

Opening Statement of the Republic of Korea

25 October 2012

Introduction

Madam President Dupuy Lassere, Distinguished Delegates, Ladies and Gentlemen,

The Delegation of the Republic of Korea is proud to participate in the second cycle of the Universal Periodic Review. We are honored to have this opportunity to present and discuss the human rights situation in the Republic of Korea with the representatives of other Member States. My name is Ghil Tae Gi, vice-minister of Justice, and I am leading the Republic of Korea's delegation consisting of thirty members from eleven different ministries and agencies for today's discussions.

The Human Rights Council and the UPR

The UPR system, which was introduced back in 2008 with much anticipation from the international community, has become a key mechanism for the protection and promotion of human rights. With the passing of time, the scope of both the States and civil society that participate in the UPR has increased. The recommendations and advices provided by Member States through candid peer reviews have also contributed to facilitating improvements in human rights situations on the ground.

The international community has made steady efforts towards protection and promotion of human rights and fundamental freedoms of mankind. We are still experiencing gradual progress in this regard and all members of the international community participating in the process are both contributors and beneficiaries in the quest of realization of human rights. The Republic of Korea remains willing to participate in such efforts.

Basic approach to human rights in the Republic of Korea

Having achieved both development and democratization in a period of fifty years, the Republic of Korea continues its efforts to promote and protect the full scope of human rights from political and civil to economic, social and cultural rights. Attention has also been given to better promoting the human rights of minorities and vulnerable members of society, so as to ensure that every member of society equally enjoys these universal rights.

With such considerations, the Delegation of the Republic of Korea intends to contribute to the UPR in both a sincere and honest manner, in order to facilitate a constructive dialogue.

Drafting of the National Report and the Expectations for the UPR

The government of the Republic of Korea had a number of opportunities to exchange ideas with domestic stakeholders during the preparation for the second cycle of the UPR. Since the earlier stages of drafting the National Report, we have held consultations within the government with the participation of the relevant ministries and agencies. We also held meetings with the National Human Rights Commission and relevant human rights NGOs.

In the process of preparing for the discussion with the UPR Working Group, we have carried out a thorough review of the summary of stakeholders' reports prepared by the OHCHR. We believe that the

review of the human rights issues and concerns raised by domestic and international stakeholders will be a positive contribution to the advancement of human rights policies in the Republic of Korea.

Today, as the human rights situation of my country is under review in the Working Group, we look forward to hearing your questions and recommendations across various areas. We will provide earnest responses to your questions and take the recommendations as foundations for further progress in the area of human rights in the Republic of Korea.

Now, I would like to introduce measures that the government of the Republic of Korea has implemented to promote and protect human rights and fundamental freedoms since the first review in May, 2008.

Efforts toward the implementation of the Recommendations of the UPR and international cooperation

First, I would like to highlight the implementation of the recommendations of the first UPR.

In July 2008, the results of the first review were reported to the National Human Rights Policy Council, which serves as our national mechanism for coordinating human rights policies. Since 2010 and primarily through the Ministry of Justice, we carried out annual examinations of the implementation of the recommendations drawn from the first review. Those results were reported to the National Human Rights Policy Council. Through these efforts we have effectively constructed a framework for the national implementation and examination of the recommendations from the UPR and we plan to further develop this system after the second cycle of the UPR.

At the international level, we had the task of successfully consolidating the newly introduced UPR system. I am pleased to note my government made contribution in this regard by actively participating in the reviews of other member states during the first cycle and in the review process of the Human Rights Council, including its mechanisms such as UPR.

National Action Plan for Human Rights and National Human Rights Policy Council

Next, I would like to outline the National Action Plan for Human Rights and the National Human Rights Policy Council.

The National Action Plan for Human Rights refers to the National Action Plan recommended to each state under the Vienna Declaration and the 1993 World Conference on Human Rights Programme of Action. The first plan was put together in May 2007 and was consistently implemented through the end of 2011. The second plan was launched in March 2012 and includes the 209 projects of the 24 ministries and agencies related to the protection and promotion of human rights. This plan is scheduled to be in effect through 2016. During the drafting of the Action Plan, the government reviewed the National Human Rights Commission's recommendations as well as the international human rights mechanisms' recommendations for the Republic of Korea as well as the opinions of civil society organizations. These recommendations were reflected in the Action Plan within the government's discretion.

The National Human Rights Policy Council is responsible for drafting the National Action Plan for Human Rights and monitoring its implementation. As a vice-ministerial level consultative body chaired by the Minister of Justice, the National Human Rights Policy Council has also discussed the concluding observations and the views on individual communications issued by international human rights mechanisms, as well as the follow-up measures which have been taken since 2008. As previously

mentioned, the status of implementation of the first UPR recommendations is also reviewed by the National Human Rights Policy Council

International human rights obligations

The government of the Republic of Korea has also made efforts to implement its human rights obligations under international human rights treaties.

My government has ratified the Convention on the Rights of Persons with Disabilities, and has withdrawn the reservation to Article 9, Paragraph 3 in the Convention on the Rights of the Child.

In addition, we have withdrawn reservations to Article 7 of the Convention relating to the Status of Refugees and in doing so removed possibilities of the application of reciprocity regarding refugees. Furthermore, we have submitted State-Party reports in accordance with the seven core human rights treaties that the Republic of Korea has ratified, and we have earnestly responded to individual communications.

Concerning the Convention relating to the Status of Refugees, we enacted the independent 'Refugee Act' in 2012, which will come into effect in July 2013. We expect that a fair and effective process of refugee recognition will be in place following the passing of the Refugee Act and that refugee protection measures will also improve. Prior to the enactment of the new Refugee Act, we also amended relevant legislation in 2009 to enable the granting of work permits to humanitarian status holders and applicants for refugee status. The center for refugee support is currently under construction, and support for asylum seekers and refugees will be further strengthened.

Non-discrimination

Concerning anti-discrimination measures and in the same spirit as the International Human Rights Treaties, the Constitution of the Republic of Korea places a core emphasis on the rights to equality. Discrimination based on grounds such as race, sex, religion and disability are to be eliminated in both *a de jure* and *de facto* manner. This is a fundamental pillar shared by the international human rights norms and the Constitution of the Republic of Korea. In line with the spirit of the Constitution, there are approximately ninety individual pieces of legislation that ground a strong anti-discrimination culture in the Republic of Korea. Aside from these laws, there have been consistent requests from within and outside the country to enact a comprehensive Anti-Discrimination Act. In response to these requests, the government has continued to examine and review the need for the enactment of such a comprehensive Anti-Discrimination Act.

Our government legislated the 'Gender Impact Assessment and Analysis Act' in 2011 in order to realize the spirit of gender-equality in all policy areas. According to this act, when enacting or revising laws, or when undertaking major plans and projects, gender impact assessment and analysis must be carried out for the purposes of reflecting those results in the budget and policies.

For persons with disabilities, in 2007 we have enacted the 'Anti-Discrimination against Persons with Disabilities Act and Laws Related to Rights Relief' followed by the enactment of the 'Pension Act for Persons with Disabilities', 'Laws Related to Support for Activities of Persons with Disabilities', and the 'Welfare Support Act for Children with Disabilities', in order to ensure the rights of persons with disabilities, and to encourage their economic and social independence. Furthermore, we have strived to improve the mandatory employment system in order to expand the employment of persons with

disabilities while at the same time modifying job education systems and developing jobs to account for the nature of disabilities.

Right to security of the person

With regards to the right to security of the person, the 'Habeas Corpus Act' has been enforced since June 2008. This Act provides general habeas corpus relief procedures through which relief claims can be appealed to the court in cases where individuals have been unduly deprived of their personal liberty by an illegal administrative disposition or confinement in facilities by private persons.

As for prevention of human trafficking and prior to ratifying the Palermo Protocol, our government has put forward the amendment to the Criminal Act which contains a comprehensive definition of human trafficking. This amendment is currently under consideration in the National Assembly, and the ratification process of the Palermo protocol will be carried out as soon as legislative procedures are completed.

Support policies for international marriage families

Looking at our support policies for international marriage families, a notable change in the family structure of Korean society is that the number of immigrants coming to Korea as a result of international marriages is increasing annually. In parallel, the number of interracial families is on the increase. Our government is making efforts to establish policies that ensure that marriage immigrants adjust well to Korean society and also to ensure that the children of these families receive all due protection and respect under the law.

In 2011, we revised the Multi-cultural Family Support Act by which we have reinforced our efforts to provide protection and support, including that concerning medical and healthcare, as well as to provide useful information for living in Korea and education support for marriage immigrants that have suffered from domestic violence.

Right to privacy and information and the freedom of expression online

Shifting to privacy rights and information-related rights, the Republic of Korea is one of the most wired countries and benefits from the highest levels of internet services. Due to such changes in the social environment as well as rapid advancement of information technology, there have been increasing demands and challenges regarding the protection of individual privacy. Within this context, the government enacted the 'Personal Information Protection Act' and established the Personal Information Protection Commission in 2011. In doing so, we have set forth rules for the protection of personal information in both public and private spheres, as well as standards on personal information handling. We have also reinforced corrective measures for damages caused by privacy rights violation.

Along similar lines, we have limited the collection and usage of resident registration numbers of information network service users in order to prevent abuse of the resident registration system. To support this we made the provision of alternative measures for personal verification mandatory. We are also making efforts to respect privacy rights by having public documents record the date of birth instead of the resident registration numbers.

Meanwhile, the freedom of expression online has been expanded by the amendment of the Public Election Act in respect of the decision of the Constitutional Court. Election campaigns via

telecommunication networks are allowed without temporal restrictions, thus democracy will further flourish in this information age.

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After experiencing the 1997 Asian financial crisis, the Republic of Korea has managed to successfully overcome the slowdown of international economic growth in the midst of the world financial crisis that began in 2008, while at the same time continuing efforts to construct a social safety net and expand the scope of social welfare.

Rights to work and social security

The protection of the right to work and the right to social security are also steadily improving.

In the midst of increasing labor market flexibility, we have initiated and provided comprehensive measures to protect non-regular workers from discrimination. Continuous efforts have also been made to promote employment of women by promoting a desirable work life-family life balance as well as measures that take into account women whose careers have been interrupted by marriage and/or child-rearing.

For low-wage workers who are often more vulnerable, the government subsidizes both individual employment insurance and the national pension premium. We have also expanded the scope of applicability for employment insurance to include the self-employed. In addition, the right to form a trade union is better protected by introducing multiple trade unions in a workplace.

We have reinforced the supply of rental housing for those in the lower-income bracket and have promoted improvements in the residential environment development program in order to guarantee the right to adequate housing. The protection of social security has gradually expanded and we have reasonably revised the national basic livelihood security system in order to accommodate for the minimum cost of living, and lowered the qualification standards for benefits in order to allow more people in vulnerable groups to receive benefits.

Right to health

I would like to now turn to the progress made to ensure the right to health.

Striving towards better public health and prevention of diseases, the Korean government has established and implemented comprehensive plans for improvement of mid-and-long-term public health programs. The Republic of Korea has benefited from universal national medical health insurance since 1989, and its coverage has steadily been expanded. We have expanded the coverage ranging from birth - support during pregnancy and childbirth, financial support for medical costs for prematurely born babies and babies with birth defects - to the elderly, including dentures, dental health enhancement service as well as expanded medical examination for those over the age of 66. For some patients such as those with rare and incurable diseases, the co-pay rate has been reduced. In addition, we are making continuous efforts to provide medical services to as many people as possible by reducing burdens on patients for medical cost of rare and incurable diseases and giving medical support for foreigners and their families in Korea.

As the population is rapidly aging, the Government has made further efforts to promote the right to health by responding to demographic changes. With the increased need for long-term care services for the

elderly, we introduced long-term care insurance systems in 2008 in order to relieve burdens on families caring for the elderly. In addition, we have also taken measures for patients with dementia.

Migrants

Since the 1990s, the proportion of migrants has increased as the number of foreigners that currently reside in the Republic of Korea as of 2012 has reached approximately 1,400,000 and the proportion of migrants is expected to continue to increase in the future. Considering this, the government has established and promoted the Framework Policy for Migrants which, beginning in 2008, will be evaluated every five years in order to promote more comprehensive migrant policies. For the second plan that will be initiated in 2013, we particularly aim for the expansion of comprehensive services for immigrants to assist with their adjustment to Korean society as well as to support education for migrant children.

Foreign workers that have entered the country through the Employment Permit System are equally protected under various labor-related laws as citizens. We also provide many services to migrant workers such as interpretation, counseling and medical services. Female migrant workers are guaranteed equal access to the maternity protection system in accordance with labor standards; and in cases where women migrants are in the process of legal proceedings for human rights violations, even if that person is an illegal resident, deportation will be delayed and special stay is permitted.

Official Development Assistance

We are proud that the Republic of Korea has become a model case as it has grown from an aid beneficiary to a donor. Bearing in mind the strong generosity and assistance we received over the course of our own development period, we have committed to increase our official development aid volumes. After joining the OECD Development Assistance Committee in 2010, we have enacted the Framework Act on International Development Cooperation. This law has elucidated the improvement of the rights of women and children, the realization of gender equality, and humanitarianism as the key motivating elements underlying our ODA. The government has set universal values including human rights as one of the top priorities in this regard. While expanding ODA, the government intends to take strong consideration of human rights principles in the planning and carrying out of development projects.

Madam President, Distinguished Delegates,

I have briefly introduced the major policies that our government has promoted since the first review. We have outlined in the national report the progress made on the recommendations of the first UPR. We have also acknowledged that some of the recommendations have not been implemented. We believe that there will be an opportunity for us to provide you with more detailed explanations during the following response session.

Finally, I thank the nine Governments that have submitted inquiries in advance, the Czech Republic, Ireland, Germany, Mexico, the Netherlands, Norway, Slovenia, Spain, and the United Kingdom. We will first respond to these inquiries during the upcoming initial response session.

My delegation and I will now listen to the comments of the Member States. We hope that this mutual dialogue will be a valuable opportunity for the protection and promotion of human rights in the Republic of Korea, and we will await your views.

Thank you for your attention.