



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights Forty-third session

#### Summary record of the 43rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 11 November 2009, at 10 a.m.

*Chairperson:* Mr. Marchán Romero

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#### Consideration of reports:

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Third periodic report of the Republic of Korea (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports:**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Third periodic report of the Republic of Korea* (continued) (E/C.12/KOR/3; E/C.12/KOR/Q/3 and Add.1; HRI/CORE/1/Add.125)

1. *At the invitation of the Chairperson, the delegation of the Republic of Korea took places at the Committee table.*
2. **The Chairperson** invited the delegation to respond to the questions on articles 1–5 of the Covenant which Committee members had raised at the previous meeting.
3. **Ms. Yun Jee-yeon** (Republic of Korea) said that her Government was making efforts to increase gender equality. A special training institute had been established in order to provide customized education on gender sensitivity and equal rights. Gender equality in daily life in the Republic of Korea was increasing. On the question of sexual self-determination, she said that men and women alike had a high level of awareness of their self-determination in respect of sexual decisions. Regarding the protection of migrant women, there was a 24-hour telephone hotline service open seven days per week, to provide emergency support for migrant women. A central emergency support centre for migrant women had been established, which provided services in eight languages, and in 2009 four regional centres had been opened. There were 14 shelters for migrant women, which offered support and made arrangements for them to return to their country of origin, if they so wished. Centres providing services for migrant women with children ensured vocational training and education. Information and support were available for couples entering into mixed-nationality marriages.
4. **Mr. Kim Dong-hyeon** (Republic of Korea) said that, when the current administration had taken office in 2008, it had conducted an evaluation of the functions of each ministry, as a result of which it had opted to transfer the childcare and family policy functions of the Ministry of Gender Equality to the Ministry of Health, Welfare and Family Affairs. Those functions had not been reduced. The number of staff at the Ministry of Gender Equality had been increased in 2009, in order to strengthen the Ministry's capacities and expand its activities to include the promotion of economic activities for women. The National Assembly was currently discussing a bill on the further expansion of the Ministry.
5. **Ms. Kang Keom-yun** (Republic of Korea) said that legislation was in place to prevent gender-based discrimination in respect of employment opportunities and salaries, and ensure equal pay for work of equal value. The Government monitored gender-based discrimination in the workplace continuously. In order to raise awareness among businesses, guidelines on discrimination had been drafted, which included examples of violations of anti-discrimination laws. The guidelines would ensure that violations could be identified and addressed appropriately, and prevented in future. Consulting services had been engaged to review the wage structure. Female employees who were victims of discrimination were granted access to private counselling facilities, which were partly funded by the Government. The gap between the average earnings of women and men was the result of women taking time out of employment to raise children. Steps were being taken to bridge that gap by extending home-care leave and granting subsidies for workers taking childcare leave and subsidies for employers to help pay for temporary cover staff. Male workers also had the right to take childcare leave. Flexible working patterns were being introduced, and the Government was seeking to increase the number of high-quality

part-time jobs available, in order to improve employment opportunities for women with children. Some employers received government support for the establishment of on-site childcare facilities. In order to help promote women's employment and ensure that women were not discriminated against in the workplace, the Government would continue to provide support for female workers and guidance for employers.

6. **Ms. Yoon Se-jin** (Republic of Korea) said that the Comprehensive Plan for Water Management on Four Major Rivers (Four Rivers Project) had not resulted in a reduction in the welfare budget. The welfare budget had in fact increased steadily over the past five years, and currently constituted 27.8 per cent of the total budget – an unprecedentedly high figure. The welfare budget for 2010 would need to take account of the time lag between economic recovery and the achievement of economic stability among low-income sectors of society.

7. **Mr. Lee Sang-heon** (Republic of Korea) said that the Four Rivers Project had been established to cope with the effects of natural disasters, in particular flooding and drought, which were resulting from climate change. Project activities included dredging sediment and improving water storage in the rivers concerned, and installing water treatment works to improve the quality of drinking water. The people most affected by the droughts and floods experienced annually in the Republic of Korea were the farmers and villagers living near the four rivers concerned. The project was designed not only to further economic development but also to promote the welfare of those people. Although its cost was very high, annual flood recovery measures were also extremely costly, and the project would therefore result in long-term savings. Running the project would also have implications for employment, and people in the low-income bracket would benefit from the new jobs created. The project would protect the life and property of the population of Korea from the effects of natural disasters, and should therefore not be evaluated in purely economic terms.

8. **Ms. Paik Ji-ah** (Republic of Korea) confirmed that various aspects of economic, social and cultural rights were taken into account during the negotiation of free-trade agreements, and measures were taken to avoid any detriment to labour standards and environmental protection. International Labour Organization (ILO) core labour standards were also adhered to in those negotiations. Free-trade agreements made a positive contribution to the economic, social and cultural rights of the population, since the expansion of bilateral trade and investment enhanced economic welfare and facilitated rapid and sustainable economic development.

9. The Republic of Korea had gradually increased its official development assistance (ODA) since 2000, and intended to continue to scale up its efforts over the coming years. The Government had set the target of increasing the ODA to gross national income ratio to 0.25 per cent by 2015. The Republic of Korea was committed to fostering efforts to build a global partnership for development and was convinced that its overseas development efforts would contribute to guaranteeing the rights enshrined in the Covenant.

10. Responding to the question raised by Ms. Brás Gomes about the country's economic activities overseas, she said that the Government attached particular importance to corporate social responsibility. There were currently 170 national companies that were members of the United Nations Global Compact and participated regularly in its activities.

11. **The Chairperson** invited the members of the Committee to raise any questions they might have on articles 6–9 of the Covenant.

12. **Mr. Zhan Daode** requested up-to-date unemployment statistics.

13. **Ms. Bonoan-Dandan** asked how the minimum wage was calculated and whether it was sufficient to guarantee a reasonable standard of living for workers and their families. The Committee had been informed that the minimum wage was reduced for apprentices and

workers employed for periods of less than three months. She wished to know if that was indeed the case and, if so, why. The Committee had also received information that the ruling party, under a tacit agreement with the Government, was promoting a revision of the Minimum Wage Act, which was intended to reduce the minimum wage for workers aged over 60 years and to extend the reduced minimum wage period for apprentices from three to six months. She would appreciate the delegation's comments on that revision.

14. Turning to the question of industrial accidents, she said that average working hours in the Republic of Korea were longer than in any other member State of the Organization for Economic Cooperation and Development (OECD), and that the State party had the highest industrial accident rate among OECD countries; over 1,000 workers died annually. For the 1.5 million workplaces across the country there were only 350 labour inspectors, which focused on seeking out undocumented migrant workers, rather than inspecting labour conditions and potential hazards in the workplace. On the issue of trade unions, she said that the Korean Confederation of Trade Unions had organized a solidarity strike, in which members of the Korean Metal Workers' Union had actively participated. The Committee had heard reports that the police had taken disproportionately severe measures in response to industrial action. She asked the delegation to comment on that allegation. Those workers had been requesting improved conditions, including better health-care rights, opposing privatization and the Grand Canal Project, and asking for measures to counter high levels of inflation. The Committee had been informed that throughout 2009 the police had prohibited trade union rallies and demonstrations. Arrest warrants had been issued against the leaders of the Korean Confederation of Trade Unions, the Korean Metal Workers' Union and the Hyundai Motor Union under article 314 of the Criminal Code on obstruction of business. She wished to know why trade union protests had been prohibited and what was the definition of "obstruction of business". She personally had witnessed an excessive police and military presence at a peaceful gathering in Seoul to mark the death of the former President of the Republic of Korea. She wondered why the reaction to peaceful assembly was so disproportionate. Article 2 of the Act on the Establishment and Operation, etc. of Trade Unions for Teachers, and article 6 of the Act on the Establishment and Operation, etc. of Public Officials' Trade Unions prohibited trade unions for workers in public and private universities. In spite of those regulations, the Korean Professors' Union had been formed in 2001. The Government had refused to register the Union, pursuant to that legislation, which seemed to be in direct contravention of the Covenant. She would appreciate the delegation's comments on that situation.

15. **Ms. Barahona Riera** asked what was the institutional framework for the implementation of the National Action Plan for the Promotion and Protection of Human Rights. She wondered what was the jurisdiction of the Human Rights Bureau of the Ministry of Justice, in comparison with the mandate of the National Human Rights Commission. She enquired why family matters had been transferred to the competence of the Ministry of Health from the Ministry of Gender Equality. She asked whether any national policies were in place to promote youth employment, particularly in the light of the effects of the current global financial crisis on employment rates. She requested further information on pensions for senior citizens, especially in view of the high levels of self-employment in the Republic of Korea, which had a direct effect on State pension levels. She asked what measures were in place to protect the elderly, since the country had a rapidly ageing population.

16. **Mr. Schrijver** asked for clarification of the State party's position on article 8 concerning the freedom to organize trade unions and engage in union activities. He noted that the Constitution and other legislation guaranteed several basic labour rights, yet the Republic of Korea was still not a party to a number of key ILO conventions. He asked if there was a difference between the core minimum labour standards provided for in the State party's own legislation and those contained in the ILO Conventions concerning Freedom of

Association and Protection of the Right to Organise (No. 87) and the Application of the Principles of the Right to Organise and to Bargain Collectively (No. 98). Did the Republic of Korea intend to become a party to those two important instruments?

17. **Mr. Kedzia** associated himself with the remarks of Ms. Bonoan-Dandan and Mr. Schrijver on trade union rights and the apparent disproportionate use of power by the authorities in reaction to worker protests.

18. While he welcomed existing legal measures to protect migrant workers, he expressed regret that they still suffered inequalities in comparison with Republic of Korea nationals with respect to working hours, salaries, labour mobility, health and safety, and access to medical and other services. A particular concern was the high rate of industrial accidents among migrant workers. What steps was the Government taking to address those issues?

19. He asked for information concerning sexual harassment and violence against female migrant workers in the entertainment industry. What action was the State party taking to ratify the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which it had signed in 2008? He highlighted the fact that, by restricting the definition of trafficking to prostitution, the State party was acting contrary to the Protocol and was failing to recognize women who were not prostitutes but who had been trafficked for sexual exploitation in the entertainment sector under the E-6 government classification. He requested clarification on what specific steps were being taken to monitor recruitment of E-6 classified workers to ensure that they had recourse to a simple and effective complaints mechanism regardless of their immigration status, to organize relevant training for public officials, and to conduct thorough investigations into the trafficking of E-6 classified workers so as to bring perpetrators to justice.

20. **Ms. Brás Gomes** (Country Rapporteur) said that the Committee remained unconvinced that the National Human Rights Commission was a wholly independent body and was still unsure as to its precise functions and mandate.

21. Concerning the right to work, she requested up-to-date unemployment statistics and asked what measures the Government was taking to achieve its target of a 55 per cent employment rate for women and higher employment rates among persons with disabilities in both the private and public sectors.

22. She also asked why the revised Minimum Wage Act excluded persons with disabilities from entitlement to the national minimum wage. Furthermore, could the State party confirm that it was not planning to change regulations to allow companies providing food and accommodation to workers to deduct such costs from wages? In addition, she requested clarification on paragraph 130 of the State party's written replies to the Committee's list of issues (E/C.12/KOR/Q/3/Add.1), which referred to an amendment to the Minimum Wage Act to allow regions to set their own minimum wage. How would regions decide on a suitable amount and would there no longer be a standard national minimum wage?

23. With respect to the right to just and favourable conditions of work, she expressed concern that excessive labour-market flexibility and the State party's "Business-Friendly Policy" were weakening the protection of labour rights. What action did the State party intend to take to redress the situation, aside from a draft bill that had been pending before Parliament for some time?

24. On the right to social security, she noted that the Republic of Korea's social welfare expenditure was one of the lowest in the OECD countries. She noted with concern that only just over a third of the unemployed were entitled to unemployment benefit, with non-regular and women workers among those least likely to be covered. She also expressed

concern that the Government had made no provision for sickness benefit. Why, given its level of economic development, had the Republic of Korea not integrated sickness benefit into its social security system? Referring to paragraph 190 of the State party's written replies on the State pension scheme, she asked whether there was a guaranteed minimum amount to ensure that old-age pensioners did not fall into poverty due to the current global trend for pension cutbacks.

25. **Mr. Sadi** noted the State party's written reply to issue 23 concerning the exceptions accorded exclusively to Special Economic Zones (SEZs) in the context of its "Business-Friendly Policy" to the effect that some labour laws did not apply to workers in foreign-invested enterprises located in SEZs. Was that the sole exception and how did the State party justify applying such a double standard? In the Committee's view, it amounted to preferential treatment and was contrary to the Covenant. Did the State party intend to stop the practice?

26. **Ms. Kang Keom-yun** (Republic of Korea), in reply to questions concerning non-regular workers in relation to article 6 on the right to work, said that the Government's job creation policy in response to the global economic crisis had helped reduce the number of non-regular workers. Lower wage levels for non-regular workers had been recorded mainly because there were fewer higher-paid, experienced non-regular workers, but if a comparison of the wages of non-regular and regular workers with the same level of experience were made, the wage gap would be narrower.

27. The Government had adopted a series of measures to improve the labour conditions of fixed-term and dispatched workers, including: promulgation of two acts on fixed-term and dispatched workers to restrict the contract term to two years and prohibit discrimination of non-regular workers; establishment of a complaints mechanism for non-regular workers, including free Government-paid advice from experts on labour matters; a comprehensive plan to protect non-regular public-sector workers, in particular the transfer of 84,000 workers to regular status; tax reduction incentives for companies to encourage transfer of non-regular workers to regular status; appointment of labour inspectors to prevent discrimination; and publication of guidelines for employers on improving labour conditions. In addition, the Government had introduced several training programmes to help non-regular workers improve their professional skills and employment opportunities.

28. In order to strengthen the safety net of non-regular workers, unemployment benefit was paid automatically, regardless of whether or not they had taken out unemployment insurance or received proof of employment status. Job centres had a separate counter where non-regular workers could go for advice on loans and benefits available to the unemployed and for assistance in seeking employment.

29. As for measures to encourage more companies to take out social insurance on behalf of their employees, the Government had introduced a scheme to grant employers a special period of exemption from premium payments.

30. With respect to the status of the revision of national legislation on guaranteeing employment security and the equitable treatment of fixed-term and dispatched workers, she said that the Government was concerned about the negative effects of imposing a two-year restriction on non-regular contracts. Accordingly, an in-depth study had been carried out in order to estimate the number of non-regular workers at risk of losing their jobs, and to identify shortcomings and, if appropriate, amendments required to current legislation.

31. **Mr. Kim Hong-seob** (Republic of Korea), referring to the question of the right of university lecturers to organize trade unions and engage in union activities, said that public officials and teachers were subject to separate legislation and an act on establishing a trade union had been promulgated for teachers in 1999 and for public officials in 2006. The former, however, was restricted to primary and secondary school teachers, and hence

current legislation precluded university lecturers from establishing or belonging to a trade union. A draft bill on separate legislation for university lecturers had been under discussion but had been shelved when the National Assembly had been dissolved. The Tripartite Commission had agreed to resume discussions on the matter once the opinions of all interested parties had been ascertained.

32. **Ms. Lee Boo-yong** (Republic of Korea), in response to concerns on the rights of migrant workers, said that the introduction of the Employment Permit System (EPS) in 2004 ensured that all migrant workers were protected under the same labour laws as nationals. However, she agreed that further efforts should be made to ensure that they enjoyed equal rights with nationals in all labour matters.

33. As for concerns over the high rate of industrial accidents among migrant workers, according to Ministry of Labour statistics, the number of industrial accidents recorded in 2004 was only marginally higher for migrant workers. Nevertheless, the Government had initiated a series of preventive measures, including workplace visits, distributing health and safety leaflets to migrant workers in their native language and providing interpreters during visits, and intensive monitoring to ensure companies complied with health and safety regulations. Moreover, in the event of an accident, migrant workers were guaranteed the same level of care as Republic of Korea nationals, regardless of their immigration status.

34. In response to the question as to whether there was a wage difference between migrant workers and nationals, she assured the Committee that under the EPS system migrant workers, just as nationals, received the national minimum wage and equal pay for work of equal value.

35. Legislation on employment of persons with disabilities had been enacted in 2007 and, as a result, the number of workplaces employing persons with disabilities had increased to 350, including companies with less than 50 employees. In 2008, persons with disabilities had accounted for 2.05 per cent of the public-sector workforce and 1.73 per cent of the total workforce. The Government's target was to attain 3 per cent of persons with disabilities in the workforce in 2009 and to increase that figure year-on-year.

36. **Ms. Bae Su-jin** (Republic of Korea) said that the unemployment rate in 2009 was slightly higher than it had been in 2008. The recent economic crisis, combined with structural weaknesses in the national economy, had made youth unemployment an issue. Young people had higher levels of education, while youth employment opportunities were decreasing. At the same time, there was a mismatch between job-seekers and the job market. In order to remedy that situation, the Government was promoting service industries, encouraging business enterprise and providing additional training in the medium to long term.

37. A proposal to introduce different minimum wages in different regions had been put forward by a member of the National Assembly in the context of a proposed bill to revise the Minimum Wage Act, which remained pending. The bill also explored other measures, including the application of a reduced minimum wage to workers aged 60 or above and the deduction of lodging expenses in calculating minimum wages.

38. Persons with disabilities enjoyed the same minimum wage guarantees as other workers, although some exceptions to the minimum wage regulation were allowed based on performance. The deduction of lodging expenses was applicable both to migrant and to other workers, who could apply to their employers for food and lodging services. Employers were not bound by law to provide such services free of charge, but they were required to provide them at reasonable rates.

39. With regard to the level of industrial accidents, although the number of government inspectors was certainly insufficient, the industrial accident rate had declined in 2009. That

decrease could be attributed to the combined efforts of government inspectors and the Occupational Safety and Health Agency, which would continue to work to improve industrial safety.

40. The Republic of Korea was engaged in active discussions with the ILO to overcome remaining differences of opinion with a view to ratifying ILO Conventions Nos. 87 and 98. The law on multiple labour unions in the same workplace remained to be implemented and differing views concerning government workers' unions needed to be reconciled.

41. Unemployment benefits had first been introduced in the Republic of Korea in 2005. Since that time, benefits coverage had been extended to strengthen the role of the unemployment benefit system as a safety net. The recent economic crisis had had a negative impact on the labour market, and the Government was cautiously investigating ways of extending and improving the unemployment benefits programme through a task force composed of public officials, labour and employers.

42. Foreign-invested enterprises in SEZs were accorded exceptions under domestic labour laws and regulations. They were exempt from requirements to preferentially employ persons who had rendered distinguished service to the State and to grant a weekly paid holiday and paid monthly menstruation leave and were permitted to extend the contracts of dispatched and fixed-term workers.

43. **Ms. Kang Keom-yun** (Republic of Korea) said that a number of measures were being taken to increase the ratio of women in industry, including efforts to prevent career breaks after marriage. Numerous practical steps were being taken to improve productivity, to increase the number of woman managers and to promote the employment of women. Concerted Government efforts in that regard included the provision of start-up services for women in business and a variety of skills training programmes and courses, which women were taking up in increasing numbers, in addition to advice on finding employment. Such services were particularly useful for women who had taken a career break and wished to develop their skills. Moreover, a more favourable system had been introduced for pregnant women who wished to return to work after childbirth.

44. **Ms. Yoon Se-jin** (Republic of Korea) said that, although the total social welfare expenditure of the Republic of Korea was low compared to other OECD members, her country had the second highest rate of increase among OECD members for the period 2003–2007. Her Government was strongly committed to protecting the near-poor and lower-income groups and had made considerable efforts to enhance the social safety net.

45. **Ms. Cho Hye-sil** (Republic of Korea) said that, even if covered by their employers' medical insurance, migrant workers who had stayed in the Republic of Korea for three years could choose to participate in the National Health Insurance and some could do so at discounted rates. Those migrant workers who did not have access to medical care on humanitarian grounds could receive support for surgery or emergency care and could obtain emergency medical loans.

46. **Mr. Jung Sun-gill** (Republic of Korea) said that the proportion of elderly people in the Republic of Korea was expected to rise to 14 per cent by 2018. The National Pension Scheme had been in existence for a mere 20 years and the pension insurance premium level was relatively high because of the large proportion of self-employed workers. The Government had been working hard to introduce new systems that would allow equitable access to benefits. In addition to raising awareness of the National Pension Scheme among the younger generation, it had been streamlining and improving that system. By 2007 a basic old-age pension system had been created whereby some 70 per cent of the population aged 65 years and over received benefits at 5 per cent of the sum for which they were insured. Since early 2009, a system had been introduced whereby workers had vested



pension rights regardless of their employment status. A programme to discount pension premiums for workers on low incomes was under discussion.

47. His Government was also seeking to serve the needs of the elderly and those on low incomes by considering the introduction of wage peak systems and reviewing the retirement age, in the light of anticipated future demands. In addition, elderly persons were offered employment in niche market areas such as kindergartens as assistants or as building janitors. It was envisaged that more such employment opportunities would be created in the future.

48. **Mr. Kim Chong-min** (Republic of Korea) said that obstruction of business was defined as a crime under the Criminal Code of the Republic of Korea. Legal strikes were recognized and were fully guaranteed and protected by the Government and clear standards defining the legality of strikes had been established on the basis of Supreme Court rulings. Simple refusal to work, peaceful occupation and picketing were allowed in the context of a legal strike. However, politically motivated strikes or those in which business premises were occupied by force were not legal and leaders of such strikes were liable to penalties for violating the provision on obstruction of business. Public force was used on a limited basis in the context of illegal labour-related action, in particular if that action involved violence that would endanger human life or cause damage to the physical assets of the workplace. The Korean Confederation of Trade Unions' call for a general strike against beef imports from the United States of America had clearly been politically motivated and the strike leaders had been found guilty by the court of first instance.

49. The Human Rights Bureau was in charge of work related to the National Action Plan for the Promotion and Protection of Human Rights. Some 30 government agencies and ministries had been involved in establishing the National Action Plan and the National Human Rights Commission had also made useful recommendations in that regard. The National Human Rights Policy Council was responsible for implementing the National Action Plan; the Minister of Justice served as the Council's chairperson, and several other ministries also participated in it. Since 2006, the Human Rights Bureau had worked with various government ministries, the National Human Rights Policy Council and non-governmental organizations (NGOs) to ensure that their opinions were reflected in government policies. Ministries evaluated progress made in the tasks assigned to them annually under the National Action Plan and submitted the results to the Human Rights Policy Council, which followed their progress; the Ministry of Justice and other public agencies published those results on their websites. The achievements of the National Action Plan for the period 2007–2011 would be evaluated at the end of 2011.

50. With regard to trafficking, the Criminal Code recognized various forms of trafficking, including trafficking for sexual purposes. Article 287 of the Code defined abduction and inducement as distinct from abduction and inducement for prostitution, while article 289 dealt with abduction and inducement to other countries.

51. **Mr. Kim Jung-do** said that some female migrant workers holding E-6 entertainment visas were forcibly involved in the sex trade. The Government was therefore exercising caution in issuing such visas and intensifying status checks on the workplaces of E-6 visa holders. If migrant female workers, regardless of their visa status, were victims of sexual crimes they were entitled to seek redress, bring charges and make claims for compensation and were entitled to remain in the Republic of Korea with permission to work while such action was under way. Moreover, female migrant workers who were victims of sex crimes were offered support at 56 crime support centres throughout the country.

52. **Ms. Yun Jee-yeon** (Republic of Korea) said that various services were provided to foreign women who were victims of the sex trade, including legal and medical services, and

support was also offered in the form of shelter. In addition, various training and educational programmes existed to raise awareness of the illegality of the sex trade and public campaigns on that theme were conducted through a broad range of methods and the media. Government and other public agencies were required to provide sex-trade prevention education to employees, and compliance with that requirement was monitored by the Ministry of Gender Equality.

53. **Mr. Kim Hyeong-man** said that low fertility rates combined with an ageing population posed a serious demographic challenge to his country and called for comprehensive measures to address related aspects of the problem simultaneously, including birth-rate management, childcare and care for the elderly. The national social welfare and pension systems needed to work together to meet the challenge; for that reason, his Government had transferred part of the Ministry of Gender Equality to the Ministry of Health, Welfare and Family Affairs during the previous year. The low birth rate was related to the issue of gender equality and the Ministry of Gender Equality therefore played an active role in the decision-making process.

54. **Ms. Kang Keom-yun** (Republic of Korea) said that the Government guaranteed the three basic labour rights — to independent association, collective bargaining and collective action to enhance their working conditions — to non-regular workers as well as regular workers, and that there were no laws or regulations restricting enjoyment of those rights. However, the lack of security caused by uncertainty as to whether non-regular workers' employment contracts would be extended meant that many non-regular workers did not join trade unions, and in many cases were not entitled to join. However, if any non-regular workers found that the fact that they were not members of trade unions led to discrimination, the Ministry of Labour would strengthen its monitoring of their status and rights.

55. **The Chairperson** invited follow-up questions from members regarding articles 6–9 of the Covenant.

56. **Mr. Sadi** asked what happened to the status of a strike whose legality had been contested while the Supreme Court was considering the case. He asked how the State party justified the substandard treatment of workers in the SEZs and whether it intended to review the matter.

57. **Ms. Bonoan-Dandan**, clarifying her views about the Four Rivers Project, said she did not think that the budget for the plan had been removed from the social welfare budget, but that there had been no consultations held with the affected groups and that more people would have benefited if the money had been invested in social welfare projects. With reference to the State party's reply to her question about the fact that trade union activities and demonstrations of a political nature were illegal, she asked who decided whether the demonstrations were politically motivated. Noting the State party's efforts to tackle the issue of industrial accidents, including the publication of a brochure on safety in the workplace, she asked why a developed country like the State party had so few labour inspectors — between 250 and 350 for over 1 million workplaces — given that labour inspections were essential to protecting and ensuring the safety and occupational well-being of workers and to meeting obligations under the Covenant and several ILO conventions.

58. **Ms. Brás Gomes** (Country Rapporteur) asked whether the obligatory employment quota system in relation to persons with disabilities applied to the private sector as well as the public sector, since that area would come under corporate social responsibility and since there were limits to the action that the public sector could take. She requested further details on sickness benefits and whether there was a minimum pension amount. She commented that the State party's definition of a legal strike seemed to be restrictive, and asked whether

data could be provided with respect to how many strikes during the previous two years had been declared legal and how many illegal.

59. **The Chairperson** invited questions from members regarding articles 10–12 of the Covenant.

60. **Mr. Pillay**, noting that the State party had not provided disaggregated statistical data on the percentage of the population living below the poverty line as requested in question 31 of the list of issues and urging a more precise answer in the next periodic report, asked the State party to comment on the exact situation with regard to poverty, given that, according to table 46 in the written replies, the poverty rate appeared to be rising. He asked whether the Government's policy on poverty integrated economic, social and cultural rights, in line with the Committee's statement on poverty adopted in May 2001.

61. He commented that the State party, as a developed country, did not appear to be doing as much as it should to address the issues of housing, homelessness and forced eviction. Noting that the Committee, in its concluding observations following consideration of the State party's second periodic report (E/C.12/1/Add.59), had recommended that a focal point should be established within the Government for dealing with complaints or appeals for assistance on housing matters and that adequate housing should be ensured for members of vulnerable or marginalized groups, he asked whether the State party had acted on that recommendation and what measures were being taken to meet its core obligations with respect to housing and to tackle the serious problem of shortage of adequate housing. He commented that there was a dearth of social housing units, noting that 21 per cent of households were in arrears with their rent payments, making them vulnerable to eviction, that in some cases 50 per cent of the household income was being spent on rent and that only 3.9 per cent of the population had access to long-lease public housing units, compared with 7 per cent in Japan and 14 per cent in the United Kingdom. Noting that the definition of homelessness adopted by the State party in its written reply to question 34 was narrow, and that the problem of homelessness could be dealt with by tackling the problem of housing, he asked whether there was a strategy in place for examining the causes of homelessness.

62. He noted that forced evictions had been undertaken without prior consultation, without due process of law, without compensation or alternative resettlement and with excessive force, and that houses had been demolished to make way for development projects under which the majority of the space cleared was used for business units, for which there was clearly a financial incentive. One example had been an incident in Yongsan, in which some 1,400 police officers and members of private security firms had been deployed to remove 40 persons protesting against a forced eviction and the ensuing violence had resulted in the deaths of 5 protesters and 1 police officer. It seemed that there were more such development projects in the pipeline. Despite the National Human Rights Commission having complained to the Government about forced evictions and the associated human rights violations and having recommended, as had the Committee, that legislative measures should be taken to regulate forced evictions, the Government had taken no action. He asked if the State party would be prepared to commit to imposing a moratorium on forced evictions until legislation had been adopted that incorporated the guidelines contained in the Committee's general comment No. 7 on forced evictions.

63. **Mr. Riedel** asked what the Government was doing to ensure access to medical care among disadvantaged and marginalized groups, given that 90 per cent of hospitals were privately run and that public expenditure on medical care was low, and such groups could not afford the costs incurred. He asked what measures the Government was taking in pursuit of its aim of minimizing the extent of privatization of the health-care system and what results had been achieved to date. Noting that 96.3 per cent of the total population were covered by the National Health Insurance and that the Medical Aid Programme had

been established, he asked the State party to provide up-to-date data on waiting times for hospital treatment, disaggregated by area since access was often more difficult in the countryside.

64. He noted that there was no policy to prevent multinational pharmaceutical companies from speculating with drug prices, as had happened in June 2009 when the essential AIDS drug FUZEON had been withheld. He asked why the Government had not enforced existing compulsory licensing provisions in the Patent Act or in the relevant international treaties such as the Berne Convention for the Protection of Literary and Artistic Works and the Paris Convention for the Protection of Industrial Property, and why the Korean Intellectual Property Office had rejected compulsory licensing even though it had been recommended by the National Human Rights Commission in order to ensure access to the medicine. Commending the State party on the quality of the data supplied in relation to HIV/AIDS, he asked why there had been a relatively large increase in HIV infection among the population, why the number of deaths from HIV/AIDS had dropped so dramatically between 2007 and 2008 and what the trend in HIV/AIDS-related deaths was for 2009. He asked for details of measures being taken to raise awareness about HIV/AIDS.

65. Noting with satisfaction that the number of Community Mental Health Centres had been increasing steadily in recent years, he asked what the Government was doing to address the root causes of diseases such as clinical depression and attention deficit disorder among children and young people, including the extreme academic pressure exerted on all children, which, according to one NGO, amounted to a form of institutional child abuse. He said that it was a huge problem, involving cultural priorities, teaching and learning methods and the culture of privately run cram schools that operated until late at night when children should be resting, and that he had been shocked, on visiting the State party, to learn that many 12-year-olds were studying until 11 p.m. or even later. He asked what measures were being taken to analyse the problem, to establish pilot studies into alternative learning models, to educate parents and the general public about the long-term effects of overburdening children with schoolwork and to curb the operation of private night schools and cram schools, particularly in regard to children under the age of 16 years.

66. He asked what action the Government was taking to ensure safe drinking water, given that, according to one NGO, 54 out of 115 local village waterworks were contaminated with the radioactive agents uranium and radon, contravening drinking-water safety standards in the United States. Noting that the Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation had recently submitted a report on sanitation, he requested further information on measures being taken in that respect, in addition to the useful information already contained in the periodic report and the written replies to the list of issues. If that was not possible at the current meeting, he asked the State party to provide data disaggregated by rights-based criteria in its next periodic report.

67. **Ms. Bonoan-Dandan** asked the State party to confirm reports that between 2006 and 2010, over 136,000 housing units would be demolished in a redevelopment project in Seoul but only 67,000 built, leaving some 70,000 households without a place to live. On the right to food, and recalling that the State party, with the aim of increasing national food security, was developing overseas farmland in countries such as Madagascar, the Sudan, Indonesia and the Philippines, she asked what action was being taken to address the fact that rainforests were being destroyed, that local communities were often hostile to long-term leasing of their land to foreign capital, that self-sufficiency with regard to feed grain was very low in the State party and that, because of falling prices, more and more farmers were facing bankruptcy and some had even resorted to suicide.

*The meeting rose at 1 p.m.*