

**United Nations Human Rights Council**

**42nd Session of the UPR Working Group**

**Geneva, 26th of January 2023**

**German recommendations and advance questions to**

**The Republic of Korea**

Mister President,

Germany welcomes the delegation of the Republic of Korea, a country that, in many ways, is an inspiring example for its region and has continuously taken positive steps to promote and protect human rights, recently by introducing an alternative service to military conscription.

However, Germany continues to have concerns regarding some aspects of the country’s legislation which leads to the following recommendations:

1. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
2. Amend the National Security Law, in particular its Article 7, to ensure that it is not used arbitrarily or to restrict the rights to freedom of expression, opinion and association, and release all individuals unjustly charged and sentenced to prison terms solely for the legitimate exercise of their rights to freedom of expression and association.
3. Adopt and implement comprehensive anti-discrimination legislation, which prohibits any discrimination, notably based on sexual orientation and gender identity.
4. Repeal Article 92-6 of the Republic of Korea’s Military Criminal Act that punishes sexual activity between same-sex military personnel with sentences of up to two years in prison.

Thank you, Mister President.

**GERMAN ADVANCE QUESTIONS TO THE REPUBLIC OF KOREA**

1. Which steps has the Republic of Korea undertaken to safeguard against restrictions of the freedom of expression, opinion and association based on its National Security Law?
2. How many persons have been convicted for consensual same-sex relations, based on Article 92-6 of its Military Criminal Act in the last year, and how many convictions were there in total?
3. Have there been concrete steps to develop a comprehensive anti-discrimination law, which includes a ban of discrimination based on sexual orientation?