

**Information to the UN Human Rights Committee for
the adoption of the List of Issues Prior to Reporting
in relation to the consideration of the Fifth Periodic Report by the Government of Republic of
Korea**

- National Human Rights Commission of Korea -

I. Introduction

1. The National Human Rights Commission of Korea (hereinafter the 'NHRCK') hereby submits this report to prepare the List of Issues Prior to Reporting that will be adopted by the UN Human Rights Committee (hereinafter the 'Committee') at the 126th session (1-26 July, 2019) prior to the review of the 5th periodic report of the government of the Republic of Korea (hereinafter the 'Government') on the implementation of the International Covenant on Civil and Political Rights (hereinafter the 'Convention').

2. The NHRCK, as an independent national human rights institution, would like to provide information to the Committee to refer to in drafting the LoIPR which includes questionnaires of the Committee on implementation status of the Convention by the government.

3. This report is drafted based on the Convention, information on status of implementation of the concerns and recommendations presented by the Committee in the Concluding Observations on the 4th periodic report of Korea as well as the policy recommendations, opinion and results of fact-finding researches by the NHRCK.

II. General Issues

4. Accession to International Human Rights Treaties to which Korea is not a party and Domestic Implementation

1) Current Status

- Korea has not yet ratified seven out of 18 international human rights treaties or their optional protocols¹, and the government continues to say it is 'considering' or 'conducting researches' with regards to the accession, without showing visible achievement. In addition, Korea has joined some of the treaties with reserved provision².

- In its Concluding Observations on the 4th periodic report in November 2015, the Committee emphasized implementation of its recommendations with regards to discrimination on the grounds of sexual orientation and gender identity, conscientious objection, and peaceful assembly, among others.

2) Questions

- **Please provide opinion on accession to international human rights treaties and optional protocols to which Korea is not a party yet and specify the reason of non-withdrawal of reserved provision.**

- **Please provide information on implementation status by the government with regards to the recommendations of the Committee in paragraph 15(discrimination on the grounds of sexual orientation and gender identity), 45(conscientious objection) and 53(peaceful assembly) emphasized in the Concluding Observations (CCPR/C/KORCO/4).**

5. Amendment of legislation to ensure independence of the NHRCK

1) Current Status

- The NHRCK was established on 25 November 2001 as an independent national institution that does not belong to the legislative, administrative and judicial branches pursuant to the Principles relating to t

¹ CCPR, OP2(abolition of death penalty), CAT-OP(field investigation and establishment of preventive mechanism), CMW, CED, CED-OP (individual communication), CRC-OP3(individual communication), CESCOP(individual communication)

² CCPR Article 22(freedom of association), CEDAW Article 16 (1)(g) right to choose a family name, CRC Article 40(2)(b)(v) (right to appeal), CRPD Article 25(e) (provision of life insurance)

he status of national institutions for the promotion and protection of human rights adopted at the UN General Assembly in 1993.

- The Committee stated in the 4th Concluding Observations in November 2015 that while it noted the efforts of the NHRCK to secure legislative guarantees of its independence and a transparent and participatory process for the selection and appointment of its members, it recommended to the State party to adopt the legislation necessary to ensure a fully transparent and participatory process for the selection and appointment of members to the NHRCK at all stages of the process, to establish an independent committee to nominate candidates and to guarantee the independence of the members of the Commission.

2) Questions

- Please provide opinion on legislative measures to guarantee a transparent and participatory process of the selection and appointment of members including 'establishment of a committee to nominate candidates.'

6. Implementation, monitoring and change of the NAP

1) Current Status

- On 25 July 2016, the NHRCK recommended to the government to establish the 3rd National Action Plan for the Promotion and Protection of Human Rights(NAP)(2017-2021) in reflection of the content of the 1st and 2nd NAPs, their implementation and evaluation as well as pending human rights issues, and the government(Ministry of Justice) announced the 3rd NAP(2018-2022) in August 2018.

- Pursuant to the Regulation on National Human Rights Policy Council(Presidential Decree No. 340, partially amended, 23 May 2015), the NAP, in principle, has to be established through the process of the National Human Rights Policy Council; established NAP may be amended through deliberation of the Council when needed due to changes of international human rights standards or changed possibility of domestic implementation(article 7); and the Council shall evaluate implementation of the NAP at the year it ends and review and reflect the result of evaluation in establishing the next NAP(article 9).

2) Questions

- Please provide information on measures to institutionally guarantee participation of the NHRCK and CSOs to submit their opinions in evaluating and establishing the NAPs.
- Please provide information on current status of and reason for acceptance/non-acceptance of recommendations of the NHRCK with regards to the 3rd NAP made in July 2016.

III. Specific Rights

7. Enactment of a comprehensive anti-discrimination act

1) Current Status

- Several UN Committees including the UN Human Rights Committee (2015), Committee on the Elimination of Discrimination against Women, 3rd cycle of UPR (2018), and Committee on the Elimination of Racial Discrimination, continued to recommend for the enactment of a comprehensive anti-discrimination act. In particular, in the 4th Concluding Observations of the Committee on Economic, Social and Cultural Rights, the urgency of the need to enact such act was reiterated, and the government was recommended to raise people's and lawmakers' awareness on the harmful impact of discrimination.
- After the NHRCK recommended for the enactment of an anti-discrimination act on July 24, 2006, a draft bill was proposed in the form of government legislation, but with the end of the 17th National Assembly session in 2008, the proposed bill was repealed. The NHRCK again recommended for enactment of a comprehensive anti-discrimination act in its recommendation for the 3rd NAP (2017-2021) in July 2016, and the government has not yet made significant efforts so far.

2) Questions

- Please provide information on the efforts made by the government to enact a comprehensive anti-discrimination act and future plan.

8. Rights regarding Sexual Orientation and Gender Identity

1) Current Status

- According to the 2014 NHRCK Survey on discrimination based on sexual orientation and gender identity, 44.8% of the respondents have experienced discrimination in employment due to their identity, and 14.1% of homosexuals and bisexuals, and 16.5% of transgenders have experience of being fired or advised to quit³.

- In addition, the group that responded the most that they have experienced hate expression, both online and offline, in the 2016 NHRCK Survey on hate expression were sexual minorities⁴. Indeed, hate expression and physical violence was witnessed at the Incheon Queer Culture Festival on 8 September 2018.

2) Questions

- Please provide detailed measures to address discrimination based on sexual orientation and gender identity.

9. Prohibition of discrimination based on sex

1) Current Status

- Korea continues to be in the lowest rank among OECD member countries for several years in terms of glass ceiling index. The proportion of female members of the National Assembly was 17% in 2016, which is lower than the average of 23.3% of 193 member countries, and 19% of Asian countries (IPU, 2017, Women in National Parliaments).

- The Public Official Election Act prescribes that when any political party intends to recommend its members as candidates to run in the election for National Assembly members and local council members, such political party has to work to recommend not less than 30/100 of the total number of the candidates to run in the election among women, but with no means in place for enforcement in case of violation, the provision is ineffective.

³ National Human Rights Commission of Korea, Survey on the situation of discrimination based on sexual orientation and gender identity, 2014.

⁴ National Human Rights Commission of Korea, Study on the situation of hate speech and regulation measure, 2016.

- According to the Annual Report on Personnel Innovation Statistics (2016) of the Ministry of Personnel Management, women accounted for 49.4%, almost half of the total public officials. However, the figure barely reaches 11.3% for female officials with grade 4 or higher, 3.4% for senior civil service, and 7.1% (9 out of 126) for public officers in political service.
- Although the government announced the Five-year Plan for Enhancing the Representation of Women in the Public Sector through the joint efforts of eight departments on 21 November 2017, the UN Committee on the Elimination of Discrimination against Women, expressed its concern in the 8th Concluding Observations(2018) that the targets of 21% of female officials of grade 4 or higher and 10% of female senior civil servants are low.

2) Questions

- **Please present measures to guarantee effectiveness of Article 47 (4) of the Public Official Election Act which prescribes that when any political party intends to recommend its members as candidates to run in the election for National Assembly members of local constituency and in the election for local council members of local constituency after their term of office expires, such political party shall work to recommend not less than 30/100 of the total number of the candidates to run in the election for nationwide constituencies from among women.**
- **Please specify stance on a plan to increase the target number of female officials in the Five-year Plan for Enhancing the Representation of Women in the Public Sector.**

10. Death Penalty

1) Current Status

- Korea is on a de facto moratorium of execution of the death penalty as there has been no execution for the last 20 years since 30 December 1997. However, 61 are still on death row.
- The death penalty is a punishment that is limited to the heinous crime, and it is argued that it is necessary to punish such a crime by the death penalty, considering the cruelty of the crime and subsequent extreme pain and loss suffered by the family of victims and the emotions of the people.
- Meanwhile, on 10 September, 2018, the NHRCK, believing that the death penalty has to be officially abolished, recommended to the government to join the second Optional Protocol to the International Covenant on Civil and Political Rights for the abolition of death penalty considering the following fact:

the death penalty is a cruel and inhuman punishment that infringes upon human dignity and values and the essence of the right to life guaranteed by the Constitution and international human rights treaties; there is a possibility of misjudgment of the death penalty and in case of such misjudgment the damage cannot be reversed; it is difficult to prove the deterrence effect of the death penalty; and the executions have not been carried out for more than 20 years since December 30, 1997.

2) Questions

- Please specify stance regarding accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights for abolition of death penalty and present plan for official abolition of the death penalty and introduction of an alternative punishment.

11. Human Rights in the Military

1) Current Status

- In Korea, assault and cruel treatment in the military continues to happen including the so-called private Yoon's Death from assault in 2014 in which the victim who suffered from continued assault, cruel treatment and bullying has died, Sergeant Lim's Shooting Rampage at GOP(General Outpost) where the soldier who's been bullied went on shooting spree against the perpetrators, killing 5 soldiers, and Marine Corps Food Torture case in which a senior soldier forced victims to eat a large amount of food and touched their genitals.

- The National Assembly organized a Special Committee on Improvement of Human Rights and Culture in the Military in November 2014 to discuss measures to enhance human rights in the military and proposed 39 improvement tasks in July 2015, presenting the result of discussion. Members of the Special Committee from both ruling and opposite parties have agreed to designate a 'military human rights protection officer' under the NHRCK, an independent military ombudsman capable of carrying out fair and objective research, and proposed related legislation. However, the legislation was faced with opposition from the Ministry of National Defense that the military human rights protection officer might cause confusion regarding the right to command of the military and security issues and repealed with the end of 19th session of the National Assembly. Currently at the 20th session of the National Assembly, an amendment draft of the National Human Rights Commission Act was proposed and pending which would place the military human rights protection officer under the NHRCK.

- The issue of human rights in the military is highly likely to cause serious human rights violations including the right to life and health due to the nature of the military, and considering the fact that the drafting system is being implemented and the military will be reorganized centered on senior officers (sergeant level) in the future, there is also a need to have measures to respond to issues of discrimination.

- Accordingly, it is appropriate to designate the military human rights protection officer with a position that could guarantee the independence and expertise in carrying out the duties. In addition, if the protection officer is not allowed to investigate the cases that are already being investigated by the Military, it would not be able to fulfill the function of monitoring and balancing on major cases. Therefore, there is a need for the protection officer to investigate serious human rights infringement cases such as death and assault even when they are already being investigated by the military.

2) Questions

- Please provide measures to enhance military culture to prevent assault, sexual harassment, sexual violence and cruel treatment in the military.

- Please present detailed plan to establish the military human rights protection officer under the NHRCK, and specify stance with regards to the idea to appoint the military human rights protection officer as Standing Commissioner (vice-ministerial level) who has standing access to the military in order to enhance access to the military.

- Please specify stance about the idea to allow the military human rights protection officer to investigate the cases of serious human rights violations including assault and death that are already being investigated by the military.

12. Migrant Workers

1) Current Status

- In spite of amendment of the Employment Permit System in 2012, migrant workers in Korea are still faced with various issues including limited opportunity to change workplace, limited period of stay in Korea, impossibility of family union, and restricted possibility of visa change which undermines long-term stay or acquisition of permanent resident permit and increases risk of undocumented stay.

2) Questions

- **Please specify stance on amendment of related system and legislation including the Employment Permit System to prevent migrant workers from suffering from human rights violation and discrimination.**

13. Trafficking in Persons for Forced Labor

1) Current Status

- While the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereinafter the 'Protocol') that Korea ratified in 2015 defines trafficking in persons as recruitment, transportation, transfer of persons by means of threat, fraud, the abuse of power for the purpose of exploitation, the Criminal Act of Korea narrowly defines trafficking in persons as selling or buying persons.
- In addition, under the Protocol, the consent of a victim of trafficking in persons is irrelevant where illegal and unjust means were used, and the crime of trafficking in persons is recognized. However, the Criminal Act of Korea does not have related provision on this matter and investigative and ruling agencies does not recognize trafficking in persons where they conclude that there was a consent of victim.
- During the 2015 National Audit, a case was pointed out where foreign women entered with E-6 Visa⁵ who were forced to prostitute were investigated as suspects of prostitution rather than victims of human trafficking and accommodated in foreigner's Immigration Processing Center due to the order of forcible eviction and protection.
- In addition, sexual exploitation and human trafficking of foreign women who have entered with a sta

⁵ E-6(Culture and Entertainment) Visa is for long-term stay for people who plan to work in the following areas for the purpose of making profit; music, art, literature, sports, entertainment (e.g. action, musical performances), advertisements, fashion modeling.

* source: enforcement decree of the immigration act, article 12. status of long-term stay [table 1-2]

tus that does not allow employment such as the B-1 visa⁶, not a working visa, also occurs⁷.

2) Questions

- Please provide information on statistics on cases of sexual and labor exploitation occurred after creation of the provision on trafficking in persons under the Criminal Act and specify stance regarding the critics that the Criminal Act defines trafficking in persons narrowly.
- Please provide measures to prevent the act of trafficking in persons including forced labor and protect victims of trafficking in persons by reflecting the strict punishment standard under international human rights treaties.

14. Right to Defense Counsel

1) Current Status

- With the amendment of the Criminal Procedure Act (Article 243 (2), defense counsel's participation, etc., 2007, newly added)⁸, the government recognizes the right to participation of defense counsel during

⁶ B-1 Visa exemption is for short-term stay for citizens of a country that has signed a visa waiver agreement with the government of the Republic of Korea.

* source: enforcement decree of the immigration act, article 12. status of long-term stay [table 1]

⁷ NHRCK(2017) 「Research on re-establishment of a guideline on migration and human rights」, pp. 255.~257.

⁸ 「Criminal Procedure Act」, Article 243-2 (Defense Counsel's Participation)

(1) Upon receiving an application from a criminal suspect, his/her defense counsel, legal representative, spouse, lineal relative, or sibling, a prosecutor or a senior judicial police officer shall allow the defense counsel to have an interview with the suspect or shall allow the defense counsel to participate in the interrogation of the suspect, unless there is good cause.

(2) If there are two or more defense counsel who desire to participate in the interrogation, the criminal suspect shall designate one counsel to participate in the interrogation. If there is no counsel so designated, the prosecutor or senior judicial police officer may designate one.

g interrogation of suspect. However, the scope of participation is restricted with an abstract and vague provision that restricts the right to participation based on 'good cause.'

- Accordingly, in principle, the defense counsel may make comments only after interrogation, and the counsel may raise objection to any unfair interrogation manner and make a statement during the interrogation only with 'approval' of the prosecutor or the senior judicial police officer. That is, the suspect cannot choose him/herself to which question he/she wants to receive comments from defense counsel.
- Despite newly added provision of Article 243 (2) of the Criminal Procedure Act in 2007, participation of defense counsel is not properly implemented, and this can be attributable to diverse factors including the ignorance and burden of cost of accompanying legal counsel during interrogation and tight summon schedule by investigative institutions which does not give suspects enough time to appoint legal counsel before interrogation.

2) Questions

- **Please provide plans to guarantee practical participation right of defense counsel including making comments freely during the process of investigation including interrogation, and suspects' right to receive help from the legal counsel.**

15. Improvement regarding Torture and Unfair Treatment

1) Current Status

- The UN Human Rights Committee expressed its concern in the Concluding observation on the fourth periodic report of the Republic of Korea in 2015 that the "state party's criminal legislation does not adequately ensure that acts covered by the internationally accepted definition of torture are fully criminalized, especially mental torture."
- The UN Committee against Torture also recommended in the Concluding observation on the third to fifth periodic report of the Republic of Korea in May 2017, that the state party should incorporate a d

(3) The defense counsel who participates in the interrogation may make a statement on his/her opinion after interrogation: Provided, That the counsel may raise an objection to any unfair interrogation manner even in the middle of the interrogation and may also make a statement, with the approval from the prosecutor or the senior judicial police officer

definition of torture as a distinct crime into the Criminal Act that provides all elements including its mental and psychological aspects.

- In this regard, the government is in a position that since Article 125 of the Criminal Act prescribes punishment against an act of violence or cruelty which include psychological torture, amendment of the Criminal Act is unnecessary.

2) Questions

- The government should amend its legislation to explicitly include the definition of torture that fully complies with Article 7 of the Convention and other international standards. In addition, it is needed to completely criminalize acts of torture including psychological and mental aspects. Please specify stance in this regard.

16. Human Rights in Detention Facilities

1) Current Status

- The government states that it guarantees the right of inmates to meeting and communication but under Article 41 of the Administration and Treatment of Correctional Institution Inmates Act⁹, the grounds for prohibition of meeting with people outside a correctional institution are vague, which enables arbitrary prohibition of meeting by correctional institutions.

- The government says that it is enhancing medical treatment by providing annual health examination, telemedicine system, and medically specialized prison. However, with excessive time required to receive

⁹ [Administration and Treatment of Correctional Institution Inmates Act] Article 41 (1)Prisoners may meet with persons outside a correctional institution: Provided, That this shall not apply in any of the following cases:

1. Where prisoners are likely to engage in any behavior in violation of criminal law;
2. Where a ruling prohibiting meetings is rendered under the Criminal Procedure Act or any other Act;
3. Where it is likely to do harm to edification of convicted prisoners or their sound rehabilitation into society;
4. Where it is likely to do harm to the security or order of the institution.

outside treatment, lack of medical personnel and systematic medical approach to inmates with mental illness and limitation of emergency medical system during night and holidays, the right to health and medicine of inmates in correctional facilities are not adequately guaranteed.

- The overcrowding in detention facilities(124% compared to standard, as of April 2017) is partly attributable to lack of secured facilities and difficulty in expanding facilities due to collectivism, but there also exists a systematic problem that the criminal justice system in Korea, while declaring the principle of investigation without detention, does not take into account the severity of the crime and carries out arrest and detention.

- Overcrowding in detention facilities is inhumane and unfair treatment against the inmates, which requires fundamental and systematic measures to be resolved. In this regard, the Constitutional Court of the Republic of Korea also confirmed that overcrowding is in violation of Constitution, infringing upon human dignity and value.

- The government states that the disciplinary action against inmates is carried out through a fair process, but the actual operation of the disciplinary committee is not based on independent and clear standard, leaving possibility of arbitrary decision on disciplinary action.

2) Questions

- **Please provide detailed improvement measures to prevent arbitrary prohibition of meeting by correctional institutions and practically guarantee the right to meeting and communication of inmates.**

- **Please provide detailed measures to enhance the right to health of inmates including the increase of medical officer, and medical service for inmates with vulnerability to address problems that occur due to lack of access to health care of inmates regardless of the purpose of detention.**

- **Please provide measures to amend related legislations including the Criminal Procedure Act in order to realize the principle of investigation without detention, as well as practical implementation measures including expanding the number of facilities and overcoming collectivism in order to address the issue of overcrowding in prison.**

17. Guarantee the Rights of Defectors from the Democratic People's Republic of Korea including minimum detention

1) Current Status

- The Committee, in the Concluding Observations on the fourth periodic report of the Republic of Korea expressed its concern that defectors from the Democratic People's Republic of Korea are detained, upon their arrival, in a particular center for up to six months, they do not have access to counsel, and they may be deportee to third countries without independent review if it is determined that they do not qualify for protection.
- In this regard, the government, on 24 December 2018, amended Article 12(Details of Provisional Protective Measures, etc.) of the Enforcement Decree of the North Korean Refugees Protection and Settlement Support Act to shorten the period of temporary protection from 180 days to 90 days.
- However, such a measure taken by the government cannot be viewed as faithful reflection of the recommendation of the Committee. The government has not provided institutional improvement measures about guarantee of the right to counsel and provision of review through independent process before deportation to a third country, and the temporary protection period must be reviewed to be shortened further.

2) Questions

- **The North Korean Defector Protection Center is a place where defectors from the North are staying for the first time upon their arrival in the South. The government limits entrance and exit of people in the Center and limits their freedom of relocation.**
- **Even if it is recognized that there is a need to restrict some of fundamental rights for national security for some period of time, the extent of such restriction has to be minimum, and people who are temporarily protected should be given the right to defense counsel for the entire period of protection. In addition, the period and method of investigation should be strictly restricted, complying with the international human rights standards including the principle of warrant under Article 9 (4) of the Convention.**
- **In addition, before deportation to a third country, a transparent procedure which provides deliberation based on independent and appropriate process must be introduced that can suspend the deportation to a third country.**
- **Please specify stance in this regard.**

18. Monitoring, surveillance and interception of private communication

1) Current Status

- Amid increasing impact of exposure of personal information on infringements of privacy, there is a concern that the 「Protection of Communications Secrets Act」 is insufficient to protect individual information related to communications. In particular, with regards to “provision of the communication confirmation data” under Article 13 of the Protection of Communications Secrets Act¹⁰, an amendment draft was proposed at the National Assembly, and civil society organization called for amendment for excessively infringing the secret and freedom of privacy.
- In July 2018, the Constitutional Court ruled that the part that “Any prosecutor or judicial police officer may, when he/she deems it necessary to conduct any investigation, ask any telecommunications business entity under the Telecommunications Business Act for the perusal or the provision of the communication confirmation data under Article 2 (11)(f)(g)¹¹ of Article 13 (1) of the Protection of Communicat

¹⁰ 「Protection of Communications Secrets Act」 Article 13 (Procedures for Provision of Communication Confirmation Data for Criminal Investigation)

(1) Any prosecutor or judicial police officer may, when he/she deems it necessary to conduct any investigation or to execute any punishment, ask any telecommunications business entity under the Telecommunications Business Act (hereinafter Referred to as "telecommunication s business entity") for the perusal or the provision of the communication confirmation data (hereinafter referred to as "provision of the communication confirmation data").

(2) Any prosecutor or judicial police officer shall, when he/she asks for the provision of the communication confirmation data under paragraph (1), obtain permission therefor from the competent district court (including any ordinary military court; hereinafter the same shall apply) or branch court with a document in which the reason for such asking, the relation with the relevant subscriber, and the scope of necessary data are entered: Provided, That if the urgent grounds exist that make it impossible to obtain permission from the competent district court or branch court, he/she shall obtain permission immediately after asking for the provision of the communication confirmation data and then send it to a telecommunications business entity.

(3) Any prosecutor or any judicial police officer shall, when he/she is provided with communication confirmation data due to the urgent grounds under the proviso of paragraph (2) but he/she fails to obtain permission therefor from the district court or branch court, abandon the communication confirmation data provided to him/her without delay.

¹¹ 「Protection of Communications Secrets Act」 Article 2 (11) - The term "communication con

ions Secrets Act does not conform to the Constitution(2012Hun-Ma538)¹².

- In addition, the Constitutional Court, in its non-conformity decision(2016Hun-Ma263) on interception of internet cables, with regards to the National Intelligence Service's interception of internet cables(packet interception), recognized the massive amount and inclusiveness of the data collected through interception of internet cables is at the center of violation of the principle of the least restrictive mean, and ruled that the part concerning "telecommunications transmitted and received through internet cables" of Article 5(Requirements for Permission for Communication-Restricting Measures for Criminal Investigation)(2)¹³ of the Protection of Communication Secrets Act violated the principle of proportionality¹⁴.

firmation data" means the data on the records of telecommunications falling under any one of the following: (f) The data on tracing a location of information communications apparatus connecting to the information communications networks; (g) The data on tracing a location of connectors capable of confirming the location of information communications apparatus to be used by the users of computer communications or Internet for connecting with the information communications networks;

¹² The court ordered to amend the provision until 31 March 2020, and until then, the provision should be applied.

¹³ [Protection of Communications Secrets Act] Article 5 (Requirements for Permission for Communication-Restricting Measures for Criminal Investigation)

(1) The communication-restricting measures shall be allowed only when there is substantial reason to suspect that the following crimes are being planned or committed or have been committed, and it is impracticable to prevent the commission of a crime, arrest the criminal, or collect the evidence

(2) The communication-restricting measures may be permitted when the target is any specific mail or telecommunications sent and received or transmitted and received by those falling under the conditions in paragraph (1) or any specific mail or telecommunications sent and received or transmitted and received by the applicable parties during a fixed period of time.

¹⁴ The court ruled that the interception of internet cable is in violation of the principle of least restrictive mean based on lack of mean for post control, and stated that the current Protection of Communications Secrets Act only prescribes confidentiality obligation by public officials (Article 11) and restriction on use of materials acquired through communication-restricting measures (Article 12); there is no provision on monitoring or controlling of power abuse to handle massive amount of data collected through interception of internet cable; and the

2) Questions

- Please provide measures to devise strict requirements to be fulfilled by the intelligence and investigative agencies to request communication confirmation data and to enhance protection of fundamental rights and provision of remedial measures.

19. Conscientious objection and alternative civilian service

1) Current Status

- The international community including the UN Human Rights Council has continued to recommend to the Korean government to introduce an alternative civilian service, but the government opposed introduction of an alternative civilian service for reasons of national security, possibility of abuse to avoid military duties, and loss of military power, imposing criminal punishment on about 20,000 young men since 1950.
- The NHRCK, since December 2005, recommended for introduction of an alternative civilian service for several times. In November 2016, regarding the constitutional appeal on recognition of the right to conscientious objection, it submitted an opinion to the Constitutional Court that the right to conscientious objection is about the essence of freedom of conscious, and imposing criminal punishment on conscientious objectors without providing measures to balance the freedom of conscious with the duty of military is against the Constitution.
- Regarding the constitutional appeal on Article 88 (1) of the Military Service Act(2011Hun-Ba379) on 28 June 2018, the Constitutional Court ruled that Article 5 (1) of the Military Service Act that does not define an alternative civilian service as a type of military service violates the freedom of conscious, the fundamental right under the Constitution, the ruled the said provision as non-conforming to the Constitution. The Court, however, ruled that Article 88 (1) of the Act on punishment conforms to the Co

investigative agency may misuse the data collected through internet cable interception to identify activities of a specific person or to acquire information. In this regard, the court ruled that Article 5 (2), which is a basis for communication restricting measures, does not conform to the Constitution and should be amended until March 31, 2020, and the said provision should be applied until then.

nstitution.

-The government (Ministry of National Defense) released pre-announcement of legislations of the Partial Amendment of the Military Service Act and the Act on Transfer and Service of Alternative Service on 28 December 2018 in order to introduce alternative civilian services. In this regard, the NHRCK expressed its opinion on 31 January 2019 that the main content of the act including the reason for application, screening body, period and types of service should be enacted and amended in a way that fulfills the Constitution and international human rights standard¹⁵.

2) Questions

- Please specify stance on introduction of an alternative civilian service pursuant to the NHRCK recommendations and ruling of the Constitutional Court and provide detailed implementation plan.

20. Abolition of Article 7 of the National Security Act

1) Current Status

- There is a concern that Article 7 of the National Security Act violates the basic human rights including the freedom of expression as the provision is prescribed in a way that is excessively ambiguous and abstract. The 2014 report of the UN Special Rapporteur on Human Rights Defenders, 4th Concluding Observations of the UN Human Rights Committee in 2015 and the 2016 report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association also stated that there is a possibility of abuse of the National Security Act and restriction of political pluralism and freedom of expression due to Article 7 of the Act.
- The case of Park Jung Geun, who was charged with violation of Article 7 of the National Security

¹⁵ The NHRCK stated that to comply with the Constitution and international human rights standards, an independent screening body from the military for fair deliberation has to be introduced, and the period and service area of alternative service should not be punitive and should be for public interest.

Act for re-tweeting comments of the North Korean account, is a major example of the abuse of Article 7 and violation of the freedom of expression¹⁶.

- In 2004, the NHRCK recommended to the government to abolish the National Security Act as the act might restrict the freedom of thought and conscience as well as expression, and the government did not accept the recommendation. In 2016, the NHRCK recommended again to devise measures including revising Article 7 to prevent abuse of the act and prevent human rights violations in the NAP (2017-2021).

2) Questions

- Please specify plans to amend Article 7 of the National Security Act and provide measures to prevent abuse of application of the act.

21. Defamation by revealing truth

1) Current Status

- There is a concern that speaking out of fact for the public interest including whistle-blowing on corruption as well as the me-too movement might be discouraged because pursuant to Article 307(Defamation) of the Criminal Act and Article 310(Justification)¹⁷, a person who publicly reveals fact can be pun

¹⁶ Park Jung-geun was arrested for re-tweeting the comments of the North Korean twitter account in January 2012. It was the first time in the world to be arrested for re-tweet. He re-tweeted the North Korean account to mock and satirize the North Korean regime, but the prosecution charged him with violation of Article 7 (1) and (5) of the National Security Act. Park Jung Geun was found guilty at the first trial, and innocent at the second trial, which was finalized after the appeal was rejected on April 28, 2014.

¹⁷ [Criminal Act] Article 307 (Defamation)

(1) A person who defames another by publicly alleging facts shall be punished by imprisonment or imprisonment without prison labor for not more than two years or by a fine not exceeding five million won

ished under the charge of defamation by publicly alleging facts by investigative institutions.

- Recently in Korea, secondary damages against sexual violence victims are occurring during the process of revealing sexual violence at work which had been hidden in various place of society (so-called Me-too movement) as the perpetrators sue victims for defamation by revealing facts.

- The UN Committee on Elimination of Discrimination Against Women expressed its concern in the Concluding Observations on the 8th periodic report on the social stigma attached to, and the institutional prejudice against, sexual violence victims, which deters women and girls from filing reports with the police and the bringing of defamation charges against victims who report to authorities or notify confidants of sexual violence offence, which leads to secondary victimization and silencing of victims.

2) Questions

- **Please specify stance on decriminalization of defamation by revealing fact.**

22. Guarantee the freedom of peaceful assembly

1) Current Status

- On November 14, the police used water sprinkler truck to put down demonstration which resulted in severe damage against the demonstrators, leading to the death of the late Baek Nam ki on 25 September 2016. The use of water sprinkler truck by the police was excessive compared to the purpose of usage which is to maintain order during demonstration, causing harm to the limb and property of individual and infringing upon the freedom of assembly and association.

- The international community and civil society organizations, as well as the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his country visit report to Korea, pointed out that the usage of water sprinkler truck excessively threatens the safety of person and violates the freedom of assembly and association compared to its purpose to maintain the order during demonstration.

[Criminal Act] Article 310 (Justification)

If the facts alleged under Article 307 (1) are true and solely for the public interest, the act shall not be punishable.

- In August 2016, the NHRCK requested the police to secure safety of usage of water sprinkler truck, an equipment used to manage assembly and association by police and prohibit its usage until its safety is confirmed. In December, when the Act on the Performance of Duties by Police Officers was partially amended, the NHRCK expressed its opinion to the Speaker of the National Assembly that it is desirable for the amendment draft to include provisions regarding prohibition of direct spray and mixture with hazardous material and duty to take caution for the elderly, but the related provisions have not been amended yet.

2) Questions

- Please provide measures to restrict arbitrary use of water sprinkler truck which has significant power in assembly and association by prescribing the grounds for and scope of usage of water sprinkler truck.

23. Guarantee of basic labor right for all workers

1) Current Status

- In order to ratify the ILO Convention No. 87 and 98 regarding the right to organize, the government launched the Committee on improvement of labor-management relations and practice under the Economic, Social and Labor Council in July 2018 and continued to have conversation among the representatives from the labor, management, and government. The government states that based on the result of the discussion, enactment at the National Assembly will be carried out first and then the ratification will proceed following the amendment of related legislations.

- The NHRCK concluded that there is a need to join the ILO Convention No. 87 and 98 on the right to organize and recommended to the government (Ministry of Employment and Welfare) in consideration of the reason of accession of Korea to ILO in 1991; to fulfill Korea's promise with the international community during the 2010 Korea-EU FTA to enhance the labor right including the right to organize to comply with international standards and ratify major ILO conventions; to realize constitutional value through protecting the basic labor right prescribe under the Constitution; and to address the urgent labor rights issues including restriction on public officials in joining trade union, notification of 'not a trade union' of the Korean Teachers and Education Workers Union, and application of the charge of obstruction of business on activities of labor union.

2) Questions

- **Please provide information on implementation status including efforts to ratify the ILO convention No.87 and 98, and future plan to ratify the conventions.**
- **Notification by administrative agency on 'not a trade union' under Article 9(2) of the Enforcement Decree of the Trade Union and Labor Relations Adjustment Act might be in violation of international human rights standards, and principle of minimum restriction of the right to organize and basic right under the Constitution. Please provide detailed plan to amend related legislation.**

24. Universal Birth Registration

1) Current Status

- In Korea, birth of child is reported pursuant to the Act on the Registration, etc. of Family Relationships. Under this act, the report of birth of a child born within wedlock shall be filed by the father or mother. For a child born out of wedlock, the report shall be filed by the mother. Where parents are unable to file such report, relatives living together, doctor, midwife or any other person involved in the delivery shall file the report.
- Under the current birth registration system, it is difficult to force birth registration. The person with an obligation to report must report the birth within one month from the date of birth. However, when the birth is not reported, only an administrative fine not exceeding KRW 50,000 is imposed. There is a case where a child born in 1999 had been neglected and excluded from receiving educational or medical benefits due to non-report of birth by parents for 18 years until being found in 2017.
- In addition, single fathers have limited access to birth reporting system. For a baby born out of wedlock, in principle, it is a biological mother who has to file birth report and when the biological mother is identified, single father is not allowed to report birth. With the amendment to the Act on the Registration, Etc. of Family Relationships in 2015, when the single father does not know personal information of the biological mother, he may file birth report to the Family Court by submitting an application of 'confirmation of birth of his own child' with necessary documents including DNA test results. However, there are cases where the application is rejected.
- Since the Act on the Registration, Etc. of Family Relationships explicitly prescribes birth of the 'people', it is not possible to report the birth of non-Korean national. The government states that when a foreigner reports a birth, the reporting document is stored as Special Report Forms and upon request; the government issues 'birth report certificate'; and children of foreign parents, pursuant to the act of the

ir country, may register birth at their embassies in Korea.

- However, the 'birth report certificate' only confirms the fact that the birth is reported. It does not prove the birth itself and identification. In addition, refugees who fled to Korea due to oppression from their government refrain from visiting their embassies, who are highly likely not to cooperate. In addition, there are cases where it is difficult to report the birth including the people whose embassy does not exist in Korea or the embassy refuses to accept the report due to no information on biological father or undocumented stay status.

- In order to address these issues, 10 draft bills to amend the Act on the Registration, Etc. of Family Relationships with regards to birth report system were proposed at the 20th session of the National Assembly, and they are still pending.

- In 2017, the NHRCK recommended to the Minister of Justice to make an amendment to the related legislation to mandate a doctor and midwife involved in delivery to report the birth to national institutions or public institutions. The Minister of Justice replied that amendment will be carried out after consultation with medical institution and related agencies, but the progress seems uncertain.

- The UN Human Rights Council during the 3rd cycle of UPR on Korea(2018), and UN CERD's 17th to 18th Concluding Observations emphasized that the report of birth is precondition for enjoyment of human rights, and recommended to guarantee birth registration of all children born in Korea regardless of their national or status of stay.

- Currently, the government, along with the Presidential Committee on Ageing Society and Population Policy, Ministry of Justice, Ministry of Health and Welfare, and Ministry of Gender Equality and Family, is discussing the introduction of obligation of birth report by medical institution, but due to different opinion among Ministries, progress has not been made.

2) Questions

- **Please explain the reason for delay of introduction of obligation to report birth of medical institutions.**

- **Please provide measures to guarantee registration of birth of all children and government's plan for implementation.**

25. Prohibition of Hatred and Discrimination

1) Current Status

- After a woman was murdered near the Gangnam station in Seoul in May 2016, the issue of hatred including hatred against women has become a social issue.
- In Korea, expressions of degradation and defamation against women, people with disabilities, senior citizens, migrants, and sexual minorities are rampant as seen from the expression of hatred against the Yemeni refugee applicants in Jeju Island in 2018.
- The 2016 Research on Realities of Hate Expression and Regulation Measures by the NHRCK, 94% of sexual minorities, and 79% of people with disabilities have experienced hate expression against them online and 51% of migrants have same experience offline.
- As such, hatred is deeply settling down in people's everyday life, leading to aggravating social conflict. It also violates the dignity of social minorities, reproduces and consolidates systematic discrimination, threatens democracy and undermines social integration.

2) Questions

- **Please provide detailed roadmap to broaden social awareness on the seriousness of hatred and devise effective measures to respond.**

26. Domestic Violence and Marital Rape

1) Current Status

- Article 297 of the Criminal Act requires to prove that the rape entails 'means of violence or threat' to be recognized as crime of rape.
- The number of domestic violence cases has increased from 160,202 in 2013 to 264,528 in 2016, and the number of home protection cases under the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence has increased from 494 in 2012 to 19,834 in 2016 (CEDAW/ C/KOR/ CO.8).
- Since the purpose of this act is to maintain and rebuild the family, among 16,868 home protection cases in 2015, 43.4% did not entail any punishment, and to people who have violated the restraining order, only administrative fine was imposed.
- The UN CEDAW recommended in its 7th and 8th Concluding Observations in 2011 and 2018, respectively, to place the lack of free consent of the victim at the center of the definition of rape and crim

alize marital rape.

2) Questions

- Please specify stance on making amendment of Article 297 of the Criminal Act to punish sexual intercourse without consent as rape and amendment of the Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence to make its main purpose to secure the safety of the victim and family.

27. Digital Sex Crime

1) Current Status

- Gender violence is a term that encompasses physical, sexual and emotional assault and economic damage against women and social minorities incurred due to gender discrimination and inequality. President Moon Jae-in, during his presidential campaign, presented 'devising measures to prevent three types of new gender violence including stalking, dating abuse, and digital crime (online sexual violence) as one of his pledges.

- According to the 2016 Analysis on Crime by the Supreme Prosecutors' Office, the proportions of rape or indecent act by compulsion among sex crimes have not dramatically increased during the period of 10 years. However, online sex crimes including the obscene acts by using means of communication and taking photos by using cameras (so-called hidden camera crime) have dramatically increased. The latter, in particular, has increased by seven folds from 3.6% in 2006 to 23.9% in 2015.

- According to the 'Amendment of the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes by analyzing cases including the crime of taking photos using cameras'¹⁸ by the Korean Women Lawyers Association, 98.3% of victims of the crime of taking photos using cameras is women.

¹⁸ Korea Women Lawyers Association, 'Amendment of the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes by analyzing cases including the crime of taking photos using cameras', [Material book, Symposium on Online Sex Crime and Support for Victim], 26 September 2016.

- Even after the closure of the website 'Sora-net', known as the center of circulation of obscene material, damages caused by digital sex crimes are still serious. Recently, police have been investigating cases in which a celebrity share illegally taken video in a chat room.

2) Questions

- **Please provide measures to prevent new types of violence against women including the digital sex crime and to delete and block criminal contents upon request from victims.**

28. Sex Slavery Victims by Japanese Military

1) Current Status

- On 21 January 2019, the government announced that it will dismantle the Reconciliation and Healing Foundation, as a 'victim first' approach to recover the honor and dignity of the victims of sexual slavery by the Japanese military (so call 'comfort women').

- The government stated that the 1 billion yen funded by the Japanese government will be replaced by the budget of the Korean government and it will discuss with Japan how to handle the remaining fund.

- In this regard, the UN Committee on Prevention of Torture expressed its concern in its third to fifth Concluding Observations (2017) that the bilateral agreement with the Japanese government (December 2015) does not include a promise on prevention of recurrence.

2) Questions

- **Please provide information on implementation plans of dismantlement of the Reconciliation and Healing Foundation to recover the honor and dignity of the victims of sexual slavery by the Japanese military.**

29. Suicide

1) Current Status

- Among the OECD members Korea is a country with the highest suicide rate with 23.0 per 100,000 people (as of 2017) compared to the OECD average of 11.9 since 2003.

- According to the 2016 Elderly Statistics by the Statistics Korea, suicide rate of people aged 65 and above is 56.6 per 100,000 people, and in particular, the figure for the people in 70s has increased from 57.6 in 2014 to 62.5 in 2016, and from 78.6 in 2014 to 83.7 in 2015 for people in 80s, showing increasing rate with age¹⁹.

- In addition, the 2017 Statistics on Causes of Death by the Statistics Korea, the number of people died from suicide was 12,463 in 2017; the suicide was the highest cause of death for people in their 10s, 20s, and 30s; and second highest cause of death for people in their 40s and 50s.

2) Questions

- Please provide effective measures based on accurate analysis on the cause of suicide, and present effective preventive measures, recognizing the seriousness of suicide rate of the youth and elderly.

30. Discrimination against workers who are not protected by the Trade Union Act

1) Current Status

- Workers in special types of employment have similar characteristics with general workers in that they provide direct labor for others' business and earn income. However, they are not protected under the Labor Standard Act and the Trade Union and Labor Relations Adjustment Act, being left behind with dire working conditions.

- The NHRCK in May 2017 recommended for an enactment of an legislation to guarantee the three labor rights of workers in special types of employment or an amendment of the Trade Union and Labor Relations Adjustment Act to include workers in special types of employment as general workers to protect their basic rights and improve treatment.

- In addition, the Labor Standard Act is not applied to domestic workers in informal sector. They are under dire working conditions such as no-agreement of work contents in advance, delayed payment of wages, sexual harassment, assault, and inhumane treatment, without being protected as workers.

¹⁹ The 2017 and 2018 Elderly Statistics do not include data on elderly suicide rate.

- In December 2016, the NHRCK recommended to the Ministry of Employment and Labor to equally protect the working conditions of domestic workers in informal sector and take legislative measures in this regard including making an amendment of the Labor Standard Act.

2) Questions

- **Please specify stance on application of the Labor Standard Act to protect the labor right of the domestic workers.**
- **Please provide detailed plans to include the workers in the special forms of employment(e.g. dependent self-employment) in the scope of workers under the Trade Union and Labor Relations Adjustment Act to enhance their working conditions and to practically guarantee three labor rights.**

31. Refugees and Refugee applicants

1) Current Status

- According to the status of refugee application by offices of the Ministry of Justice in 2016, the Seoul Immigration Office has received 6,224 out of 7,542 applications. The Seoul Office has 22 people in charge, so more than 280 refugee applicants per one public officer, showing severe lack of person in charge of refugee application.
- In addition, the issue of interpretation in the process of refugee status determination has been continuously raised. In recent years, the court canceled the decision on non-recognition of refugee as it turned out that certain interpreter and immigration officer had prepared false interview reports²⁰.
- An objection against the decision on non-recognition of refugee can be filed, but the Refugee Committee in charge of deliberation of objection is being criticized for having lack of independence, expertise, and transparency.
- The Refugee Committee, composed of 15 members, conducts its deliberation based only on papers without having hearing procedures, and the Committee deals with a large number of cases at once in ea

²⁰ 12 October 2017, Seoul Administrative Court, 2017Gu-dan4294, 27 June 2018, Seoul High Court, 2017Nu47245

ch session.

Year/Month	Mar	May	Jun	Sep	Oct	Dec	Total
2015	306	–	462	658	–	590	2, 016
2016	777	563	459	501	896	1, 151	4, 347

- In addition, the Vice-Minister of Justice is charging the Committee and public officials account for a large portion of organization, threatening the principle of the fair and impartial deliberation.
- The UN HCR also recommended to the government with regards to the consideration of objection that the “administrative review on the decision of first round should be conducted by an independent and fair institution.”²¹

2) Questions

- **Please provide information on public officials and interpreters in charge of refugee application and measures to enhance their expertise.**
- **Please provide a detailed guideline to which the refugee applicants examiner and public officials**

²¹ UN High Commissioner for Refugees (UNHCR), UNHCR's Comments on the Republic of Korea 2009 Draft Bill on Refugee Status Determination and Treatment of Refugees and Others, 15 June 2009, available at: <http://www.refworld.org/docid/4a8d58092.html>

- Information on interpretation and process has to be given to refugee applicants; legal service including legal aid has to be provided; practical access to application of objection has to be guaranteed including provision of enough time for and access to application of objection even during detention; during the deliberation on objection related legislation and fact have to be regarded, and a new evidence may be submitted; hearing has to be carried out to enable refugee applicants to provide and explain evidence submitted; the refugee applicant has a right to request a hearing; objection application body has a right to conduct hearing upon request of refugee applicants or on its own discretion.

in charge should conform to during the process of refugee application.

- Please provide detailed measures to enable refugee application screening to be based on the necessity for protection rather than race, skin color, nationality and ethnicity.**
- Please provide detailed measures to enhance independence and fairness of objection deliberation institution during the process of refugee application.**

32. Business and Human Rights

1) Current Status

- The international community including the UN and OECD expressed their concern regarding human rights infringement by Korean companies operating abroad including the import of cotton from Uzbekistan, working condition in Korean clothing factories in Myanmar and the issue of compensation related to the steel factory in India and the natural gas project in Myanmar.
- The UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended in his report on the state visit to Korea in 2016 that the government should pay due attention to victims of Oxy humidifier sanitizer, workers exposed to hazardous material at Samsung Electronics, and people residing near the place which is exposed to hazardous material, and seek measures to address these issues.
- The NHRCK, on May 23, 2016, released Chairperson's statement through which it emphasized the need to expand government support for victims of Oxy humidifier sanitizer as well as monitor and improve the system to manage daily chemical products. On December, 21, 2017, the NHRCK recommended to improve related system to strengthen sample survey system pursuant to the Framework Act on the Safety of Products to enable the business owner to check on the safety of the product before production or distribution, calling for efforts of business and government to prevent the distribution of products that threaten people's life and health.
- In addition, on July 12, 2018, the NHRCK recommended for amendment of related legislation including the Occupational Safety and Health Act to devise measures to notify hazards and danger of chemical material to enable workers' immediate and easy acknowledge to protect the right to health of workers and their children, and to introduce a deliberation system on trade secrets to prevent arbitrary omission in the Material Safety Data Sheet for the reason of protecting the trade secrets.
- Pursuant to the Special Act on Investigating the Truth of Social Disaster and Building a Safe Society enacted on December 12, 2017, the government established a Special Investigation Commission on the

Humidifier Disinfectant Disaster and the April 16 Sewol Ferry Disaster to perform such duties as investigating the truth about the Disasters, improving systems relating to building a safe society, and inspecting measures to support victims.

2) Questions

- Please provide effective measures to prevent human rights violation by Korean companies operating abroad and to provide remedy and protection for victims.
- Please provide measures to prevent infringement of the right to know of workers due to disproportionate information on production of products and designation of trade secret by business owner and to protect workers from hazardous industrial factors.
- Please provide measures to prevent the repeated controversy on hazardous material contained in products.

33. Crime of Abortion (Violation of the right to self-determination of women)

1) Current Status

- Article 269(Abortion) and 270(Abortion by Doctor, etc., Abortion without Consent) of the Criminal Act²² completely prohibit abortion without exception, and accordingly, women who chooses to have abortion has no choice but illegal procedure during which she cannot request for or be guaranteed with safety because it is illegal even when the procedure is conducted by a doctor. She cannot ask for accountability for possible side-effects of surgery as well. That is, women's right to self-determination, health and life are severely threatened.

²² [Criminal Act] Article 269 (Abortion)

(1) A woman who procures her own miscarriage through the use of drugs or other means shall be punished by imprisonment for not more than one year or by a fine not exceeding two million won.

[Criminal Act] Article 270 (Abortion by Doctor, etc., Abortion without Consent)

(1) A doctor, herb doctor, midwife, pharmacist, or druggist who procures the miscarriage of a woman upon her request or with her consent, shall be punished by imprisonment for not more than two year.

- With regards to the constitutional appeal(2017Hun-Ba127), the NHRCK submitted its opinion on February 25, 2019 that punishing women who procured miscarriage pursuant to Article 269 (1) of the Criminal Act is in violation of women's rights to self-determination, health and life, and reproduction.

- The Constitutional Court on 11 May 2019(2017Hun-Ba127) ruled in a constitutional appeal on Article 269 (1) of the Criminal Act regarding abortion that the provision limits the pregnant woman's right to choose freely, which is against the principle that an infringement on a person's right must be kept to the minimum, and places unilateral and absolute superiority on the public interest of protection of life of fetus, which violates the right to self-determination of the pregnant woman. The court ruled that the provision does not conform to the Constitution and an amendment must be made until December 31, 2020.

2) Questions

- **Please provide detailed implementation plan and direction for amendment of the Criminal Act that criminalizes abortion.**

34. Protection of victims of violence and sexual abuse in sports

1) Current Status

- In February 2019, after one athlete revealed sexual abuse by her coach, the violence and sexual abuse in sports has become a social issue in Korea.

- The sports community in Korea has a closed and hierarchical organization structure, in which coaches with dominant power commit violence and sexual abuse to athletes, and the victims being afraid of revenge or systematic concealment were not able to speak out the victimization.

- On February 2019, a Special Investigation Team on Human Rights in Sports of the NHRCK was launched, and it is currently investigating cases of violence and sexual abuse in sports and plans to identify the systematic problem in the industry through a large-scale fact-finding research. However, the investigation team will carry out its activities only for a year and the National Assembly and others are pointing out the need for long-term measures including making the investigation team a permanent body.

2) Questions

- **Human rights violations in sports are likely to be attributable to its cultural and organizational**

problem, which require fundamental and long-term plans to be resolved. Please provide detailed plan in this regard.

- Please specify stance with regards to the idea to establish and operate a permanent and independent body to prevent violence and sexual abuse in sports and provide remedy for victims.