

In principle, the government does not censor any cultural and educational activity. However, it should be noted that the Korea Media Rating Board, a civil organization, has been established to rate audio-visual material such as films, videos, and games into four categories, depending on content contained in the material and the audience's age: open to all viewers, not permitted for audiences under the age of twelve, fifteen, and eighteen respectively.

This rating system was introduced to uphold good morals and principles and protect children by preventing them from viewing material that contains violence and obscenity. The Korea Media Rating Board, a civil self-regulation body, implements the ratings' detailed standards.

정부담변서에 대한 Comments

**NGOs Comments
on the Written Replies
of the government of Republic of Korea
to the List of Issues**

Geneva, 30 April 2001

**Korea Network for the 2nd Submission
of the Alternative Report under ICESCR**

GENERAL INFORMATION

Q 1. In light of the Committee's decision to give effect to its follow-up procedure in the framework of the consideration of reports, the Committee would appreciate information on the specific measures the Korean Government has taken to implement the recommendations contained in the concluding observations of the Committee (E/C.12/1995/3) with respect to the State party's initial report.

In the additional answers to the list of issues, the Korean government is suggesting a variety of legislative measures such as the National Basic Livelihood Security Act, the Sexual Equality Employment Act and other labor- and welfare-related laws. However it does not review the effectiveness in implementing those measures. Also, it does not point out measures like de-regulations related to safety and health, Prolongation of the ban on Union Pluralism, which have retrograded the protection of economic and social rights in the Republic of Korea.

Q 2. In its second periodic report, the State party indicates that it is planning to establish a National Human Rights Commission to better protect and promote human rights. Please inform the Committee of whether the aforementioned Commission has been established in accordance with the 1991 Paris Principles, its mandate and powers, and the concrete effect it has had on the promotion and protection of human rights in general, and of economic, social and cultural rights in particular.

For now, there are three kinds of bill on the establishment of the National Human Rights Commission laid before the National Assembly. Those are the bill by the ruling party, the bill by the opposition party and the legislative draft by 95 Congressmen. The Korean Government has been trying to forcibly pass its own bill in the National Assembly with all the objections of Human Rights NGOs. The bill by the ruling party falls far short of independence and effectiveness of the National Human Rights Commission, putting the Commission under the control of the Ministry of Justice and the Prosecutors Office. Therefore it is very clear that the Commission, based on this bill by the ruling party, would not be able to play its genuine role. Regarding this issue, Korean NGOs have been calling on the Korean government to ensure the independence and effective mandate of the Commission and to positively reflect the opinions of NGOs and the 1991 Paris principles. They think that non-establishment of the Commission is better than the would-be Commission based on the ruling party bill.

Problems on the ruling party bill are as follows. 1) It excludes the violation of rights recognized in ICCPR and ICESCR from the object of investigation of the Commission. 2) It seriously restrains petitions by disallowing the petition on the on-going case or the closed case and by punishing the false

petition. 3) It is only president that appoints persons to permanent commissioners. 4) The Commission should consult and cooperate with the Ministry of Justice in legislating the enforcement decree on the Commission, 5) The Commission has no power to compile its own budget, so the reduction of budget could impose restrictions on the activities of the Commission. 6) The governmental authorities, the main violators of the human rights, don't have any duty to cooperate with the Commission. 7) The Commission is composed of 1 or 2 permanent Commissioners. Therefore, in fact, they are not able to cover any issues relating to economic and social rights.

Q3. In its previous concluding observations, the Committee urged the State party to make sure that the status of the Covenant be superior to all national law. Please describe any changes or progress made in this respect.

It is untrue that there is no conflict between domestic laws and the International Covenant on Human Rights. For example, the ICCPR Human Right Committee repeatedly recommended that Article 7 of the National Security Law(NSL) is against the protection of human rights and decided in the communication case that this article is definitely the violation of the ICCPR. However, the Korean government has been still suppressing the people, using this article. 261 persons in 1999 and 117 persons in 2000 were prosecuted for the violation of Article 7 of the NSL.

The Korean government states that it is for the Supreme Court, which has final rights to decide on the relation between the concerned domestic laws and international Covenant, based on principle of *lex posterior* and *lex specialia*. This statement means that domestic laws, which are enacted after ratification of the Covenant or in the form of special act, can overrule that Covenant in some cases.

Q 4. Please describe the action taken by the State party to inform and sensitize the Korean society and competent authorities of the rights embodied in the Covenant.

Q 37. Please explain why no human rights education is made available at primary, secondary and higher levels of education despite the 1993 Vienna Conference on Human Rights call on states to provide such education.

The government replies that it has fostered the respect for human rights in students' minds by including human rights education in its formal education curriculum. However, this is only a word. In reality, there is no human rights education course for teachers. There is no genuine effort of the government to incorporate human rights education in its formal curriculum. Students' procedural rights are not fully guaranteed. In the process of punishment, students have no right to reply.

Rights of the Handicapped

Article 2, 6, 7

Q 5. In its concluding observations regarding the Republic of Korea's initial report, the Committee urged the State party to meet the needs of the most vulnerable groups of society, including foreign workers. Please indicate what steps have been taken to protect foreign workers, the poor, the homeless, and the disabled.

Q 9. Please describe the effect of measures taken by the State party during the last two years to combat unemployment, especially among the vulnerable groups, such as women, migrant workers and the disabled.

Q 21. Please inform the Committee on the measures taken to implement the Committee's recommendation in its previous concluding observations on the need to expand Korea's social security system in the light of Korea's rapid economic growth.

Employment of the handicapped: The unemployment rate of the handicapped reached 27.4% in 1995 and 28.4% in 2000 (Source: Korean Institute of Health and Social Affairs). This makes up 6.8 times of the entire unemployment rate. Under the present legislation, any industry constituting more than 300 employees is required to hire at least 2% of the employees from the handicapped. Nevertheless, the actual employment rate of the handicapped is still far lower than 2% employment quota. Even in public sectors, the employment rate of the handicapped is below 2%.

Accessibility of the handicapped: Although "Easy Access Act for the handicapped, the elderly and pregnant women" has been enacted, specific installation standards are not yet set up. This Act is not enforced in supermarkets, drug stores, and restaurants, often visited by the handicapped and the elderly. Instead, its application is restricted to public agency and facility buildings of certain size. There is no department within the Ministry of Construction and Transportation, which deals with accessibility issues of the motion-challenged population including those with disabilities.

Rights of Migrant workers

Article 2, 6, 7, 8, 10

Q 5. In its concluding observations regarding the Republic of Korea's initial report, the Committee urged the State party to meet the needs of the most vulnerable groups of society, including foreign workers. Please indicate what steps have been taken to protect foreign workers, the poor, the homeless, and the disabled.

Q 9. Please describe the effect of measures taken by the State party during the last two years to combat unemployment, especially among the vulnerable groups, such as women, migrant workers and the disabled.

Q 15. How many illegal foreign workers lived in Korea over the last three years? What steps are being taken or envisaged by the State party to legalize their stay and their work in Korea?

The Korean government is only suggesting the figures on the number of undocumented workers from 1997 to 1999, not showing the composition of the undocumented workers in the total number of migrant workers. As the table below shows, as of August 2000, 64.5% of migrant workers are employed as undocumented workers styling illegally. This proves that the government policy on recruiting foreign workers should be fundamentally corrected.

Table. The number of migrant workers in Korea by the status, August 2000

Total Sum	Legal Sojourner					Un-Documented Worker
	Sum	Documented worker		Industrial Trainee		
		Professional	Working Trainee	KFSB Industrial Trainee	Trainee under Joint Enterprise	
267,627 (100,0%)	95,126 (35.5%)	15,114 (5.6%)	950 (0.3%)	59,559 (22,3%)	19,503 (7,3%)	172,501 (64.5%)

Meantime, the government explains that it is in practice that undocumented workers' children access to primary education from a humanitarian point of view. In reality, however, there are only 10 children who go to school, not as a student status but just as an occasional student within the discretion of the principal of the school. The undocumented workers are not eligible to register their marriage status because of their illegal staying. Even though they register their marriage, undocumented migrant worker married to a Korean woman is just given F1 (visiting status, 3-12 months), not given F2 (residence status). Consequently they are denied the right to live together with their families and support their families. The only way that these families can live together is for the undocumented worker to be nationalized into Korean national, but there is no case that the undocumented worker has

been accepted its nationalization by the government.

The Korean government alleges that migrant workers are under the scope of labor related laws such as the Labor standard Act, the Minimum Wage Act, and the Industrial Safety and Health Act, irrespective of possible Immigration Control Act violation. However, the reality is quite different from the theory. Undocumented workers cannot raise a question because of their illegal staying status even when their employer violates the related provisions. Also, the industrial accidents are usually concealed. The health insurance is not applied to them at all.

With regard to Industrial Trainees, making up 29.6% of total migrant workers, they are suffering from labor exploitation, without being given a worker status though they are actually providing labor force. The average working hours of trainees is more than 12 hours a day and the average wage is merely 648,000won(498\$), which is less than 60% of what Korean workers make for the same amount of work. In case of industrial accident, only small amount of compensation is given because they are recognized as just a trainee, not a worker. Even though trainees are entitled to health insurance, the employers avoid contracting the health insurance.

Rights of Asylum Seekers and Refugee

Article 2, 6

Q 6. Please indicate the number and nationality of asylum-seekers who applied for refugee status during the last five years, and the number of accepted applications. Please indicate the measures taken to ensure that they enjoy economic, social and cultural rights without discrimination.

Q 34. Please explain the extent of medical assistance offered by the State party to refugees and asylum seekers, notably those housed in reception centers.

As of February 2001, there is only one who got recognized as a refugee among 104 applicants for the refugee status. The Korean government argues that the majority of asylum seekers were not granted refugee status since their motives were neither adequate nor enough for the refugee status recognition. However, the fact that the Korean government rejected even 4 mandate refugees by the UNHCR shows its stingy policy on refugees.

Asylum seekers are not given any shelter or any assistance including means of living, education and medical assistance. Protection for the economic and social rights of the asylum seekers is very important especially in the Republic of Korea. Because the determination period of application has no time limit and usually it takes really long time(more than 1 year). Just waiting for the result from the Ministry of Justice, asylum seekers have to make a bare living. However, with all this situation, the Korean government has not shown any interest in whether asylum seekers are starving, suffering from disease or not.

Rights of Women

Article 3, 6, 7

Q 7. Kindly describe the evolution of the status of women in Korean society in terms of work opportunities, wage equality, inheritance, domestic violence, education opportunities and other aspects of traditional discrimination described in the State party's initial report. The Committee would also like to know what specific steps have been taken to redress the imbalances in the status of women in Korean society.

Q 9. Please describe the effect of measures taken by the State party during the last two years to combat unemployment, especially among the vulnerable groups, such as women, migrant workers and the disabled.

Q 12. Korea's restructuring of some aspects of its economy and industry during the last decade has negatively affected women employment opportunities, in particular in the garment and shoe industries, which primarily hired women. Women had to seek work from sub-contracting agencies at much lower pay, irregular hours and less or no fringe benefits. Please indicate how the State party has remedied or envisages to remedy this situation.

The Korean government is also conceding that women's wages are only 63.1% of men's in 1998. Comparing with the figure of 62.5% in 1997, the Korean government states that the gender-based wage gap has been narrowed. This statement with "-0.6%" sounds quite poor. The Korean government should keep taking more positive measures to improve this unequal situation between women and men.

The share of women in irregular position is more than 70% out of the total women work force. They are suffering from labor instability and discriminated in various benefits, leaves and social insurance. Particularly, many women workers are working as an independent contractor such as insurance salesperson, golf caddy, and scriptwriter at the broadcasting company. Though they carry out the practical and essential operations for their company, they are not recognized as workers and cannot have any protection from labor related law.

In the process of restructuring after the economic crisis, new forms of gender inequality have emerged, and the most typical form is the practice of "firing women first". A number of married women and long-term female employee were fired first from the workplace such as National Agricultural Cooperative Federation, Samsung Life Insurance and Jeil-Allianz Life Insurance.

The Korean government states that it adopted the Female Employee Target System in political party and the governmental committee. However, in reality, this system is hardly implemented since there is no forcible measure for that. The Korean government should set the realistic target ratio and take the

effective measures to implement it.

The Korean government states that it revised some provisions on the "Domestic Relation and Inheritance" in the Civil Code to improve gender discrimination. Nevertheless, there still exists the Family Headship System in the "Domestic Relation and Inheritance" law, sustaining patriarchal family structure. (Refer to paragraph 265-271 of the NGOs' Alternative Report)

Article 6. Right to Work

Q 8. Please indicate whether the State party intends to ratify ILO Conventions No. 2 and 29.

With regard to the ILO Convention No.2, the government argues that it is difficult to ratify the Convention because the employment insurance does not cover foreign industrial trainees and illegal workers. However, in accordance with international standards, the migrant workers should be given same status as Korean workers in the respect of working condition and social insurance. The Korean government should improve laws relating to foreign workers recruiting system and ratify the ILO Convention No. 2.

With regard to the ILO Convention No. 29, the government states that it cannot ratify the Convention because the substitution of military service with public service might be incompatible with the Convention. In reality, the problem is that this substitution system is operated in the form of violation of the labor rights. For example, if a substitutive worker cannot find other substitutive workplace in 3 months after being fired or after substitutive workplace is changed into normal one, he has no choice but to go to military service. This fact is abused as the way to bother the workers' accession to trade union or to suppress the activities of the union.

Q 10. Please indicate the employment rate of college graduates desegregated by gender.

After the economic crisis, there are over 1 million of young people(male: 15-29 yrs, female: 15-24 yrs) who don't have any job. According to one survey, in 2000, there are 334,000 who are unemployed and 721,000 who are not economically active or not getting any vocational training. The jobless young people were 912,000 in 1997, 1,221,000 in 1998 and 1,214,000 in 1999.

Meantime, the government explains that the employment rate for female college graduates is relatively higher than the same rate for males because of the disproportionately smaller number of economically active women graduates compared to that of men. This statement by the government, 'the disproportionately smaller number of economically active women graduates', shows that institutional basis for ensuring women's employment is quite weak. Recently, the Korean government decided to suspend the revision of the Maternity Protection Act at least 2 years. The revision was to extend birth leave to 90 days, however the government again took a measure retrograding favorable working condition of women in the name of economic reasons.

Article 7: The right to just and favorable conditions of work

Q 13. What laws and workplace programs protecting gender equality in the labor market are being enacted and enforced in the State Party? What steps is the State party taking to combat sexual harassment in the workplace?

The Korean government points out legislative measures including the Equal Employment Act. However, as mentioned above, practical efficacy of these measures is another question. In reality, the Equal Employment Act is hardly observed in the workplace, due to lack of inspectors and the will of the government.

Sexual harassment within workplace and the discrimination based on age and appearance at the time of hiring women are still serious problems. In most cases of sexual harassment, employers were scarcely punished and didn't compensate enough to the victims. Rather, it often happens that the victims quit their jobs. The Korean government should strengthen its supervision over the sexual harassment cases to ensure the effective remedy for the victims.

Q 14. Why are companies with less than ten workers exempt from the applying the 1998 minimum wage, and how does this affect the workers right to fair remuneration?

It is true that the Minimum Wage Act was revised and its coverage is expanded to workplaces with less than five employees. However, the problem is that minimum wage is too small to ensure minimum living of workers. In 1997 the minimum wage was 335,610won(258\$), which is less than one fourth of 1,463,300won(1,125\$), average wage of the workplaces more than ten employees.

From September 2000 until now, the minimum wage is 1,865won(1.5\$) per hour, 14,920 won(11\$) per day, 421,490 won(324\$) per month. With the revision of the Minimum Wage Act, 1,330,000 persons in 700,000 workplaces were newly included in the coverage of the Minimum Wage Act. Among them 43,000 were actually provided the minimum wage. The actual recipient rate with in coverage of the Minimum Wage Act is only 2.1%.

Q 16. Please provide updated statistical information on the number of occupational accidents and diseases since the last report or for the past five years desegregated by occupation, age and gender.

The Korean government is providing statistical information only until 1999. In 2000 the number of

occupational accidents increased again: injury(68,976, increase by 24.49%), death(2,528, increase by 10.34%)

In 1998 the industrial accident seems to be far decreased, but this was because of mass layoffs and the reduced operation rate of factories. Since 1998, it started to increase again and the situation got worse in 2000. The main reason for this situation is that due to deregulation and mitigation of regulation the management of the security and health in workplace has been weakened and the inspection by authority also has been weakened since the economic crisis. The government deregulated 27 rules on industrial safety and health and mitigate 38 obligation such as 'the compulsory employment of safety officer' and 'compulsory report of plan for preventing danger and harm.

Article 8: Trade union rights

Q 17. Please indicate whether the State party intends to ratify ILO Conventions No. 87 and 98.

Q 18. Please explain the ban on public servants and public and private school teachers joining trade unions, bargaining collectively and striking.

ILO Convention No. 87 and 98 are the fundamental treaties to ensure basic labor rights of workers, and the freedom of association is the right that is also recognized in the Charter of ILO. In early 2001, the government decided to prolong the transitional measure disallowing the formation of plural unions at enterprises up to December 31, 2006. This is definitely the encroachment on the freedom of association. The Korean government should immediately rescind the provision that prohibits the existence of multiple unions at enterprise level, guarantee right to organize or join a union of one's free choice and ratify the ILO Convention No. 87 and 98.

The Korean government explains that the Public Officials' Workplace Association(POWA) was established in January 1991 with agreement of Tripartite Commission. However, POWA has no right to organize, bargain and take action collectively, because this is not a trade union. Recently, the national-leveled POWA set forth as its goal the recognition of trade union rights for public servants. The National Federation of POWA, however, stands in violation of the presidential decree for the Act on the Establishment and Operation of the POWA. The government has then declared this National Federation illegal and has been continuing to repress the efforts to establish a trade union of public servants, summoning leaders of the National Federation. The government should immediately cease its repression against the activities based on the principle of the right of freedom of association.

The Korean government explains that teachers' rights to organize and bargain collectively are recognized though the rights to collective action are limited so as not to impede on citizens' right to learn. However, teachers' rights to organize and bargain are very limited and incomplete. First the shape and form of the organization is defined and stipulated by the law, thus depriving teachers of the right to decided the shape and form of their union. A union can only be set up at the higher administrative unit level such as provinces and metropolitan cities, therefore no union organization cannot be set at individual schools. Second, the concerned law excludes education policies from the issues of collective bargaining. Third, even the limited collective agreement is undermined by the government decree, budget and regulations, thus nullifying the effect of collective bargaining.

Q 19. Please provide information on the number of strikes that have taken place since the economic reforms and please indicate how these strikes have been handled by the State party.

The Korean government alleges that it has been encouraging the parties concerned to settle industrial dispute in a voluntary and peaceful way, but in cases where strikes entail violent acts and destructive activities, relevant government authorities have reacted sternly by strictly applying relevant laws and regulations, while remaining within necessary minimum limits to maintain social order.

In reality, however, the government has been always dealing workers' strikes as security matters without any fair and impartial perspective and suppressing those strikes. In the case of the Korea Mint, the state agencies such as the Public Prosecutors Office and the Ministry of Labor deliberately provoked a strike by the Union that had been campaigning against a unilateral structural adjustment. This strike thus provoked was used by the state agencies as a pretext for a massive crackdown leading to the arrest and imprisonment of union leaders and activists. This provocation became public through 'slip of tongue' by high-level Public Prosecutors Office personnel.

Since the economic crisis, the Korean government has been offering the seeds of conflict by imposing unilateral restructuring programs and thereby blocking employers from having an opportunity with trade unions to seek alternative ways. We can easily find this in the case of the merger of banks and the Daewoo motors.

After the economic crisis until 1999, through the restructuring program on the financial industry 10 banks were demolished and 45,000 financial industry workers were fired. Nevertheless, in 2000 the government initiated and compelled again the merger of two healthy banks-Kookmin bank and the housing and commercial bank-which would result in firing 30-40% workers. The members of the Korean Financial Industry Workers Union struck on December 22 for seven days in protest against the unilateral governmental action. The striking workers submitted leaves and gathered at the Training Retreat Compound of the Kookmin bank and there was no exercise of violence by workers in the course of strike. However, the Korean government responded by dispatching helicopters and thousands of riot police to forcibly disperse the workers on strike. And it arrested a number of unionists concerning this strike. 25 unionists were indicted, and on 27 April 2001 the Judge Yoon Nam-Keun sentenced 9 people to imprisonment: Lee Young-Teuk(2 and 1/2 yrs), Kim Chul-Hong(2 and 1/2 yrs), Baik Dae-Jin(2 and 1/2 yrs), Na Kyeong-Hoon(2yrs), Seo Seong-Bong(1 and 1/2 yr), Park Dae-Jun(1 and 1/2 yr), Kim Ki-Jun(1yr), Kim Dong-Man(1yr), Lee Kyeong-Soo(1yr). The government and the court stated that this strike is the interference with business because this strike was a political one against the government and that it was to object to the merger, which is the issue of employer's management. Punishing the unionists by use of criminal code, who even submitted leave and struck, is definitely against basic labor rights recognized in the ICESCR.

In the case of the Daewoo Motors Workers Union, despite the Union proposed a forward-looking plan such as 'one year leave in rotation' in response to the crisis caused by mismanagement by the owner Kim Woo-Choong, the management pushed ahead to undertake retrenchment dismissal involving 1,750 workers. The Union started to strike on 16 February 2001, and thousands of riot police stormed the plant area where striking workers were staging a sit-in strike and forcibly cleared out the striking workers. A number of unionists were arrested in this process. On 7 March the Daewoo Motors workers Union filed a court injunction regarding the obstruction of its activities and the entry to their original office. The Incheon District Court ruled, on 6 April, in favor of the plaintiff and ordered that the unionists be allowed to their office and conduct their legitimate activities. With this court order, on 10 April, the unionists were trying to go to their office, accompanied by their lawyer Attorney Park Hoon, when they were stopped by some 500 riot police. For approximately 2 hours the unionists peacefully protested against the police's obstruction, and Attorney Park Hoon kept reading the court order to the police. The unionists responded by taking their shirts off and lying down on the street to show that they did not mean to do anything but to go to their office. At this time, the riot police began to charge towards the workers, slashing and beating them with batons. Hong Seong-Hyo, one unionist, had a lung pierced by a broken rib, Cheon Byeong-Ki was beaten on the head and the face ending up with a broken nose and torn skin around the eye. A total of 92 unionists were severely injured and 13 unionists were arrested. The Attorney Park was also severely beaten by the police and got fractures to his pelvic bone and the numerous other blows on his body. On 26 April, the Korean Bar Association, through the fact-finding report on this case, recommended to the government that this crackdown on the Daewoo Motors Union Workers was definitely illegal, cruel, assaulting and shed blood actions. It also called on that this crackdown should be regarded as the order from the high level officials of the National Police Agency and therefore they are responsible for this brutal crackdown, adequate reparation should be guaranteed to all victims and the National Police Agency should accept and follow the court order from the Incheon District Court.

On 20 April, the Court(the Judge Yoon Nam-Keun) sentenced Yang Kyu-Heon, one of ex-leaders of KCTU(Korea Confederation of Trade Union) to 1 year imprisonment, who was accused of involving himself in many strike. This judgement was based on the provision "third party intervention prohibition". This provision was already abolished in 1997 during the revision of the Labor law because it had been criticized as encroachment on the basic labor rights and the freedom of expression. Nevertheless, the court sentenced the person based on the abolished provision. This is absolutely unfair practice of the Court.

Q 20. Please provide information on the status and function of the Labour Relations Commission, the number of complaints received and the number of cases resolved by the arbitration of this Commission.

Since there is no compulsory measure to immediately make enforced the adjudication of the Labor Relations Commission, it usually takes 2 or 3 years for judgement of the Supreme Court in case that employer files the administrative litigation. For the Labor Relations Commission to play its genuine role to provide immediate remedy for the unfair dismissal and unfair labor practices, the compulsory enforcing measures should be accompanied.

If a trade union tries to strike, it must apply for mediation to the Labor Relations Commission and go through its mediation process. But, the labor Relations Commission often suspends the mediation process and tries to appease the trade unions to make more negotiations with the employers, returning their applications. In this case, it is difficult for the trade union to strike because it is regarded as not having gone through the mediation process.

Article 9: Right to social security

Article 11: Right to an adequate standard of living

Q 21. Please inform the Committee on the measures taken to implement the Committees recommendation in its previous concluding observations on the need to expand Koreas social security system in the light of Koreas rapid economic growth.

Q 28. According to the State party's report, 40% of the population lived below the poverty line, despite Koreas rapid economic growth. Please explain the State party's policies on the matter.

Q 31. Please provide information on the functioning of the Residential Protection Target Groups referred to in paragraph 223 of the State party's second periodic report. What are the criteria for eligibility and how many Koreans profit from the program?

Social Insurance: In spite of rapid expansion of four major social insurance plans in recent years, with priority given to the full-time workers in getting benefits, the disadvantaged people such as the temporary and part-time workers, workers in small businesses and self-employed people have not actually been protected. It is estimated as of late 2000 that 44.4% of the population participating in economic activities are excluded from the public pension system. In principle, Industrial Accident Compensation Insurance(IACI) and Employment Insurance have been expanded to apply to workers in whole workplaces. However, it was estimate at the end of 2000 that only 68.7% of the employed were insured in IACI and only 67.5% of the workplaces subjected and only 77.6% of the employed in Employment Insurance. According to governmental statistics, in 3Q of 1998 when the unemployment rate was highest at 7.7%, only 9.6% of the unemployed were given unemployment benefits. It is desirable that National Health Insurance covers all people. Yet, the patients are still paying much co-payment money at the point of use. The cost amounts to 70% of the total costs for outpatient care services and to 47% for inpatient care services. Moreover, the financial deficiency of NHI induces the increase of the insurance fee, which becomes a barrier of for the low-income group.

Poverty: Poverty in Korea has been aggravated. As Gini coefficient has grown from 0.283 in 1997, to 0.320 in 1999. The income difference between the top 20% income earners and bottom 20% was 4.49 fold in 1997. This had increased to 5.41 in 1998, 5.49 in 1999, and 5.32 in 2000. Also, the Report on Korean poverty sponsored by UNDP indicated that 10 million (one-fifth of the total population) live below minimum living standards in terms of consumption. World bank estimated that 18.8% of the population in Korea who spend less than US\$ 4 per day is 18.8% of the whole population in Korea.

The National Basic Livelihood Security Act: NBLSA as a program of income security for the poor is stricter than the former Living Protection Act in its eligibility criteria. Its property criterion and 'size of house' criterion as its eligibility criteria, which may restrict the rights to a decent life. There are thus criticisms that the implementation of NBLSA would, for the poor, not be better than the former Living Protection Act. Although the rate of poverty has grown much, the number of its recipients has not risen as much, compared with the number in the former system. In the replies of the government to the question No. 28, it is said that the number of eligible recipients increased from 540,000 persons in 1999 to 1,540,000 in 2000, which is not true.

Table. Public Assistance Trends: Recipients
(Unit: 1,000 people, % : Source : Ministry of Health and Welfare)

Category	1993	1994	1995	1996	1997	1998	1999	2000
Total (Composition in the entire population)	2,001 (4.8)	1,903 (4.3)	1,755 (3.9)	1,506 (3.3)	1,414 (3.1)	1,175 (2.5)	1,175 (2.5)	1,540 (3.4)

The adequacy of the level of cash and in-kind benefits in NBLSA is the key of the system of income security. However, the level of its living-cost benefits cannot meet the national minimum living costs: its housing benefits are provided as a certain amount unrelated with level or situation of recipients' housing. In case of health care benefits, the poor able to work are discriminated to pay the self-charge that is 20 percents of the total cost.

Q 22. Please explain what measures have been taken to provide industrial accident compensation for workers suffering from injuries, diseases or disabilities.

As the Korean government states, the coverage of the Industrial Accident Compensation insurance is expanded to all workplaces. However, as of December 2000, only 68.7% of workplaces contracted this IA Compensation Insurance. This is due to the lack of labor inspectors. With regard to the Employment Insurance, its coverage is also expanded to all workers, however actual coverage rates are 67.5% of workplaces and 77.6% of workers.

Article 10: Protection of the family, mothers and children

Q 24. Please indicate what legal and administrative measures have been taken by the Government to combat marital rape and other forms of violence against women.

Violence against women: In the cases of sexual harassment by seniors with force, sexual harassment in public sphere and exposure to obscenity on-line, a complaint of the victim is required for prosecution. Otherwise, it is not impossible to punish the person who committed. It means that measures to eradicate the violence against women are limited.

Domestic Violence: Most of the victims of domestic violence are women who lack economic independence. Government support for psychological treatment or for vocational training and job placement is severely limited. And although measures exist to protect the victims of domestic violence such as the temporary measure of preventing the offender to approach the victim and ordering of counseling, these measures lack effectiveness since no punishment is present when these measures are not abided by.

Q 26. Please indicate the minimum working age for children and explain what Government measures have been adopted to protect children from exploitation.

The work permit system is to protect the child from illegal employment (employment of children under 12 and in areas prohibited to employ the child). However, there are few applications for this and the exact number of working children between 13 and 15 is not grasped yet. Most of working children between 14 and 18 are working as irregular workers in gas stations, convenience stores, and fast food restaurants. They are suffering from poor working condition without their rights guaranteed. The average monthly wage of the child working here was 547,000 Korean won, only 30% of the average wage of whole workers. Moreover in 172 stores or 48% of stores under survey, the child was overworking and working at night and on holidays without permission of local labor authorities that violates the Labor Standards Act. There is no governmental authority fully responsible for child labor and therefore child labor is not supervised regularly.

Q 27. Please indicate whether the State party envisages ratifying the Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and what measures it has taken to protect children from sexual exploitation.

'Act of Protecting Youth from Sexual Crimes' implemented from 1st July 2000 intensified punishment on child prostitution and sexual crimes to children. However, child prostitutes were also punished, which makes it harder for child prostitutes' restoration into society. In February 2000, two 16-year-old girls actually committed suicide after being prosecuted for prostitution. With the implementation of Act of Protecting youth from Sexual Crimes, Youth Protection Committee, which belongs to Prime Minister's Office, announced that child prostitutes would be exempt from criminal punishment and properly guided in 4 steps. But in January 2001, Seoul Local Prosecutors Office arrested a 16-year-old child prostitute for violating 'Act of Protecting Youth from Sexual Crimes'.

Article 11: Right to an adequate standard of living

Q. 29. In its previous concluding observations, the Committee recommended that the State party take appropriate measures to guarantee more effectively the right to housing and, in particular, to ensure that no evictions are carried out without offers of alternative housing in accordance with the Committee's general comment No. 4. Please indicate whether the Committee's recommendation has been implemented. Furthermore, please provide detailed information on the number of the people who had been evicted as a result of the redevelopment process over the last five years and whether they have been adequately compensated.

In its replies, the government said that in accordance with the Special Regulation on Acquisition of Public Lots and Compensation for Losses, developers must provide these tenants with either temporary housing or, if tenants prefer, alternative rental payments, which is not far from the fact. In a process of redevelopment, the alternative housing measures such as temporary housing or housing loans have been provided to only homeowners by the government. Temporary housing or housing loans should be equally provided to tenants. It's not appropriate for the government to interpret residents evicted as only homeowners.

According to the statistics presented by the government in its replies, 29,828 households were provided the alternative housing measures among 35,012 households evicted. Then, 5,184 households haven't been given any measure because the government does not apply housing measures to those who have moved to related areas less than 3 months before development projects were decided.

The government has not mentioned anything about the forced eviction by private developments. There is no legal protection for tenants to be forcedly evicted by private developments.

Q 30. Please provide information on the extent of homelessness in the Republic of Korea.

The number of homelessness was over 5 thousand in 2000. The government replies that the homeless have been housed in accordance with the Livelihood Assistance Act, which is found to be false. There is no legal protection about the homeless especially in housing policy.

Article 12: Right to health

Q 32. Please indicate the evolution of State expenditure on public health care over the last five years.

The health care budget in Korea is small. It should be noted that the statistics in replies of the government includes the budget on health insurance and medical aid. See below the table on the trend in total amount and the proportion of health care budget in the government budget.

Table. The trend in the total amount and the proportion of health care budget in the government budget¹ (Unit: Billion Won, %)

	1996	1997	1998	1999
Government Budget*	58,823 (0.36)	67,579 (0.34)	75,583 (0.30)	83,685 (0.28)
Ministry of Health and Welfare Budget	2,371 (8.86)	2,851 (7.96)	3,113 (7.29)	4,161 (5.58)
Public Health and Medical Care Budget**	210 (100.0)	227 (100.0)	227 (100.0)	232 (100.0)

* Out of General budget

** The related budget out of Ministry of Health and Welfare budget

In addition, the Korean health care system is disproportionately dependent on the private sector. In 1998, 90.7% of health care facilities were private, and only 9.3% were public.

¹ The Ministry of Health and Welfare, "Health and Welfare Statistics", 1999

Article 13: Right to education

Q 35. Please indicate what percentage of the State budget was earmarked for education during the past five years.

As it is indicated in the replies of the government, education budget decreased since 1998. It shows that IMF restructuring program has affected to the educational budget and the right to education.

Q 36. While primary education is free, secondary and tertiary education fees are high. This explains, in part, the disparities between the educational levels of women and men. Please explain the persistence of the above education policies despite Korea's rapid economic growth.

Although the primary education is defined as to be free, it should be noted that free is only the tuition fee. Through the primary and secondary education, excessive expenditure on private education is distorting the income distribution and aggravating the educational gap between the upper and the lower income brackets. According to the Ministry of Education, the sum of expenditure on private tutoring was estimated at 6,772 billion won (US\$5,209 million) in 1999 and 7,127 billion won in 2000. Considering expenditure on private tutoring usually goes unnoticed in Korea, total sum may be larger.

Table. Educational Expenditure as a percentage of GDP, by source of funds²

	1997			1995		
	Public	Private	Total	Public	Private	Total
OECD average	5.1	0.76	5.8	4.7	1.2	5.9
ROK	4.4	2.94	7.4	3.6	2.58	6.2
USA	5.2	1.70	6.9	5.0	1.67	6.7
Britain	4.5	-	-	4.6	-	-
France	5.9	0.40	6.3	5.8	0.54	6.3
Italy	4.65	0.15	4.8	4.5	0.01	4.7
Austria	6.05	0.45	6.5	5.3	0.84	5.5

With regard to the higher education, the government replies "there are also certain limitations in lowering tertiary education fees because most funds come from students' tuition fees". This statement itself reveals the problem in higher education. The government replies "relatively high education fees for higher education do not seem to contribute to the disparities between the educational levels of men and women". Even though it may be admitted, what is certain is that high education fees for higher education contribute to the disparities between the education levels of the poor and the rich.

² OECD, "Educational Expenditure in OECD Countries", May 2000

Article 15. Right to take part in cultural life

Q 38. To what extent does the Korean Government exercise censorship on cultural and educational activities?

Censorship on cultural and educational activities: The government replies, "in principle, the government does not censor any cultural and educational activity", which is not far from the truth. Restriction on freedom of expression by the National Security Law is alarming. "Red Hunt" has been in the court till this year, which was submitted to the 2nd Human Rights Film Festival in 1997. "Rice-planting" of the artist Shin, Hak-Chul is endangered to be almost discarded sentenced to the violation of the National Security Law. Moreover, the author Cho Jung-Rae of "Tae-Baek Mountains", the bestseller novel, was accused and suspected to "benefit the enemy" under the NSL.

Professor Reappointment Rule is exploited to oppress professors by the state or non-state actors such the foundation of school. From 1976 on to 1999, 226 professors were denied reappointment, many of whom were unjustly or unfairly fired. Kim Min-Soo, former professor at the Seoul National University is a typical example. Even though he was fully recognized for his academic accomplishment, he was denied reappointment. The SNU's claim is that Kim's research accomplishment falls below the required standard only creates a scandal. Despite, it was thought that Kim had been actually ousted because of his criticism on senior professor's pro-Japanese activities in the colonized period.

최종견해(NGOs' Draft)

NGOs' Draft

**Concluding Observations/Comments
of the Committee
on Economic, Social and Cultural Rights**

Republic of Korea

Geneva, 1 May 2000

**Korea Network for the 2nd Submission
of the Alternative Report under ICESCR**

A. Introduction

1. The Committee expresses its appreciation to the State Party for preparing its second periodic report and cooperating with the consideration process designed to make a useful dialogue with the Committee.
2. The Committee notes that the Korean Government did not take due efforts to facilitate public scrutiny of government policies regarding economic, social and cultural rights and to encourage the involvement of the various sectors such as NGOs in the process of preparing and submitting its periodic report. The Committee notes that the reporting to the international monitoring body should be a momentum to genuinely improve economic, social and cultural rights, not just a procedural matter designed solely to satisfy each State Party's formal obligation to report. In this respect, the Committee recommends the Korean Government recognize the objective of reporting and exert itself to communicate and consult with NGOs in preparing and submitting its periodic report.

B. Positive Aspects

3. The Committee takes note of legislative measures that the Korean Government has taken to implement some recommendations contained in the initial concluding observation. Those measures are as follows: Establishment of the Ministry of Gender Equality to consider the consistency in execution process of women-related issues, the Expanded scope of application of the Minimum Wage Act, the Industrial Accident Compensation Act and the Employment Insurance Act, Some revisions of labor-related laws to protect basic labor rights, Legalization of the Teachers' Union, Legislative actions to counter the violence against women and the sexual harassment, and Enactment of National Basic Livelihood Security Act designed to secure the minimum living standard for the poor.

C. Factors and Difficulties

4. The Committee is disturbed by the fact that the Korean Government didn't take into account of economic, social and cultural rights of the people in the negotiation with IMF in late 1997. Also the Committee takes a special note that the structural adjustment programs of IMF have seriously negative effects on economic, social and cultural rights. Apparently, the restructuring program could be to help the Republic of Korea recovered from the economic crisis, however,

in reality it widened the income disparity, forced the sacrifice only of the underprivileged, and downgraded the level of social security. The Korean Government asserted in its introductory statement that, to survive the borderless competition of the global age, it is necessary to impose restructuring programs with all the resistance of unions for the competitiveness. This statement makes the Committee have doubt as to the basic perspective and philosophy of the Korean Government on the economic, social and cultural rights.

5. The Committee is again concerned that the globalization and free market oriented policies have been producing negative effect on the economic, social and cultural rights, giving priority to market and competitiveness.
6. The Committee understands the special situation of the Republic of Korea that defense expenditure takes up a considerable portion of the government budget, which is resulted from the division of the Korean peninsular. Nevertheless, considering the improvement in the North-South reconciliation process and results of the inter-Korean summit, the committee expects the Korean Government to expand the budget for the economic, social and cultural rights, reducing the portion of defense expenditure.

D. Principal subjects of concern

7. The Committee is concerned that the Korean Government didn't implement the repeated recommendation of the Commission on Human Rights and the Human Rights Committee that Article 7 of the National Security Law is against human rights, thus should be abolished. Article 7 of National Security Law not only encroaches on the freedom of expression but also threatens the cultural rights recognized in the Covenant.
8. Particular concern is expressed as to the status of the Covenant in national law. Though the Committee already expressed its concern regarding this in the initial concluding observation, the Korean Government just keeps asserting that the Covenant has the same effect with domestic laws and the principles of *lex posterior* and *lex specialia* apply with regard to relationship between the Covenant and domestic laws. The Committee is concerned again that there is still no mechanism ensuring the verification of compatibility and superiority of the Covenant.
9. The Committee is greatly concerned that the National Human Rights Commission has no mandate for the economic, social and cultural rights. It notes that the National Human Rights Commission entails considerable limits in the respect of the independence of outside

interference and the effectiveness. It also notes that the Korean Government forcibly passed the related bill despite of strong objections of other Congressmen and human rights NGOs.

10. The Committee is of the view that State Party's effort to sensitize the Korean society and competent authorities of the rights embodied in the Covenant are insufficient. It notes that there is no human rights education for teachers, let alone no formal curriculum for students. It is concerned that there is no mandatory program for legal enforcement officials to be educated international human rights law.

11. The Committee notes that the only one asylum seeker was granted refugee status since the State Party ratified the 1951 Refugee Convention and its Protocol in 1992. The Committee takes note that the Korean Government also rejected applications of the mandate refugees recognized by UNHCR. It is also concerned that there is no financial and institutional assistance for asylum seekers.

12. The Committee is concerned as to the access right of the handicapped. The handicapped have great difficulties in using facilities where everyday life is made. It is also concerned as to the unemployment rate of the handicapped. Under the present legislation, any industry constituting more than 300 employees is required to hire at least 2% of the employees from the handicapped. Nevertheless, due to no following up mechanism for enforcing this legislation, even in public sectors the employment quota of the handicapped is below 2%.

13. The Committee notes that Industrial Trainees are denied the status of workers despite they offer actual labor force. In the name of trainees, they are discriminated in the respect of wage, industrial accident compensation and other labor-related standards. Considering the fact that 64.5% of migrant workers are undocumented, the Committee raises alarm on the State Party's policy regarding the recruitment of foreign labor force. In the written replies, the Korean Government explained that it had set "the Guideline on the Protection of Foreign Workers" that can be applied irrespective of possible Immigration Control Act violation. However, this cannot be regarded as an enough measure to protect rights of migrant workers since it is just a guideline of the Ministry of Labor, not a legally binding act. The Committee is also concerned as to some provisions of the Nationality Act, which are against the principle of Family Union of migrant workers married to Korean.

14. Despite the Korean Government's stated policy and its range of legislative measures to improve the status of women, the Committee views the protection of women in Korean society as still unsatisfactory. The Committee notes that the 60-day leave for giving birth is not in line

with international minimum standards. Women's wages are only 63.1% of men's. Particularly, the Committee notes that the share of women irregular position is over 70% out of the total women work force. They are suffering from labor instability and discriminated in various benefits, leaves and social insurance. The practice of "firing women first" in the restructuring process after the economic crisis is also a new form of gender inequality. The Committee is also concerned as to the Family Headship System, which has been sustaining the family structure centering on the patriarchal lineage.

15. The Committee takes note of the sharp increase of irregular workers, their unstable status, discriminated working conditions and insufficient social insurance. Moreover, it is concerned as to the widening income disparity between regular and irregular workers. The Committee is also disturbed by the State Party's argument that the increase of irregular workers is a natural result of diversifying employment relationships and of intensifying the labor flexibility.

16. The Committee notes that industrial accident started to increase again due to mitigation of regulation or deregulation regarding occupational safety and health after the economic crisis.

17. The Committee is greatly concerned as to the existence of ban on the formation of trade unions by groups such as public servants and professors. Particularly, the Committee views it as against the Covenant for the Korean Government to suppress the activities of the National Federation of Public Officials' Workplace Association struggling for the recognition of trade union rights for public servants.

18. Despite the Korean Government recognized the teachers' union, the Committee remains concerned that teachers' rights to organize, bargain and take action collectively are very limited and incomplete. Related legislation deprives teachers of the right to decide the shape and form of their union and excludes education policy from the lists of collective bargaining. And the results of collective bargaining are often nullified by the government decree, budget and regulations.

19. The Committee is disturbed by the report that the State Party decided to prolong the ban on the formation of plural unions at enterprises up to further 5 years.

20. The Committee is greatly disturbed by State Party's argument that it has to introduce greater flexibility 'with all the fierce resistance of unions' if the economy is to become agile and competitive enough to survive the borderless competition of the global age. The Committee is also greatly disturbed by the reports of brutal crackdown of police on the trade unionists

engaged in peaceful activities. The State party argued that Daewoo Motor's case was exceptional. However, considering from several cases that trade unionists had criminal punishments in charge of being engaged in strikes and the police brutally attacked striking unionists by use of force, the Committee notes that the State Party has been continuously suppressing activities of the trade union and this is not consistent with the obligations assumed by the Republic of Korea under article 8 of the Covenant.

21. The Committee is concerned as to insufficient social security budget. It notes that recipient criteria for the National Basic Livelihood Security Act are too strict to genuinely protect the people living below minimum living standards. Besides, the Korean Government did not allocate the adequate budget needed, thus the level of cash benefits is rather adjusted lower than the minimum cost of living. The Committee is disturbed by the report that some people even committed suicide suffering from the low level of cash benefits.

22. The Committee takes note of increasing number of working children between 14-18, who are needed to be in school. Most of working children are in irregular position and their average wage is only 30% of the whole workers' one. They are overworking though the working hours under the related law is 7 hours a day. The Committee is also concerned as to sharp increase of the child prostitution. Particular concern is expressed that child prostitutes have a criminal punishment and there is no measure for them to be restored into society.

23. The Committee notes that there is no legal protection such as rental housing or movement subsidy for tenants evicted by private developments.

24. Despite the economic growth of the Republic of Korea, the Committee notes that there are still various forms of housing poverty such as homelessness, overcrowding, poor facility and unstable occupancy. It also takes note of excessive housing expenses.

25. The Committee notes that the individual is taking a burden of high cost at the use of health care service, due to insufficient governmental expenditure on health insurance. It is alarming that, even in the case of medical aid, the poor able to work are discriminated to pay the co-payment, 20% of the total cost of health care service.

26. The Committee notes that environmental pollution by US military base in the Korean peninsula has increased. Residents around the US military base suffer from air bombing practice, noise and water pollution around the bombing sites, water pollution from wastewater disposal, and soil pollution from the toxic wastes.

27. The Committee is deeply concerned that the condition of the public education is not adequate. The public educational expenditure is insufficient, while expense on private education is too excessive. As a result, in the field of education the rich get richer and the poor get poorer. Furthermore, the Committee notes that tuition fee for higher education is so high that it becomes a major obstacle for the poor to have access to equal opportunities for higher education. The Committee considers that, given the strength of the Korean economy, it appears appropriate that free education should be also extended to the secondary and higher education. Also the Committee is disturbed by the reality that the children of migrant workers and asylum-seekers are not legally entitled to the right to education.

28. The Committee expresses its concern that the Korean Government does not seem to recognize the exceptional value of the cultural products, applying the same principle of free trade as other industrial products to them.

E. Suggestions and Recommendations

29. The Committee recommends that the Korean Government should ensure all laws and practices in conformity with the economic, social and cultural rights recognized in the Covenant, with the acknowledgment that unilateral restructuring backed by IMF adversely affect the rights enshrined in the Covenant.

30. The Committee reiterates the obligation on the Republic of Korea to ensure the status of the Covenant in the field of economic, social and cultural rights as superior to all national laws whether precedent or antecedent. The Committee also recommends that the Republic of Korea should take all legislative measures in order to realize the rights enshrined in the Covenant.

31. The Committee recommends that the Republic of Korea should take a positive attitude in the refugee status recognition and provide asylum seekers and refugees with financial and institutional assistance to protect their economic, social and cultural rights.

32. The Committee recommends that appropriate measures should be taken in order to guarantee the economic, social and cultural rights to the more vulnerable groups. Particularly, necessary accommodation should be extensively installed to all facilities in order to enhance the accessibility of the handicapped and appropriate measures should be taken to give more effectiveness to the quota system for the employment of the handicapped.

33. The Committee recommends that the Republic of Korea should repeal the Industrial Trainee System only justifying the discrimination against migrant workers and fully guarantee the labor rights of migrant workers. Also relevant legislation and practice should be reviewed to ensure that migrant workers enjoy the social and family life without any discrimination.

34. The Committee recommends that the Republic of Korea should ratify ILO Convention No.183 on the Maternity Protection. At least 90-day paid leave before and after giving birth should be guaranteed. And paid leave for child rearing and working day-care facilities should also be increased.

35. The Committee recommends that appropriate measures should be taken to ensure the labor rights of those who are discriminated in the name of independent contractors.

36. The Committee recommends that the Republic of Korea should take all efforts to control the increase of irregular workers suffering from employment instability and take appropriate measures to ensure their rights recognized in the Covenant.

37. The Committee recommends that the Republic of Korea should ratify the ILO Convention No. 87 and No.98, which are fundamental treaties to ensure the basic labor rights.

38. The Committee recommends that public servants and professors should be completely recognized their basic labor rights including right to strike. Also, with regard to teachers' union, restrictions on the shape of unions and negotiable issues should be repealed, and the right to take strike action should be guaranteed.

39. The Committee recommends that the Republic of Korea should immediately revoke the prolongation of the ban on union pluralism at enterprise levels.

40. The Committee recommends that the Republic of Korea should ensure that police force is not deployed to break up the striking workers in their peaceful action and ensure that no trade union leader or member is arrested and has criminal punishment for the exercise of their legitimate rights. Also, the Committee recommends that the Republic of Korea should set free those who are imprisoned in charge of their action to strike, take all necessary measures to guarantee adequate reparation to victims from police crackdown and apply those responsible the penal, civil or administrative sanctions provided by law.

41. The Committee recommends that effective measures should be taken in order that there should not be any people who are practically excluded from the social insurance. Also, the coverage of the National Basic Livelihood Security Act should be expanded to genuinely ensure the minimum living standards for the poor.

42. The Committee recommends that special attention should be given to the problem of child prostitution, and the child prostitutes should be immune from the criminal punishment, rather encouraged to restore themselves into society.

43. The Committee recommends that legal protection such as rental housing or movement subsidy should be provided for the tenants evicted by private developments. Also, in case of public development or redevelopment project, temporary accommodations or housing loans should be given to not only for homeowners but also for tenants.

44. The Committee recommends that the Republic of Korea should expand the budget allocation for the National Health Insurance and for the Medical Aid, reducing individuals' burden by the health care costs.

45. The Committee recommends that the Republic of Korea should expand public education budget to normalize public education and take all measures to get rid of obstacles for the poor to have access to the higher education due to the excessive tuition fees and heavy burden for private education.

46. The Committee recommends that the children of migrant workers should be legally entitled to right to free primary education as Korean children.

47. The Committee recommends that the Republic of Korea should make plans to include human rights education in the formal education curriculum and to establish mandatory courses on international human rights laws and human rights education to the law enforcement officials and teachers.

48. The Committee strongly recommends that the National Security Law(particularly article 7) should be immediately repealed, which seriously encroaches on the freedom of expression and cultural rights recognized in the Covenant. The Committee draws attention to other recommendations of the Commission on Human Rights and the Human Rights Committee that article 7 of the National Security Law is definitely against the fundamental human rights and thus should be repealed.

49. The Committee recommends that the Republic of Korea should recognize the exceptional value of the cultural products and take appropriate measures to encourage and protect cultural products.

50. The Committee draws attention to the obligation on the Republic of Korea to positively inform and publicize the concerns and recommendations of the Committee in Korean society and to take all genuine efforts to implement them. Among the aforementioned concerns and recommendations, the Committee expects that the Republic of Korea take prompt and immediate measures to implement the contents of paragraphs 28, 33, 34, 35, 36, 37, 38, 39 and 40.

CESCR 제25차 회기

1) Press Release

2) Summary Record

3) 녹취록



UNITED NATIONS

Press Release

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS HEARS STATEMENTS BY NON-GOVERNMENTAL ORGANIZATIONS

CESCR
25th session
23 April 2001
Afternoon

The Committee on Economic, Social and Cultural Rights this afternoon heard statements by a number of non-governmental organizations (NGOs) which spoke about the situation in Venezuela, Honduras, China: Hong Kong, the Republic of Korea, Israel and Bolivia.

These countries are among the 144 States parties to the International Covenant on Economic, Social and Cultural Rights and their reports are scheduled to be considered during the current session of the Committee.

During their interventions, the NGOs told the Committee about problems related to food shortages, lack of adequate housing, and agrarian reforms in those countries. Many speakers said that the economic, social and cultural rights of the populations in those countries had been violated and that the respective Governments had not taken appropriate measures to reverse the situation.

General statements were also made. Representatives of the following organizations and agencies took the floor: PROVEA, FIAN-Venezuela, FIAN-Honduras, Centre for Economic and Social Rights, a group of 44 NGOs speaking on China: Hong Kong, Korean Network of 17 NGOs, Federacion Nacional de Mujeres Campesinas de Bolivia "Bartolina Sisa", Coordinator of the Legal Unit, Legal Centre for Arab Minority Rights in Israel, World Organization against Torture, Habitat International Coalition, Food International Network-FIAN, the International Labour Office, and the Comissao Pastoral do Terra.

When the Committee reconvenes at 10 a.m. on Tuesday, 24 April, it will take up the report of Venezuela.

Statements on the report of Venezuela

CALIXTO AVILA, of PROVEA, said that the State of Venezuela had not consulted non-governmental organizations in the course of its preparation of the report and it had not held a public debate. In addition, the first year of the

work of the new President of Venezuela had not produced much change because of the destructive impact of the structural adjustment programme. The process of privatization had not profited the population, and instead the State had avoided its responsibilities by dismantling the achievements of the precedent regime in the name of privatization. At present, because of the absence of a clear policy against corruption, some Government officials had continued corrupt activities.

Measures to improve exclusion had not been implemented in Venezuela. Further, the educational policy in which the teaching of human rights had been reflected was not yet implemented by the State. The situation of child labour was also a subject of concern.

ANNA BARRIOS, FIAN-Venezuela, said that the food indicator in the country had regressed and that 25 per cent of the population was suffering from food shortages. Because of the lack of a minimum wage in Venezuela, families were unable to feed themselves adequately.

Statements on the report of Honduras

JESUS GARCA, MARVIN PONCE, FIAN-Honduras, said peasants in Honduras had no access to land and they were deprived of any land to till. Their right to food was not respected; they were far from enjoying their cultural and educational rights. Honduran women, particularly, suffered most because of the inequality practised by the society. Minimum wage was not fixed taking into consideration women's situation and they were paid less than their male counterparts for the same work.

ANNA CODY, TUPAC MEJIA MEDINA, of the Centre for Economic and Social Rights (USA), said that the gold mining industry was dominated by Canadian, American and Australian mining companies. Since the 1970s, a new technique had been developed using cyanide for gold mining, which was highly toxic. A teaspoon of 2 per cent cyanide solution could kill a person. The cyanide solution in the mines was recycled but ultimately lost its value. The question was what to do with the cyanide-laden water. In Honduras, cyanide contaminated waters had been released into river systems. In addition, mercury contamination along with other toxic chemicals emanating from the mining was carried away by cyclones. The health of many Hondurans was affected in that way. A less toxic mining system should be used.

Statements on the report of China: Hong Kong

HO HEI WAH, speaking on behalf of 44 NGOs, said that after the transfer of sovereignty from Britain to China, the people of Hong Kong had witnessed a gradual and aggravated erosion of the already poor human rights situation in the region. Nearly one million people were living in sub-standard housing due to inadequate housing. The situation of poverty had also been deteriorating. The phenomenon of street-sleepers had increasing in many parts of the region. The Government was not discharging its responsibility in eradicating poverty.

The Government had not only ignored the basic rights for the poor, but also had deprived them of their chances to return to the society through social welfare. Worse still, the Government had ignored the Committee's recommendations when it rejected the introduction of minimum wages, maximum hours of work and standard overtime pay rates to protect basic labour rights. The speaker also highlighted discrimination against new immigrants from mainland China, the increase in families splitting up and the situation of mentally ill persons.

Statement on the report of the Republic of Korea

KYUNG-SIN PARK, Korean Network of 17 NGOS, said that the Government of the Republic of Korea had played a central role in corporate structuring which had put many out of work. The Government had not brought about fundamental changes to the rules and customs that had governed the activities of various actors in the market and had adversely affected distribution of wealth. In addition, the Government itself had been at the forefront of aggravating the unemployment situation because most debt-ridden corporations were at the mercy of creditor-banks which were in turn heavily regulated and underwritten by the Government. The Government was partly responsible for the worsening unemployment situation. The speaker also highlighted the situation of women workers and the rights of the handicapped.

Statement on the report of Bolivia

JULIA RAMOS, of the Federacion Nacional de Mujeres Campesinas de Bolivia "Bartolina Sisa", said that the Bolivian population was confronted with the problem of food shortages. Measures to improve the agrarian situation had not been implemented by the Government. Food safety had been the central issue to which the Federacion attached great importance. The provisions of the International Covenant on Economic, Social and Cultural rights were not implemented in the country. The lack of political will did not allow the implementation of that instrument's provisions. Illegal occupation of the land had also been another problem which had prevented peasants' access to their lands. The use of fertile land only for export crops had made peasants lose their food autonomy. The measures adopted by the Government were superficial and did not satisfy the need of the peasants as regards food security.

Legal revisions should provide guarantees to the indigenous population with regard to land exploitation. They should be consulted before any land was given to foreign companies for any purpose. The distribution of land was more important in order to ensure an improved standard of living for peasants. A policy of repression should not be applied for any demands concerning economic, social and cultural rights.

Statements on the report of Israel

GAIL J. BOLING, Coordinator of the Legal Unit, said that Israel had failed to provide the additional information requested by the Committee first in December 1998 and again in November 2000, and had failed to submit its second periodic report. The implementation of the provisions of the International Covenant on Economic, Social and Cultural Rights was the responsibility of Israel in the territories it was occupying. In addition, Israel had violated Palestinian economic, social and cultural rights across the "green line" during the current intifada.

JAMIL DAKWAR, of The Legal Centre for Arab Minority Rights in Israel, said that the Committee should focus on the situation of Palestinians in Israel. There was a consistent use of force by the Israelis against Israeli citizens of Arab or Palestinian origin. Any peaceful demonstration was repressed brutally. A one-sided policy of land distribution, which was only aimed at allocating land to persons of Jewish origin, had been detrimental to the land rights of Israeli citizens of Arab origin. The intifada and its aftermath had highlighted the Israeli Arab minority's vulnerability vis-a-vis the State, stemming from the perception that they constituted both a security and demographic risk.

NATHALIE MIVELAZ, of the World Organization Against Torture (OMCT), said that since the last session of the Committee, there had been a serious deterioration in the human rights situation in Israel and the occupied territories. While violations had been perpetrated by both sides involved in the clashes, the most persistent allegations brought to the attention of the Organization by its different member organizations were that Israel had failed to abide by its obligations under both international and national law.

Palestinians' right to freedom of movement had been restricted by Israel, which had resulted in serious and massive violations of the economic, social and cultural rights of the Palestinian population living in the occupied territories, including the rights to work, to education and an adequate standard of living. Harassment, humiliation and violence against the Palestinian population by Israeli soldiers at checkpoints also remained of utmost concern.

RUTH GOBA, of the Habitat International Coalition, said the continuity of the denying Palestinians their right to "a place to live in peace and dignity" was the cornerstone of Israel's State ideology and practice since its inception as a colony in the historic Palestine. That continuum of derelict state behaviour spanned not only the years before and since Israel's ratification of the Covenant, but also crossed the "green line" created with General Assembly resolution 181 adopted in 1947. Destruction of the native home and transfer of its inhabitants was a project whose ideological underpinning assumed divine purpose and biblical proportions.

General statements

MICHAEL WINDFUHR, of the Food International Network - FIAN, said that two conferences had been held in Manila and in Bonn on access to land. They had recommended accessibility of land in order to implement the right to food. The United Nations Food and Agricultural Organization (FAO) had also estimated that the number of people without adequate food had increased during the past years, and that efforts should be made to reduce the number. Policies on agricultural rights were also being studied within the World Trade Organization (WTO).

MARTIN OELZ, of the Intentional Labour Office (ILO), said that the ILO had a long-standing tradition in cooperating with the Committee. The International Covenant on Economic, Social and Cultural Rights contained clear provisions allocating to the UN specialized agencies an important role in the process of achieving observance of the rights contained in the treaty. The ILO welcomed that in the debate on enhancing the implementation of the Covenant, attention was increasingly paid to that crucial feature of the Covenant. The ILO had made available a report of the ILO Committee of Experts.

WILMAR SCHEIDED, of the *Commissao Pastoral do Terra*, said that human rights violations in Brazil had been targeted at the agrarian sector where they had taken the form of conflict on land rights. The violation of economic, social and cultural rights in Brazil had taken a serious dimension.

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UNITED NATIONS

Press Release

XXXXXXXXXX COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS BEGINS CONSIDERATION OF SECOND PERIODIC REPORT OF REPUBLIC OF KOREA XXXXXXXXXXXXX

CESCR
25th session
30 April 2001
Afternoon

The Committee on Economic, Social and Cultural Rights this afternoon opened its examination of the second periodic report of the Republic of Korea on how that country is implementing the rights and freedoms guaranteed in the International Covenant on Economic, Social and Cultural Rights.

A Government delegation told the Committee Experts that the Republic of Korea was a country in transition -- an economic transition to a market economy, and a socio-political transition to a mature democracy. But successes were being seen, and accomplishments had been made. Further, lessons were learned from mistakes and shortcomings in the past.

Kyung-wha Kang, the Deputy Director-General for International Organizations within the Ministry of Foreign Affairs and Trade, told the Committee that, like many other Asian countries, the Republic of Korea was struck by a severe financial crisis in late 1997. It was the result of decades of irregularities and corrupt practices that had come to characterize much of the financial and corporate sectors in the country. Thus, upon inauguration, the Government of President Kim Dae-Jung had embarked upon a programme of bold reforms to restructure the economy and to strengthen democratic values and market practices among all the economic players. The reforms were worked out with the International Monetary Fund as part of the terms of its rescue loans.

Further, Ms. Kang described last year's first summit of the two Koreas which was aimed at reconciliation and cooperation. The historic breakthrough was the result of two-and-a-half years of consistent and patient efforts on the part of the Government to engage the Democratic People's Republic of Korea in dialogue. Without freeing the country from the threat of another war, a peaceful and prosperous future in which the

people could fully enjoy their rights could not be assured.

The delegation also included Eui-yong Chung, Permanent Representative of the Permanent Mission of the Republic of Korea; Dal-ho Chung, Director-General for International Organizations within the Ministry of Foreign Affairs and Trade; Gil-sou Shin, Counsellor at the Permanent Mission; Seung-cheol Han, Counsellor at the Permanent Mission; Chang-jin Moon, Counsellor at the Permanent Mission; Hun-soo Kim, Director of Planning and Budget Division within the Ministry of Labor; Ki-soon Lee, Director of Women's Rights Planning Division within the Ministry of Gender Equality; Kang-il Huh, First Secretary at the Permanent Mission; Sung-ki Yi, First Secretary at the Permanent Mission; Nak-young Oh, Deputy Director of Human Rights and Social Affairs Division of the Ministry of Foreign Affairs and Trade; Man-kee Min, Deputy Director of the Human Rights Division within the Ministry of Justice; Suk-kya Lee, Deputy Director of the International Cooperation Division within the Ministry of Health and Welfare; Hae-young Chung, Assistant Director of the International Cooperation Division within the Ministry of Labor; Yun-ye Cho, International Relations Office within the Ministry of Gender Equality; and Kyung-seo Park, Ambassador for Human Rights.

The Committee will reconvene at 10 a.m. on Tuesday, 1 May to continue its review of the report of the Republic of Korea.

Report of the Republic of Korea

The second periodic report of the Republic of Korea (E/1990/6/Add.23) describes on an article-by-article basis how the country complies with the tenets and rights enshrined in the International Covenant on Economic, Social and Cultural Rights. The report of the Republic of Korea, which acceded to the International Covenant on Economic, Social and Cultural Rights on 10 April 1990, details the legal and institutional policies it has initiated to promote human rights.

During the past few years, the report reads, the Republic of Korea has made continued efforts to build a more democratic society that is committed to justice and respect for human rights. They include an extension of the welfare entitlements for women and the handicapped, the reform of the Nationality Act to make the acquisition of nationality easier, better promotion of democracy through the extensive application of the principle of local autonomy, and the introduction of the Real-Name System in the financial and real estate sectors for the enhancement of economic fairness.

The report acknowledges that more remains to be done to ensure the full enjoyment of human rights. The Republic of Korea is striving continuously to improve the situation. The new Government, which was inaugurated on 25 February 1998, following the first peaceful transition of political power since the establishment of the Republic, is dedicated to strengthening the protection of human rights through its simultaneous

pursuit of democracy and a market economy.

Introduction of Report

KYUNG-WHA KANG, Deputy Director-General for International Organizations within the Ministry of Foreign Affairs of the Republic of Korea, said her country, like many other Asian countries, was struck by a severe financial crisis in late 1997. The crisis seemed sudden, but actually it was in the making for a long time. It was the result of decades of irregularities and corrupt practices that had come to characterize much of the financial and corporate sectors in the country. Thus, upon inauguration, the Government of President Kim Dae-Jung had embarked upon a programme of bold reforms to restructure the economy and to strengthen democratic values and market practices among all the economic players. The reforms were worked out with the International Monetary Fund as part of the terms of its rescue loans. But they were what the country should have had undertaken years ago, but had been too complacent to do so.

Ms. Kang said Korea was a divided country, and the two sides, South and North, had lived in intense mutual distrust and enmity for the past half-century after fighting a brutal war against each other in the early 1950s. Last year, the first summit of the two Koreas was held to turn the course of events on the Korean peninsula toward reconciliation and cooperation. The historic breakthrough was the result of two-and-a-half years of consistent and patient efforts on the part of the Government to engage the Democratic People's Republic of Korea in dialogue. Without freeing the country from the threat of another war, a peaceful and prosperous future in which the people could fully enjoy their rights could not be assured.

As explained in the report, the Government had been endeavouring to enact a law to establish a national human rights commission in adherence with the 1991 Paris Principles, Ms. Kang said. The Government also had tried to nurture labour-management relations toward greater maturity and harmony. In particular, during the past three years, the country had endeavoured to build a culture of peaceful demonstrations and rallies. Tear gas as a means of riot control was discarded. While fully guaranteeing the right of labour unions and other groups to engage in peaceful, lawful demonstrations and rallies, the Government had been firm in dealing with the use of unlawful, violent means in collective action. Under 'productive social welfare,' the Government took steps to expand the social safety net. The national pension system had been reformed to extend coverage to almost all citizens not covered by other pension schemes, and to secure its long-term financial health. And noticeable advances had been made in rooting out gender discrimination and protecting women's rights in the Republic of Korea through a series of legal and institutional reforms.

Ms. Kang said the Republic of Korea was a country in transition at many levels -- an economic transition to a market economy and a socio-

political transition to a mature democracy. Since coming to office, the present Government had striven to accelerate that transition. The task had not been easy. The economic crisis had consumed a great deal of energy and resources. But successes were being seen, accomplishments had been made, and lessons were learned from mistakes and shortcomings. It was hoped that the international commentary and contributions provided would help expand the scope of action in the Republic of Korea.

Discussion

Responding to questions that had previously been submitted by Committee Experts, the delegation answered that the Government had made substantial efforts to formulate a draft of the National Human Rights Commission Act that reflected public opinion to the broadest possible extent.

Asked about efforts to publicize the rights embodied in the Covenant, the delegation said, among other undertakings, the Government had published various human rights instruments, including treaties, declarations and charters, which were disseminated throughout schools, research institutes, universities, libraries, and government organs.

Concerning asylum-seekers who had applied for refugee status during the last five years, the delegation said 102 were seeking refugee status. There were 26 Congolese, 21 Burmese, 18 Algerians, 10 Iranians, five Afghans, four Liberians, four Pakistanis, three Iraqis and 32 belonging to other nationalities.

The delegation also said the Government had been making significant efforts to realize the ideals of gender equality in terms of various aspects of discrimination, modern or traditional.

Committee Experts asked further questions about the report, including how obligations in the Covenant were considered when negotiations were going on with the International Monetary Fund. Ms. Kang answered that all negotiations took place with full conformity of the Constitution, and that the principles and spirit of the Covenant were embedded in the Constitution, and thus, were upheld in negotiations with any international body.

Other Experts asked: if human rights education was compulsory in school; about the application of economic and social rights in the courts; about the country's failure to ratify the convention on forced labour and the two conventions on freedom of association; about the existence of a national human rights commission; about the rights of asylum-seekers; about protection for victims of violence; about the mechanisms that victims went to if their economic, social and cultural rights were violated; about the mechanisms available to women within the Ministry of Gender Equality; about recent statistics for domestic violence; if the recent financial crisis affected the employment situation

for women; if the Covenant could be enforced without being incorporated into domestic law; about the situation of foreign workers in Korean society; and about the situation if an undocumented migrant worker married a Korean national.

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Press Release

XXXXXXXXXX COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTINUES CONSIDERATION OF REPORT OF REPUBLIC OF KOREA XXXXXXXXXXXX

CESCR
25th session
1 May 2001
Morning

The Committee on Economic, Social and Cultural Rights this morning continued its review of the second periodic report of the Republic of Korea on how that country implements in its society the provisions and tenets enshrined within the International Covenant on Economic, Social and Cultural Rights.

A Government delegation, led by Kyung-wha Kang, the Deputy Director-General for International Organizations within the Ministry of Foreign Affairs and Trade, answered a wide array of questions posed by Committee Experts on Monday afternoon. The delegation addressed issues ranging from the force the Covenant enjoys in the country's domestic laws to the prevalence of human rights education and the treatment of disabled persons in the workplace.

Ms. Kang said the Covenant had the same effect as domestic law. If there was a conflict between domestic law and the Covenant, established procedures existed in which the conflict could be decided by the Constitutional Court.

She said human rights education was mandatory for police and teachers. In a revised educational curriculum last year, human rights education in the primary and secondary schools was strengthened. Further, a course on international human rights was part of the regular curriculum in the Judicial Training and Research Centre, and in the Legal Training and Research Centre, a training area for prosecutors and law enforcement officials, a course on "Women and Law" was taught.

The delegation also said workplaces with more than 300 workers

should ensure that 2 per cent of their employees were disabled workers. If inspectors found differently, stiff fines were levied. Those who employed 2 per cent or more were given wage subsidies. The Government also encouraged employers to employ disabled workers by providing low- or no-interest loans in making their workplaces able to handle disabled workers.

When the Committee resumes its meeting at 3 p.m., it will conclude its examination of the report of the Republic of Korea.

Discussion

Answering questions posed by Committee Experts on Monday, the delegation said many questions had been raised about domestic laws and the Covenant. Not a single case of conflict had so far been detected of a domestic law being in conflict with the Covenant. This was due to the Constitutional stipulation that the Covenant had the same effect as domestic law. If, despite various mechanisms, theoretically there could be room for conflict between domestic law and the Covenant, there were established procedures to take violations of the Constitution by individual laws to the Constitutional Court.

The delegation said the country's definition of refugees referred to those to whom the covenant relating to the status of refugees would apply. Thus, the policy was based on the definition outlined in the UN covenant.

Most refugee applicants were migrant workers, and thus they had the protection of ensuring their wages were paid, and that they were covered by industrial insurance. They were given free movement between the immigration offices and the workplaces while their applications were being reviewed.

Asked why many Koreans emigrated to other countries, while only a few immigrants were welcomed into the Republic of Korea, the delegation said the Korean immigrants were lawful immigrants, whereas the foreigners referred to were illegal entrants into the Republic of Korea. A country's immigration policy reflected the economic, social and cultural conditions. In the Republic of Korea, applications for immigration were judged according to relevant laws. The laws were not any more rigid than those in other countries.

The delegation said human rights education was mandatory for police and teachers. In a revised educational curriculum last year, human rights education in the primary and secondary schools was strengthened. Further, a course on international human rights was part of the regular curriculum in the Judicial Training and Research Centre, and in the Legal Training and Research Centre, a training

area for prosecutors and law enforcement officials, a course on "Women and Law" was taught.

The delegation said victims of sexual violence had offices -- 63 nationwide -- that they could go to for consultative advice. There were also medical centres and shelters. For the perpetrators of family violence, they were not judged within the criminal code, but the court ordered a system which they would have to follow. They were ordered to attend therapy sessions and public service. The goal should be to make the family whole again, and that was why the criminal code was not involved.

The delegation continued that sexual criminals were often referred to the criminal code, depending on the seriousness of the crime. For example, rape cases were referred to the criminal courts.

There was a new Gender Equality Ministry that had a staff of 102 people, the delegation said. It contained an Office of Policy Planning, and had departments underneath the Office on gender discrimination, promotion of women's rights, and external cooperation and communication. The Ministry had published a series of information booklets in public places to educate the public about the Ministry, and how it served the public.

There was a change in the public perception -- for example, family violence was now seen as something that had to be dealt with by public authorities, the delegation said. For example, in 1998, there were 475 cases of domestic violence reported. In 2000, 75,000 cases were reported. This showed that the taboo of reporting these incidents had been removed.

The delegation said there were cases of women losing their jobs during the economic crisis, but statistics showed there was not a big difference between the rates of unemployed men and women. During the crisis, women's unemployment went from 2.5 per cent to 5.6 per cent. For men in the same time, unemployment went from 2.8 per cent to 7.6 per cent.

Continuing, the delegation said there were 46 training centres around the country that offered women free education and training for business. They were also enabled to get loans at a very low interest rate if they were interested in opening their own businesses. Companies that employed women who were the head of a household also received Government subsidies.

About the protection of foreign workers, the delegation said, legal foreign workers enjoyed all the rights that Korean nationals received in the workplace. The problem was with illegal foreign workers. To help with this, there was a directive by the Minister of Labour to the Labour Inspectors to inspect various work sites to ensure that all protections for illegal foreign workers were in place.

They could order the employer to pay if they were behind in wages, for example.

Asked why the Republic of Korea did not ratify certain ILO conventions, the delegation said, regarding the freedom of assembly, the domestic situation was not ready. These issues pitted groups sharply against each other -- most employers and employees -- and they were discussed in the Tripartite Commission. About forced labour, the ILO concluded after a mission to the Republic of Korea, that the Convention on Forced Labour was not immediately implementable. Both issues required revisions in domestic laws first.

Responding to questions about migrant workers, the delegation said employers had a significant responsibility in ensuring that migrant workers knew labour laws. The Government would continue working to educate the foreign, undocumented workers.

Asked about employing the disabled, the delegation said workplaces with more than 300 workers should make sure that 2 per cent of their workers were disabled. If inspectors found differently, stiff fines were levied. Those who employed 2 per cent or more were given wage subsidies. The Government also encouraged employers to employ disabled workers by providing low- or no-interest loans in making their workplaces able to handle disabled workers.

The delegation said the trend was to increase the number of inspectors since the economic crisis.

The delegation said the Government had a view that growth had to have a human face. Economic success without a human face was hardly fulfilling. Without genuine democracy, economic prosperity could not be sustained. The Government wanted its people to enjoy prosperous and dignified lives. When the Asian crisis hit, the country had been on the brink of bankruptcy. In the process of saving the country, the new Government had tried to make it better.

The delegation said the National Human Rights Commission would be able to adjudicate decisions, although specific details were not yet known because it was just approved. It was hoped that the Commission would be able to draft a national Plan of Action.

Asked about the reasons for the economic crisis, the delegation said it was caused by several distortions. There had been a collusion between businesses and the Government, and the banks had been dictated by the Government -- they were told who to lend money to, and who not to lend money to. Instead of sound business decisions, their lending patterns were dictated by political expedience. Decades of this slowly led to the dropping of the economy, and to the dropping of the country's credit rating. When

the crisis hit other countries, international investors lost all confidence and withdrew all their money. The crunch was sudden, but the root causes had been in the making for decades.

The delegation said there were 129 strikes in 1998, 198 in 1999 and 250 in 2000. The Government had been encouraging the parties concerned to settle industrial disputes in a voluntary and peaceful way, observing related regulations. The Government had also taken preventive measures, such as anticipating potential reasons for disputes and guiding disputing parties into dialogue.

Agriculture was a declining sector, the delegation said. The population working in that sector got the same protection as did people in self-employed businesses in the cities. It was unlikely that there were any foreign workers in that sector, although they could be needed as the Korean workforce aged. The Government was considering the introduction of a foreign worker permit section, not just for the agricultural sector, but for the entire employment sector.

The delegation said the Government had implemented aggressive social policies for productive welfare in light of the Republic of Korea's rapid economic growth. It had focused on protecting the basic livelihood of the underprivileged so they could live in dignity, providing them with opportunities to participate in economic and social activities, and alleviating the effects of structural policies.

The Industrial Accident Compensation Insurance System, the delegation said, compensated workers for work-related injuries, diseases or difficulties due to neglect on behalf of employers. Insurance benefits such as medical care, disability, funeral expense assistance, survivors' family benefits and injury or disease compensation pensions were provided.

Asked about children abandoned during the financial crisis, the delegation said the Government had adopted appropriate measures to keep children from being exploited in any way by their absent or neglectful guardians who had not attended to their needs. As the situation improved, the number of children who needed protection had dropped from 9,292 in 1999 to 7,693 in 2000.

About marital rape, the delegation said a variety of legislative and administrative measures to combat sexual and other forms of violence against women had been taken.

Concerning street children, the delegation said the Government provided consultation and supervision to enable them to return home. However, street children without a home were placed and cared for in Government-operated facilities. The children at such facilities were provided with basic elements such as food, shelter and clothing. Further, they were given opportunities to attend

school. Those suffering from particular diseases had been provided with medical services, and drug addicts were given treatment.

The delegation, with regard to the sexual exploitation of children, said the Government had signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Government enforced severe punishments for crimes related to the sale for exploitation of children. Further, the recently enacted Sexual Protection for Adolescents Act provided personal information about sexual exploiters to disgrace their social status. An emergency call service received reports on sexual violence and exploitation against children. If a crime occurred, it was reported to the police, and the officers were immediately mobilized to provide the needed medical treatment or protection.

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UNITED NATIONS

Press Release

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONCLUDES REVIEW OF SECOND PERIODIC REPORT OF REPUBLIC OF KOREA

XXXXXXXXXX

CESCR
25th session
1 May 2001
Afternoon

The Committee on Economic, Social and Cultural Rights this afternoon finished its examination of the second periodic report of the Republic of Korea on how that country implements the rights guaranteed within the International Covenant on Economic, Social and Cultural Rights.

A Government delegation, headed by Kyung-wha Kang, the Deputy Director-General for International Organizations within the Ministry of Foreign Affairs and Trade, answered questions posed by Committee Experts this morning. The topics ranged in scope from the country's divorce rate and the extent of allowed maternity leave to the National Pension Scheme.

Ms. Kang said the divorce rate was rising, and that was an indication of the rising status of women in society. It reflected the empowerment of women. In the past, when women did not have economic resources, they could have been locked into marriages they did not want.

Speaking about maternity leave, she said that the Government offered a 60-day leave with full pay. The pay was given by the employer. The Government was in the process of revising that to 90 days with pay. The question was financing the additional 30 days of pay -- the employers would continue to pay for only 60 days.

About the National Pension Scheme, the delegation said it began for teachers, civil servants and military personnel. In 1989, it began targeting workplaces with 10 or more workers. The scheme itself was there for anyone wishing to pay into it. As of 2000, there were

16.6 million people between the ages of 16 and 60 in the system -- that was 55 to 60 per cent of the population. Efforts were being made to increase that percentage. Salaried workers were almost all in the system. Most of the people who were not in the system were self-employed workers who had once paid in but now could not afford to. This was a problem from the economic crisis. Hopefully, with the economic recovery, these people would return to the system.

The Committee will offer its conclusions and recommendations on the report toward the end of its three-week session, which concludes on 11 May.

The Committee will reconvene at 10 a.m. on Wednesday, 2 May to begin consideration of the initial report of Bolivia.

Discussion

Asked about divorce, the delegation said the divorce rate was rising, and that was an indication of the rising status of women in society. It reflected the empowerment of women. In the past, when women did not have economic resources, they could have been locked into marriages they did not want.

Regarding a question about maternity leave, the delegation said the Government offered a 60-day leave with full pay. The pay was given by the employer. The Government was in the process of revising that to 90 days with pay. The question was financing the additional 30 days of pay -- the employers would continue to pay only for 60 days. Even when it passed, it would be short of the 14 weeks required in the ILO Convention on Maternity Leave, and thus the Government had not signed it.

The delegation said there was a problem with identifying the sex of fetuses, and the subsequent aborting of female fetuses. There was a growing imbalance of the sexes, and this, in the future, would become a serious problem. The Government was doing all it could. The Government prohibited the procedure of identifying the sex of fetuses. The country's preference of sons to daughters was responsible for the continuing practice. In 1991, the number of artificial abortions was 1.1 of 1,000 women. In 1994, that dropped to 0.8 per cent. And in 1997, that had dropped to 0.7 per cent. It was hoped that the rate would continue to drop. In the meantime, it had led to a practice of unsafe abortions, and led to a high maternity mortality rate.

Regarding child prostitution and child exploitation, the delegation said the Youth Sexual Exploitation and Prevention Act was designed to protect the sexuality of the younger generation. The law was enacted last year, and statistics were not yet available. The feeling was that it was a growing problem, and that there were

adults who were participating in this trade and this hideous crime. Technology was a key factor -- it was easy to find these things on the Internet. There was a Government office that worked toward the eradication of child exploitation and child prostitution.

The social security budget, the delegation said, was 7 per cent of the national budget, as opposed to the defense budget, which was 17 per cent. But within the limited means, maximum resources were provided for social security provisions.

Asked about high medical costs, the delegation said the reason for high co-payments was because the insurance premiums were comparatively low.

The delegation said a State-established cancer centre had been established near Seoul. As far as HIV/AIDS was concerned, the Government had the AIDS Prevention Act. Free testing was available to anybody who wanted to be tested. Condoms were provided, and pamphlets were disseminated to warn about the transmission of AIDS.

About the National Pension Scheme, the delegation said it began for teachers, civil servants and military personnel. In 1989, it began targeting workplaces with 10 or more workers. The scheme itself was there for anyone wishing to pay into it. As of 2000, there were 16.6 million people between the ages of 16 and 60 in the system -- that was 55 to 60 per cent of the population. Efforts were being made to increase that percentage. Salaried workers were almost all in the system. Most of the people who were not in the system were self-employed workers who had once paid in but now could not afford to. This was a problem from the economic crisis. Hopefully, with the economic recovery, these people would return to the system.

The delegation said there were Government efforts to ensure that no evictions were carried out without offers of alternative housing. According to provisions of the Urban Development Act, developers could not execute a redevelopment project unless they either provided temporary accommodations for residents whose homes were to be demolished or unless they took necessary measures, such as providing housing loans. There could be exceptions that escaped the notice of the Government. But even with private developers, laws prohibited them from demolishing existing housing without compensation.

The homeless, the delegation said, defined as those who begged or roamed the streets for an extensive period of time without having regular shelter, had been housed in social security facilities. There were 150 temporary shelters nationwide operated by various religious groups and civil organizations to protect the homeless, and a Government grant was provided for their food and clothing.

Those needing long-term protection due to severe physical and mental disabilities were placed in 45 welfare facilities. The Government was taking measures to implement various rehabilitation and self-aid programmes to enable the homeless to return to society as quickly as possible.

For children of immigrants, the delegation said, primary education was offered to them. They were also offered medical coverage.

Asked about prostitution in the Republic of Korea, the delegation said it was illegal, and was punishable by law. There was the Prostitution Prevention Act, and revisions were being considered to make it easier for the women to return to society.

Regarding mental health, the delegation said for the most part, non-profit organizations provided treatment for people with mental illnesses. Medical experts were deciding the treatments that people needed.

The delegation said the percentage of the budget for education was 21.2 per cent in 2000, up from 20.6 per cent in 1999.

A free secondary education, the delegation said, required the Government to bear an enormous financial burden which currently amounted to 4.1 trillion won (about \$ 3.4 billion). The Government had made efforts to expand opportunities for higher education, although free tertiary education had not been provided due to budget restraints. There were also certain limitations in lowering tertiary education fees because most funds came from students' tuition. However, the high cost of higher education did not seem to contribute to the disparities between the educational levels of men and women. As of 2000, the number of female graduates in higher education equalled the number of male graduates.

The delegation said the Government fostered respect for human rights in students' minds by including human rights in its formal education curriculum. Human rights, an essential element of school education, were taught in all scopes of school activities including curricular, extracurricular and elective activities. Human rights were reflected in the curriculum's goals and objectives, and were integrated into the teaching of other subjects, such as social studies and ethics.

Asked about censorship on cultural and educational activities, the delegation said the Government did not censor any cultural and educational activity. However, it should be noted that the Korean Media Rating Board, a civil organization, had been established to rate audio-visual materials such as films, videos and games into four categories, depending on content contained in the material and the audience's age. This rating system was introduced to uphold good morals and principles and to protect children by

preventing them from viewing material that contained violence and obscenity. The Board, a civil self-regulation body, implemented the ratings' detailed standards.

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UNITED NATIONS

Press Release

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONCLUDES TWENTY-FIFTH SESSION

CESCR
25th session
11 May 2001

ROUNDUP

Issues Concluding Observations on Situation in Venezuela, Honduras, the Special Administrative Region of Hong Kong, the Republic of Korea, Bolivia, and Togo

The Committee on Economic, Social and Cultural Rights today concluded its twenty-fifth session by issuing its concluding observations and recommendations on how the rights in the International Covenant on Economic, Social and Cultural Rights are protected in Venezuela, Honduras, China: Hong Kong Special Administrative Region, the Republic of Korea, and Bolivia whose reports were considered by the Committee during its three-week session. In addition, the Committee offered conclusions and recommendations on the situation in Togo, which, although a party to the Convention, had not yet filed its initial report.

Also, the Committee decided to delay its consideration of additional information which had been received from the Government of Israel on how it implements the Covenant in the occupied territories. The Committee chose to wait until the information had been translated into all the United Nations languages, and opted to review the situation at its next session in August.

The Committee also adopted a statement on poverty which maintained that the right to work, an adequate standard of living, housing, food, health and education, which laid at the heart of the Covenant, had a direct and immediate bearing upon the eradication of poverty.

In addition, the Committee held a one-day "international consultation" on development activities of international institutions by focusing on the need to improve coordination efforts to ensure that the rights guaranteed in the various treaty bodies were better respected. Among the participants were Deputy High Commissioner for Human Rights Bertrand Ramcharan; Juan Somavia, Director-General of the International Labour Organization; Jean Louis Bianco, President of the High Council for International Cooperation (France); and Rubens Ricupero, Secretary General of the United Nations Conference for Trade and Development, as well as representatives of various international organizations and financial institutions.

Miloon Kothari, the Special Rapporteur on adequate housing, addressed the Committee this morning, telling the Experts that while there had been much progress on normative aspects of the right to adequate housing, the actual

realization and implementation of the right remained far from reality for the majority of the poor and the vulnerable throughout the world. While the task seemed daunting, the plight of the poor and the vulnerable living in appalling conditions throughout the world could not be ignored. He requested the Committee's aid and guidance as he tried to fulfill his mandate.

Concerning the situation in Venezuela, the Committee welcomed the adoption of the new 1999 Constitution which incorporated a wide range of human rights, including a number of the economic, social and cultural rights enshrined in the Covenant. It expressed concern about the discrimination against indigenous people, particularly with regard to access to land ownership, housing, health services and sanitation, education, work and adequate nutrition. Amongst its recommendations was that Venezuela organize an awareness-raising campaign to educate the public at large on their economic, social and cultural rights.

On Honduras, the Committee noted with satisfaction that the Covenant was a part of national law and that it could be invoked before a court of law. There was concern about the fact that the minimum wage of workers was insufficient to provide for an adequate standard of living. The Committee, among several suggestions, urged Honduras to implement more vigorously existing legislation and to incorporate a gender perspective in legislation.

On the situation in China: Hong Kong Special Administrative Region, the Committee, citing positive aspects, commended Hong Kong's efforts to provide adequate housing for its residents. The Committee, however, was deeply concerned about the hardship arising from Hong Kong's policies on permanent residence and split families. Making suggestions and recommendations, the Committee called upon Hong Kong to extend its prohibition of race discrimination in the private sector, and also urged it to prohibit discrimination on the basis of sexual orientation and age.

The Committee, after its review of the report of the Republic of Korea, commended the significant and rapid economic recovery from the 1997-1998 financial crisis in the country, and the present open climate towards human rights generally. It expressed concern about the unequal status of women, and regretted that the specific conditions of work to which the irregular workers were subject had not been clarified. The Committee, in its suggestions and recommendations, urged the Government to accord the Covenant a legal status that would enable it to be invoked directly within the domestic legal system.

Regarding Bolivia, the Committee noted with satisfaction the enactment of laws and the establishment of a number of programmes and policies for promoting equality between men and women. It did, however, express deep concern about allegations of corruption against certain Supreme Court judges, as well as the extent of poverty in the country. Among recommendations, the Committee urged the Government to ensure that the minimum wage was sufficient to provide an adequate standard of living for the worker and his family.

And concerning the situation in Togo, the Committee noted, among positive aspects, that the country had embarked upon technical cooperation with the Office of the High Commissioner for Human Rights with a view to strengthening the rule of law there. Among the concerns was the deteriorating general human rights situation in Togo in the last three years, during which large scale human rights violations, such as killings, extra-judicial executions, rapes, and bombing of houses had allegedly taken place. The Committee recommended that the Togolese Government address the persistence of societal discrimination patterns, in particular in relation to women and girls, and between the various ethnic minorities living in Togo, with a view to

eliminating such discrimination patterns.

Venezuela

On the second periodic report of Venezuela, which was presented on 24 and 25 April, the Committee welcomed the adoption of the new 1999 Constitution which incorporated a wide range of human rights, including a number of the economic, social and cultural rights enshrined in the Covenant. It also noted with appreciation the establishment of the National Plan of Action for Human Rights of 1997, the establishment of an independent Ombudsman's Office, and the adoption in September 1998 of the Violence against Women and the Family Act and the Equal Opportunities for Women Act.

Cited among the Committee's subjects of concern was the discrimination against indigenous people, particularly with regard to access to landownership, housing, health services and sanitation, education, work and adequate nutrition. It was alarmed about the high rate of domestic violence, the extent of child prostitution and of trafficking in children, and was also deeply concerned that the efforts of the Government to improve the situation of its people were inadequate and that there was still an alarmingly high level of poverty in the country.

The Committee recommended that Venezuela organize an awareness-raising campaign to educate the public at large on their economic, social and cultural rights. It also recommended that the Government take effective action to reduce the unemployment rate by providing training for young people and protection against unwarranted dismissal for workers, and by conducting regular reviews of the minimum wage levels to enable workers to attain an adequate standard of living. Further, the Committee recommended that it implement, with the assistance of UNESCO, a comprehensive National Education for All Plan, and that it develop a more elaborate system of national statistics on all the rights enshrined in the Covenant.

Honduras

Regarding the positive aspects of the initial report of Honduras, which was presented on 25 and 26 April, the Committee noted with satisfaction that the Covenant was a part of national law and that it could be invoked before a court of law. It also noted with appreciation the country's declaration of support for an optional protocol to the Covenant, and noted with satisfaction the establishment of several human rights institutions and the adoption of several human rights laws. Further, the Committee noted with appreciation the family subsidy programmes that aimed to benefit the poorest and most vulnerable groups, and that the percentage of the national budget allocated to education had increased continuously since 1996.

Cited among the Committee's principal subjects of concern was the fact that the minimum wage of workers was insufficient to provide for an adequate standard of living. The Committee was alarmed about the high number of children who were forced to work to support themselves, and in particular the serious situation of street children and the existence of street gangs. It expressed its concern about the extent of domestic violence and the apparent inability of Honduras to implement legislation against this phenomenon, particularly due to the lack of appropriate training of police and other law enforcement officials. And there was particular concern about the extremely negative effects of the use of pollutants and toxic substances in specific agricultural and industrial sectors.

Among the suggestions and recommendations made by the Committee was the improvement in the human rights training programmes in such a way as to ensure better knowledge, awareness and application of the Covenant and other human rights instruments, particularly among the judiciary and law enforcement officials. The Committee urged Honduras to implement more vigorously existing legislation and to incorporate a gender perspective in legislation. It also strongly recommended that the Government implement existing legislative and administrative measures to avoid violations of environmental and labour laws by transnational companies. And the Committee strongly urged the Government to adopt and implement legislative and other measures to protect workers from the occupational health hazards resulting from the use of toxic substances such as pesticides and cyanide in the banana growing and the gold-mining industries.

China: Hong Kong Special Administrative Region

Listed among the positive aspects of the initial report of the Hong Kong Special Administrative Region, submitted by China, which was considered on 27 and 30 April, was a commendation for Hong Kong's efforts to provide adequate housing for its residents. In particular, the Committee noted with appreciation that the old temporary housing accommodations had been demolished with their occupants adequately housed in interim housing while waiting to be permanently housed. The Committee also commended Hong Kong's programme for training unskilled and unemployed workers with the objective of finding employment for them.

Under items of concern, the Committee greatly regretted that some judgements of Hong Kong's High Court expressed the opinion that the Covenant was "promotional" or "aspirational" in nature. The Committee expressed its regret that in relation to the care of persons with mental illness, the Hong Kong Special Administrative Region was reluctant to authorize the prescription of new drugs that were more costly but more effective, and had been shown to produce fewer side effects for the mentally ill. It was concerned that many individuals, including women who were homemakers, persons with disabilities, and older persons, were excluded from the Mandatory Provident Fund Scheme. And the Committee was deeply concerned about the hardship arising from Hong Kong's policies on permanent residence and split families.

The Committee called upon Hong Kong to extend its prohibition of race discrimination in the private sector, and also urged it to prohibit discrimination on the basis of sexual orientation and age. Further, the Committee urged Hong Kong to establish a national human rights institution consistent with the Paris Principles of 1991. In addition, it recommended that Hong Kong adopt a comprehensive pension system that provided adequate retirement protection for the entire population and, in particular, for housewives, self-employed persons, older persons and persons with disabilities.

Republic of Korea

For positive aspects of the second periodic report of the Republic of Korea, which was presented on 30 April and 1 May, the Committee commended the significant and rapid economic recovery from the 1997-1998 financial crisis in the country, and the present open climate towards human rights generally. It noted with satisfaction the adoption of a wide range of laws and programmes aimed at ensuring an adequate standard of living for all persons, and it took note of the recent establishment of the Ministry for Gender Equality. Further, the Committee welcomed the recent opening of an office of the United Nations High Commissioner for Refugees in Seoul.

The Committee was concerned that the Government did not take into account its Covenant obligations when negotiating with international financial institutions to overcome its financial crisis and restructure its economy. The Committee noted with deep concern the continued unequal status of women, and regretted that the specific conditions of work to which the "irregular workers" were subjected had not been clarified. The Committee was alarmed at the rising incidence of industrial accidents in recent years, which appeared to be the result of a relaxation of the standards governing industrial safety and of the insufficient number of on-site inspectors.

Regarding recommendations, the Committee urged the Government to accord the Covenant a legal status that would enable it to be invoked directly within the domestic legal system. It recommended that the Republic of Korea take more effective measures to combat sexual trade of children and child labour, and that it expand its programmes directed at the protection and rehabilitation of such victims. The Committee also stated that in so far as traditional practices posed an obstacle to the fulfillment of some rights or perpetuated discrimination of any kind, including the preference for sons and the abortion of girl fetuses, the State party should carry out large-scale public campaigns to promote understanding among the general public about human rights.

Bolivia

The Committee, after reviewing the initial report of Bolivia on 2 and 3 May, cited several positive aspects, among them the creation of the Ministry of Justice and Human Rights in 1994, and the establishment of the People's Defender in 1997. It also appreciated the elaboration by the Government of a comprehensive and multi-disciplinary "Promotion and Defense of Human Rights" project with the assistance of the Office of the High Commissioner for Human Rights and the United Nations Development Programme. Also, the Committee noted with satisfaction the enactment of laws and the establishment of a number of programmes and policies for promoting equality between men and women.

The Committee, however, expressed deep concern about allegations of corruption against certain Supreme Court judges, as well as the extent of poverty in the country. The Committee was particularly concerned about the marginalization of, and discrimination against, indigenous communities in Bolivia, who constituted the majority of Bolivia's rural population. The Committee said it deplored the de jure discrimination of salaried domestic workers established in the General Labour Code, with regard to daily and weekly rest and annual paid vacation, dismissal, social benefits and salary. It also deplored the practice of child labour and the exploitation of children in domestic work.

The Committee urged the Government to ensure that the minimum wage was sufficient to provide an adequate standard of living for the worker and his family. It also urged Bolivia to combat violence against women by initiating a campaign with a view to combatting negative traditional practices and prejudices and their effects and consequences. Further, it urged the country to ratify ILO Convention 182 on the worst forms of child labour, and to pursue land reform as a priority in its agenda. Further, the Committee urged Bolivia to address the problems and shortcomings facing children and affecting their welfare, beginning with the varied ways of child exploitation such as trafficking of children, their sexual exploitation and domestic maltreatment.

Togo

Concerning the situation of the implementation of the Covenant in Togo, which the Committee examined on 4 May without a report, it noted, among positive aspects, that the country had embarked upon technical cooperation with the Office of the High Commissioner for Human Rights with a view to strengthening the rule of law there. The Committee noted that the Government established a National Human Rights Commission in 1987, and a Ministry of Human Rights in 1992, with a view to protecting the rights of citizens. And the Committee acknowledged the efforts undertaken by the Government to address the problems of trafficking in children and female genital mutilation.

Among the principal subjects of concern of the Committee was the deteriorating general human rights situation in Togo in the last three years, during which large-scale human rights violations, such as killings, extra-judicial executions, rapes, and bombing of houses had allegedly taken place. The Committee was concerned about the position of women in Togolese society, where they continued to face wide-spread discrimination, especially in relation to the rights to education, social security, family protection and in traditional law practices. The Committee also noted with concern that trafficking in women for the purpose of forced prostitution and of non-consensual labor as domestic servants persisted. It also noted that children as young as two years old were sold for future work on plantations or as house servants. Allegedly, these children were extensively exploited, fed poorly, crudely clothed and inadequately cared for.

The Committee suggested that the Government actively participate in a constructive dialogue with the Committee on how the obligations arising from the Covenant could be fulfilled in a more adequate manner. It recommended that the Government avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights, so that it may submit, as soon as possible, a comprehensive report. It recommended that the Togolese Government address the persistence of societal discrimination patterns, in particular in relation to women and girls, and between the various ethnic minorities living in Togo, with a view to eliminating such discrimination patterns.

The General Assembly adopted and opened the Covenant for signature, ratification and accession in 1966. It entered into force on 3 January 1976.

Article 1 of the Covenant states that the right to self-determination is universal and calls upon States to promote the realization and respect of that right. Article 3 reaffirms the equal right of men and women to the enjoyment of all human rights and enjoins States to make that principle a reality. Article 5 provides safeguards against the destruction or undue limitation of any human right or fundamental freedom, and against misinterpretation of any provision of the Covenant as a means of justifying infringement of a right or freedom or its restriction to a greater extent than provided in the Covenant. It also prevents States from limiting rights already enjoyed within their territories on the ground that such rights are not recognized, or recognized to a lesser extent, in the Covenant. Articles 6 to 15 recognize the right to work; to the enjoyment of just and favourable conditions of work; to form and join trade unions; to social security, including social insurance; to the widest possible protection and assistance for the family, mothers, children and younger persons; to an adequate standard of living; to the enjoyment of the highest attainable standard of physical and mental health; to an education and to take part in cultural life.

The Economic and Social Council established the Committee in 1985. Elected by secret ballot from a list of persons nominated by State parties to the Covenant, its 18 members are human rights Experts serving in their personal capacity. The Committee is composed of the following Experts: Mahmoud Samir Ahmed (Egypt), Clement Atangana (Cameroon), Rocio Barahona Riera (Costa Rica), Virginia Bonoan-Dandan (Philippines), Dumitru Ceausu (Romania), Abdessatar Grissa (Tunisia), Paul Hunt (New Zealand), Valeri I. Kouznetsov (the Russian Federation), Giorgio Malinverni (Switzerland), Jaime Marchán Romero (Ecuador), Sergei Martynov (Belarus), Ariranga Govindasamy Pillay (Mauritius), Kenneth Osborne Rattray (Jamaica), Eibe Reidel (Germany), Waleed M. Sa'di (Jordan), Philippe Texier (France), Nutan Thapalia (Nepal), and Javier Wimer Zambrano (Mexico).

States Parties to the Covenant

The Covenant has been ratified or acceded to by the following 144 States: Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, former Yugoslav Republic of Macedonia, Finland, France, Gabon, Gambia, Germany, Georgia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, San Marino, Senegal, Seychelles, Sierra Leone, Slovak Republic, Slovenia, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syria, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkmenistan, Uganda, Ukraine, United Kingdom, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia and Zimbabwe.

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**Compte rendu analytique de la deuxième partie de la 12^{ème} séance :
Republic of Korea. 07/05/2001. E/C.12/2001/SR.12. (Summary Record)**

COMITÉ DES DROITS ÉCONOMIQUES, SOCIAUX ET CULTURELS

Vingt-cinquième session

COMPTE RENDU ANALYTIQUE DE LA DEUXIÈME PARTIE (PUBLIQUE)*
DE LA 12^{ème} SÉANCE

tenue au Palais Wilson, à Genève,
le lundi 30 avril 2001, à 15 heures

Présidente : Mme BONOAN-DANDAN

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EXAMEN DES RAPPORTS :

a) RAPPORTS PRÉSENTÉS PAR LES ÉTATS PARTIES CONFORMÉMENT AUX
ARTICLES 16 ET 17 DU PACTE (suite)

- Deuxième rapport périodique de la République de Corée

* Il n'a pas été établi de compte rendu pour la première partie (privée) de la séance.

La séance est ouverte à 15 heures.

La deuxième partie (publique) de la séance commence à 16 heures.

EXAMEN DES RAPPORTS :

a) RAPPORTS PRÉSENTÉS PAR LES ÉTATS PARTIES CONFORMÉMENT AUX
ARTICLES 16 ET 17 DU PACTE (point 6 de l'ordre du jour) (suite)

Deuxième rapport périodique de la République de Corée [(E/1990/6/Add.23); liste des points à traiter (E/C.12/Q/REPOFKOR/2); profil de pays (E/C.12/CA/REPOFKOR/1); réponses écrites de la République de Corée (document distribué en séance en anglais seulement) (HR/CESCR/NONE/2001/6)]

1. Sur l'invitation de la Présidente, la délégation coréenne prend place à la table du Comité.
2. La PRÉSIDENTE souhaite, au nom du Comité, la bienvenue à la délégation coréenne et donne la parole au Représentant permanent de la République de Corée.
3. M. Eui-yong CHUNG (République de Corée) se félicite de l'occasion qui est ainsi donnée à sa délégation d'engager un dialogue constructif et fructueux avec le Comité. Il attend avec intérêt les suggestions et observations des membres du Comité, qui aideront son Gouvernement à mieux appliquer les dispositions du Pacte, pour le plus grand bien du peuple coréen. Réaffirmant le principe de l'indivisibilité des droits de l'homme, il souligne que l'instauration de la démocratie et la bonne gouvernance sont essentielles à la protection et à la promotion aussi bien des droits économiques, sociaux et culturels que des droits civils et politiques. Du reste, depuis l'accession à la magistrature suprême du Président Kim Dae-jung, le respect des droits de l'homme est un des piliers de la politique nationale et étrangère de la République de Corée.
4. Parmi les principales mesures prises par le Gouvernement figurent le renforcement de la législation du travail, la protection des droits des travailleurs étrangers, la création d'un ministère de l'égalité entre les sexes et la nomination d'un ambassadeur pour les droits de l'homme, en la personne d'un défenseur très connu des droits de l'homme. Des renseignements plus détaillés seront fournis aux membres du Comité dans le cadre de la présentation par Mme Kang du deuxième rapport périodique de la République de Corée.
5. Mme KANG (République de Corée) rappelle qu'à la fin de l'année 1997 son pays, à l'instar de nombreux autres États asiatiques, a été frappé de plein fouet par une grave crise financière, conséquence de plusieurs décennies d'irrégularités et de corruption sur le marché financier et dans les entreprises. Aussi, dès son entrée en fonctions, le Président Kim Dae-jung a-t-il lancé un programme de réformes audacieuses visant non seulement à renforcer la démocratie mais également à restructurer l'économie et à introduire une plus grande flexibilité sur le marché du travail. Ces réformes, dont on comprend qu'elles aient suscité une très vive réaction des syndicats, étaient indispensables pour améliorer la capacité concurrentielle de l'économie coréenne dans le contexte de la mondialisation. Elles ont inévitablement eu des conséquences douloureuses pour les Coréens, faisant de nombreux chômeurs qui sont venus s'ajouter aux victimes des licenciements massifs enregistrés notamment dans le secteur bancaire. Ainsi, le taux de chômage, qui n'était que de 2,6 % en 1997, est soudain passé à 6,8 % en 1998, avant de culminer à 8,6 % en février 1999.
6. Malgré ce contexte particulièrement difficile, le Gouvernement coréen n'a ménagé aucun effort pour atténuer les conséquences des réformes et renforcer le dispositif de protection sociale. Ainsi, pour lutter contre le chômage, il a mis en place un régime d'assurance pour l'emploi alimenté par les cotisations des employeurs et des employés, qui lui permet de verser des prestations aux chômeurs, d'accorder des subventions aux entreprises qui embauchent les personnes licenciées dans le cadre de la restructuration économique et de financer des programmes de formation pour les chômeurs. Grâce à ces mesures, le taux de chômage s'est stabilisé à une moyenne de 4 % en 2000. Le Gouvernement a également entrepris d'améliorer les conditions de travail dans les petites entreprises et décidé de rendre sa législation du travail conforme aux normes internationales. C'est ainsi que plusieurs avancées ont été enregistrées dans les domaines de la protection des travailleurs étrangers et de l'exercice des droits syndicaux, même si, principalement en raison du marasme économique, l'avènement du pluralisme syndical a dû être reporté à 2007. De même, au sein de la commission tripartite créée en 1998 en tant que principal organe consultatif sur les questions du travail, les représentants de l'État, du patronat et des

employés sont parvenus à un consensus sur la réduction du temps de travail de 47,5 à 40 heures par semaine.

7. Dans le domaine de la sécurité sociale, le Gouvernement a introduit un nouveau régime dont la couverture est étendue à la quasi-totalité de la population. Le Gouvernement s'est également donné les moyens de sa politique en faveur des pauvres, en mettant en place un régime d'assistance publique dont bénéficient aujourd'hui quelque 1,5 million de personnes, soit 3,3 % de la population totale. Dans le domaine de la santé publique, des mesures ont été prises pour assainir le secteur et éliminer la corruption qui entravait le bon fonctionnement des hôpitaux.

8. Des progrès notables ont été enregistrés au cours des cinq années écoulées en ce qui concerne la promotion de la condition féminine. C'est ainsi qu'en 1999, est entrée en vigueur une nouvelle loi visant à éliminer toute forme de discrimination et de harcèlement sexuels dans tous les domaines de l'emploi, de l'éducation, de l'application des lois et de la mise en œuvre des politiques. En 1998, le Gouvernement a retiré ses réserves au sujet de l'article 9 de la Convention sur l'élimination de la discrimination à l'égard des femmes, concernant la nationalité des femmes et de leurs enfants. De même, la création en janvier 2001 du Ministère de l'égalité entre les sexes traduit clairement l'engagement du Gouvernement à faire de l'égalité entre les hommes et les femmes une réalité en République de Corée. Des mesures ont également été prises pour aider les groupes les plus vulnérables de la société, notamment l'introduction d'un système obligeant quiconque à dénoncer les cas de maltraitance d'enfants et l'augmentation de 2 % à 5 % des quotas d'emplois réservés aux personnes handicapées dans la fonction publique.

9. En conclusion, Mme Kang dit que son Gouvernement est conscient que beaucoup reste à faire et qu'il y a loin des lois à leur application effective. Aussi sa délégation espère-t-elle que le dialogue avec les membres du Comité permettra à la République de Corée d'accroître l'efficacité de son action en faveur du plein exercice des droits économiques, sociaux et culturels.

10. La PRÉSIDENTE invite les membres du Comité à engager le dialogue avec l'État partie sur le discours d'introduction qu'a prononcé la délégation de la République de Corée.

11. M. SADI, après avoir félicité la délégation pour la qualité de son exposé, demande si la République de Corée, lorsqu'elle a négocié son plan de restructuration économique avec le FMI, a fait valoir les obligations que lui impose le Pacte international relatif aux droits économiques, sociaux et culturels.

12. M. GRISSA se félicite des nombreux textes de loi adoptés depuis 1998 qui tendent vers un plus grand respect des droits de l'homme en général et des droits économiques, sociaux et culturels en particulier. Il souhaite toutefois savoir s'ils ont été promulgués et, dans l'affirmative, quel est leur champ d'application.

13. Mme KANG (République de Corée) dit que si les obligations que le Pacte fait naître à l'égard de l'État partie n'ont pas été au cœur des négociations avec le FMI, il n'en reste pas moins que les droits auxquels elles se rapportent occupent une place de première importance dans le droit interne, la Constitution coréenne étant pleinement conforme à l'esprit du Pacte. Quant aux textes de loi qui ont été adoptés, ils prendront effet dès qu'ils auront été promulgués.

14. M. AHMED fait observer que certains sujets qui n'ont pas été abordés dans le discours introductif méritent d'être approfondis au cours du dialogue avec la délégation. Il s'agit notamment du déséquilibre démographique que connaît le sud du pays avec l'exode rural des jeunes, de l'enseignement qui n'est gratuit que dans le primaire et qui n'est de ce fait que très difficilement accessible aux pauvres, ou encore du logement qui appelle des réformes d'envergure.

15. La PRÉSIDENTE propose d'aborder ces questions lors de l'examen de chacun des articles correspondants du Pacte. Par ailleurs, les réponses écrites du Gouvernement de la République de Corée n'étant disponibles qu'en anglais, elle invite la délégation à en donner un bref aperçu tant en ce qui concerne le cadre juridique général de la protection des droits de l'homme que l'article 2.2 relatif à la non-discrimination et l'article 3 relatif à l'égalité entre hommes et femmes.

Cadre juridique général de la protection des droits de l'homme; non-discrimination (art. 2.2); égalité entre hommes et femmes (art. 3)

16. Mme KANG (République de Corée) dit, à propos des mesures spécifiques que le Gouvernement de la République de Corée a prises pour mettre en œuvre les recommandations formulées dans les observations finales du Comité au sujet du rapport initial de l'État partie (question 1), que le Gouvernement a notamment adopté, le 12 août 1999, la loi garantissant la satisfaction des besoins essentiels pour protéger les familles à faible revenu, qu'il a également adopté, amendé ou complété diverses lois relatives à l'emploi et à la protection sociale pour les mettre en conformité avec les normes internationales en vue de protéger et de promouvoir les droits consacrés par le Pacte, enfin, que la loi sur l'égalité des conditions d'emploi a été remaniée en avril 1988 afin de protéger les droits des femmes sur le marché du travail et de garantir l'égalité des chances en matière d'emploi. Établie en mars 1998, la Commission spéciale des affaires féminines a relevé directement du Président jusqu'à ce qu'elle devienne en janvier 2001 le Ministère pour l'égalité des chances.

17. Le Gouvernement coréen s'est employé avec beaucoup d'énergie à rédiger un projet de loi portant création d'une Commission nationale des droits de l'homme (question 2) suite à la résolution de la Commission des droits de l'homme de l'ONU de 1993 invitant les États à le faire. Après l'investiture du nouveau Président en février 1998, tout a été fait pour aboutir en septembre 1998 à la présentation du projet de loi qui se trouve devant l'Assemblée nationale et pourrait être adopté dans peu de temps. S'agissant du statut du Pacte dans l'ordre juridique interne (question 3), il convient de rappeler un principe de base en République de Corée selon lequel les instruments internationaux et les lois coréennes se situent, du point de vue juridique, sur le même plan. En cas de conflit, la Cour suprême tranche.

18. Afin de sensibiliser la société et les autorités compétentes aux droits consacrés par le Pacte (question 4), le Gouvernement a diffusé dans les écoles, les instituts de recherche et les universités de nombreuses publications sur les différents instruments internationaux relatifs aux droits de l'homme, notamment le Pacte international relatif aux droits économiques, sociaux et culturels. Les observations finales du Comité concernant le rapport initial ont, elles aussi, été publiées et diffusées largement aux autorités et organisations compétentes. Il convient de remarquer que la République de Corée a proclamé le 10 décembre "Journée mondiale de la déclaration des droits de l'homme" et la première semaine de décembre "Semaine des droits de l'homme" : pendant cette semaine, la population peut obtenir des conseils juridiques gratuits et des cérémonies sont organisées pour récompenser les défenseurs des droits de l'homme et rappeler l'importance de ces droits.

19. Pour ce qui est de la non-discrimination, le Gouvernement a pris des mesures pour répondre aux besoins des groupes les plus vulnérables de la société, tels que les travailleurs étrangers, les personnes démunies, les sans-abri et les handicapés (question 5). En octobre 1998, il a promulgué les "Principes directeurs relatifs à la protection des travailleurs étrangers", qui ont étendu à ces derniers les garanties prévues dans plusieurs lois relatives au travail, dont la loi sur les normes de travail, qui interdit toute discrimination fondée sur la nationalité, la loi sur le salaire minimum ainsi que la loi sur la prévention des accidents du travail et des maladies professionnelles, que les travailleurs étrangers aient ou non enfreint la loi relative au contrôle de l'immigration. Il a également montré sa volonté de protéger les droits fondamentaux des travailleurs étrangers en ratifiant la Convention de l'OIT concernant la discrimination en matière d'emploi et de profession ainsi que la Convention de l'OIT sur l'égalité de traitement. Il a mis en place un système de protection sociale de base visant à protéger et à promouvoir les droits fondamentaux des travailleurs pauvres. Il a en outre étendu le programme d'assistance juridique aux salariés qui perçoivent moins de 1,5 million de won (1 250 dollars É.-U.) par mois moyennant le paiement d'une somme modique pour frais administratifs. Il a instauré un système de protection pour les sans-abri : 150 centres d'accueil répartis à travers le pays leur distribuent des repas, leur dispensent des soins de santé et leur offrent des services de conseil gratuitement. Des établissements spéciaux, tels que des centres de désintoxication pour alcooliques et toxicomanes, leur sont ouverts. Enfin, le Gouvernement encourage leur réinsertion sociale en finançant certains de leurs projets professionnels ou en leur procurant des emplois dans le secteur

public ou privé.

20. S'agissant de la protection des personnes handicapées, Mme Kang invite les membres du Comité à se reporter aux paragraphes 42 à 44 du deuxième rapport périodique de la République de Corée. Elle ajoute qu'une loi sur la promotion de l'emploi, etc., des handicapés adoptée en 1996 impose aux entreprises occupant plus de 300 employés l'obligation d'embaucher des personnes handicapées. En outre, si le nombre de travailleurs handicapés que compte une entreprise est supérieur au contingent fixé, celle-ci reçoit une aide financière de l'État par le biais de subventions. Enfin, le Gouvernement a adopté un plan quinquennal (1996-2000) pour la promotion de l'emploi des handicapés en vue de subventionner des instituts de formation professionnelle pour handicapés, de financer la construction d'établissements d'enseignement professionnel de niveau supérieur et d'augmenter le nombre d'emplois accessibles à des handicapés.

21. Mme Kang fournit ensuite des statistiques sur le nombre et la nationalité des demandeurs d'asile (question 6) qui ont demandé à bénéficier du statut de réfugié au cours des cinq années écoulées. Entre 1996 et février 2001, ils étaient au nombre de 96 répartis comme suit : Myanmar : 21, Algérie : 18, Iran : 5, Congo : 26, Égypte : 5, autres pays : 21. Le Comité chargé d'étudier les demandes d'asile se compose de représentants de sept ministères et de membres de la Croix-Rouge coréenne. Pour statuer, il se fonde sur la Convention de 1951 relative au statut des réfugiés, sur le Protocole de 1967 relatif au statut des réfugiés ainsi que sur le droit interne. Toutefois, la majorité des demandeurs d'asile n'ont pas obtenu gain de cause, car leurs motivations étaient strictement économiques. Le Gouvernement coréen a cependant accordé récemment le statut de réfugié à un demandeur d'asile éthiopien, considérant que celui-ci risquait d'être persécuté s'il était renvoyé dans son pays d'origine. Enfin, pour des raisons humanitaires, les demandeurs d'asile qui n'obtiennent pas le statut de réfugié ont le droit, à compter de la date du refus, de rester sur le territoire coréen pendant six mois, au cours desquels ils ne sont pas sanctionnés s'ils occupent un emploi sans permis de travail.

22. Pour les questions relatives à la condition de la femme (question 7) - possibilités d'emploi, égalité des rémunérations, droits successoraux, violence domestique, accès à l'enseignement et autres domaines traditionnellement touchés par la discrimination sexuelle - Mme Kang invite, faute de temps, les membres du Comité à se reporter aux paragraphes 34 à 41 du rapport. Il convient également de mentionner la loi, adoptée en décembre 1997, sur la prévention de la violence familiale et la protection des victimes en vertu de laquelle des accords juridiques et institutionnels ont été passés aux niveaux national et local afin de prévenir la violence domestique, de protéger les victimes et de dispenser à ces dernières des soins de santé et des conseils. Le Gouvernement a également adopté des mesures législatives pour améliorer la condition des femmes, comme en témoignent la réforme du chapitre du Code civil relatif aux droits successoraux, la révision de la loi sur la nationalité coréenne, qui permet aux femmes de choisir leur nationalité, l'amendement de la loi relative au recrutement dans l'armée, l'abrogation des dispositions discriminatoires à l'égard des femmes dans la fonction publique, la révision de la loi sur l'égalité en matière d'emploi visant à interdire toute discrimination indirecte et tout acte de harcèlement sexuel sur le lieu de travail.

23. M. MALINVERNI, auquel s'associe M. Texier, dit que la place que la Constitution coréenne accorde aux instruments internationaux - qui sont mis sur un pied d'égalité avec la législation nationale, permettant ainsi à une loi interne postérieure ou spéciale d'y déroger - n'assure pas la supériorité du Pacte dans l'ordre juridique interne. De par leur nature même, les instruments internationaux doivent l'emporter sur la législation interne.

24. M. Malinverni demande des précisions sur la réglementation, adoptée en 1998, qui assujettit les travailleurs étrangers à la législation du travail. Cette réglementation s'applique-t-elle à tous les étrangers ou établit-elle une distinction entre ceux qui ont un statut stable et ceux qui ont un statut précaire ?

25. Concernant les réfugiés, M. Malinverni souhaite savoir si les décisions du Comité qui statue sur les demandes d'asile sont susceptibles d'un recours auprès d'une autorité judiciaire ou si elles sont définitives. Faut-il déduire du nombre très limité de demandes d'asile acceptées que les

autorités appliquent une définition stricte de la notion de réfugié qui figure dans la Convention de Genève de 1951 ? Les "réfugiés de la violence", c'est-à-dire les personnes qui ne sont pas persécutées, mais qui veulent fuir la violence, sont-ils pris en compte dans cette définition ? Enfin, est-il vrai que pendant la procédure de demande d'asile, qui serait relativement longue, les intéressés seraient livrés à eux-mêmes sans aucune assistance matérielle ou morale ?

26. M. SADI se félicite que l'État partie ait pris diverses mesures législatives pour mettre en œuvre les recommandations que le Comité avait formulées en 1995 (E/1996/22), notamment en adoptant la loi sur l'égalité dans le domaine de l'emploi. Ces mesures ont-elles été efficaces ? Dans quel cas précis ? La délégation considère-t-elle que les recommandations du Comité sont contraignantes ?

27. Concernant la sensibilisation aux droits de l'homme, M. Sadi souhaite savoir si des programmes obligatoires d'enseignement des droits de l'homme sont organisés dans les écoles et si une formation est dispensée dans ce domaine aux juges et aux forces de police.

28. M. KOUZNETSOV, appuyé par M. Texier, rappelle qu'en 1995, le Comité était déjà préoccupé par le statut du Pacte dans la législation nationale. La déclaration de la délégation selon laquelle les lois coréennes concordent avec les dispositions du Pacte est trop générale. Un mécanisme permettant de vérifier la compatibilité des premières avec les secondes a-t-il été mis en place, conformément aux recommandations du Comité ? Quels sont les droits inaliénables que la Constitution coréenne garantit ? Une distinction est-elle établie entre les droits civils et politiques, d'une part, et les droits économiques, sociaux et culturels, d'autre part ? La protection des droits économiques, sociaux et culturels est-elle assurée par les tribunaux ou par d'autres institutions, par exemple un médiateur ?

29. M. Kouznetsov s'étonne que la République de Corée, qui reste un pays riche malgré les conséquences de la crise asiatique, n'ait ratifié que 10 des 16 conventions de l'OIT qui intéressent particulièrement le Comité. Il souhaite avoir des réponses précises sur ce point. Pourquoi l'État partie n'a-t-il pas ratifié, par exemple, la Convention sur le travail forcé ou les conventions relatives à la liberté d'association ?

30. M. TEXIER demande un complément d'information sur le projet actuel de création d'une commission nationale des droits de l'homme, qui donne suite à une recommandation du Comité. L'indépendance de cette commission sera-t-elle garantie ? Aura-t-elle un budget au moins suffisant pour fonctionner convenablement ? Associera-t-elle à ses travaux des organisations non gouvernementales (ONG), des syndicats ou des représentants de la société civile ? Sera-t-elle aussi compétente pour les droits économiques, sociaux et culturels ?

31. Enfin, M. Texier est préoccupé par la définition extrêmement restrictive que les autorités coréennes semblent donner de la notion de réfugié et par la situation précaire des demandeurs d'asile.

32. M. ATANGANA sollicite des précisions sur les mesures de protection que la loi prévoit pour les femmes victimes de violence.

33. M. WIMER ZAMBRANO souhaite connaître concrètement les recours ouverts aux personnes ou groupes de personnes qui considéreraient que leurs droits économiques, sociaux et culturels ont été violés. Concernant les travailleurs étrangers, la protection offerte par l'État est nettement insuffisante par rapport au nombre de travailleurs concernés, qui vivent dans des conditions déplorables.

34. Mme BARAHONA RIERA se félicite que l'institution garantissant l'égalité entre les sexes soit un ministère, ce qui témoigne de l'importance que le Gouvernement coréen accorde à cette question. Le cadre juridique mis en place semble offrir des moyens suffisants pour réaliser l'égalité entre les sexes. Comment fonctionnera ce ministère dans la pratique ? Quelle sera la part de son budget dans le budget national ?