**BRIFING ON REPUBLIC OF KOREA FOR THE HUMAN RIGHTS COMMITTEE, LIST OF ISSUES PRIOR TO REPORTING, 126thSESSION (1 to 26 July 2019)**

**Submitted by:**

International Alliance for peace and development



<https://iapd.international/en/>

The IAPDA seeks to promote for peace and sustainable development all over the world. The IAPDA works to counter hatred, violence and extremism and to work side by side with the UN mechanism and other affective institutions all over the world. The IAPDA follows its vision by networking in order to mobilize efforts, cooperation and integration. IAPD goals arePromote respecting human rights and strengthening communication with international mechanisms to protect human rights and Support UN, international and regional bodies in achieving sustainable development goals 2030.

**Summary**

In the context of the International Alliance for Peace and Development concern on human rights issues and renounce the violations of human rights in all countries and raise the values of tolerance and peace, this submission focus on the implementations and violations of human rights by republic of Korea as following :

* Women's right
* Discrimination
* Freedom of express
* Arrest, arbitrary detention

Republic of Korea acceded to the ICCPR and the ICESCR in April 1990; the CERD in December 1978; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) in January 1995 the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in December 1984.

**Discrimination**

The principle of equality and non-discrimination are specified in numerous articles in the Constitution of the Republic of Korea. Article 11 guarantees equality before the law and equal protection of the law for everyone. While there is no general law on the prohibition of discrimination, there are numerous laws that prohibit discrimination in each area. These laws vary in terms of anti-discrimination grounds and scope, and the level of protection and punishment

Republic of Korea established the Act on the Treatment of Foreigners in Korea in July 2007 for the improvement in the legal and social status of foreigners living in Korea. It provides foreigners with support for economic activities, information and education, assistance for their integration into society, and consultation for legal and civil petitions. The Act stipulates that the Minister of Justice shall set up a framework plan for policies related to foreigners every five years.

**Discrimination against asylum seekers**

South Korea’s active involvement in supporting refugees both domestically and internationally is consistent with its dedication to various international development causes worldwide. Since 2004, the government has contributed at least one million dollars towards UNHCR annually; in 2015, it donated almost $13 million. Much of these funds are earmarked towards specific humanitarian projects. On the national level, he Refugee Act strengthened refugee status determination procedures, called for the provision of social welfare programs, and facilitated South Korean policies towards refugees to fall more in line with what is called for in the UN Convention and Protocol Relating to the Status of Refugees.

However, trends regarding the integration of refugees in South Korea indicate that there is a substantial gap between the laws and policies supporting refugees and how they are implemented and practiced. These trends are true for not only non-Korean refugees from countries such as Myanmar and Pakistan but also for North Korean defectors.[[1]](#footnote-1)

Republic of Korea is a party to the 1951 UN Refugee Convention and its 1967 protocol but continues to reject the vast majority of non-North Korean asylum seekers.

In 2017, the Ministry of Justice reviewed 6,015 asylum seekers’ claims and only accepted 91 as refugees. In some cases, the government issued humanitarian visas to allow continued stay in the country, but in most instances, applicants were rejected outright. Asylum seekers complained about widespread discrimination and lack of basic social assistance.

Between January and May, more than 500 Yemeni asylum seekers arrived on Jeju island, gaining entry through a visa free policy designed to promote tourism. Their presence sparked an intense debate and rise of an anti-refugee movement, with Islamophobic overtones on the island and elsewhere in the country. On June 1, the Moon government excluded Yemen from the visa-free policy. October 17, 2018, the government announced a decision denying the refugee claims of 373 Yemeni asylum seekers.[[2]](#footnote-2)

And these actions contravened with article 20 of the International Covenant on Civil and Political Rights

**Women's rights**

On 11 April 2019 ,Top court orders reform of abortion laws in historic victory for women’s rights. it is a major step forward for the human rights of women and girls in South Korea. The country’s draconian laws have resulted in discrimination and stigmatization for generations of women and girls by forcing them to undergo clandestine and unsafe abortions. The law criminalizes abortions, and only allows for exceptions in cases of rape, incest, severe genetic disorders, and specific diseases or if a woman’s or girl’s health is endangered by the pregnancy. In these limited instances, abortions must be performed within the first 24 weeks of pregnancy and are subject to spousal consent.[[3]](#footnote-3)

In January 2018, public prosecutor Seo Ji-hyeon accused a former senior Justice Ministry official of sexual harassment, and a steady stream of women followed her example the following month. A number of prominent men, including a theater director, a film director, a politician, a professor, and a Catholic priest, were accused. Some apologized for sexual misconduct and resigned from their positions.

In March, Kim Ji-eun, former secretary to Ahn Hee-jung, governor of South Chungcheong province, accused him of repeatedly raping her. He stepped down as governor and was indicted by prosecutors for abusing his supervisory power to force her into an unwanted sexual relationship. However, the court acquitted Ahn in August, after questioning the credibility of Kim’s statements and determining Ahn did not abuse his power.[[4]](#footnote-4)

**Freedom of expression**

Republic of Korea saw a significant improvement following President Moon’s election and its ranking went from 63rd to 43rd in RSF’s 2018 World Press Freedom Index

The law provides for freedom of expression, including for the press. Nonetheless, the government’s interpretation of the following limited freedom of speech and expression and restricted access to the internet: the NSL; Article 21, Paragraph 4 of the constitution; the Act on Antiterrorism for the Protection of Citizens and Public Security; the Election Law; the Criminal Act; the Framework Act on Telecommunications and the Act on Promotion of Information and Communication Network Utilization and Information Protection. Freedom of Expression: Although the law provides for freedom of speech, under laws such as the NSL the government may limit the expression of ideas that praise or incite the activities of “anti-state” individuals or groups.

Press and Media Freedom: Independent media were active and expressed a wide variety of views, but strict defamation laws limited freedom of the press. The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and NGOs voiced concern that defamation suits, filed for statements that were true and in the public interest, penalized individuals who criticized the government.

In April 2017, the Seoul Administrative Court ruled as unlawful the decision by the Korea Communications Standards Commission, which censors internet content, to ban a blog entitled “North Korea Tech” covering IT development in North Korea. The Commission had claimed that the site breached the NSL, which had been used in the past to imprison people for “praising” or expressing sympathy for North Korea. However still many violations of freedom of express .[[5]](#footnote-5)

Republic of Korea’s ruling Democratic Party for bashing journalists who are critical of President Moon Jae-in’s policies. On March 13 2019, the spokesperson of South Korea’s ruling Democratic Party, Lee Hae-sik, attacked a Bloomberg journalist, Youkyung Lee, accusing her of having written "traitorous content” that “insulted the head of state." He reproached her for an article published last September in which she described South Korean President Moon Jae-in - who since taking office has attempted to engender better relations with North Korea - as a “spokesman” for North Korean dictator Kim Jong-un. The day after, Lee Hae-sik attacked another journalist, Choe Sang-Hun of the New York Times, who had expressed a similar opinion. This affair caused a commotion in South Korea[[6]](#footnote-6)

So one of the most important human rights issue in republic of Korea continues to be the National Security Law, which is used arbitrarily to curtail the right to freedom of expression and association, providing long sentences or the death penalty for loosely defined 'anti-state' activities.

Arrest, arbitrary detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions. However, the National Security Act grants the authorities broad powers to detain, arrest, and imprison persons who commit acts the government views as intended to endanger the "security of the state."

In August 2018, media reported that a four-star general and his wife pressured junior soldiers in their personal residence to do demeaning labor while subjecting them to verbal and physical abuse over extended work hours. The general lost his command position and was arrested in September[[7]](#footnote-7)

On January 23, 2018, Ms. Lee was charged by the Public Prosecutor with “obstruction of general traffic”, “special destruction of public goods. Ms. Lee had lived in self-imposed house arrest at the KCTU headquarters in Seoul since December 2015 in order to avoid being arrested by police and on n December 30, 2017, the Seoul Central District Court issued a detention warrant against her.

Mr. Han Sang-gyun, KCTU President, is still serving a three-year prison sentence in connection with the November 14, 2015 demonstration

On November 14, 2015, ahead of the demonstrations organized by KCTU against proposed labour law reforms in Seoul, the police took pre-emptive measures against the peaceful demonstration and mobilized about 20,000 officers from 248 squadrons, 19 water cannons, 679 buses, and 580 capsicum spray devices. Altercations between the police and demonstrators ensued. The police fired water cannons and tear gas directly at peaceful marchers. Dozens of civilians and police officers were injured. The police launched an investigation into the incident, as a result of which over 1,500 civilians were investigated and 538 KCTU members were summoned as suspects. Eventually, 20 KCTU members and officials were indicted and 9 of them were sentenced to jail terms.[[8]](#footnote-8)

And these actions contravened with article 21 of the International Covenant on Civil and Political Rights.

**Recommendations**

* Must be the comprehensive anti-discrimination laws and the low levels of reporting of domestic violence.
* Proper use of the National Security Act to reduce arbitrary detention
* Adopt tougher laws to curb harassment of women
* Legislative measures should be taken to protect press freedom
* Improved treatment and services for asylum seekers
1. 3/8/2016, <http://www.humanrightskorea.org/2016/barriers-integration-refugees-south-korea/> [↑](#footnote-ref-1)
2. Human rights watch ,2019, <https://www.hrw.org/world-report/2019/country-chapters/south-korea> [↑](#footnote-ref-2)
3. Amnesty, 11/4/2019, <https://www.amnesty.org/en/latest/news/2019/04/south-korea-abortion-ruling/> [↑](#footnote-ref-3)
4. Ibid <http://www.humanrightskorea.org/2016/barriers-integration-refugees-south-korea/> [↑](#footnote-ref-4)
5. Amnesty , 2018, <https://www.amnesty.org/en/countries/asia-and-the-pacific/south-korea/report-korea-republic-of/> [↑](#footnote-ref-5)
6. Reporters without borders , 22/3/2019 , <https://rsf.org/en/news/south-korea-rsf-condemns-ruling-partys-bashing-journalists> [↑](#footnote-ref-6)
7. <https://www.state.gov/documents/organization/277335.pdf> [↑](#footnote-ref-7)
8. FIDH,22/3/2018, <https://www.fidh.org/en/issues/human-rights-defenders/south-korea-arrest-arbitrary-detention-and-judicial-harassment-of-ms> [↑](#footnote-ref-8)