conventions, especially the ICRMW in line with its domestic legislative process (Cambodia); Consider ratifying the ICRMW (Philippines); Consider ratifying ICRMW (Rwanda); Consider the possibility of adapting national legislation in order to allow for the ratification of ICRMW (Algeria); Consider acceding to the ICRMW (Morocco); Accede to ICRMW (Sudan); Ratify the ICRMW (Chile); Ratify the ICRMW, in order to better protect the rights of migrant workers, including undocumented migrant workers (Indonesia);

NC - 124.6. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CPED) (Spain); Study the possibility of ratifying the CPED (Argentina); Sign and ratify the CPED (Iraq);

NC - 124.7. Continue to exert its utmost efforts to ratify ILO core Conventions, including the recent ILO C. No 189 on Decent work for domestic workers (Philippines); Ratify and implement the ILO Convention concerning Freedom of Association and Protection of the Right to Organise (Convention 87); ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively (Convention 98); ILO Convention concerning Forced or Compulsory Labour (Convention 29); and ILO Convention concerning the Abolition of Forced Labour (Convention 105) (Uruguay);

A - 124.8. Sign and ratify the UNESCO Convention on Discrimination in Education (Iraq);

A - 124.9. Adhere to the Hague Convention on Protection of Children and Co- operation in respect of Intercountry Adoption (France); Ratify the Hague Convention on Protection of Children and Co- operation in Respect of Intercountry Adoption (Honduras); Accede to the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (Ireland);

NC - 124.10. Consider withdrawing the remaining reservations to international human rights instruments to which it is a party (namely to the CRC, ICCPR, OP-CRC-SC, CEDAW) (Slovenia);

A - 124.11. Withdraw its reservations on Article 21(a) of the Convention on the Rights of the Child (Germany); Lift its reservation to article 21 (a) of the CRC (Ireland);

A - 124.12. Amend article 732 of the Commercial Law that restricts the possibility of persons with disabilities to obtain life insurance (Costa Rica);

NC - 124.13. Include in the Penal Code the crime of torture, in line with article 1 of CAT (Mexico); rapidly complete the process of harmonizing national legislation with CAT with respect to the definition of torture (Tunisia);

NC - 124.14. Strengthen the national human rights institution and strengthen its independence (Spain); Continue its efforts to provide the National Human Rights Commission with more independence and resources (Tunisia); Take steps to ensure that bodies entrusted with overseeing

the protection of rights, such as the National Human Rights Commission, are fully mandated and resourced (Australia);

P - 124.15. Establish a channel for the National Human Rights Commission and civil society organizations to participate in the work of the National Human Rights Policy Council on the implementation of recommendations from the Universal Periodic Review and treaty bodies (Bulgaria); Incorporate the results of the UPR into its current National Action Plan on Human Rights, taking into account the proposals of the civil society and present a mid-term evaluation report to the Council on the implementation of the recommendations of this UPR (Hungary);

A - 124.16. Extend an invitation to the Special Rapporteur on Torture (Belarus); Strengthen cooperation with the relevant UN human rights mechanisms in areas such as racial discrimination, the restriction on the freedom of religion and belief, human trafficking (Uzbekistan);

A - 124.17. Take necessary actions to define the legal status for an independent child rights monitoring body and increase its efforts for human rights training relevant to child abuse and domestic violence cases (Iran (Islamic Republic of));

A - 124.18. Consider establishing a child rights sub-commission within the Korean National Human Rights Commission (Palestine);

A - 124.19. Continue giving priority and allocating adequate resources for the implementation of the national strategies for the protection and promotion of the rights of children (Malaysia); Take measures and establish appropriate mechanisms to enable the development of legislation and promotion of policies for the protection of children in all areas (Oman); Continue to further its efforts to guarantee the rights of the child (Japan); Take legal measures to provide appropriate facilities and support for children, particularly children with disabilities as the most vulnerable group of children (Iran (Islamic Republic of));

A - 124.20. Take measures to ensure the full harmonization of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (South Africa);

A - 124.21. Work towards passing legislation that provides ethnic minorities and vulnerable groups, including women and persons with disabilities, protection from discrimination and legal recourse for victims of discrimination (Canada);

A - 124.22. Take continuous measures for the protection of the rights of women and other marginalized groups (Nepal); Intensify the efforts aimed at fighting all forms of discrimination, especially by strengthening the national legislative framework (Algeria);

A - 124.23. Continue its ongoing efforts to arrive at a national consensus on a general act on anti-discrimination (Indonesia); Strengthen efforts and take measures towards adoption of the law to fight discrimination (Palestine); Accelerate efforts to adopt an Anti-Discrimination Law (Chile); Step up efforts to adopt a comprehensive Anti-Discrimination Bill in line with the relevant international human rights instruments (Slovenia); Adopt an anti-discrimination law to replace the law that was suspended in May 2008 (Chad); Ensure the passage of the Anti-Discrimination Act (India); Adopt a comprehensive and broad-based anti-discrimination law (Australia);

NC - 124.24. Adopt the Anti-discrimination Act as a matter of priority while encompassing also grounds for discrimination on the basis of sexual orientation (Czech Republic); Include in the Anti-discrimination Law a specific prohibition on discrimination on the basis of sexual orientation (Spain);

A - 124.25. Continue the legislative review with a view to ensuring equality between women and men in law and practice in all areas of life (Palestine); Undertake a comprehensive review of legislation with a view to ensuring de jure and de facto equality between men and women (South Africa);

A - 124.26. Formulate a national strategy to promote gender equality so as to advance the status of women, combat violence and eliminate discrimination against women (China); Further ensure effective gender equality into government policies (Republic of Moldova); Take additional measures aimed at eliminating all forms of discrimination against women and at strengthening their situation

and participation in all State institutions (Oman); Increase governmental efforts to ensure that women, in particular single mothers, can have access, as men do, without any discrimination, to employment, equal pay and matrimonial rights, especially following an inheritance or a divorce (Belgium);

A - 124.27. Consider undertaking educational and awareness-raising actions promoting co-responsibility in the domestic sphere and preventing domestic violence (Poland);

A - 124.28. Combat discrimination against single mothers and their children (Brazil); Conduct national awareness campaigns to eradicate the discrimination against single mothers, in law and in practice (Mexico);

NC - Establish a governmental authority to support and advise single mothers and their children (Germany);

NC - 124.29. Improve the registration of children with a view to ensuring that the statelessness of children is prevented (South Africa); Revise the single parent family support law and introduce legislation to ensure that all children are automatically and legally registered immediately after birth, regardless of parents' legal status and origin (Norway); Facilitate the implementation of a birth registration system to allow immediate registration at birth, independently of the status or nationality of parents (France); Provide for a full system of universal birth registration including immediate registration upon birth regardless of the parent's nationality or status in the country (Ireland); Consider the possibility to introduce a system of automatic registration of children born in the country, regardless of the parents' nationality or status (Italy); Revise the national legislation with a view to guarantee that all persons are registered at birth, independently of their migrant condition or the nationality of their parents (Mexico); Enact measures regarding the civil registration of children at birth in order to fight the possible traffic in human beings (Romania); Carry out a legislative review so as to ensure an automatic and legal registration at birth, while guaranteeing the protection of personal data and especially the right to access such data (Switzerland); Review its birth registration system to safeguard the human rights of unwed mothers and children by (i) ensuring immediate birth registration is available to all children regardless of the parents legal status; (ii) ensuring that the birth registration accurately indicates the biological parent(s) of the child; and (iii) taking steps to prevent birth registration of children by third parties, such as adoptive parents, that could result in the occurrence of de facto adoptions in the absence of proper judicial oversight, which could also put children at risk of being trafficked (Canada);

A - 124.30. Continue implementing measures to combat and prevent racism, racial discrimination and xenophobia, and to guarantee equality of opportunities (Cuba);

A - 124.31. Continue implementing policies aimed at intensifying the combat against discrimination, especially with respect to female migrant workers (Morocco); Fight against all forms of discrimination and abuse of migrant workers, particularly women (Spain);

A - 124.32. Continue to adopt appropriate policies and laws to counter discrimination of women migrant workers and ensure that their children can enjoy rights to education and health (Sudan); Take further legislative measures to formulate policies on the prevention of discrimination and violence against migrant women and child workers and also guarantee their right to education and health (Iran (Islamic Republic of));

A - 124.33. Study the possibility of intensifying measures aiming at eliminating all discriminatory treatment on the basis of sexual orientation or gender identity (Argentina);

NC - 124.34. Review the possibility of repealing laws that criminalize on the basis of sexual orientation within the military (United States of America);

NC - 124.35. Consider ratifying ICCPR-OP2, aiming at the abolition of the death penalty (Rwanda); Ratify ICCPR-OP2, aiming at the abolition of the death penalty (Switzerland); Consider ratifying the ICCPR-OP2, aiming at the abolition of the death penalty (Slovenia); Modify the penal provisions that provide for the application of the death penalty with a view to a total prohibition and ratify ICCPR-OP2, aiming at the abolition of the death penalty (Uruguay); Consider the possible establishment of an official moratorium on the death penalty, since it is not applied since 1997 (Chile); Convert the present de facto moratorium on executions into a formal moratorium (Germany); Take concrete measures in order to transform the de facto moratorium on the death penalty into a de jure

moratorium on execution and sentencing (Switzerland); Introduce a moratorium on all executions and introduce legislation to abolish the death penalty (United Kingdom); Maintain effectively the de facto moratorium on the death penalty (Belgium); Respect international minimum standards on the death penalty, if the Republic of Korea will maintain it (Belgium); Consider the abolition of the death penalty (Honduras); Consider the possibility of the abolition of the death penalty by the law (Uzbekistan); Take into consideration the possibility of abolishing the death penalty (Italy); Take steps towards the abolition of the death penalty (Norway); Take steps towards the abolition of the death penalty, while commuting the existing sentences to life imprisonment terms (Slovakia); Complete the legislative process in order to abolish capital punishment, which as a matter of fact, has been suspended for more than a decade (Turkey); Take all necessary measures in order to abolish de jure the death penalty (France); Abolish definitively the death penalty (Spain); Abolish the death penalty and ratify ICCPR-OP 2 (Australia);

NC - 124.36. Consider establishing mechanisms preventing security forces from using force in an excessive or unjustified manner, especially against peaceful protesters (Poland);

A - 124.37. Further strengthen measures against torture and ill-treatment (Czech Republic); Investigate all allegations of torture by the police and prosecute the perpetrators (Belarus);

A - 124.38. Consider establishing the total prohibition of corporal punishment (Palestine); Carry out public awareness campaigns on the negative consequences of the ill-treatment of children to promote positive and non-violent forms of discipline in schools and at home as alternative measures to these punishments (Uruguay); Expressly prohibit corporal punishment in all settings (Hungary);

A - 124.39. Continue its efforts to prevent and combat domestic violence (Republic of Moldova); Enhance protection against domestic violence, hiring more female police inspectors, improving shelter and rehabilitation services for victims and strengthening data protection in this regard (Hungary); Ensure that domestic violence is properly punished and victims, including those of marital rape, are properly protected (Slovakia);

A - 124.40. Take all procedures to prevent all forms of violence against children and women (Iraq); Continue strengthening its capacity and its efforts to combat violence against children (Kyrgyzstan); Strengthen measures to combat violence against children (Senegal);

A - 124.41. Take appropriate measures to prevent sexual violence against children and make more efforts to effectively prosecute the sexual exploitation of children (Botswana); Tighten the criminal responsibility for the crimes related to the sexual exploitation of children (Belarus);

A - 124.42. Step up its efforts to address the issue of trafficking of women and children (Malaysia); Strengthen the cooperation both at national and international levels in fighting against human trafficking equally for the purposes of sexual exploitation and forced labour (Republic of Moldova);

A - 124.43. Consider stepping up its efforts towards ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) (Philippines); Ratify the Palermo Protocol (Brazil); Ratify the Palermo Protocol (The Netherlands); Ratify the Palermo Protocol (United Kingdom of Great Britain and Northern Ireland); Take comprehensive measures in combatting trafficking in persons including by the accession to the Palermo Protocol and by extending an invitation to the Special Rapporteur on trafficking in persons, especially women and children (Belarus); Take more proactive measures to identify and look after victims of human sex trafficking, especially by ratifying the Palermo Protocol (Belgium);

NC - 124.44. Give consideration to the implementation of measures and programmes to provide assistance to landmine victims such as psycho-social, medical and financial support (Thailand);

A - 124.45. Adopt child friendly procedural rules in the justice system (Hungary);

A - 124.46. Continue its endeavours in fostering the rule of law and social cohesion (Viet Nam);

A - 124.47. Continue the review of its international adoption system with a view to reform relevant legislation, and to bring it fully in line with the CRC; make the consent of teenage single mothers in

the process mandatory; and adopt measures for all adoptions to be subject to the approval of a central authority with a clear mandate and responsibilities for the judicial supervision and the regulation (Honduras); Establish a national adoption centre and an obligation to register right after birth (Germany);

A - 124.48. Continue efforts to increase employment opportunities and improve the employment situation for women and to promote women's rights (Japan); Take effective measures against disadvantages faced by women in the labour market, including to overcome the persisting wage gap between men and women (Slovenia);

NC - 124.49. Implement legislation criminalizing sexual harassment in the workplace, and set up mechanisms to monitor the implementation of this legislation (The Netherlands);

A - 124.50. Take further actions to ensure freedom of expression on the Internet, including opinions which are different from the positions of the Government (Japan); Ensure full implementation of international human rights obligations regarding freedom of expression (Poland); Ensure that laws on freedom of expression and freedom of the press are applied in conformity with international standards (Switzerland);

NC - 124.51. Adopt specific legislation to guarantee the exercise of the rights to freedom of opinion and expression (South Africa);

NC - 124.52. Transfer the functions of the Korean Communications Standards Commission to an independent commission (Switzerland);

NC - 124.53. With regard to conscientious objection, adapt existing national legislation so that alternative services to military service effectively have a civil nature and that they are placed under the monitoring of civil authorities (France); Abolish imprisonment and establish a non-military service for conscientious objectors (Germany); Ensure that the right to conscientious objection to military service is observed (Poland); Recognize the right to conscientious objection to military service and introduce alternative service in line with international standards (Slovakia); Recognize conscientious objection as a right, guaranteeing an alternative community service to the military service of a truly civilian character, and free all conscientious objectors currently imprisoned (Spain); Immediately introduce an alternative military service option for conscientious objectors, ensuring it has a non-combatant or civilian character and is not of a punitive nature (United States of America); Introduce alternative service for conscientious objectors (Australia);

A - 124.54. Provide training to law enforcement officers on proper enforcement of the National Security Law to avoid investigations, detentions, and charges that restrict freedom of expression and result in a climate of self-censorship (United States of America);

NC - 124.55. Release all persons including pro-reunification patriots who were unjustly arrested and imprisoned according to the "National Security Law" (Democratic People's Republic of Korea);

NC - 124.56. Review regularly the application of the National Security Act, to ensure its consistency with human rights principles (Australia); Specify modalities for the implementation of the National Security Law so that this law cannot be used against freedoms of expression, association and peaceful assembly (France);

NC - 124.57. Define more clearly the regulations of the National Security Law (Germany); Consider amending the National Security Law to prevent arbitrary application and abusive interpretation of the law (Norway); Amend the National Security Law to guarantee that its application respects fully the freedom of expression (Spain); Amend the National Security Law to provide clarity and prevent abusive interpretations of the law (United States of America); Abolish the criminal laws as the "National Security Law" (Democratic People's Republic of Korea);

NC - 124.58. Abolish the "Security Surveillance Law", which restricts freedoms of former political prisoners and prisoners of conscience (Democratic People's Republic of Korea);

A - 124.59. Allocate sufficient funding to the poverty eradication strategy of the Republic of Korea (South Africa); Increase its efforts to expand protection and support for low-income groups to solve

weakening social integration due to intensifying income polarization (Iran (Islamic Republic of)); Strengthen its social security system in order to effectively guarantee the poor population the right to health care and housing so that the results of economic development will benefit the entire population (China);

A - 124.60. Continue programmes and actions to promote and protect economic, social and cultural rights, in particular in the area of health, education and food (Cuba); Continue efforts to strengthen access to quality education and health services, especially for the vulnerable segments of society (Bahrain);

A - 124.61. Continue to implement the “Bogejumjari Housing” project which ensures solid and affordable housing to low income families by 2018 (Kuwait);

A - 124.62. Continue to expand the framework for national health insurance coverage so as to guarantee the right to health (Kuwait);

A - 124.63. Take appropriate measures to reconcile growing tuition fees with the level of education (Iran (Islamic Republic of));

NC - 124.64. Promote the local integration of refugees, asylum seekers, and humanitarian status holders by extending multi-cultural programmes to them (Botswana);

NC - 124.65. Take all measures to eliminate restrictions to the mobility of migrant workers (France);

A - 124.66. Take measures to ensure that the children of undocumented migrants are provided with access to medical services (Ireland);

A - 124.67. Intensify its comprehensive policies and concrete plans to guarantee the full enjoyment of rights and welfare of migrant workers, especially women, including combating human trafficking and discrimination in all forms (Viet Nam); Continue its efforts for the protection of the rights of migrant workers (Nepal); Carry out actions to protect the rights of migrants and their families (Senegal); Continue to take measures to promote and protect the rights of migrant workers (Sri Lanka); Further strengthen measures to promote and protect the rights of all migrant workers by ensuring their appropriate welfare and standard of living (Thailand);

A - 124.68. Strengthen measures aimed at social protection of refugees, migrant workers and members of their families (Belarus);

NC - 124.69. Deal with the issue of irregular migration sympathetically and consider further legislative protection of their fundamental human rights (Bangladesh);

A - 124.70. Continue strengthening the mechanisms to promote international cooperation with a focus on the promotion and protection of human rights, as fundamental principles of the official development assistance (Paraguay).

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