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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Third periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant**

**REPUBLIC OF KOREA**

[27 June 2007]

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## **Introduction**

1. The Republic of Korea (hereinafter referred to as “Korea”), as a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) (hereinafter referred to as “the Covenant”), submits this Third Periodic Report pursuant to Articles 16 and 17 of the Covenant. In accordance with the revised General Guidelines (E/C.12/1991/1) and in response to the Concluding Observations (E/C.12/1/Add.59) of the Committee on the Economic, Social and Cultural Rights (CESCR) (hereinafter referred to as “the Committee” at the time of examination of the Second Periodic Report (E/1990/6/Add.23), the Third Periodic Report outlines measures taken by the Korean Government following the submission of the Second Periodic Report.

2. This report describes measures adopted in Korea to implement the Covenant from June 2001 to June 2006, after the examination of the Second Periodic Report under the Covenant.

3. Since the submission of the Second Periodic Report in 1999, the Korean Government has made significant efforts to improve the economic, social and cultural rights of the Korean people, including the rights of minorities, and has taken action to deal with the issues raised in the Concluding Observations on the Second Periodic Report. Most noticeably, the Government amended the Civil Law to abolish the Family Headship System in March 2005. According to the amended Civil Law, the surname and origin of children can follow those of the mother following consultation of the parents, and the surname and origin may also be modified in order to promote the welfare of children. The new law will take effect in 2008. Also, the Government Officials Labour Union Establishment and Operation Act, which was amended on 27 January 2005, guaranteed Government officials the rights to organize and to collective bargaining which had previously been limited. The Government organized the National Human Rights Policy Council to establish the National Action Plan for the Promotion and Protection of Human Rights (NAP) in accordance with the recommendation by the National Human Rights Commission in January 2006. In the meantime, Korea has been expanding its recognition of refugee status since 2003, as it granted refugee status to 47 persons, including 2 persons recognized of refugee status prior to 2002, and had granted humanitarian status to 32 persons by the end of April 2006. The Korean Government is continuing its efforts to guarantee persons recognized with refugee status and foreign residents rights equivalent to those of Korean citizens.

4. The Korean Government has been seeking various measures to close the social divide and improve the economic, social and cultural rights of socially vulnerable groups, including the poor, the elderly, and children. In some fields, however, Korea has not yet complied with the requirements laid down in the Covenant. Nevertheless, it is committed to doing its best to improve economic, social and cultural rights to the extent that available resources permit.

## **General comments**

### **Establishment of the Human Rights Bureau of the Ministry of Justice**

5. In May 2006, the Korean Government established the Human Rights Bureau within the Ministry of Justice. The Bureau is responsible for establishing and enforcing national policies on human rights, including the formulation and implementation of the National Action Plan for the

Promotion and Protection of Human Rights (NAP), investigating human rights violation cases, improving human rights-related institutions, and providing protection and remedy for victims of crimes.

6. In particular, the Bureau makes efforts to prevent human rights violations during the entire process of law enforcement, including investigation, correction, protection, and the immigration process. In the event of a case of human rights violation during law enforcement, the Bureau would take on the responsibility of carrying out prompt investigation and providing remedies for the victims.

### **National Human Rights Commission of Korea**

7. Pursuant to the Principles Relating to the Status and Functioning of National Institutions for the Protection and Promotion of Human Rights (The Paris Principles), the Korean Government established the National Human Rights Commission on 25 November 2001 as an independent institution in charge of human rights affairs. Related facts were described in the Third Periodic Report of the International Covenant on Civil and Political Rights (CCPR/C/KOR/2005/3).

8. The National Human Rights Commission has been undertaking various activities, including making recommendations for the improvement of policies and laws, expressing views on current human rights issues, drafting and proposing recommendations on the NAP, conducting a wide-range of investigations into human rights conditions, improving the institutions and practices of the State authorities, investigating and providing recommendation on discriminatory practices, and carrying out human rights education and awareness-raising activities.

9. From the time of establishment of the National Human Rights Commission up to 31 December 2005, policy and law improvement, remedy for victims of human rights violations, and remedy for discrimination as a result of recommendation and acceptance of the National Human Rights Commission are shown as follows:

**Table 1**

### **Status of recommendations of the National Human Rights Commission of Korea and their acceptance**

(Unit: cases)

Classification	Total number of recommendations	Acceptance (including alternative acceptance)	Not accepted	Acceptance rate	Under consideration
Improvement in policy and/or law	104	69	15	82.1%	20
Remedy for victims of human rights violations	356	227	13	94.5%	116
Remedy for discrimination	135	92	12	88.4%	31
Total	595	388	40	88.3%	167

**Basic plan for human rights policies**

10. The Committee on Economic, Social and Cultural Rights (hereinafter referred to as the “Committee”) requested the Korean Government to establish a National Action Plan (NAP) for human rights policies in its examination of the Second Periodic Report (E/C.12/1/Add.59, paragraph 44).

11. Accordingly, procedures for the drafting of the NAP have been established: the National Human Rights Commission will submit a draft recommendation for the NAP, which will be undertaken by the relevant ministries. The National Human Rights Commission drafted the recommendation plan for the NAP and forwarded it to the Government on 6 February 2006. The Government is currently studying the draft by organizing the basic plan for the National Human Rights Policy Council under the direction of the Ministry of Justice.

12. The Government plans to establish human rights policies that suit the reality of Korea, while taking into consideration political, cultural, and historical implications in the country as well as the standards put forward by the international community.

**Validity of the Covenant under domestic law**

13. When reviewing the Second Periodic Report, the Committee raised questions with respect to the effects of the International Covenant on Economic, Social and Cultural Rights on domestic laws (E/C.12/1/Add.59 para. 15).

14. This matter was already addressed in the Third Periodic Report of the International Covenant on Civil and Political Rights (CCPR/C/KOR/2005/3 para. 10-11).

15. Article 6.1, of the Constitution of Korea provides that “Treaties duly concluded and promulgated under the Constitution and generally recognized rules of international law shall have the same effect as domestic laws of the Republic of Korea.” Thus, according to this provision, it is generally held that the Covenant has the same legal effects as the domestic laws. In relation to this, the Committee expressed its concerns about the possibility of legislating new domestic acts to invalidate the Covenant. However, since domestic legislation requires prior review through the deliberation of the Ministry of Legislation and the National Assembly during the enactment stage, including on whether the new law would be in conflict with international agreements ratified by Korea, there is almost no chance of enacting a law in conflict with the Covenant.

16. There have been many instances where the International Covenant on Civil and Political Rights has been quoted as a norm of adjudication, along with domestic law, and several of these cases were described in the Third Periodic Report following the International Covenant on Civil and Political Rights (CCPR/C/KOR/2005/3 paragraphs 12-14). However, there is no precedent as yet for applying the International Covenant on Economic, Social and Cultural Rights as a norm of adjudication.

### **Human rights education**

17. When reviewing the Second Periodic Report, the Committee expressed its interest in human rights education to officials who worked on promoting economic, social and cultural rights (E/C.12/1/Add.59, paragraph 31).

18. Detailed information on human rights education is provided in the Third Periodic Report of the International Covenant on Civil and Political Rights (CCPR/C/KOR/2005/3, paragraphs 124-125) and the Second Periodic Report on the Convention against Torture (CAT/C/53/Add.2, paragraphs 39-49).

19. The Ministry of Justice published a text on human rights education for government officials in charge of prosecution, correction, immigration control and other areas in 2004. Also, the Judicial Training Centre is expanding its human rights education for government officials as well as law enforcement officials. In addition, the Human Rights Bureau, recently established within the Ministry of Justice, is devising plans for systematic human rights education for law enforcement officials.

20. The police have established the Basic Plan to Strengthen the Human Rights Education requiring all police officers to complete 10 hours of human rights education per year. The police are jointly developing human rights education programmes with the National Human Rights Commission and training police human rights lecturers who are responsible for human rights education in the police. A course on human rights has become obligatory at each level of police education and job training.

21. In order to raise public awareness of human rights, the National Human Rights Commission of Korea included human rights education in its NAP recommendation plan, and it is expected that the Government's final draft will include plans on human rights education targeted for government officials.

22. The National Human Rights Commission of Korea has been undertaking various activities aimed at facilitating human rights education in schools, including the development and dissemination of human rights education programmes that can be incorporated into curricula, and implementation of human rights education for teachers and managers. The Commission has run courses designed to train human rights instructors to teach human rights programmes at all levels of police officer training centres. With human rights protection in the military emerging as a social issue, the Commission has carried out approximately ten rounds of human rights education for the generals in the military and provided training for the personnel in charge of human rights in the military. In addition, to improve and promote awareness of human rights in our society, the Government has produced human rights movies, human rights animation, human rights cartoons, among others, and has also produced and disseminated human rights photo collections, human rights story series and other related materials.

### **Article 1**

23. As described in the initial Periodic Report, Second Periodic Report and Third Periodic Report of the International Covenant on Civil and Political Rights (CCPR/C/68/Add.1,

paragraphs 21-22, CCPR/C/114/Add.1, para. 17-18, CCPR/C/KOR/2005/3, paragraphs 21-23), the Korean Government has been doing its utmost to realize the right to self-determination of all people at home and abroad.

## **Article 2**

24. Korea has been making gradual efforts to achieve full realization of rights under the Covenant. More detailed information is included in the relevant paragraphs of this report dealing with each right.

25. A substantial part of paragraphs 2 and 3 has already been described in the Third Periodic Report (CCPR/C/KOR/2005/3 para. 24-59) under the International Covenant on Civil and Political Rights.

### **Efforts of the National Human Rights Commission of Korea with regard to relief from discrimination**

26. In order to comprehensively improve and prevent discrimination in our society, the Government has grouped together various institutions, partly responsible for remedies for discrimination, which were formerly dispersed among many organs. As a result of such efforts, the Gender Discrimination Improvement Commission and the Commission on Equal Employment for Gender were merged into the National Human Rights Commission of Korea in 2005.

27. The National Human Rights Commission of Korea investigates and recommends remedial measures for cases in which discrimination has occurred. As of December 2005, it had recommended remedies for 135 cases, among which 92 cases were accepted, 12 cases were rejected, and 31 cases are still under consideration. The acceptance rate for recommendations stands at 88.4 per cent.

28. The major recommendations by the National Human Rights Commission of Korea regarding discrimination are described in detail in the Third Periodic Report of the International Covenant on Civil and Political Rights (CCPR/C/KOR/2005/3, paragraph 53).

### **Measures to guarantee legal equality for foreigners residing in Korea**

29. In April 2002, the Government decided to grant permanent residence visa (F-5) to foreign residents who held a "residence" visa (F-2) and had stayed more than five years. In September 2005, the amended Immigration Control Act shortened the minimum period for acquiring permanent residence visa (F-5) from five years to two years for foreign spouses who are married to Korean nationals and hold a residence visa (F-2). Foreigners who hold a permanent residence visa (F-5) have almost no restrictions on their employment.

30. When a foreign spouse (F-2) married to a Korean wishes to seek employment in Korea, he/she is required to obtain a work permit. However, as of September 2005, the amended Immigration Control Act allows foreigners in the low-income bracket to seek employment without obtaining a work permit.

31. Since the Act on the Employment of Foreign Workers went into force in August 2004, the Government and public institutions have taken full responsibility for the introduction and selection of foreign workers in all fairness and transparency. Legally-hired foreign workers are governed by labour laws, including the Labour Standards Act, and the four major insurance systems (Industrial Accident Compensation Insurance, Employment Insurance, National Pension, and National Health Insurance). As a result, they are treated on a par with domestic workers and are able to work for up to three years. Furthermore, the Industrial Trainee System that was being implemented along with the Employment Permit System for the benefit of industry and technology cooperation with developing countries will be abolished on 1 January 2007.

32. After implementing the Employment Permit System in August 2004, the number of foreign workers hired up to April 2006 amounted to a total of 106,333. Among them, 50,228 were hired under the General Employment Permit System, and 56,105 were recruited under the Special Employment Permit System (for overseas Koreans entering into Korea with the visit and residence visa (F/1-F/4) who found work in Korea). The number of employees for each country under the general Employment Permit System is shown as follows:

**Table 2**

**Number of employees for each country under the General Employment Permit System**

(Unit: cumulative, persons)

Classification	Total	Vietnam	Philippines	Thailand	Mongolia	Indonesia	Sri Lanka
Number of employees	50 228	12 442	10 838	10 122	7 646	5 033	4 147

33. Work contracts with foreign workers are based on average working hours of eight hours a day and 44 hours a week. Also, the average wage for foreign workers on labour contracts is 700,822 won for Mongolians and 681,449 won for Indonesians, with slight differences between countries. In the meantime, when it comes to payment in arrears for foreign workers, as of 2005, the payment of 5,172 million won in 1,343 workplaces was in arrears, of which 4,092 million won in 1,126 workplaces was settled. The Government is making every effort to prevent payment in arrears in order to improve living conditions for foreign workers.

**Table 3**

**Average wage for each country**

(Unit: won)

Country	Mongolia	Vietnam	Sri Lanka	Indonesia	Thailand	Philippines
Average monthly wage	700 822	692 043	694 541	681 449	687 091	699 080

**Table 4****Current state of wages in arrears related to foreign workers**

(Unit: companies, persons, million won)

Year	Occurrence			Settlement			Under way		
	No. of workplaces	No. of workers	Amount	No. of workplaces	No. of workers	Amount	No. of workplaces	No. of workers	Amount
2005	1 343	2 133	5 172	1 126	1 742	4 092	217	391	1 080

**Expansion of recognition of refugee status**

34. Since Korea adhered to the 1951 Convention relating to the Status of Refugees in 1992, two persons were granted refugee status by 2002. However, by the end of April 2006, as many as 870 persons had sought refugee status. Of the total, 47 persons were granted refugee status and 32 persons were granted humanitarian status, while 188 persons were denied refugee status, 91 persons withdrew voluntarily, and 73 persons petitioned for appeal. A total of 439 cases are still under deliberation.

35. After the inauguration of the present Participatory Government, there was a slight rise in the granting of refugee status (12 persons in 2003, 18 persons in 2004, 9 persons in 2005 and 6 persons by April 2006). Moreover, a new category (humanitarian status) was established for asylum seekers who do not qualify for refugee status but are authorized to stay in Korea for humanitarian reasons. In total, 32 persons were granted humanitarian status.

36. The reason for the delay in review procedure for recognition of refugee status is that the number of petitioners for refugee status has drastically increased over the past one to two years (the number of asylum seekers up to 2004 totalled 399 persons). However, 410 persons applied for refugee status in 2005 only, giving a total of 809 persons). Accordingly, there is a shortage of specialized divisions and personnel to handle refugee matters expeditiously.

37. Accordingly, the Ministry of Justice has been making a considerable effort to expedite the refugee recognition procedure. On 3 February 2006, the Ministry established the Division of Nationality and Refugees to deal with nationality-related work and refugee affairs, previously handled within the Division of Immigration Control. The new Division's work was strengthened by the recruitment of specialists on refugee affairs.

38. According to Article 23 of the Enforcement Decree of the Immigration Control Act, recognized refugees must be treated favorably with regard to employment. In addition, as far as public remedy and public aid are concerned, they are granted equal treatment with Korean nationals.

39. The criteria that the Korean Government uses to grant refugee status are established according to the relevant articles of the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. On 1 June 2005, the Council for the

Recognition of Refugee Status expanded the participation of private experts and enhanced fairness in the refugee status recognition process by readjusting the composition of the Council to make the ratio between government and private members equal.

40. In February 2005, the Ministry of Justice organized the Research Committee on the Enactment (Amendment) of the Refugee Act composed of prosecutors, lawyers and professors for the improvement of the refugee recognition system to protect the rights and interests of refugees. Through five meetings, the Committee has drafted a development plan on the following: (1) extension of the application period for objection (from 7 to 14 days); (2) guarantee of the status and treatment defined in the 1951 Convention relating to the Status of Refugees for persons recognized as refugees; (3) granting of humanitarian status to foreigners in special circumstances, even if they have not been recognized as refugees by the Convention; (4) permission for employment activities under specific conditions for applicants for recognition of refugee status, including those who have been granted humanitarian status; and (5) granting of refugee status to the spouse of the person recognized as a refugee and to children under the age of 20. On the basis of this plan, the Ministry is currently in the process of revising the law to protect the rights and interests of refugees.

### **Article 3**

41. The efforts made by the Korean Government for the promotion of gender equality are described in greater detail in the Third Periodic Report (CCPR/C/KOR/2005/3, paragraphs 60-98) of the International Covenant on Civil and Political Rights.

#### **Revision of the Family Act, including the abolition of the Family Headship System and others**

42. The Korean Government concluded that the Family Headship System, a traditional family-centred system with the male head of household, does not satisfy the dignity and value of individuals and gender equality which the Constitution guarantees. For the purpose of establishing a more equitable family system, the relevant Korean civil law was amended in March 2005, abolishing the concept of the household (in Korean, *Ga*) and the Family Headship System. Moreover, the surname and origin of children can follow those of the mother. The surname and origin may be modified by obtaining a permit from court, if necessary for promoting the welfare of children. The amended law will be implemented from 2008. The abolition of the household system has great historic implications, as it has had the effect of eliminating a major gender discrimination which has dominated Korean society for so long.

#### **Improved representation of women in politics**

43. The election laws, including the Political Party Act, were amended on 7 March 2002 before the third regional election. As of 7 March, with regard to proportionate representation in cities and provinces, women representatives must now account for 50 per cent or more. As regards the nomination of candidates, one woman candidate must be nominated for every two nominations. In the event of violation of this provision, the National Election Commission

reserves the right to prevent candidates from registering. As such, the quota system for women has gained practical strength. Accordingly, among the proportional representatives of municipal and provincial assemblies, women representatives accounted for 67.1 per cent (49 persons out of a total of 73 persons) in 2002 and 73 per cent (57 persons out of a total of 78 persons) in 2006.

44. On 15 April 2004, the revision of the Election Act was passed before the 17th election for representatives of the National Assembly. As a result, the pool for female nomination has been enlarged to 50 per cent or more of the total candidates for proportionate representatives, as is the case in local assemblies, and one woman has to be included for every two candidates nominated. Also, when regional representative candidates for a certain political party are nominated, 30 per cent or more of the nominations should be set aside for women. Through this institutional reform, 39 women representatives were elected in the 17th general election.

### **Expansion of women's participation in the process of policy decision-making**

45. The Government Advisory Committees, established within the Government system, make up a private participation system for reviewing and giving advice on major policies of government ministries. These bodies enable Government to develop effective gender equality policies by reflecting the views and demands of women in national policies. In order to expand the participation of women in the Committees, the Women Representatives' Participation System was established. As a result, women's participation rate of 6.9 per cent in 1993 had increased to 32.2 per cent by 2005. Various systems are being promoted to increase women's participation rate in the Government Advisory Committees to the 40 per cent range by 2007.

**Table 5**

### **Participation status of women committee members**

(Unit: committees, persons, %)

Classification	No. of Committees	No. of Commission members	No. of women members	Participation rate in 2005 (A)	Participation rate in 2004 (B)	Rate of fluctuation (A-B)
Total	1 434	19 968	6 470	32.4	32.2	0.2
Central administrative institutions	365	7 742	2 157	27.9	27.2	0.7
Local governments	1 069	12 226	4 313	35.3	34.8	0.5

(As of the end of December 2005.)

46. In order to further reflect female perspectives during the course of policymaking, efforts are made to accelerate the advancement of women into public positions. The target hiring system for public position examination undertaken from 1996 to 2002, is a system to hire a certain quota of women (10-30 per cent) in accordance with the target hiring rate. As a result of the target hiring system for women, the passing rate for women in the public service examination rose from 19.9 per cent in 1998 to 42.9 per cent in 2002.

47. From 2003, the target system for women employment was converted to the gender equality hiring system: in the event that the number of people of one gender who passed the exam does not reach the target hiring rate (30 per cent), applicants of that gender who have the next highest grades are qualified to fill the remaining spots in the given quota for the examination. This system is to be fully implemented by 2007. In addition, in order to facilitate the advancement of women into managerial positions, the Five-Year Plan for the Expansion of Women Managers has been in force since 2003. With the introduction of this system, which has a target of 10 per cent by 2006, the ratio of grade 5 or higher female Government officials, which was 4.8 per cent in 2001, had risen to 7.4 per cent by 2004.

### **Gender-equal employment**

48. In addition, in order to correct the employment discrimination against women, equal employment instructions have been implemented in the workplace. The Government is working hard to remove gender discrimination in employment by checking on the status of sexual discrimination and harassment prevention education in companies where women make up a high percentage of the workforce and issuing corrective orders or judicial disposition as necessary.

49. Gender discrimination in employment has been greatly reduced, but there remain discriminatory factors in core areas such as wages, promotion, etc. As gender discrimination on the job is closely related to the burden of housework and childcare, practical improvements would be more effective if they were accompanied by the necessary social and cultural changes.

**Table 6**

#### **Inspection results of gender equal employment for each year**

(Unit: workplaces, cases)

Classification	2001	2002	2003	2004
Subjects of inspection	672	1 066	1 026	1 192
Corrective orders	324	671	690	562

50. In order to eliminate structural and customary gender discrimination in employment, the Government decided to take affirmative action, and surveyed the status of gender employment for public corporations and Government-affiliated institutions. Starting in 2005, public corporations and companies with 500 or more employees are now required to submit the state of employment to the Government every year (companies with 500-999 employees have until March 2008 to comply). As for companies whose women workers do not meet the numerical standards, submission of an employment improvement plan report is required. Since March 2006, the Government has evaluated companies' planning and performance and provided rewards and incentives for leading companies.

51. Active employment improvement actions that the Government is pursuing are expected to increase job opportunities for women, especially women wishing to ascend to senior positions. This effect is expected to have a positive impact on companies not subject to active employment improvement action, expanding female employment in the long run and improving chronic gender discrimination in hiring.

52. Although women's participation in the labour force has steadily increased, the quality of women's employment is much lower than that of men, with a higher percentage of temporary and daily employment. This is attributable to structural problems in female employment: sharp disadvantages in career opportunities due to pregnancy and childcare and worsened working conditions in the case of re-entry into the labor market. The Government is seeking ways to resolve the problem of unreasonable discrimination against non-regular workers through the adoption of laws on the protection of non-regular positions and to protect labour conditions by establishing a support system for job stability and maternity protection for non-regular female workers. Furthermore, the Government is making every effort to create more decent part-time jobs by shortening working hours during the childcare period and increasing social service jobs.

### **Prevention of victims of sex trade and support for those leaving the sex trade**

53. As the Anti-Prostitution Law in force since 1961 was not very effective in preventing prostitution, it was abolished and replaced by the Act on the Punishment of Procuring Prostitution and Associated Acts and the Act on the Prevention of Prostitution and Protection of Victims thereof as of 22 March 2004. The new laws have been in force since 23 September 2004.

54. The recently adopted sex trade prevention-related laws stipulate that prostitution continues to be illegal and that brokering activities in sex trade should be punishable. This holistic approach provides a systematic framework for substantially reducing the size of the sex industry in Korea. In addition, these laws have introduced the new concepts of victims of sex trade and human trafficking for the purpose of sex trade. These laws exempt victims from criminal punishment, thereby enhancing the protection of human rights, and establish a more active role for the Government by defining its responsibilities in supporting the independence and rehabilitation of victimized women.

55. On 31 March 2004, the Government established the Comprehensive Action Plan to Prevent Prostitution to support the rehabilitation of former prostitutes. It also set up a Task Force to Review the Implementation of the Comprehensive Action Plan to Prevent Prostitution under the Prime Minister with the participation of the 14 central administrative agencies to monitor implementation of the Action Plan. Currently, there are 40 support facilities for victims of forced prostitution: 29 counseling centres for victims of forced prostitution; two support facilities for foreign women; two rehabilitation support centers; four group homes; and one central support centre to prevent prostitution. These facilities help women in prostitution return to society by providing rescue, protection, medical support, legal relief, vocational training, start-up business support and other various rehabilitation services for victims of prostitution. With the strengthening of protection and rehabilitation support services, 313 persons gained employment, 282 persons obtained 362 licenses, and 43 persons started up 34 businesses in 2005.

**Table 7**

**Support facilities and counselling offices for victims of sex trade and others**

(Unit: offices)

Classification/year	End of 2002	End of 2003	End of 2004	End of 2005	2006
Support facilities for sex trade victims	25	26	38	38	40
Counselling office for sex trade victims	-	8	17	29	29
Group home	-	-	-	4	4
Rehabilitation support centre	-	2	2	2	2
Foreign women support facilities	-	2	2	2	2
Central support centre for sex trade prevention	-	-	-	1	1

**Table 8**

**Support of start-up business for women breaking away from sex trade**

(Unit: persons, million won)

Classification/year	2004	2005	Total
Number of supporting companies	24 companies for 31 persons	10 companies for 12 persons	34 companies for 43 persons
Amount of support	879 million won	366 million won	1 245 million won

**Table 9**

**Status of qualifications acquired by members of supporting facilities for victims of sex trade**

(Unit: persons)

Acquired persons	Acquired cases	Hair salon	Computer	National exam for high school		Other
				Overall	Each subject	
282	362	34	54	76	65	133

**Table 10**

**Status of employment and college advancement for victims of sex trade**

(Unit: persons)

Total	Service	Production	Clerk	Sales	College	Other
313	120	49	48	26	26	44

**Table 11**

**Medical service, legal service, educational advancement, and vocational training support provided through support facilities and counselling offices for victims of sex trade**

(Unit: cases)

Classification/year	Medical support	Legal support	College	Employment training
2004	5 856	2 530	848	1 261
2005	11 005	24 077	1 061	1 204

56. Furthermore, in order to strengthen support for the rehabilitation of women in need, a pilot project was initiated specifically for women involved in prostitution at brothels in two areas in 2004 and expanded to 12 areas as of March 2006. The Government provided housing in consultation with the Ministry of Construction and Transportation (MOCT) to meet the housing needs of victims of forced prostitution and former prostitutes. In addition, it set up a rehabilitation support system in consultation with the Credit Restoration Committee, to help victims overcome their credit delinquency.

**Table 12**

**Support for victims of sex trade through rehabilitation support**

(Unit: cases)

Classification/ year	Outreach (times)	Counselling	Support of livelihood	Medical support	Legal support	Job training
2004	49	897	162	83	5	23
2005	196	13 417	2 707	2 930	93	776

**Table 13**

**Support for credibility restoration for victims of sex trade**

(Unit: persons)

Counseling	Application	Action taken				Total
		Interest exemption	Defer for repayment	Lifting of credit delinquency	Other	
320	162	136	126	126	-	136

57. In particular, from 2004, additional financial resources have been available to provide the victim rehabilitation programme with 40 psychological counseling facilities for restoration from mental shock and criminal damage, play treatment, art treatment, restoration camp and other rehabilitation mechanisms. As a result of such efforts, in 2005, a total of 971 persons were provided with a total of 3,914 service sessions.

58. Along with the protection and rehabilitation support for victims of forced prostitution and former prostitutes, a national public awareness improvement campaign was undertaken to raise national awareness of the illegality of prostitution. As a result of the campaign, a survey conducted in September 2005 indicated that 95.6 per cent of the Korean people are aware of the fact that prostitution is illegal, a sharp rise from the 30 per cent in September 2004 prior to the implementation of the new laws.

## **Article 6**

### **The labour market**

59. The percentage of the economically active population increased steadily in the 1990s. However, it declined to 60.6 per cent in 1998, right after the 1997 financial crisis, down 1.9 per cent compared to the previous year. Thanks to the sustained economic recovery, this figure had risen to 62.0 per cent by 2005.

60. The size of the working population increased from 21,156,000 in 2000 to 22,856,000 in 2005. Nevertheless, the employment rate has not increased significantly (59.7 per cent in 2005). Despite recovering after the financial crisis, the employment rate has not yet completely returned to the pre-crisis level (60.9 per cent in 1997 and 59.7 per cent in 2005). One of the biggest reasons for such a low employment rate is the low percentage of economically active women. For example, in 2004, 53.9 per cent of Korean women (15-64 years) were employed, whereas an average of 60.1 per cent of women were employed for the OECD member countries as a whole. In addition, after the financial crisis, with the rapid increase in the number of highly educated people entering the labor market, a quantitative mismatch in labor force occurred, whereby youth unemployment and a labour shortage at SMEs occurred simultaneously.

61. It is expected that Korea will move from an ageing society to an aged one in the coming 18 years, which means that the number of people 55 years or older is expected to be 14 per cent by 2018, doubling the figure of 7 per cent in 2000. Thus, Korea is experiencing population ageing at an unprecedentedly fast rate compared to Japan (24 years), the United States (72 years), and France (115 years). Furthermore, as the birth rate in Korea has fallen steadily, it is predicted that more than half of Korea's working population will be 50 or over by 2050.

**Table 14**  
**Employment trend**

(Unit: 1,000 persons, percentage)

Classification	2000	2001	2002	2003	2004	2005
Economically active population	22 134 -	22 471 (1.5)	22 921 (2.0)	22 956 (0.2)	23 417 (2.0)	23 743 (1.4)
Economic activity participation rate	61.2	61.4	62.0	61.5	62.1	62.0
▪ Men	74.4	74.3	75.0	74.7	75.0	74.6
▪ Women	48.8	49.3	49.8	49.0	49.9	50.1
No. of employees	21 156 -	21 572 (2.0)	22 169 (2.8)	22 139 (-0.1)	22 557 (1.9)	22 856 (1.3)
Unemployment rate	4.4	4.0	3.3	3.6	3.7	3.7

\* Numbers in parentheses show the percentage increases compared to the same period in the previous year.

## **Employment policy**

### **(1) Action programmes to reduce unemployment**

62. After the financial crisis in 1997, the Government expanded the social safety net through the expansion of employment insurance and the reinforcement of public vocational counseling. At the same time, it pursued comprehensive nationwide measures against unemployment by offering temporary jobs like public works and expanding vocational training. Action programmes to reduce unemployment included support for corporate employment maintenance, job creation, vocational guidance and training, and unemployment benefits. The framework of the measures was maintained until 2002; since then, the Government has focused on active labour market policies emphasizing vocational training, job creation and job placement, among others.

### **(2) Comprehensive measures for job creation**

63. In 2004, the Korean Government selected “job creation” as one of the top priority tasks to overcome the so-called “jobless growth” and generate income and employment simultaneously. With the aim of creating two million new jobs by 2008, 420,000 new jobs were created in 2004, exceeding the original goal of 400,000.

64. Measures for job creation are divided into two parts: first, expanding job-creating policy, which is spearheaded by the ministries in charge of economic affairs; second, creating social job projects, job-sharing and SME recruitment, which is handled by the ministries in charge of social issues, mainly the Ministry of Labor. Launched in 2003, social job creation projects has been expanded to increase the number of social service jobs to keep pace with growing demand for

social services, such as elderly welfare and childcare. Job-sharing means generating additional employment by shortening working hours or reshuffling work schedules. To this end, the Government is providing SMEs with a subsidy for the adoption of working hour reduction and a subsidy for switching over to the shift work system. SME recruitment has been undertaken to resolve labor shortage and create more jobs, as SMEs have had difficulties in recruiting while there has been an abundant unemployed youth labour force. To this end, the Government is offering more job information and operating various incentive systems and the Clean Project to establish better working environments.

### **(3) Comprehensive measures for youth unemployment**

65. In September 2003, the Government established comprehensive measures for youth (16-29 years) unemployment, but this has remained a serious problem (8.0 per cent in 2004 and 8.3 per cent in 2005). The average unemployment rate of OECD member countries was 13.4 per cent in 2004, compared to 10.2 per cent for Korea in 2005; thus, statistically it appears as though Korea does not suffer from severe unemployment. In reality, however, the unemployment that people actually sense is measured to be at a much higher level than that provided by the above figures. This is because of the many economically non-active youths who are not categorized as unemployed but experience actual difficulty in finding jobs.

66. The Government earmarked 788.5 billion won for managing youth unemployment, including employment in the public sector, providing 253,000 people with jobs, and job experience and training. In addition, in March 2004, the Special Act on Youth Unemployment was enacted, and in November 2004, the Special Committee on Youth Unemployment was established, composed of labour and management representatives, civic organizations, women's associations, academics and ministers of pertinent ministries under the direct supervision of the President.

### **(4) Enactment and revision of laws and regulations on employment**

67. With the amendment of the Basic Employment Policy Act in 1998, the Minister of Labour was given the authority to implement unemployment projects such as job training for the unemployed, subsistence allowance and medical treatment allowance for the unemployed, and incentive programmes for employers who offer job security. If necessary, the Minister may delegate project implementation to the Korea Labor Welfare Corporation. In 2005, the Act was revised to reinforce the basis for active labour market policies and support for regional employment and social job creation. In addition, with the amendment of the Employment Insurance Act in 2001, the Government began offering maternity benefits, including maternity leave benefit and childcare leave benefit. In 2004, the application of employment insurance to non-regular workers, including daily workers and hourly workers, was significantly expanded. Also, through the amendment in 2005, the extent of job security and competency development projects was duly reflected in the legislation.

### **Employment discrimination**

68. The Basic Employment Policy Act prohibits discrimination on the basis of faith, age, social status as well as sex in recruitment and employment. Discrimination on the basis of age and clinical history was also prohibited in 2003 and 2004, respectively. In 2005, an amendment

to the law was undertaken in order to eradicate all discriminatory practices by stipulating prohibition of discrimination on the basis of gender in employment security organizations and training centres.

69. Meanwhile, recognizing discrimination cases in employment, the National Human Rights Commission issued corrective recommendations in a number of cases.

70. The Welfare of Disabled Persons Act prohibits any discrimination whatsoever in all phases of human life. It bans discrimination against the disabled in areas of hiring, promotion, transfer, and education and training.

### **Employment support for vulnerable groups**

#### **(1) Women's employment policy**

71. Since 2001, the percentage of economically active women, or the women's employment rate, has been stagnant at around 48 to 49 per cent. However, it increased to 50.1 per cent in 2005, showing a moderate upwards tendency. To fight against gender discrimination in employment, the Government established the third basic plan for gender-equal employment in 2003 under the Equal Employment Act and proposed to pursue it by 2007. Recognizing that women's economic participation and women employment are essential in a society marked by rapidly falling fertility rates and a fast-ageing population, the Government set up a comprehensive plan for women's workforce development and measures to promote women employment in 2005.

72. In order to enable women to balance their work and family lives, the Government established a public childcare system through the enforcement of the Revision Act on Infants and Childcare and is now seeking various forms of support. Likewise, it is implementing policies to encourage married women to enter the workforce by sharing the burden of childcare. Childcare facilities should be established in companies employing more than 300 women full time. As of January 2006, such facilities should be set up in companies employing more than 500 full-time workers. Thus, the number of workplace childcare facilities will be on the rise in the future.

73. Since 2000, 2.5 billion won of loans for establishing workplace childcare facilities have been made to thirteen companies, and free repair projects for workplace childcare facilities has been supported by 3.3 billion won in 53 companies. In addition, the childcare budget in the Ministry of Family and Gender Equality, the major ministry in charge of childcare, has been increased more than fourfold, from 361 billion won in 2001 to 1335.5 billion won in 2005, and the number of childcare facilities and the children in childcare centres has increased by approximately 30 per cent.

**Table 15**

**Expansion in childcare projects**

(Unit: places, persons)

Classification/year	June 2002	June 2005	Rate of increase
Childcare facilities (places)	21 267	28 040	31.8%
Childcare children (persons)	770 029	972 391	26.3%

74. Financial support for childcare facilities has become more equitable because of a shift from supporting facilities to supporting children. At the same time, the Government facilitates childcare services at a reasonable cost. Furthermore, the number of parents given childcare benefits increased from 270,000 in 2004 to 410,000 in 2005. In 2006, basic subsidies for infants attending day-care centres were introduced. In addition, a series of new systems were implemented such as qualifications for childcare instructors and the Evaluation Certification System for Day-Care Centres, in order to upgrade the level of childcare services.

**Table 16**

**Status of childcare facilities by year**

Classification	Total	National and public child care facilities	Corporate child care facilities	Private childcare facilities			Parent collaborated child care facilities	Family child care facilities	Workplace child care facilities
				Subtotal	Non-corporation	Private			
2000	19 276	1 295	2 010	9 294	324	8 970	Unclassified	6 473	204
2001	20 097	1 306	1 991	9 803	313	9 490	Unclassified	6 801	196
2002	22 147	1 330	1 633	11 046	575	10 471	Unclassified	7 939	199
2003	24 142	1 329	1 632	12 012	787	11 225	Unclassified	8 933	236
2004	26 903	1 349	1 537	13 191	966	12 225	Unclassified	10 583	243
2005	28 367	1 473	1 495	13 748	979	12 769	42	11 346	263

75. In 1988, childcare leave of absence was only available for women. In 2001, the Equal Employment Act was amended to allow men to take a leave of absence as well, with a view to boosting women's employment. In 2005, however, merely 208 men (1.9 per cent) took advantage of such a benefit out of a total number of 10,700 people. To promote this system, the Government provides 200,000 won per month for employers and 400,000 won per month for employees during the leave of absence. In addition, the Government covers part of the labour costs for replacement.

**Table 17****Payment of subsidy for childcare leave by year**

(Unit: persons, million won)

2001		2002		2003		2004		August 2005		2005	
Persons	Amount	Persons	Amount	Persons	Amount	Persons	Amount	Persons	Amount	Persons	Amount
3 136	2 804	2 227	2 836	3 877	5 255	4 561	6 733	3 073	4 804	4 594	7 216

76. The Government provides unemployed women household heads with job training to develop their skills in finding employment. Major areas of job training include cooking, beauty salon, babysitting, flower arrangement, and telemarketing. The training fee is fully covered by the Government and 400,000-500,000 won is offered as a training allowance.

**Table 18****Record of training for unemployed women household heads by year**

(Unit: million won, persons, %)

Classification	2002	2003	2004	2005
Amount	3 050	3 831	3 287	3 427
Trained persons	2 458	2 823	1 409	1 985
Employment rate	40.7	30.9	39.2	42.3

77. The Korean Government assists in leasing office space when unemployed female heads of household wish to open up their own shops. It limits financial support to 100 million won per person, applying the equivalent of 4.5 per cent of annual interest to the rent. As of 2005, 167 unemployed female heads of households were supported with 8.8 billion won.

**Table 19****Support for unemployed female heads of households to start their own business by year**

(Unit: persons, million won)

Classification	2002	2003	2004	2005
Persons supported	246	213	197	167
Amount supported	11 900	9 963	10 632	8 814

78. The Korean Government supports highly-skilled women with start-up funds. The women supported should pay the equivalent of 4.5 per cent of annual interest on the expenses for the start-up funds for up to five years.

**Table 20**

**Support of start up funds for skilled women by year**

Classification	2002	2003	2004	2005
Persons supported (persons)	-	295	309	172
Amount supported (100 million won)	-	100	100	48.9

79. The Korean Government also assists low-income women heads of households with office rent.

**Table 21**

**Support for low-income women heads of households to start their own business by year**

Classification	2002	2003	2004	2005
Persons supported (persons)	-	-	83	85
Amount supported (100 million won)	-	-	30	29.6

80. For those women who no longer work due to childbearing or childcare and become homemakers, the Government provides vocational education in the service sector, where it is relatively easy to find employment. Additionally, highly-educated young women are provided with job education in new knowledge or locally specialized business areas, and employment promotion projects for young women are supported by the Government via cooperation between industry, Government and academia.

**Table 22**

**Support for women's vocational training by year**

(Unit: persons)

Classification	2002	20 employment competency	2004	2005
Support of re-employment for housewives	785	874	1 310	1 115
Support of social work employment	-	-	-	1 197
Support of employment for local community	-	118	180	604

81. The Government has established and supported policies for women's resource development to facilitate the growth of the female workforce, by backing 50 Women's Resource Development Centres across the nation. In 2003, four College Women's Career Development Centres were established to promote employment of educated young women, and the number of centres increased to 23 in 2005.

**(2) Employment promotion for the disabled**

82. On 13 January 1990, the Government implemented the Act relating to Employment Promotion, etc. for the Disabled and amended the Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons on 12 January 2000 to contribute to the employment promotion and vocational rehabilitation of disabled persons so that they may live decent lives through work suited for their abilities. Also, in 2003, the Government launched the Second Five-Year Plan for Employment Promotion of the Disabled from 2003 for the purpose of upgrading employment for the disabled.

83. A greater number of physically handicapped people have been recognized with the expansion of the scope of disability. However, their participation in economic activities remains quite low: the economic activity participation rate of the disabled is a mere 38.2 per cent and the unemployment rate is 23.1 per cent (even though the cause for not being employed is considered). In addition, the quality of their employment is not good because they are employed mainly in manual labor, agriculture, forestry and fishing.

84. The Act on Employment Promotion and Vocational Rehabilitation for Disabled Persons stipulates that disabled persons must account for at least two per cent of all employees of national and local government. Also, the disabled must represent some two per cent of the total number of workers of any private company employing no less than 50 full-time workers. Any private companies which fail to comply must pay a levy set by the Minister of Labour every year. The number of disabled workers employed by employers to comply with these requirements increased from 17,640 persons at the end of 2001 to 46,674 persons at the end of 2004. Also, the number of disabled Government officials hired by national or local government rose from 4,420 persons to 6,079 persons during the same period.

**Table 23**

**Current status of employment for the disabled in private companies and the number of disabled government officials in national institutions**

(Unit: persons, %)

Year	Private companies			National institutions		
	No. of workers	No. of disabled workers	Employment rate	No. of public officials	No. of disabled public officials	Employment rate
2001	1 977 928	17 640	0.87	274 488	4 420	1.61
2002	2 035 725	20 709	0.99	281 454	4 676	1.66
2003	2 101 610	22 718	1.08	289 158	5 421	1.87
2004	3 550 370	46 674	1.31	297 505	6 079	2.04

85. With the amendment of the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act in May 2005, the obligatory employment quota system of the disabled was expanded drastically to cover governmental positions that had previously been excluded. In addition, the exclusion rate from the obligatory employment quota system in private companies was abolished.

86. The Government pays employment subsidies to private entities which have employed disabled persons over the obligatory quota in accordance with disability level and gender. A total of 360 billion won was provided from 2001 to the end of 2004. In particular, in 2004, employment-boosting subsidies were provided regardless of whether companies had exceeded the obligatory employment quota rate in order to promote employment of the disabled.

87. Vocational training centres are operated to develop the working capability of the disabled. Besides, the Government grants assistance to public vocational training institutions, whether public or private, as well as special institutions which provide skill development training to disabled persons in the form of training expenses, training fees, training allowances, loans for facilities and equipment, and grants.

88. In order to systematically support various auxiliary facilities needed for job security and employment maintenance of the disabled, the Centre for Assistant Technologies (CAT) has been supported by the Government since its establishment in December 2004.

89. Employment of the disabled has been low due to prejudice against the vocational ability of the disabled and social indifference towards hiring the disabled. Recently, however, private companies failing to meet their obligatory employment rate have been required to pay a reinforced levy according to the recently introduced graded levy system to promote employment of disabled persons. At the same time, the Government is reinforcing various incentives for employers to implement obligatory employment quotas.

90. The Government is facilitating the employment of the disabled by diversifying from basic training to “tailored training”, with the precondition of hiring. In addition, specialized training methods are being expanded to take account of the impact of disabilities on work ability (e.g., visual or hearing disabilities and brain lesion).

### **(3) Employment promotion of the aged**

91. Korean society is rapidly ageing, as the proportion of the elderly 65 and over is expected to increase to 14.4 per cent by 2019 and 20.0 per cent by 2026, from 7.2 per cent in 2000. Against this backdrop, the Government has continuously developed policy measures to encourage senior citizens to work in suitable positions. The Aged Employment Promotion Act defines “aged” or “senior citizen” as a person of 55 or over. As of 2004, the sectors where senior citizens mainly worked include 57.9 per cent in manufacturing and 16.9 per cent in transportation.

92. Since 2001, the Government has monitored the situation of elderly employment in companies employing more than 300 workers, urging companies short of meeting the quota set by the Government to expand employment opportunities for the elderly. The proportion of the elderly in employment in companies employing more than 300 employees has been steadily growing from 3.44 per cent in 2000 to 3.70 per cent in 2002 and 4.51 per cent in 2004.

93. The Subsidy for Employment Promotion of the Aged includes a subsidy for hiring elderly workers in large numbers, a subsidy for new hiring of elderly workers, and a subsidy for continuous employment of elderly workers after retirement age. In 2004, 266,000 people received subsidies and a total of 41.3 billion won was paid out.

94. The Government has designated organizations with specialized human resources and facilities for vocational guidance and job placement as the Manpower Bank for the Aged (45 locations), and supported the seniors with registration for job-seeking and recruitment, vocational guidance, counselling, job placement, and job counselling for the retired. The number of people obtaining jobs through the manpower agencies came to 26,935 in 2002, 24,878 in 2003, and 28,320 in 2004.

### **Vocational training policy**

#### **(1) Enactment and revision of vocational training-related laws and regulations**

95. On 1 January 1999, the Vocational Training Promotion Act to abolish the mandatory vocational training system under the Vocational Training Act; to expand training opportunities of private training centres; to establish an evaluation system for training institutions and training procedures; and to diversify training areas from manufacturing to office management and services.

96. On 31 December 2004, the Vocational Training Promotion Act was changed to the Workers' Vocational Competency Development Act, which contains provisions for the improvement of equity and efficiency in trainee-oriented vocational ability development. The revision of the Act includes setting up a vocational training system in which both labour and management participate, reinforcing support for vulnerable groups in training (e.g., SME employees and non-regular workers), expanding support for labour and management organizations and federations, and vocational ability development organizations, and enhancing support for training infrastructure.

#### **(2) Current state of system improvement**

##### **(i) Vocational ability development of SME workers**

97. Small and medium-sized enterprises (SMEs) are by nature creative and flexible. They serve as growth engines for economic development and job creation alternatives in the era of so-called jobless growth. However, the economic and social gap between large companies and SMEs is continuously widening.

98. To narrow the gap, the Government has implemented various projects to facilitate human resource development and support vocational ability development in SMEs.

99. The Government has introduced the Small & Medium Enterprise CEO and HRD Personnel Training Programme to help CEOs and workers in human resources development (HRD) recognize the importance of HRD and the need to develop abilities. It has also implemented a Small and Medium Enterprise Core Competency Improvement Project to help SME employees enhance their vocational abilities and to improve productivity.

100. In addition, the Best HRD (Human Resources Developer) was introduced to promote investment in HR, which is the core corporate competitiveness in a knowledge-based society. Under this system, the Government certifies and supports leading companies in planning, infrastructure, and delivery system and investment in education and training, while assisting companies in creating HR development system voluntarily.

101. In order to alleviate the labour shortage of SMEs and improve the job capability of workers, the Government introduced the SME Vocational Training Consortium in 2001. Under this system, the Government offers training facilities and equipment and training fees when large companies, employers' associations, public training institutions and universities conduct vocational training for SMEs in the form of consortia utilizing their own training facilities.

102. Having initially instituted a pilot operation in six institutions in 2001, the SME Vocational Training Consortium was expanded to 47 institutions as of December 2005, with the participation of 71,000 people in 33,000 SMEs. The employment rate of basic training in the consortium was 78.4 per cent in 2005.

103. The SME Learning Organization Support Programme has been implemented to upgrade vocational abilities of workers and corporate competitiveness by promoting lifelong learning.

(ii) Vocational ability development of non-regular workers

104. After the financial crisis, the number of non-regular workers increased rapidly and the issue of non-regular workers became an acute social problem. Against this backdrop, the Government introduced policies aimed at protecting non-regular workers and preventing the abuse of workers in addition to expanding the social safety net. However, there are many limitations in creating comprehensive measures to effectively address the root cause of increasing non-regular workers.

105. The current occupational training system could not fully reflect the changing training environment and various demands of vulnerable workers. Therefore, the training participation rate for non-regular workers (e.g., periodical, daily) is relatively low.

106. Accordingly, in order to encourage non-regular workers to participate in occupational ability development, the Government needs to formulate social solutions and policy measures based on comprehensive approaches by accurately analysing the issue of non-regular workers.

107. In this regard, the Government has improved the delivery system of various vocational training and employment services, and has explored and pursued new projects.

108. The Government plans to establish training courses promoting non-regular workers' participation in vocational ability development, inter alia by encouraging them to attend vocational training anytime, anywhere. To this end, it is planning to develop and distribute e-learning contents via the acquisition of certificates. Also, the SME Vocational Training Consortium focusing on collective training will be extended to include e-learning and blended learning training.

109. Irregular workers do not actively participate in vocational ability development due to a financial burden or employers' negative attitude towards training. This being so, the Government should reinforce differentiated support for the training of non-regular workers.

110. As the current support for training through corporations is not enough, the government is planning to introduce the Worker Competency Development Card System. Under this system,

the Government will provide training services for non-regular workers in order for them to select and use training services through various institutions and provide a training allowance without the intermediation of companies.

111. In addition, when employers conduct training courses for non-regular workers, the Government provides wages apart from training fees, increasing the number of persons covered by subsidies for course attendance and covering up to 100 per cent of the tuition.

112. The Government is planning to lay the foundation for establishing appropriate policies by developing various statistics indexes showing the current state of vocational training participation of non-regular workers.

(iii) Vocational ability development of the unemployed

113. For a worker who has been dismissed from a company covered by the Employment Insurance system, the Government provides assistance in training costs and allowances. As of 2006, 53,459 persons in 2,674 training courses had participated in this training.

114. When unemployed persons register at the re-employment training institution authorized by the Ministry of Labour after receiving counseling regarding vocational training, they are able to attend training courses at no cost. Rather, they receive 110,000 won per month to cover transportation and food expenses.

## Article 7

### Protection of working conditions

115. The Government has protected workers' basic working conditions, including wages, working hours, holidays, leave, dismissal, etc., since the enactment of the Labour Standards Act in 1953. In order to meet the growing need for administrative services resulting from the enactment of new laws, such as the Employee Retirement Benefit Security Act and the Act on Establishment, Operation, etc., of Public Officials' Trade Unions, the number of labour inspectors was increased to 442 in 2005 and 1,238 in March 2006.

116. The Government has gradually expanded the application of the Labour Standards Act to protect working conditions. In 2005, major provisions on working conditions, such as labour contracts, wages, protection for female workers and minors, etc., were also applied to workplaces with fewer than four employees. With the enactment of the Employee Retirement Benefit Security Act, the statutory retirement allowance system will begin to apply to workplaces with four employees or less sometime between 2008 and 2010.

117. Meanwhile, a result of the revision of the Labour Standards Act, if an employer delays giving wages or retirement pay to his/her retired worker, an obligation to pay interest at an annual interest rate of 20 per cent has been imposed as of July 2005. If a worker files a civil lawsuit to claim his/her unpaid wage, a free legal assistance programme is provided. If a worker decides not to press charges against an employer, the employer is exempted from any form of criminal punishment to protect wages more effectively.

### Minimum wage system

118. The Minimum Wage Act is, in principle, applied to all businesses or workplaces irrespective of their size. The Minimum Wage Act, implemented in stages, was first applied to manufacturing companies employing 10 regular workers or more in 1988. Since 1990, the Act has been applied to every workplace with 10 workers or more regardless of whether they are regular, temporary or part-time workers. Since November 2000, the Act has been applied to all workplaces employing one worker or more, regardless of whether the worker is a full-time, temporary, or part-time worker.

**Table 24**

### Minimum wage system and its coverage

(Unit: 1,000 persons)

Year/ Classification	1988	1989	1990	1999	2002	2005
Workplaces covered	Manufacturing firms with 10 workers or more	Mining and construction firms with 10 workers or more	All workplaces with 10 workers or more	All workplaces with 5 workers or more	All workplaces with 1 worker or more	All workplaces with 1 worker or more
No. of workers covered	2 267	3 053	4 386	5 031	13 216	14 584
No. of workers actually benefiting	94	328	187	54	849	1 503

119. In 2005, the Minimum Wage Act was amended to extend coverage to those in initial training and apprenticeship, who were previously excluded from the minimum wage system. A reduced minimum wage is now applied to apprentice workers. Full coverage was also expanded to minors, who were previously subject to a reduced minimum wage. In addition, the ratio of income distribution was added to the criteria in deciding the minimum wage to ensure that the minimum wage system can help improve national income distribution.

120. All employers are obligated to pay their workers at least the minimum wage (article 6 of the Minimum Wage Act). Any employer violating this regulation is punished by either imprisonment of up to three years or subject to a fine not exceeding 20 million won, or both (articles 28 through 30). The Government is doing its best to ensure compliance with the minimum wage at industrial sites by intensively examining workplaces prone to violating the minimum wage.

121. According to the Minimum Wage Act, the Minister of Labour requests the Minimum Wage Council to deliberate on the minimum wage for the following year by 31 March of each year. The Council must then deliberate on, determine and recommend the minimum wage to the Minister of Labour within 90 days after receiving the request. As it deliberating on and determining the minimum wage rate, the Council organizes a separate expert committee and conducts related research and discussions to decide the level of minimum wage with due consideration of appropriate criteria, such as workers' living costs, wages among similar types of workers, labour productivity, ratio of income distribution, etc. If workers' or employers' representatives raise an objection after the Ministry of Labour has announced the proposed

minimum wage and the Minister of Labour deems the objection reasonable, the Minimum Wage Council may be requested to conduct a re-examination. The following indicates minimum wage by year.

**Table 25**  
**Minimum wage by year**

(Unit: won, %)

Classification	Sept. 00-Aug. 01	Sept. 01-Aug. 02	Sept. 02-Aug. 03	Sept. 03-Aug. 04	Sept. 04-Aug. 05	Sept. 05-Dec. 06
Hourly rate	1 865	2 100	2 275	2 510	2 840	3 100
Daily rate (8 hours per day)	14 920	16 800	18 200	20 080	22 720	24 800
Increase rate	16.6	12.6	8.3	10.3	13.1	9.2

### Wage and income

122. Wage levels are normally determined via consideration of the main determinant factors directly related to wage levels and wage-adjusting factors. These include the level of living costs reflecting inflation and companies' payment capabilities based on labour productivity.

Wage-adjusting factors arise from economic and social conditions, such as the situation of the national economy and demand and supply in labour market. However, wages at an individual company are determined by the autonomous consensus between employer and workers, which is based on negotiation between labor and management and wage comparison among workers in the same industry.

123. Wage levels gradually increased as the economy recovered after the economic crisis of 1997. Since 2004, however, wage rises have slowed down. Whether the trend will continue in the future remains to be seen.

**Table 26**  
**Trend in wages and consumer prices**

(Unit: %, won, index 2000=100, year-on-year changes)

Year	Nominal wage			Consumer price		Real wage		
	Amount	Increase rate	Index	Increase rate	Index	Amount	Increase rate	Index
2000	1 667 540	8.0	100.0	2.3	100.0	1 372 461	5.6	100.0
2001	1 752 382	5.1	105.1	4.1	104.1	1 683 364	1.0	122.7
2002	1 947 773	11.2	116.8	2.8	106.9	1 822 051	8.2	132.8
2003	2 127 401	9.2	127.6	3.6	110.7	1 921 771	5.5	140.0
2004	2 254 889	6.0	135.2	3.6	114.7	1 965 901	2.3	143.2

124. On the other hand, the wage gap among workers has widened and the Gini coefficient, a measure of income inequality, showed a level of 0.312 in 2003, indicating a widening wage gap between companies of different sizes and between different types of employment.

**Table 27**  
**Gini coefficient by year**

1998	→	1999	→	2000	→	2001	→	2002	→	2003
0.280		0.288		0.301		0.303		0.305		0.312

125. Based on the judgment that the wage gap was widened by different payment capabilities between large companies and small and medium-sized enterprises and different types of status between principal contractors and subcontractors, the tripartite parties signed the Social Pact for Job Creation in 2004. Under the Pact, labour agreed to cooperate to stabilize wages in highly-paid sectors for the following two years to reduce the wage gap with non-regular workers and workers in SMEs. On the other hand, large companies agreed to stabilize the employment of workers from their contractors; to give these workers better treatment, and not to unfairly pass their labor costs on to their contractors by providing support for contractors to stabilize their business, with realistic contract prices and their timely payment.

**Table 28**  
**Wages by industry, company size and occupation**

(Unit: 1,000 won)

Classification		2000	2001	2002	2003	2004
Industry	All industries	1 727	1 825	2 036	2 228	2 373
	Manufacturing	1 601	1 702	1 907	2 074	2 280
	Electric power, gas & water supply	2 490	2 875	3 243	3 661	3 860
	Construction	1 840	1 835	2 063	2 287	2 352
	Wholesale & retail trade	1 549	1 744	1 888	2 089	2 175
	Restaurants & hotels			1 364	1 439	1 513
	Transport			1 652	1 836	1 926
	Post & telecommunications	1 771	1 803	3 460	3 585	3 642
	Financial institutions & insurance	1 953	2 065	2 298	2 489	2 579
	Real estate & business services					
	Social & personal services	1 900	1 956	2 217	2 431	2 546
Company size	All workplaces (5 workers or more)	1 314	1 393	1 533	1 651	1 750
	Size 1 (5-9 workers)	1 146	1 209	1 295	1 427	1 513
	Size 2 (10-29 workers)	1 222	1 281	1 414	1 554	1 649
	Size 3 (30-99 workers)	1 291	1 368	1 509	1 611	1 710
	Size 4 (100-299 workers)	1 361	1 455	1 572	1 712	1 808
	Size 5 (300-499 workers)	1 501	1 548	1 718	1 866	1 941
	Size 6 (500 workers or more)	1 546	1 673	1 842	1 982	2 106

Classification		2000	2001	2002	2003	2004
Occupation	All occupations	1 314	1 393	1 533	1 651	1 750
	Senior officials & managers	2 312	2 456	2 642	2 927	3 194
	Professionals	1 786	1 920	2 052	2 230	2 310
	Technicians & associate professionals	1 491	1 598	1 767	1 892	2 028
	Clerks	1 171	1 223	1 429	1 530	1 693
	Service workers	1 012	1 053	1 102	1 182	1 256
	Sales workers	989	1 028	1 311	1 388	1 420
	Skilled agricultural, forestry & fishery workers	1 080	1 129	1 318	1 456	1 548
	Craft & related trades workers	1 204	1 280	1 398	1 477	1 565
	Plant machine operators & assemblers	1 170	1 228	1 356	1 425	1 522
	Elementary occupations	810	819	918	970	1 022

### **Equal promotional opportunities for both genders**

126. Article 10 of the Equal Employment Act stipulates that there can be no gender discrimination in education, assignment and promotion. Any violation of this provision is punishable by a fine not exceeding five million won. The Government is making efforts to eliminate discriminatory elements in education, assignment, promotion, as well as in recruitment and hiring by conducting labour inspections each year into workplaces employing large numbers of female workers in order to monitor compliance with the provisions on equal employment.

127. In an effort to reduce structural discrimination, the Government has taken affirmative action since March 2006 among public companies and companies with 500 workers or more, encouraging companies to increase the share of female managers voluntarily.

### **Safe and healthy working conditions**

128. After having collected a wide range of opinions from safety and health experts and workers' and employers' groups, the Government established and implemented the First Five-year Industrial Accident Prevention Plan covering the 2000-2004 period to ensure safe and healthy working conditions. In 2004, it introduced a second such plan, according to which industrial accident prevention policies will be implemented systematically from 2005 to 2009.

129. In 1981, the Government enacted the Industrial Safety and Health Act that stipulates the duties of the Government, employers and workers with the aim of ensuring safe and healthy working conditions. In particular, employers are obligated to observe standards for preserving workers' lives and health conditions. To this end, employers are required to provide safety and health education, conduct work environment monitoring, provide health checkups for workers doing hazardous work, and take safety and health measures aimed at preventing health problems that might be caused by dangerous machines, equipment and other instruments or dust and noise. As of May 2006, a total of 316 labor inspectors worked to protect working conditions for workers.

130. The CLEAN project was launched in October 2004 to help small workplaces with less than 50 workers and with weak safety and health management capabilities meet safety and cleanliness standards. By 2005, a total of 24,000 workplaces had been supported in improving

their safety equipment, work environment, process and facilities. Such fundamental improvements help eradicate harmful and hazardous elements in the workplace - accident rates fell by some 32 per cent in 2002, 35 per cent in 2003 and 25 per cent in 2004.

131. Since 2004, the list of workplaces where fatal accidents frequently happened has been announced. In 2005, 15,000 workplaces in industries prone to fatal accidents such as shipbuilding, chemical and construction industries were intensively inspected. Meanwhile, various policies have been implemented to considerably reduce accidents. Specifically, in May 2005, Death Accident Prevention Measures were instituted to intensively prevent fatal accidents in the 10 most dangerous job types.

132. In an effort to strengthen safety and health management for foreign workers, the Government has supported workplaces employing foreign workers in improving their work environment, process and facilities. Various materials, such as safety brochures and audio and video materials that foreign workers can easily comprehend have been developed in ten languages and distributed through cooperation among related ministries and agencies. Safety and health education for foreign workers and their employers has also been supported.

133. In an effort to strengthen the safety and health of workers vulnerable to industrial accidents, education materials for non-regular workers have been developed and distributed. As regards workplaces employing large numbers of females and aged workers, technical support with regard to health management and the work environment has been provided to prevent accidents.

134. To prevent serious industrial accidents that would inflict instant damage on workers at the workplace or to neighboring areas due to leakage, fire or the explosion of dangerous substances, in March 2005, the Centre for Serious Industrial Accident Prevention was set up in four locations where chemical plants are located, making it possible for the Government to enforce related laws and provide technical support for safety and health issues in an efficient manner.

135. In order to prevent cerebrovascular disease, over two million copies of 59 different materials on cerebrovascular disease prevention were produced and distributed between 2000 and 2005. Where cerebrovascular disease commonly occurs among employees, prevention education has been provided, thereby raising safety and health awareness among both labour and management. In addition, in July 2003, the obligation to prevent musculoskeletal disease began to be imposed on employers. By 2005, over 730,000 copies of 62 different publicity and technical materials had been produced and distributed. In workplaces where employees often suffer from musculoskeletal disease, employers were asked to conduct musculoskeletal disease prevention and management programmes.

136. The industrial accident rate, which had continued to fall and had reached a record low of 0.68 per cent in 1998, rose slightly due to the coverage of industrial accident insurance extended to workplaces with less than five workers in 2000, the broadened scope of occupational diseases (such as musculoskeletal diseases), and the increased number of unskilled workers. However, the figure has once again displayed a downwards trend since 2004 owing to continuous and systematic support and stronger inspection in areas vulnerable to industrial accidents.

137. In 2005, guidance and inspection were provided for 59,174 workplaces with a view to protecting working conditions. The industrial accident rate and the number of industrial accident victims in 2005 reached 0.77 per cent and 85,411, respectively, a fall of 9.4 per cent and 3.9 per cent from 0.85 per cent and 88,874 in 2004. However, the number of people suffering from occupational diseases increased slightly, from 2,492 in 2004 to 2,524 in 2005, due to the increase in patients with pneumoconiosis and noise-induced hearing loss.

### **Introduction of the 40-hour work week**

138. The 40-hour work week, first introduced in workplaces with 1,000 workers or more, began to be implemented in financial and insurance companies and the public sector from 1 July 2004 and was gradually expanded to workplaces with 300-999 workers starting on 1 July 2005. Its implementation will be gradually extended according to size of workplace by 2011. Given the difficulties of reducing working hours in SMEs, the Government came up with support systems, such as providing subsidies for working hour reduction in SMEs, transitioning into a shift work system, special tax credits for employment increases, etc.

### **Promotion of workers' welfare**

139. In order to carry out systematic welfare policies and programmes from the viewpoint of productive welfare, the Welfare Promotion Act for Workers in SMEs and the Act on Livelihood Improvement and Employment Security for Workers were abolished in January 2002.

140. According to the Basic Workers Welfare Act, the Minister of Labour establishes and implements basic plans to promote the welfare of workers. The Government subsidizes local government in setting up and operating welfare facilities. The Workers' Welfare Promotion Fund operates to secure the necessary funds for welfare projects.

141. The Workers' Welfare Promotion Fund acquires its revenues from Government contributions, cash, goods and other properties contributed by those other than the Government, money transferred or borrowed from other funds, and donations by employers or employers' associations. The Fund finances the following expenses: (1) housing loans; (2) loans and support for livelihood stabilization; (3) scholarships and loans for school expenses; (4) expenses necessary for credit guarantee; (5) support for employee stock ownership plans; (6) support for establishing and operating welfare facilities; (7) support for cultural and sports activities; (8) expenses for medical services intended to promote the health of workers; and (9) research and development.

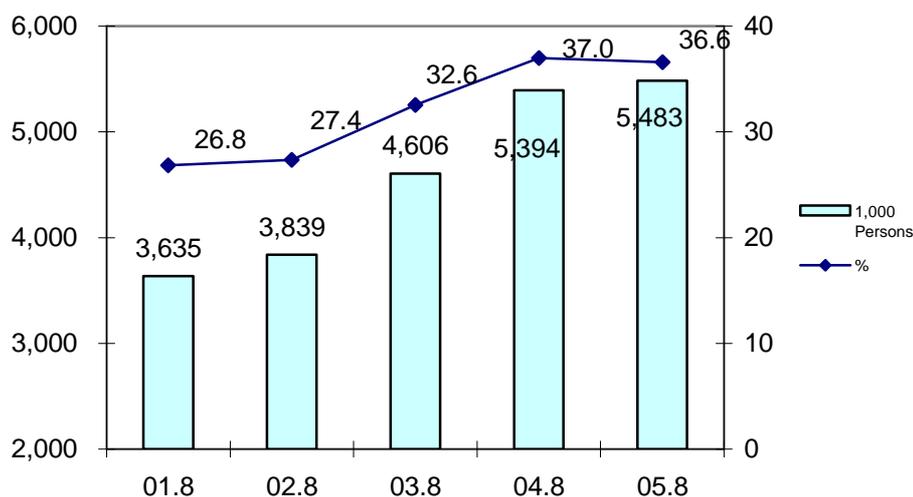
### **Current status of non-regular workers**

142. After the financial crisis of 1997, the problem of non-regular workers emerged as a social issue. As a result, the National Statistical Office conducted an annual supplementary survey of the economically active population since 2001 to examine the current status of non-regular workers, including their numbers and working conditions. According to the survey, the number of non-regular workers reached 3,635,000 in August 2001, accounting for 26.8 per cent of wage-earners overall. Since then, the number has continued to increase, reaching 5,483,000 in August 2005, representing 36.6 per cent of the total. At the time of reporting, the range of

non-regular workers included fixed-term workers, part-time workers, dispatched workers, temporary agency workers, special type employees, home-based workers and daily workers.

**Table 29**

**Number and proportion of non-regular workers by year**



\* The proportion refers to the share of non-regular workers of total wage-earners for each year.

143. In terms of gender, the number of male and female non-regular workers is 2.74 million (49.9 per cent of the total) and 2.75 million (50.1 per cent), respectively, showing no significant difference between them. The share of female non-regular workers out of the number of total wage-earners is 43.7 per cent, higher than 31.5 per cent, the figure for male non-regular workers. In particular, among part-time workers (736,000) and workers in special type employees (394,000), there is a higher proportion of women than men.

144. The average wage of non-regular workers is 1,156,000 won a month comparable to 62.6 per cent of an average monthly wage of 1,846,000 won for regular workers (the difference was 65 per cent in 2004.). Non-regular workers work an average of 41.5 hours a week, less than regular workers' 45.9 hours.

**Table 30**

**Average monthly wage of non-regular workers  
as a percentage of that of regular workers**

Year	August 01	August 02	August 03	August 04	August 05
(%)	63.5	67.1	61.3	65.0	62.6

\* The data did not reflect the number of monthly working hours.

145. The proportion of workers benefiting from social insurance has been rising steadily since August 2001. However, the trend reversed in 2005. In particular, among small workplaces with less than five workers, the proportion of non-regular workers covered by social insurance and parties to a written labor contract are both low.

**Table 31**

**Proportion of non-regular workers covered by social insurance by year**

Classification	2001 %	2003 %	2004 %	2005 %
National pension	22.3	30.5	37.5	36.6
Health insurance	24.4	32.6	40.1	37.7
Employment insurance	21.6	29.2	36.1	34.5

146. The Korean Government deemed it necessary to take measures to eliminate discrimination against non-regular workers and prevent related abuses in order to ensure sound development of the labor market and social integration. Accordingly, it prepared a related legislative bill based on the discussions at the Tripartite Commission (from July 2001 to July 2003) and submitted it to the National Assembly on 8 November 2004. The draft bill, revised and passed by the Environment and Labor Committee, is now pending in the Legislation and Judiciary Committee. The main contents of the bill include banning unreasonable discrimination against non-regular workers, such as fixed-term, part-time and temporary agency workers; allowing these workers to seek remedy for such discrimination through labour relations commissions; limiting the total employment period for fixed-term workers to two years; and regarding such workers as being employed on an open-end contract if their employment period exceeds two years. With regard to temporary agency workers, legal grounds have been laid to reasonably adjust the scope of services they may provide. Furthermore, efforts have been made to provide stronger protection to temporary agency workers by imposing stricter punishments on employers and by making it mandatory for employers to hire temporary agency workers when they are illegally dispatched.

147. Besides its efforts to make institutional improvements, the Government is trying to verify whether related laws are being properly observed at industrial sites and correct any violations. As a result of labour inspections in 7,688 workplaces employing large numbers of non-regular workers, 8,252 violations were discovered (from 1999 to Aug. 2005). A total of 974 violations were found through labour inspections in 826 central administrative agencies and local government (2004-2005). Of the 1,649 in-house contractors of large companies, 527 were found to have used illegally dispatched workers (2002-2005).

148. As part of its mid- and long-term labour market policies to support vocational training and employment security for non-regular workers, the Korean Government is in the process of preparing the Five-year Employment Improvement Plan for Non-regular Workers, designed to substantially improve employment prospects for non-regular.

## Article 8

### Freedom to organize trade unions and engage in union activities

149. Article 33 (1) of the Constitution guarantees three basic labor rights by stating that “workers shall have the right to independent association, collective bargaining and collective action to enhance their working conditions.” Article 5 of the Trade Union & Labor Relations Adjustment Act (hereinafter referred to as TULRAA), stipulates that “workers (defined as those who live on wages, salary and other equivalent forms of incomes regardless of whatever types of jobs they are engaged in) are free to establish or join a trade union” After the ban on plural unions was repealed, many industry-level unions were set up. However, enterprise-level multiple unions will be permitted from 2010.

150. At the end of 2004, there were 6,017 trade unions and 1,536,843 union members with a unionization rate of 10.6 per cent. By 1990, the unionization rate had risen rapidly as a result of progress made through social and political democratization since July 1987, but it has fallen since 1990.

**Table 32**

### Number of trade unions and union members by year

Year	No. of trade unions	No. of union members		
		Total	Male	Female
1999	5 592	1 480 666	1 173 239	307 427
2000	5 652	1 526 995	1 221 117	305 878
2001	6 103	1 568 723	1 263 314	305 409
2002	6 463	1 538 499	1 238 748	299 751
2003	6 257	1 549 949	1 223 330	326 619
2004	6 017	1 536 843	1 212 052	324 891

151. Trade unions are organized at various levels, such as enterprise, industry and regions. At the end of 2004, these trade unions were affiliated with any of 44 industry-level federations.

### Three labour rights of public officials

152. Although the freedom of association of public officials and teachers in Korea was previously explained in the third report submitted by the Korean government under the International Covenant on Civil and Political Rights (CCPR/C/KOR/2005/3, paragraphs 317-319), significant changes have been made since then with regard to the three labour rights of public officials.

153. It is stipulated in article 33 (2) of the Constitution that only those public officials designated by law shall have the rights to association, collective bargaining and collective action. Article 5 of TULRAA provides that the organization and joining of a trade union by public officials and teachers is regulated by a separate Act. In accordance with these provisions of the Constitution and TULRAA, the Act on Establishment, Operation, etc., of Public Officials' Trade Unions was promulgated on 27 January 2005 and came into force on 28 January 2006. Through

these legal measures, public officials were allowed to enjoy basic labour rights, such as the right to organize and the right to collective bargaining. However, basic labour rights are restricted for the following categories of public officials: soldiers on active service, policemen, prison guards and firefighters, as they perform key duties needed to maintain State functions, including national security and the protection of people's safety and lives. The rights of public officials in managerial positions and public officials who perform their work from the standpoint of the Government are also restricted.

154. In addition, the right of public officials to collective action is restricted given their unique status, the public nature of their jobs and the need to ensure the continuity in the basic functions of the State. Due to the fact that their actual employers are the people as a whole, it is not possible to shut down their workplace in the event of a strike, which is one of the key differences between the private and public sector.

155. However, similar to workers in the private sector, technical and temporary public servants, who are engaged in fieldwork in such organizations as the National Medical Centre or those under the control of the Ministry of Information and Communications are allowed to organize and join a trade union and are guaranteed the right to collective action.

156. Although public officials are not given the right to collective action, there are measures that can counterbalance the restriction on their right to collective action. For example, when collective bargaining fails, both parties or either individual party may apply for mediation or arbitration by the National Labor Relations Commission. Mediation and arbitration is conducted by the Mediation Committee for Public Officials' Industrial Relations, which is composed of persons representing the public interest. An arbitration proposal, once confirmed, is given the same effect as collective agreements.

**Table 33**

**Current status of public officials' unions**

(As of the end of 2003)

Name of union	Establishment date	No. of union members
Trade union of postal workers	24 August 1961	22 535
Trade union of workers in the National Medical Centre	8 March 1963	188

**Guarantee of teachers' labour rights**

157. In order to guarantee teachers basic labour rights, the Korean Government has legitimized the organization of a trade union by teachers. The Act on Establishment, Operation, etc., of Trade Unions for Teachers passed through the National Assembly in January 1999 and took effect on 1 July 1999. As a result, teachers' basic labour rights, such as the right to organize and the right to collective bargaining, began to be secured in accordance with the contents of recommendations by the International Labour Organization (ILO) and the Organisation for Economic Co-operation and Development (OECD). Teachers are guaranteed the right to collective bargaining and the right to conclude collective agreements as well as the right to

organize and join a trade union. Collective agreements concluded through collective bargaining are legally binding with the exception of those contents prescribed by laws and budgets.

158. Teachers' educational activities, unlike general workers' activities, are public by nature and require high ethical standards, neutrality and professionalism. Because their employment relationship is different from that of individual companies, it is impossible to shut down their workplace in the event of a strike. Therefore, teachers, both in private and public schools, are given the same level of protection of three basic labour rights (that is, protection of the right to organize, the right to collective bargaining and the right to conclude collective agreements, but not the right to collective action) as public officials, in order to boost their economic and social status, secure the public nature, independence and neutrality of education and balance their rights against students' right to learn.

159. Although teachers' right to collective action is restricted, there are measures that can offset such restrictions. For example, in case their collective bargaining breaks down, both or either of the parties can apply for mediation or arbitration to the National Labor Relations Commission. Mediation and arbitration is conducted by the mediation committee for teachers' industrial relations, which is composed of persons representing the public interest. An arbitration proposal, once confirmed, is given the same effect as collective agreements.

160. With regard to the application of the Act on Establishment, Operation of Trade Unions for Teachers to university teachers, the Tripartite Commission agreed to decide on this matter after taking into consideration opinions from interested parties and the public. Thus, at present, the Act does not apply to university teachers.

### **Improvement of industrial relations laws and systems**

161. As a new Labour Relations Law was established through the agreement between the ruling and opposition parties in March 1997, the ban on third-party intervention prescribed in the old Labour Dispute Adjustment Act was abrogated. By limiting the scope of public services subject to arbitration and the scope of defense industries where industrial action is prohibited and by enhancing the impartiality and specialty of labour relations commissions, a foundation for autonomous negotiation between labor and management was laid while unreasonable systems and practices were abolished.

162. In February 2003, in response to domestic and international requests, the Government, as a national policy priority, proposed to improve industrial relations systems in accordance with international standards. The Research Committee on the Advancement of Industrial Relations Systems, composed of 15 experts, was organized and operated between May 2003 and November 2005. In September 2003, the Roadmap for Industrial Relations Reforms, proposed by the Committee, was sent to the Tripartite Commission for further discussion. Despite two years of discussion, no agreement was reached among the tripartite parties. As the deadline for discussion expired on 3 September 2005, responsibility was transferred back to the Government. Notwithstanding various difficulties, such as the difference of opinion between labour and management and insufficient discussions on controversial issues, the Tripartite Representatives Meeting was resumed on 15 March 2006. On 8 December 2006, the

Environment and Labour Committee of the National Assembly made minor revisions to the Government bill, which was then sent to the Judiciary Committee and was passed at a plenary session of the National Assembly on December 2006.

### **Legitimacy of labour disputes**

163. The Government protects strike by TULRAA (article 4), stipulating that criminal punishment cannot be imposed on those staging a strike. Only illegal activities, such as acts of obstructing employers' businesses using violence or the threat of force beyond the boundary of the three labour rights guaranteed by the Constitution and laws, are criminally punishable.

164. It is stipulated in the TULRAA that in case a labor dispute occurs, the union shall go through mediation and conduct a strike ballot among its members before taking industrial action (articles 41 (1) and 45 (2)). Moreover, "industrial disputes" are defined in detail as "any controversies arising from disagreement between trade union and employer or employers' association over decisions on working conditions, such as wages, working hours, welfare, dismissal and other treatments" (article 2, subparagraph 5).

165. In addition, conditions for judging whether industrial action is justifiable or not are clearly and specifically defined. The court clearly states that if industrial action is to be considered justifiable and legal under the Criminal Code, the following conditions must be met: "first, the industrial action should be taken by a party to collective bargaining; second, it is aimed at resulting in autonomous negotiations between labor and management to improve working conditions; third, it should be commenced when an employer refuses to engage in collective bargaining in the face of workers' specific demands aimed at improving working conditions; fourth, procedures, such as approval by union members, prescribed by laws, should be followed before taking it if there is no special circumstance; fifth, its means and methods should be balanced with the employer's right to property; and finally it should not involve an act of violence." (verdict 99 DO 4837, handed down by the Supreme Court on 25 October 2003). The court also rules "if the purposes pursued by industrial action are numerous and some of them are not justifiable, whether its purpose can be justified or not should be judged by looking at its main or genuine purpose." (verdict 2001 DO 1863 and verdict 2002 DO 7368, handed down by the Supreme Court on 26 December 2003 and 9 April 2004, respectively).

### **Use of police force and criminal charges in case of exercise of the right to strike**

166. Labour-related assembly and demonstration, provided that they are lawful, are thoroughly protected. Police force is used only in exceptional cases, such as violent acts against other people's bodies or lives; destruction of company property; prolongation of illegal strikes or collective action leading to irreparable and/or significant damage to property; and occupation of national institutions or diplomatic premises.

167. A trade union is not criminally prosecuted for exercising the right to strike. Justifiable exercise of the right to strike entails neither criminal punishment nor civil liability, and is protected by law (article 33 of the Constitution, Articles 3 and 4 of the TULRAA).

168. In Korea, if a strike or other form of industrial action is to be considered legitimate, its purpose, procedures and means must be justifiable. The requirements for industrial action are mostly in line with the relevant ILO conventions and are not stricter than required. For example, strikes to promote political goals, which also has little to do with maintaining or improving working conditions (e.g. strikes staged to join the campaign for the withdrawal of United States troops), strikes mounted without a strike ballot among union members, and strikes involving the violent occupation of production facilities are deemed illegal, as their purposes, procedures and means violate labor laws and therefore can be punished on charges of obstruction of business.

169. Strikes conducted legitimately in observance of related laws, including picketing and the peaceful occupation of facilities, not to mention collective refusal to work, are permitted within reasonable boundaries.

170. Even in the event that industrial action by a trade union is considered obstruction of business, the Government and the court do not always apply severe punishment. They treat such matters judicially in a flexible way by considering them on a case-by-case basis. In the case of simple illegal strikes, the strike workers are, in principle, investigated with no detention unless there are any exceptional and special reasons, such as significant impacts on related industries and major direct damage. Such investigation without detention and summary judgments are actively used to handle participants in simple illegal strikes.

171. In Korea, the “no work, no pay” policy is not always applied in practice. As a result, trade unions are allowed to engage in a strike for long periods of time without civil liability. Even in the event of a prolonged strike in essential public services, use of replacement workforce is not allowed at all. Such unique legislative systems must be taken into account if the current state of criminal punishment for the abuse of the right to strike in Korea is to be understood.

172. The ILO’s Committee on Freedom of Association also states that “freedom of association principles do not protect the abuse of the right to strike which consists of criminal activities in exercising the right to strike.” (Report of the Committee on Freedom of Association, Case No. 1719, para. 668) Therefore, according to domestic law, punishing illegal activities which do not constitute legitimate exercise of the right to strike guaranteed by the Constitution and law should not be seen as violating the Covenant and the ILO’s principle of freedom of association as long as the punishment is not excessive beyond the principle of proportion.

**Table 34**

**Prosecution of strike workers**

(As of 31 Dec. 2005)

Classification/Year	2002	2003	2004	2005
Number of people prosecuted	1 174	1 340	2 153	1 694
Number of people arrested	170	163	71	114

### **Tripartite Commission**

173. The Tripartite Commission, launched in 1998, reached a grand agreement to overcome the economic crisis and the social pact for job creation, thereby contributing to the economic growth and the improvement of workers' quality of life.

174. However, there had been little progress in profound discussions on current labour issues due to the Korean Confederation of Trade Union's refusal to dialogue. Therefore, since June 2004, the Government has made continuous efforts to reform the Tripartite Commission to make it a social dialogue channel worthy of its name in which all tripartite parties participate.

175. As a consequence, on 27 April 2006, an agreement was reached on how to reform the Tripartite Commission. The essence of the agreement was to re-establish the status of the Tripartite Commission as a central body for multilevel social dialogue. In spite of such reform, some labour groups are expected to stay away from the talks, but the efficient operation of the Tripartite Commission will revitalize discussions to solve current social problems.

### **Article 9**

#### **Social security budget**

176. The ratio of the social security budget compared to GDP was 1.97 per cent in 2001, 1.81 per cent in 2002, 1.81 per cent in 2003, 1.89 per cent in 2004 and 1.58 per cent in 2005. The ratio of the social security and health budget compared to the Government budget was 7.52 per cent in 2001, 7.07 per cent in 2002, 7.20 per cent in 2003 and 7.72 per cent in 2004, but declined to 6.44 per cent in 2005.

177. In 2005, out of 134 trillion won of the total Government budget, the social security budget was approximately 8.1 trillion won and the health care budget was 528.7 billion won. The expansion of social security policies with the introduction of the National Pension Scheme in 1988, the universal National Health Insurance System in 1989, the Agriculture and Fisheries Pension System and the Employment Insurance System in 1995, followed by the National Basic Livelihood Security System in 2000, brought about an increase of the social welfare budget to 33.9 per cent on an annual average compared to the previous three years from 1999 to 2001.

178. The Social Welfare Fund is a private-led social security system that was transferred into social welfare joint funding with the implementation of the Social Welfare Joint Funding Act on October 1, 1998. This was a turning point for the private sector in facilitating participation in social welfare.

#### **National Basic Livelihood Security System**

179. The Livelihood Protection System introduced in 1961 was replaced in October 2000 by the National Basic Livelihood Security System (NBLSS), which consolidated the right to live as a human under the Constitution. For the past five years, the NBLSS has served as a final safety net to guarantee the 'national minimum' to the low-income class when there was no firmly established social safety net in the nation.

180. Under the eligibility criteria of the NBLSS, a recipient is to satisfy two criteria; the applicant should have income and assets below the minimum cost of living established by the Ministry of Health and Welfare and should not have anyone to support him or her; if any such liable person exists, that person should either be unable or unreliable to be a NBLSS-eligible recipient.

181. The NBLSS was first implemented as a system in August 2001 to provide the basic livelihood security number for those who are poor and have difficulty in obtaining a resident registration such as the homeless, people who are staying a cheap, cell-like lodging or temporary shelters made of plastic. Later, the system continued to expand to protect other population groups via a series of measures: protecting those who were released from correctional facilities in March 2002; increasing eligible recipients of the NBLSS by reducing the criteria for people liable to support in March 2004; admitting special exceptions on selecting farming and fishery households in June 2004; expanding support to the marginally poor as well as to people with rare and hard-to-cure diseases or chronic illnesses in June 2004, and to children younger than 12 years of age in 2005. In December 2005, the system was further strengthened by reducing the scope of the criteria for people liable to support a lineal relative or relevant spouse of a candidate NBLSS recipient. In addition, the benefits of the system were extended to foreigners who are married to Koreans and raise children with Korean nationality (implemented from January 2007).

182. As of October 2000, the number of NBLSS recipients amounted to 1,489,000, as a relatively high number of persons were protected under the system in the wake of the financial crisis. The number declined to 1,351,000 in 2002 following the economic recovery. However, growing social polarization has led to an increase in the number of recipients to 1,515,000 persons (including people with basic livelihood security number) as of December 2005. Under the principle of supplementary benefits, the NBLSS provides differentiated monthly assistance for livelihood, housing as well as education support such as tuition and class fees for middle or high school students. Also, medical services are provided when medical expenses arise from illnesses or accidents.

**Table 35**

**Number of NBLSS recipients**

(Unit: persons)

Classification/Year	October 2000	2001	2002	2003	2004	2005
Household (rate of increase from previous year)	688 354	698 075 (1.4%)	691 018 (□1.0%)	711 861 (3.9%)	753 681 (5.0%)	809 745 (7.4%)
Persons (rate of increase from previous year)	1 488 874	1 419 995	1 351 185 (□4.8%)	1 374 405 (1.7%)	1 424 088 (3.6%)	1 515 281 (6.4%)

\* Persons with basic livelihood security number are excluded.

183. The minimum cost of living set for a NBLSS recipient had increased by 3-3.5 per cent every year. In 2005, in order to reflect the measures of actual minimum living expenses, the level increased by 8.9 per cent. In addition, the minimum cost of living for 1-2 person households was significantly increased, as the Household Equalization Index was adjusted to the OECD level for the four years from 2005.

**Table 36**

**Change in minimum living expenses for basic livelihood recipients**

(Unit: 1,000 won)

Classification	2001	2002	2003	2004	2005
1-person household	334	345	356	368	401
2-person household	553	572	589	610	669
3-person household	760	787	810	839	908
4-person household	956	990	1 019	1 055	1 136

184. The budget for the welfare system increased each year by 3-5 per cent from 3.149.9 trillion won in 2001. In 2005, in order to reflect the outcome of actual minimum living expenses and the expanded medical aid for the marginally poor, it was increased by 13.6 per cent from the previous year.

**Table 37**

**Change in the budget for NBLSS**

(Unit: 100 million won)

Classification	2001	2002	2003	2004	2005	Rate of increase in 2005 vs. 2001
Total	31 499	32 344 (2.7%)	33 554 (3.7%)	36 192 (7.9%)	43 793 (21%)	30.8%
Livelihood assistance	15 602	15 440	15 937	17 382	21 645	
Medical assistance	15 897	16 904	17 617	18 810	22 148	

185. The number of public servants working in the social welfare sector rose by 700 in 2001 and 2,590 in 2002. While unchanged during the period from 2003 to 2004, the number increased again to the target of 1,830 persons in 2005. In the meantime, the Government has been expanding a variety of welfare facilities, including in-home welfare centres, to better serve underprivileged groups including the elderly, children, the disabled, and others.

**Table 38**  
**Number of Government social workers**

(Unit: persons)

Classification	2000	2001	2002	2003-2004	2005
New	600	700	2 590	0	1 830
Cumulative	4 800	5 500	8 090	8 090	9 920

### **Self-support**

186. Under the National Basic Livelihood Security Act, all people whose income and assets are below the Government-set level are guaranteed basic livelihood assistance regardless of working capabilities. However, NBLSS recipients with working ability are provided with subsistence allowances on the condition that they participate in self-support programmes.

187. According to the individual self-support plans by home, recipients participate in various self-support programmes, depending on their working ability, desire for self-reliance and household situation, including local volunteer service, society rehabilitation, self-support work, business start-up assistance, occupational adaptation training, vocational training and self-support facilitation.

188. In 2004, 107,391 poor people with working ability participated in government-run self-support programmes. Among them, 8,629 people succeeded in employment or start-up of business, and 4,131 people became self-reliant.

189. The Government plans to implement other measures aimed to help the poor overcome poverty, such as the Earned Income Tax Credit. This system is designed to supplement the income of low-income people by providing them with refundable tax credits and an Individual Development Account (IDA), which provides financial support in the form of matching fund comprised of the government budget and private contributions. The IDA provides two times the amount that low-income people saved for the purpose of housing purchase and education.

### **National Health Insurance**

190. Under the National Medical Insurance Act, adopted on 31 December 1997, the first round of integration of 227 regional insurance systems and the public servants' and private school employees' health insurance systems took place on 1 October 1998. The National Health Insurance Act was adopted on 8 February 1999 to completely integrate the National Health Insurance and 139 occupational health insurance systems. On 1 July 2000, the Health Insurance Corporation was launched.

191. As of the end of December 2005, the National Health Insurance Corporation managed a total of 47,391,000 persons (including foreigners residing in Korea and Koreans residing overseas) covered by the National Health Insurance, excluding 1,761,000 persons who are the beneficiary of medical aid such as recipients of the National Basic Livelihood Security System and persons of national merits.

192. The National Health Insurance is mainly financed by insurance contributions from the insured and their employers, and partly supported by Government subsidies with the total financial level of 20.3325 trillion won as of the end of 2005. The insurance premium rates for employees whose income is easily identified are 4.48 per cent of the standard monthly wage amount, and employees and employers each pay 50 per cent of the premiums (in the case of the insurance contribution for private school, 30 per cent is paid by the association of private schools and 20 per cent is paid by the Government). For the self-employed insured whose income is not easily identified, contributions are calculated by using a formula consisting of the insured person's income, assets, and others.

193. Those in the low-income bracket who have failed to pay insurance premiums are provided with various support and assistance, including exemption from overdue insurance premium payments and penalties, temporary suspension of insurance premium payment, and transferral of their status to medical aid recipients. For those living in islands or remote areas, the elderly aged 65 and older, the disabled, and people in low-income households, a reduction of 10-50 per cent in the insurance premium is allowed in consideration of the lack of access to healthcare services and the low level of income.

194. The Government laid the institutional foundations for the early detection of diseases by introducing national health checkups in 1980. As of 2006, the employed insured and the self-employed insured and their family members over 40 are provided with examinations for stomach cancer, intestinal cancer, breast cancer, liver cancer, and cervical cancer (for stomach, intestine, breast and liver cancer, the insured must pay 20 per cent of the exam fee themselves; for cervical cancer, the test is provided free of charge). In addition, those in the low-income bracket who are designated as eligible to receive the National Cancer Examination are provided with free examinations.

195. The insured or dependents of the insured should be individually responsible for a part of their costs though they receive insurance benefits at medical institutions. In-patients must pay a fixed fee of 20 per cent of the treatment cost, while the co-payment for out-patients varies by 30-50 per cent depending on individual status. For the elderly aged 65 and over, self-payment is further reduced for out-patient treatment at a clinic-level healthcare institution. The number of days a patient could benefit from was 180 days until 1994, and increased by 30 days every year from 1995 to 330 days in 1999. Beginning in 2000, the restriction on days of benefit provision was abolished. However, as part of the efforts to stabilize the finances of the National Health Insurance, the measure was reinstated and the number of benefit provision days was restricted to 365. In 2006, it was once again abolished.

196. The coverage rate of the National Health Insurance in Korea stands at 61.3 per cent (56.4 per cent when the pharmacy sector is excluded) as of 2004, which is slightly lower than other developed countries. However, plans call for raising the payment rate (71.5 per cent) by 2008.

### **Medical Aid Programme**

197. The Medical Benefit Programme is one of the public assistance programmes in Korea. In accordance with the Medical Service Act that was amended on 24 May 2001, the programme is designed to assist people in the low-income class that are not covered by the National Health Insurance and receive livelihood assistance.

198. The programme, funded by the State, provides medical benefits to people in the low-income class, including those without working abilities among the recipients of the National Basic Livelihood Security System, people of national merit, people designated as human cultural assets, victims of natural disasters, those injured and family members of those killed in the act of protecting another, North Korean defectors, domestically adopted children under 18, people with rare and intractable diseases among marginally poor people, and children under 18. As of the end of December 2005, 1.76 million people received healthcare benefits from the programme. The Medical Benefit Fund has been established and operated by each local government. It is financed by State subsidies and local government funds. In 2005, a total of 2.9057 trillion won was provided to the Programme.

### **National Pension Scheme**

199. The National Pension Scheme (NPS) was first introduced in 1988 for workplaces employing more than 10 employees then expanded to people in rural areas in 1995 and the self-employed in urban areas in April 1999, thereby offering a public pension system across the nation. Since July 2003, mandatory subscription to NPS for all small businesses has been implemented in stages. Since 1 January 2006 when the third stage of NPS implementation began, all businesses hiring more than one employee have joined the NPS, which now provides employee insurance covering all employees of small businesses and temporary employees working more than 80 hours a month. The expanded coverage helps protect the rights of workers in small businesses and enhance equity among workers.

200. The Korean public pension system consists of a National Pension Scheme for ordinary citizens and a special occupation pension scheme for Government employees, military personnel and private school teachers. The Civil Servants' Scheme was introduced in 1960, followed by the Military Personal Pension Scheme in 1963, the Private Schoolteachers' Pension Scheme in 1975 and the National Pension Scheme in 1988. As of December 2005, 17,124,000 persons had joined in the national pension (7,950,000 workplace subscribers, 9,123,000 rural subscribers, 51,000 voluntary subscribers). While the number of workplace subscribers has risen steadily, those of other types have declined slightly.

201. Notwithstanding extensive growth, the national pension system may not be able to provide benefits in the future with an accumulated number of long-term delinquents due to unemployment and people exempted from payment at certain levels (see table 39). In particular, there are many people who either do not pay premiums due to their distrust of the system or simply refuse to disclose their exact income. In such cases, the Government works to increase payment of pension insurance premiums by campaigning for the national pension system, providing information about it, inducing payment through the exchange of data with the National Tax Service, taking positive collection action for those who pay high taxes, introducing an easy payment service and collecting exact income data. With a view to reducing exceptional grounds

for non-payment of pension insurance, the basic pension system was introduced, the credit system and other national pension system are under review, and the national pension laws will be revised in the future, including the financial stabilization scheme. Furthermore, in an attempt to eliminate exceptions to payment and preclude long-term payment delinquency, the Government has made an effort to create jobs and minimize unemployment by designing the Nation Pension System, which is maintained by income generated by economic activity.

**Table 39**

**Status of persons with long-term arrears and excluded from payment  
(as of December 2005)**

(Unit: 1,000 persons)

Entire subscribers	Exceptions									In arrears for months or longer
	Total	Military service	Enrolled	Correction and protection	Hospitalization and disaster	Unknown address	Business suspension	Lost job	Lay-off and others	
17 124	4 634	28	100	14	15	520	419	3 281	257	2 425

202. Financial calculations were made for every five years from 2003 in order to improve the financial status of the national pension system. Pensionable age was scheduled to be upwardly adjusted by one year from 2013 once every five years. The age will be increased from 60 to 65, and benefits compared to wage levels will be reduced from 70 per cent to 60 per cent of the income replacement rate. In addition, the plan is prepared to increase the insurance premium rate while lowering benefits in comparison to the wage levels.

203. The procurement of the national pension depends on the pension insurance premium paid by subscribers. However, approximately 40 per cent of management costs are supported by the national budget, and farmers and fishermen are partially supported from the special accounting system for agriculture and fishery special tax management (certain ratio of premises). As of the end of 2005, the national pension amounted to 156 trillion won, with the Government supporting a total of 193.3 billion won for management and operation expenses of the national pension management corporation and for pension insurance premiums for farmers and fishermen.

### **Employment insurance**

204. The Employment Insurance System (EIS), established in July 1995, is divided into two parts. One is to provide unemployment insurance for the unemployed, while the other is to implement a proactive labour policy designed to prevent unemployment by granting prior support for employment adjustment, promoting the employment of potential workforce, developing workers' vocational competencies and facilitating the achievement of a balance between labour supply and demand. The EIS consists of the following four types of programmes:

(1) traditional unemployment benefit programmes; (2) employment security and vocational competency development programmes as part of proactive labour market policies; (3) unemployment benefit programmes; and (4) programmes for maternity leave benefits and child-care leave benefits.

205. Employment insurance programmes are financed by premiums paid by employers and workers. Administrative costs (200 million won in 2005) and maternity leave benefits (10 billion won in 2005) are partly covered out of the National Treasury. In 2005, the insurance premium rate varied depending on the size of workplace, ranging from 1.15 per cent to 1.75 per cent of the total payroll. The share borne by workers was 0.45 per cent of the total payroll. In 2003, the insurance premium rate decreased from 0.3 per cent to 0.15 per cent for employment security programmes and from 1.0 per cent to 0.9 per cent for unemployment benefit programmes.

**Table 40**

**Employment insurance premium rate**

Employment security	Vocational competency development	Unemployment benefit
0.15%	0.1-0.7%	0.9% (equally shared between employers and workers)

206. The EIS was initially applied to businesses with 30 workers or more (those with 70 workers or more in the case of employment security and vocational competency development programmes), and was expanded in October 1998 to cover all businesses. In January 2004, coverage of unemployment benefits was extended to daily workers employed for less than one month, workers who work 15 hours or more per week, and those aged 60 to 65 years. By doing so, the EIS now fully performs its function as a social safety net to protect workers against unemployment and ensure employment security. However, it excludes those aged 65 or above and those whose working hours are less than 15 hours per week (the EIS is applied to those employed for three or more consecutive months even when their working hours are less than 15 hours). By December 2005, a total of 1,148,000 workplaces had joined employment insurance plans and a total of 8,064,000 workers (including 599,000 daily workers) were covered by it.

207. In the case of agricultural, forestry, fishery and hunting businesses with four workers or fewer (excluding body corporates) and construction projects with a total cost of less than 20 million won, the actual benefits they would gain from joining the insurance are small and it is difficult to manage their insurance. For this reason, they are allowed to join and benefit from the insurance on a voluntary basis. Nor does the EIS apply to workers for whom actual protection gained from joining the EIS would be small, such as workers who participate temporarily and intermittently in the labour market or work less than 60 hours per month, public servants, and private schoolteachers. These workers are protected by other pension schemes, such as the civil servants' pension scheme.

208. Since 1 January 2006, the Government has applied the EIS (excluding unemployment benefits) to small self-employed businesses and those aged 65 or above. The Government will

decide whether or not to make the application mandatory or to expand the coverage, after considering overall conditions such as actual advantages of joining the insurance and the feasibility of managing insurance work. Even workers not covered by the employment insurance because of their employers' failure to report can benefit from the employment insurance. Efforts are also being made in the form of publicity activities and the enforcement of compulsory application to minimize such failure so that these uninsured workers can promptly and conveniently benefit from the insurance.

209. Among the employment insurance programmes, employment security programmes refer to programmes that are carried out to prevent unemployment, promote re-employment and expand employment opportunities when workers' employment becomes unstable because of economic reasons. Under these programmes, subsidies are provided to employers who create jobs by reducing working hours or switching to a shift work system. If employers who must inevitably restructure due to changes in business cycles and industrial structures retain their workers by temporarily suspending their business or provide vocational training to their workers or outplacement services, the Government bears part of the employers' costs. In an effort to promote the employment of workers such as the elderly, who in particular face great difficulty seeking employment under ordinary conditions in the labor market, employers who have recently hired aged workers or take measures to ensure their employment security are provided with subsidies. The employment security programmes supported employers' efforts to retain employment after the economic crisis at the end of 1997 and were instrumental in promoting the re-employment of the unemployed following restructuring. They also helped reduced the length of time which vulnerable groups of workers, such as the aged, women and long-term unemployed people, remain unemployed.

210. Vocational competency development programmes refer to programmes designed to provide opportunities for both workers and the unemployed to develop and improve their vocational competencies throughout their working life. If employers provide training to develop and improve their workers' vocational competency, part of the cost is covered. If workers receive training at their own expense, part of the necessary expenses is covered as well. Training is provided to assist the unemployed in finding jobs. The vocational competency development programmes helped a great deal in overcoming massive unemployment during the economic crisis by providing vocational training across the board and continuously expanding training for employees. In particular, a project to create a vocational training consortium, launched in 2001, was instrumental in promoting training among SMEs, which used to provide relatively fewer vocational training opportunities, by making it possible for SMEs to share large companies' training facilities and expertise.

211. In order to ensure that the unemployed receive unemployment benefits, the following areas are being expanded: labour market information and vocational competency development training and investment in infrastructure for employment security, including employment promotion facilities; job centres; and public vocational training institutions.

212. Unemployment benefits, one of the programmes under the EIS, are divided into job-seeking benefits and employment promotion allowances. If a person satisfies certain eligibility requirements (180-day or more contribution period and involuntary unemployment), 50 per cent (up to 35,000 won per day) of his/her wages prior to unemployment are provided as job-seeking benefits for 90-240 days, with duration varying according to contribution period and

age. Employment promotion allowances refer to early re-employment allowances, vocational competency development allowances and moving expenses, all designed to promote the re-employment of recipients.

213. With regard to maternity leave benefits, statutory maternity leave was increased from 60 days to 90 days by adding 30 days of unpaid leave in November 2001. The amount of wages corresponding to the additional 30 days is subsidized. Since 2006, the costs borne by companies have been financed from the employment insurance fund if companies are small or medium-sized. Meanwhile, childcare leave benefits amounting to 400,000 won per month are provided during childcare leave, which help reduce women's career breaks due to childbirth or childcare.

### **Industrial Accident Compensation Insurance System**

214. The Industrial Accident Compensation Insurance System (IACIS) was devised to compensate workers for their injuries, diseases or death incurred while performing their duties. The State collects a certain amount of insurance premiums from employers every year and puts it aside to compensate workers and their families when the employers fail to properly compensate them for such injuries, diseases and deaths.

215. IACIS coverage was extended to workplaces with one or more workers on 1 July 2000. However, agricultural, fishery and hunting businesses (excluding judicial persons) with less than five workers and domestic services are not covered. At the end of December 2005, a total of 12,069,000 workers in 1,176,000 workplaces were covered. IACIS is financed by insurance premiums paid by employers. A necessary administrative cost (5.788 billion won in each of 2004 and 2005) is partly covered by the National Treasury.

216. Types of benefits include medical care, wage replacement (injury-disease compensation annuities), disability, family, funeral expenses, and nursing. Insurance benefits are paid regardless of whether or not a workplace is covered by the IACIS in order to protect accident victims of all workplaces eligible for the IACIS.

217. The current level of industrial accident compensation insurance benefits is higher than the one recommended by the ILO. If a wage level of an industrial accident victim is extremely low, which is deemed inappropriate as a basis for certain disability and bereaved family benefits, the amount calculated according to the minimum compensation standards announced by the Minister of Labour is regarded as his/her average wage. In addition, if the average wage of an accident victim falls short of the minimum wage, the latter is used in calculating benefits of shutdown or injury-disease compensation.

218. Regarding workers with severe disabilities and those who have lost their ability to work due to an industrial accident, financial support is provided in the form of loans for livelihood settlement and scholarships for children in order to stabilize their livelihood and help them cultivate self-reliance and self-support. Medical facilities, self-reliant workplaces and rehabilitation training facilities are being established and operated in order to help industrial accident victims return to society as soon as possible and to support the process of rehabilitation.

219. The Government established the Five-year Plan for Rehabilitation Projects for Industrial Accident Victims (2001-2005) and is increasing types of rehabilitation projects and investments year after year with a view to strengthening the IACIS's role as a social safety net and helping accident victims return to work and society. Based on the evaluation of the outcomes of each project, the Government will also create the Mid-term Development Plan for Rehabilitation Projects (2006-2008) and invest over 250 billion won over a three-year period in revitalizing medical rehabilitation, expanding vocational rehabilitation, strengthening social rehabilitation, and building rehabilitation infrastructure to help victims of industrial accidents return to work and society.

### **Welfare promotion policy for the disabled**

#### **(1) Improvement in legal system and establishment of plan**

220. In 1999, the Five-year Plan for the Welfare Development for the Disabled (1998-2002) was established. Since 2003, the second such plan has been in force, with the goal of achieving an integrated society where all the disabled are acknowledged as equal citizens. Along with this, the Act on Convenience Promotion Guarantee of the Disabled, the Elderly and Pregnant Women and the Disabled Welfare Act were fully revised in 1999. In January 2000, the scope of disabilities was also expanded by recognizing internal disorders and adding five types as disabilities, namely, respiratory ailments, liver problems, serious strokes and sleeping disorders. Furthermore, in order to improve the employment environment of the disabled, the Disabled Employment Promotion and Rehabilitation Act was amended in December 2005, and the Second National Comprehensive Five-Year Plan for Convenient Facilities Expansion (2005-2009) was established from 2005 to promote the social participation of the disabled. As of September 2005, there were approximately 1.74 million persons registered as disabled. This number accounts for some 83 per cent of the estimated disabled population of 2.1 million persons.

#### **(2) Guarantee of income and support for livelihood stability for the disabled**

221. The Disabled Welfare Act was revised in 1989 to indirectly support income with the disability allowance, support allowance, children's education expenses, medical expenses, loan for independent fund, etc. In addition, it supports the special consumption tax, automobile tax, and registration tax for disabled persons' vehicles along with the tax support on vehicle, LPG fuel, income tax, inheritance tax and gift tax and others. Airline, railway and telephone charge discount, television license exemptions, mobile communication, Internet charge discount and other discounts are also available.

#### **(3) Welfare facilities for the disabled**

222. As of 2005, 1,050 facilities for the disabled had been supported in order to counsel for rehabilitation, treat, and train and educate the disabled. With 265 living facilities for the disabled, there are approximately 20,000 disabled persons receiving rehabilitation services.

#### **(4) Rehabilitation support for the disabled**

223. In September 2002, the Regulations on Designation of Rehabilitation Auxiliary Tools and Items provided support for 231 rehabilitation facilities, including artificial respirators. In 2005, equipment that qualified for insurance benefits was expanded to include electric wheelchairs, scooters and other types of equipment designed to replace the motor functions of the disabled. In addition, at the end of 2004, 20 public health offices undertook community-based rehabilitation programmes for the local community.

#### **Policy to promote welfare for senior citizens**

##### **(1) Enactment of the Basic Act on Low Fertility and Ageing Society**

224. The Basic Act on Low Fertility and Ageing Society was promulgated on 18 May 2005, and has been implemented since 1 September 2005. The Korean Government organized the Presidential Committee on Ageing Society and Population Policies, with the President assuming the position of chairman. There are 25 ministers and specialists to review the basic long-term and mid-term plans. Accordingly, the first five-year basic plan on the policy on low fertility and ageing society will be established and promoted, including population policies, senior health and medical services, employment and income, residence and safety, education and culture, industry and financial policies, and other pertinent policies for the elderly.

##### **(2) Senior income guarantee policy**

225. After expanding implementation of the national pension in 1998, as of July 2005, the number of national pension recipients (60 years or older) reached 1.26 million persons. The elderly subject to basic livelihood security (400,000 persons) and the second poorest group (220,000 persons) are paid senior economic support subsidies of 30,000-50,000 won to support their living.

226. In addition, local governments provide 12,000-17,000 won per month to the elderly (65 years or older) for travel expenses. Those who are 80 years or older are provided with an allowance of 20,000 won per month through a retirement income guarantee programme. Local governments, senior welfare halls, local senior clubs and others generated 100,000 jobs in 2005 and 180,000 positions in 2006 with a view to guaranteeing the income of the elderly.

##### **(3) Strengthening medical services for the elderly**

227. The health insurance system provides wages to ensure that the elderly receive regular health examinations to prevent early-detectable and early-treatable elderly diseases; for the persons protected for minimal living standards and the elderly in the second poorest class, the health examination is provided free of charge.

228. In particular, eye examinations and surgery costs are covered for elderly people with low incomes and for those aged 70 years or older. Basic livelihood recipients are provided with dentures free of charge. For the elderly who require care in attendance due to amnesia, stroke and others, the elderly treatment guarantee system is in the process of being introduced. In addition, for the early discovery and management of the elderly with amnesia, public health offices are to establish counseling centres (246 places), with nurses fully attending these elderly patients.

**(4) Senior leisure culture**

229. There are 163 senior welfare halls that provide comprehensive welfare to local seniors for free or at an affordable cost. Senior recreation centres (53,000 centres) are assisted with operation expenses, heating and cooling expenses and exercise equipment.

**(5) Senior residences**

230. Senior housing construction is provided by a Government support system. The system supports expanding senior welfare facilities and facilitating paid-for silver housing for common and middle class seniors. In addition, from 2005, four garden-type silver towns (Composite Senior Welfare Town) that have the residences, medical services and care with leisure and production activities are being planned, with plans to expand for each stage on the basis of pilot project results.

**(6) Strengthening senior counseling services**

231. For prevention of and counseling on abuse, 16 major cities and provinces operate senior protection agencies and 24-hour counseling centres. To protect single seniors, a 1:1 sisterhood service with medical providers, students, volunteers, and religious groups is being promoted.

**(7) Senior preference system**

232. The Government provides tax incentive benefits regarding inheritance tax, income tax and those who reside with elderly parents. It also expands proper understanding of the ageing society and the elderly preferential culture. There is additional support for housing funding discounts, priority housing rights and lease housing priority and others, and the elderly are given preferential treatment, including discounts in parks, railway, subway and other public and national facilities.

**Livelihood support for sex slaves under the Japanese rule**

233. The Government continuously seeks to support comfort women, who were victimized under the Japanese rule during World War II. The Government grants comfort women priority on long-term housing leases, medical protection, and livelihood expenses.

**Article 10**

**Clause 1**

**Amendment of the Family Act**

**(1) Abolition of the system that prohibits marriage between same surname and same origin**

234. The former Civil Law, in Article 809, paragraph 1, defined that “there shall be no marriage between the same surnames with same origin.” However, this provision has been internationally

controversial, as some has viewed this as an anachronistic system. Consequently, the Constitutional Court adjudicated the provisions of article 809, paragraph 1 of the Civil Law as unconstitutional.

235. In 2005, the revised Civil Law changed the traditional rule prohibiting marriage between men and women who have the same surname and ancestral family. Article 809 of the revised Civil Law states that “marriage between the following cases are prohibited: blood ties of 8th degree of kinship, spouse of blood ties of 6th degree of kinship, blood ties of 6th degree of kinship of spouse, any one who was relative with the blood ties of 4th degree of kinship for spouse, and persons with blood ties of 6th degree of kinship for step parents and persons with the blood ties of 4th degree of kinship for stepparents”.

### **(2) Change of family name for children**

236. The revised Civil Law recently introduced a provision for changing the surname of a child if this is deemed helpful for the welfare of the child. Court permission must be obtained in order to change one’s surname. Either the parent or the child may request such a change (article 781, paragraph 6). With an increase in divorce rates and remarriages, the surname of a child is allowed to be changed, as the Government recognizes that children possibly suffer as a result of having a different surname. The surname change is a provision recently introduced for the best interests of children.

### **(3) Improvement of children’s rights**

237. The former Civil Law provided that “the minor child shall obey the parental right of parents and the adopted child shall obey the parental right of adopted parents”, which shows a deep-rooted perception that the parental right should be authoritative and hierarchical. However, the revised Civil Law stipulates that “the parent shall have the parent right for the person of minor. For the adopted child, the adopted parent shall have the parental right” (article 909, paragraph 1 of the Civil Law).

### **(4) Introduction of the adoption system**

238. The previous adoption system required adopted children to take the surname of his/her birth father rather than taking the surname of his/her adoptive father. As a result, the adoptive family, not to mention the child, was placed at a considerable disadvantage. In addition, with an increase in remarriages, there are many cases of different surnames between parents and children that often interfere with the familiarity within the family relationship. Therefore, the revised Civil Law of 2005 maintains the current foster system while promoting welfare for the stepchild by recognizing the relationship of the step-parents and the stepchild as blood-parents and the blood-child in a way of terminating the traditional concept of blood ties. An adoption system which recognizes the kinship with the step-parents and allows the child to follow the step-parent’s surname and origin was also established.

### **Support of the independence of low-income families**

239. Support that was formerly limited to women financially responsible for taking care of a household as a result of the spouse losing the capability to retain long-term employment, losing the spouse due to death, divorce or other reasons was expanded to include men household heads who are living under similar circumstances from 2003 with the revision of the Single Parent Family Welfare Act.

240. As for low-income single-parent families, the Government covers their childcare expenses for children six and under, study funds to high school students, welfare loans at long-term low interest rates, and a priority supply of perpetual lease housing. In addition, a total of 58 facilities, including 40 protection facilities, four self-reliance facilities and 14 temporary protection facilities, provide residential protection for a certain period of time. Furthermore, 12 facilities accommodate unwed single mothers with assistance at the time of delivery as well as maternity care. Finally, 18 group homes are operated for young unwed mothers and babies.

### **Prevention of family violence and protection of victims**

241. Since December 1997, there has been a prevalent perception that domestic violence is no longer a private or family matter, but a complex societal problem. Laws relating to domestic violence were enacted: the Special Act for the Punishment of Domestic Violence and the Act on Prevention of Domestic Violence and Protection of Victims thereof. Along with the enactment of such legislation, the launching of the Ministry of Gender Equality in 2001 (the Ministry of Gender Equality was restructured into the Ministry of Gender Equality and Family in 2005) helped women seek relief from domestic and sexual violence.

242. As of December 2005, 297 counseling offices and 57 protective facilities were established and operated nationwide to protect victims, and specific support policies such as support for medical expenses, legal relief with civil and family affairs, vocational training and others were implemented. In particular, the Operation of Treatment and Recovery Programme for Victims that manages programmes for individual psychological counseling and physical restoration camp had 2,735 persons in 2004 and 3,701 persons in 2005, which include victims of sexual violence.

243. With the understanding that this is the appropriate time to intensify policy competency in dealing with the fundamental problem of clarifying the cause of domestic violence and preventing its recurrence, information has been accumulated to prevent violence by implementing nationwide surveys. A programme to correct the behavior of offenders has been devised, in which 99 counseling offices provide professional corrective counseling, such as individual counseling, group counseling, alcohol counseling and others, as there has been a study reporting that domestic violence offenders need to be provided with character and behavior counseling. Counseling services were provided to 1,667 persons in 2004 and 3,884 persons in 2005.

## Clause 2

### Protection of women workers

244. Concerning maternity protection, the Government revised the Gender Equality Employment Act and extended the maternity leave period from 60 days to 90 days as from 1 November 2001. During this extended 30-day period, wages are paid from the employment insurance fund in accordance with the spirits of ILO conventions that requires social insurance to cover costs without burdening individual employers. However, employers are still responsible for paying wages for the remaining 60 days due to significant social burdens. The Government provided 15 billion won in regard to wage payments for maternity leave in 2001 and 2002, and gave two billion won in 2004 and 2005.

**Table 41**

### Payment of wage for maternity leave for each year

(Unit: persons, million won)

Classification	2003	2004	2005.8
Persons paid	32 133	38 541	27 609
Amount of payment	33 522	41 610	30 937

245. Moreover, the Government considers that requiring employers to pay 60 days out of 90 days' maternity pay may increase the burden on employers and may deter them from hiring women in the workplace. Accordingly, on 31 May 2005, the Gender Equality Employment Act, the Labour Standards Act and the Employment Insurance Act were amended to cover the full amount of maternity leave to companies designated under the Employment Insurance Act as of 1 January 2006. This policy considers the need to resolve social polarization and the burden of finance. With regard to these issues, the budget for 2006 was 110.8 billion won, and the Government plans to cover 10 billion won.

### Protection of pregnant women

246. The female population in the 15-44 age range was 6,799,000 persons (14.0 per cent). Among them, 98,000 pregnant women and 1,643 infants and toddlers were registered in the public health office (2005). The rate of safe birth was 99.3 per cent (99.4 per cent in cities and 96.1 per cent in rural areas), which was higher than the percentage in 1994 (98.9 per cent, or 99.4 per cent in cities and 96.1 per cent in rural areas); the medical examination rate before birth by a specialist was 99.8 per cent, and the average number of examinations was 12.9. In 2003, the maternity mortality rate was 15 persons for every 100,000 persons, and this figure is expected to continue to decline.

### Child support policy

247. In June 2004, the Childcare Policy Support Plan was defined as a national priority in a conference presided by the President. According to the plan, the Government will cover up to 50 per cent of child care costs by 2008 and has adopted the "different childcare system" to

directly support parents rather than facilities. Moreover, this plan includes systematic support for all ages. For infants aged 0-12 months, maternity leave, child upbringing facilitation, dispatching of home teachers and other policies are being promoted. For infants aged 1-4 years, differentiated support is provided based on income levels. The proportion of children qualifying for support will be increased from 22.6 per cent (based on 2004) to 70 per cent by 2008. In particular, the recipients of basic livelihood security, the second poorest class and other urban workers who have 50 per cent or less of average income are qualified to receive full childcare support from the Government. For five-year-olds, free education and care is provided starting from the lower income class, and children aged 6 to 8 attend after-school classes until their parents return home from work. All students are required to take special talent and aptitude tests as a means to reduce private education expenses.

**Table 42**

**Support policy of each age**

Age	Support policy	Remark
0	Support of maternity leave and family caretaker support	Low income class and the disabled are supported for all age levels
1-4	Fine nursery and child care service, parent support programme, time extension nursery, holiday service, differentiated nursery costs for each income class	
5	Expand free care service and education, and all-day kindergarten service	
6-8	After-class care, special aptitude education for local children's centre	

**Clause 3**

**Policy to protect children and youth from working**

248. Article 32, paragraph 4 of the Constitution of Korea states that "special protection shall be accorded to working women and children." Accordingly, Chapter 5 of the Labour Standards Act regulates the protection of young working people. The Labour Standards Act sets 15 years of age as the minimum age for employment. In order for persons below the age of 15 years and those between the age of 15 and 18 years to seek employment, permission from the Minister of Labour is required, as they are obligated to fulfil their obligatory education. In consideration of the mental and physical characteristics of young people, it is prohibited to hire them in harmful and dangerous labor environments due to health or ethical concerns.

249. No minor shall be employed for longer than seven hours a day or 40 hours a week. Night shifts (22:00 to 06:00) and working on holidays is permitted on a limited basis and requires a permit from the Minister of Labour.

250. The Government closely inspects workplaces to protect the working conditions of minor workers (e.g., fast-food restaurants, convenience stores, gas stations, Internet cafes) during the summer and winter vacation periods, and legal sanctions are applied in cases that violate the law.

**Table 43****Protection instruction and inspection record for minor workers**

Classification/Year	2002	2003	2004	2005	2006.1
Inspected companies	524	907	1 241	913	474
Companies with violations	206	431	721	544	307
Corrective measures (cases)	369	839	1 485	1 093	586

251. In addition, the Government has steadily implemented diverse education and publicity campaigns to enhance working conditions for minors. It produces various publicity materials including posters and leaflets regarding working minors, and these materials are distributed at workplaces where minors work. Furthermore, the Government has undertaken the Youth Labour Protection Campaign for various events involving youths. It provides middle and high school principals and career counsellors with relevant information on labour-related laws for youth.

252. As of 2004, the economically active population in the 15-19 age group was 301,000 persons. Looking into the ratio in industry, 1.2 per cent worked in agriculture and fishery sectors, 13.5 per cent in the mineral industry, 84.9 per cent in SOC and other service business. Part-time work for young people emerged as a new working style. A survey in 2004 showed that the rate of youth working part time was 38.1 per cent, and that the majority of them worked by distributing leaflets or sticking stickers (29.4 per cent), or in general restaurants (21.7 per cent), fast-food restaurants (10.7 per cent), gas stations (4.8 per cent) and others.

**Table 44****Economically active population for 15-19 years of age for each year**

Classification	2000	2001	2002	2003	2004
Persons (1,000 persons)	450	417	356	312	301
Rate of participation in economic activities	11.9%	11.6%	10.6%	9.8%	9.7%

**Prevention of sex trade for children and youth**

253. The Juvenile Sex Protection Law (July 2000) and the Act on the Prevention of Prostitution and Protection of Victims thereof (March 2004) were enacted and implemented to prevent the prostitution of children and youth. The Juvenile Sex Protection Law defines the identification disclosure system that the name, age, occupation and other personal information of the sex offenders against children or youths as well as a summary of criminal facts are required to be publicized via the Internet and other media. In addition, for persons who have been convicted twice or more for sexual violent crimes against children and youths, detailed information is registered to prevent them from committing future sex crimes. According to the amended law implemented on 29 June 2006, sex offenders will be prohibited from seeking employment at schools, kindergartens and academies.

254. In the meantime, additional revision for the Juvenile Sex Protection Law is pending. It mainly deals with strengthening punishment for sex violence crimes against children and youths,

abolishing family protection for crimes against own family members, suspending the statute of limitations until children and youth turn 24, disclosing photographs, genetic information and car license numbers of sex offenders, and allowing local residents to gain access to the information.

255. In addition, the Ministry of Justice submitted an opinion on the Act on the Punishment of Sexual Violence and Protection of Victims Thereof to the National Assembly on 24 March 2006. This opinion aims to reclassify sexual crimes and violence by persons who are in charge of supervising criminals or engaged in disabled protection facilities as an offense not subject to appeal. It also aims to introduce a new punishment provision on quasi rape by violence and threat.

**Table 45**

**Status of disposition of sex violence crimes against 12 or younger minors**

(Unit: persons)

Classification/ Year	Reception (Conviction)	Disposition								
		Total	Arraignment			No arraignment			Sent to juvenile detention	Other
			Total	Old adjudication	Old summary disposition	No prosecution	Probation	Other		
2005	684 (337)	675	438	394	44	59	55	21	52	50
2004	627 (374)	622	443	400	43	48	37	19	42	33
2003	637 (391)	643	454	420	34	47	45	22	47	28

**Strengthening of child protection and support**

**(1) Adoption**

256. For the facilitation of domestic adoption, the Special Act on Adoption Promotion and Procedure was enacted in January 1995. From 1996, childcare subsidies and medical expenses were supported for families that adopted disabled children.

**(2) Improvement of the foster care system**

257. From 2000, the Government has expanded the support for family foster care by supporting childcare costs and providing basic livelihood security for foster children. There are 18 support centres operating nationwide that focus on foster care.

**(3) Expansion of group homes**

258. Introduced in 1997, a “group home” is the form of child protection consisting of five to seven persons. The group home was incorporated into facility types in the revised Children Welfare Act in January 2004.

**(4) Support of children in local communities**

259. From 2004, 244 Community Children Centres have provided protection, education and cultural activities. In 2005, support was expanded to 800 places and 286 children welfare facilities were responsible to function as local child centres.

**(5) Expansion of meal service**

260. The Government has been providing meal support for 15,000 impoverished children. The meal service was expanded to cover approximately 250,000 children starting in the winter vacation of 2004. As of 2005, the Children’s Meal Service Committee for each city, county and ward determines the meal service provider and the meal service method suited to local circumstances.

**(6) Diversification of child welfare facilities**

261. As of the end of 2005, there were 286 welfare facilities for children in which 19,151 children reside. Certain funds go into supporting independent livelihood, and children who need education for college entrance and others are continuously protected. In all, 13 centres for children’s welfare and independence assist with activities that nurture independence, including pre-job training, vocational education, social counseling, etc.

**(7) Strengthening the prevention of child abuse and protection**

262. In order to actively respond to the problems of child abuse, the Child Welfare Act was amended in 2000 to specify the concept of child abuse, which was classified into physical, mental and sexual abuse or neglect. Stricter measures of punishment for child abusers were also implemented.

263. To protect abused children, there is an emergency contact number (1391) and child abuse prevention centres have been established (39 places). Those obligated to promptly report any case of child abuse include teachers, doctors, managers of welfare facilities and childcare centres, social welfare specialists, and child abuse prevention institutions (39 organs).

264. In order to protect children against sexual violence, the Sunflower Centre, an institution for sexually abused children, was established in June 2004 in Seoul to provide treatment, psychological counseling, investigation and legal support for victims and their family. In June 2005, additional centres were set up in Youngnam and Honam. Last year alone, services were provided to 611 victimized children. In all, 1,510 cases of medical support, 2,735 cases of psychological counseling, and 974 cases of legal support were provided as well.

## **(8) Protection and support systems for missing children**

265. To prevent and report children missing, the Act on Protection and Support of Missing Children was enacted. This instrument included the designation of an emergency hotline and the establishment of a specialized agency for missing children.

### **Promotion of rights for youth**

266. As of July 2005, the youth population between the ages of 9 and 24 years was 11,101,000 persons (5,845,000 male and 5,256,000 female). This accounts for 22.9 per cent of the entire population and the ratio is showing a downward trend.

267. In 2003, the Third Basic Plan for Youth Development and the Youth Basic Law were fully amended to guarantee the rights of youth to participate. The main points were on the systematic policy participation of youth, facilitation of community participation of youth, improvement of systems to enhance the rights of youth, and the protection of human right activities in school and local community.

268. The Youth Activity Promotion Act, enacted in 2004, encourages and supports voluntary activities of youth such as youth community activities, volunteer service activities and others. Youth training facilities are to establish Youth Steering Committees made up of young people and duly reflect their views in the operation of youth training facilities.

269. The Youth Welfare Support Law, enacted in 2004, focuses on special, social and economic support to supplement the basic requirements for the growth and livelihood of youth. The law expanded the autonomous rights of youth by setting youth policies, prohibiting discrimination against young people and legalizing additional support, including basic support for livelihood, support for education, medical services and occupational capability-building.

270. As of 27 April 2005, youth policy organizations, namely the Youth Bureau under the direction of the Ministry of Culture and Tourism and the Youth Protection Committee have been merged into the Youth Committee as part of the Office of the Prime Minister. In January 2006, affairs regarding human rights and the participation of youth which were previously handled by the Participatory Development Team and the Human Rights against Violence Team were integrated into the Participatory Human Rights Team.

271. In 2005, a survey concentrating on the human rights of youth was conducted in an attempt to identify policy alternatives to enhance human rights for young people.

272. In September 2005, the youth emergency hotline (1388) and the counseling hotline for runaway youth (1588-0924) were merged into the "youth contact number 1388". This serves as a form of social safety structure for youth operated by the Ministry of Education and Human Resources Development and the National Police Agency to support all services and counselling for young people whose human rights have been infringed.

273. In 2006, the Government plans to reorganize systems regarding youth policy-participating organizations, support and substantiate youth policy participation activities, expand consensus on youth policy participation with various policies. In the meanwhile, working on the basis of the

Basic Plan of Youth Human Rights Policy of 2005, the Youth Human Rights Protection System was set up and operated along with the expansion of various projects and education on human rights.

### **Article 11**

274. The financial crisis in 1997 was a turning point in terms of strengthening the social safety network oforean society, and it contributed significantly to minimizing the negative impacts of economic restructuring on the enjoyment of economic, social and cultural rights. Immediately after the crisis, the Korean Government intensified support for stable employment and re-employment. Furthermore, the scope of employment insurance (October 1998), workers' compensation insurance (July 2000) and the minimum wage system (November 2000) was expanded from workplaces employing five or more workers to all workplaces. In addition, the national pension system was modified to apply even to self-employed individuals in city areas (April 1999), enabling the system to cover all people, while the national basic livelihood security system was implemented (October 2000) to enhance the social safety net for low-income and vulnerable classes.

#### **Guarantee of basic living for people in absolute poverty**

275. In order to emphasize social responsibility for the poverty-stricken, the Government introduced the national basic livelihood security system in October 2000. The number of beneficiaries has increased and wage levels have steadily improved. The minimum living expenses in 2005 were 401,000 won, a rise of 35 per cent since 2005. Every three years, a survey is conducted to reflect the actual living conditions of recipients.

**Table 46**

#### **Minimum living expenses for each household in 2005**

Household	1-person	2-person	3-person	4-person	5-person	6-person
2005 (Won/month)	401 466	668 504	907 929	1 136 332	1 302 918	1 477 800
2004 (Won/month)	368 226	609 842	838 796	1 055 090	1 199 637	1 353 680

#### **Improvement of food production, preservation and distribution**

##### **(1) Status of the rice industry**

276. The rice industry has become larger in terms of management size and the steady volume of production has not decreased while consumption levels have declined. In particular, due to the increase in the volume of important minimum market access (MMA) rice since 1995, there has been an oversupply of rice.

**Table 47**  
**Rice production by year**

Classification	2003	2004	2005
Production (1,000 tons)	4 451	5 000	4 768
Consumption per person (kg)	83.2	82.0	80.7
Inventory (1,000 tons)	923	850	817

277. Despite the efforts of the Korean Government to nurture full-time farmers and increase the scale of farming up to a competitive level after the Uruguay Round, the average rice cultivation size per farmhouse remains at a mere 1.03 ha. However, there has been some progress in increasing farm scale, producing 51,000 farmhouses with 3 ha or larger and 18,000 farmhouses with 5 ha or larger farmland. After the launch of the World Trade Organization (WTO), Government subsidies were reduced. As the domestic rice price has consistently risen, it is currently three to four times higher than the price of rice from abroad.

**(2) Implementation of direct payment: income compensation for rice farmers**

278. In order to compensate farmers for their loss in income due to the rice market opening, the Act on the Compensation of Rice Income was introduced (effective 1 July 2005). This instrument is designed to set the target price of rice, compensating farmers for 85 per cent of the difference in the event that actual rice prices were to dip below the target price. Through this system, rice farmers' income has been maintained in a stable manner even though the market price of rice has fallen.

**(3) Conversion of the Government purchasing system into the public stockpile system**

279. The Government purchasing system that was introduced in 1948 played a role in supporting the income of farmers, and controlling the supply/demand of rice through the increase of rice production and the stabilization of rice prices. The volume of rice purchased by the Government took up 30 per cent of domestic production prior to the launch of WTO, but decreased significantly following the commitment that the Government made to reduce domestic subsidies based on the WTO Agreement on Agriculture. On 31 March 2005, the Government purchasing system that had been in force for 50 years was abolished, and the public stockpile system through which the Government purchases a certain amount of rice for the market price was introduced for the public purpose of achieving food security.

**(4) Gaining the confidence of consumers by producing and distributing high-quality rice**

280. The Government is striving to increase the quality of rice for the purpose of meeting market demand in terms of production and distribution. To this end, it is developing and distributing high-quality seeds, standardizing cultivation management methods, reducing the use of chemical fertilizers and expanding storage facilities.

### **(5) Increasing farm scale up to the competitive level**

281. In order to strengthen the competitiveness of the rice industry, the Government needs to reduce rice production costs by nurturing full-time rice farmers and increasing farm scales up to a competitive level. During 1995-2005, the Government selected a total of 81,000 farmhouses as candidate recipients; of these, 49,000 farmhouses received support through projects for increasing farm scale up to a competitive level. From 1995 to 2005, the Government provided 3.5 trillion won in loans. As a result, the management scale of full-time rice farmers increased.

282. The Government aims at improving the competitiveness of its rice industry by securing a basic income for retiring rice farmers and increasing farm scale up to the competitive level. Accordingly, it introduced a direct payment system to support the transfer of farmland ownership in 1997. During 1997-2005, the Government provided 126.8 billion won for this purpose and the ownership of 45,000 ha of rice farmland was transferred.

### **Right to safe food**

283. Legal and institutional devices for safe food supplies and the sanitary management of food are explained in greater detail in paragraphs 231 and 239 of the First Periodic Report on the Covenant. In order to assess the general health condition of Korean citizens, a national nutrition survey has been conducted on a yearly basis from 1969 to 1995 to gather data on nutritional intake volume and food intake volume. Since 1996, this survey has been conducted every three years.

284. Information regarding food can be obtained from the Ministry of Health and Welfare (MOHW), the Korea Food and Drug Administration (KFDA), local governments at the city, county and province level, and private organizations. Local municipalities operate consumer complaint centres for illegal and defective goods to receive reports on illegal activities while keeping an eye on those producing harmful goods and closely monitoring workplaces operating under unsanitary conditions.

### **Nationwide nutritional survey**

285. Since 1998, the National Health and Nutrition Survey has been conducted nationwide every three years. The size and quality of its contents ensure its reliability and representation. The Government polls 4,000 households, including family members of all ages from 200 areas nationwide, to examine food habits and intake volumes.

286. In 2002, a dietary goal was established to promote healthy eating habits and provide appropriate dietary instructions. During 2002-2003, nutrition guidelines were created for every age group in order to address their specific characteristic, nutrition, and health needs. Moreover, the nutrition mark system on processed food was introduced to provide relevant dietary information for consumers.

287. A pilot project to support regular nutritional education and specific supplementary food for pregnant women, maternity, breast-feeding women, infants and children five or younger were implemented in three public health centres in 2005 and was expanded to 15 centres in 2006.

### General residential situation

288. Korea lacked housing with a 69.8 per cent supply rate in 1985. However, as a result of efficient cooperation between the public and private sector, over 500,000 units of housing per year have been supplied each year. As a result, the rate reached 100 per cent nationwide by 2002.

289. In addition, the number of housing per 1,000 persons was 214.5 in 1995, but increased significantly to 248.7 in 2000, and the residence area per person enlarged from 5.2 *pyeong* (equivalent to 3.3058m<sup>2</sup>) in 1995 to 6.1 *pyeong* in 2000. The ratio of apartments in terms of types of residences, with fairly decent basic structure for living, increased from 37.5 per cent in 1995 to 47.4 per cent in 2000. Approximately 80 per cent of housing constructed were apartment complexes. The current trend for apartment construction is expected to continue.

290. However, the capital region including Seoul had a housing supply rate of about 94 per cent at the end of 2004, and the supply was still insufficient. Therefore, the Participatory Government that began in 2003 set the long-term housing plan (2003-2012) away from the previous short-term policies in order to work on systematic housing policies by breaking away from short-term plans.

291. The housing policy focuses more on improving residential welfare for the socially neglected class and improving quality of the environment in residential areas rather than focusing on the quantitative supply of housing.

**Table 48**

#### Status of nationwide by each type

(Unit: 1,000 units)

Classification/ Year	Total (Except vacant housing)	Subtotal for single unit	No. of multi- housing units	No. of multi- housing complex	Apt.	Row-house	Multi- unit house	Housing in commercial properties	No. of empty housing
1985 (%)	6 104 (100%)	4 719 (77.3)	-	-	822 (13.5)	350 (5.7)	-	213 (3.5)	213
1990 (%)	7 160 (100%)	4 727 (66.0)	-	-	1 628 (22.8)	488 (6.8)	115 (1.6)	202 (2.8)	202
1995 (%)	9 205 (100%)	4 337 (47.1)	-	-	3 455 (37.5)	734 (8.0)	336 (3.7)	343 (3.7)	343
2000 (%)	10 959 (100%)	4 069 (37.1)	888 (8.1)	3 273	5 231 (47.7)	813 (7.4)	453 (4.1)	393 (3.6)	513

**Table 49**  
**Housing supply rate**

(Unit: %, 1,000 units, 1,000 household)

Classification/ Year	1970	1975	1980	1985	1990	1995	2000	2001	2002	2003	2004
Nation	78.2	74.4	71.2	69.8	72.4	86.0	96.2	98.3	100.6	101.2	102.2
No. of housing	4 360	4 734	5 319	6 105	7 357	9 570	11 472	11 892	12 358	12 669	12 988
No. of household	5 576	6 367	7 470	8 750	10 167	11 133	11 928	12 099	12 286	12 515	12 714
Capital region	64.5	62.1	60.2	59.7	63.3	76.7	86.1	88.6	91.6	92.8	93.9
No. of housing	1 057	1 293	1 646	2 089	2 798	3 860	4 731	4 966	5 239	5 431	5 614
No. of unit	1 638	2 081	2 732	3 502	4 423	5 032	5 494	5 605	5 719	5 855	5 979

292. The Government announced a reform plan for the real estate system to stabilize housing for people with low incomes and to control real estate speculation. This plan focus on curbing speculation by raising taxes related to the possession and transfer of housing and on increasing the supply of housing through the public sector on 31 August 2005. Accordingly, with a restraining speculative demand, housing prices stabilized quickly in September 2005 and the housing market is being reshaped with a focus on people with real demand.

**Table 50**  
**Trend of rate of increase rate in housing price**  
**(Kookmin Bank, based on overall housing)**

(Unit: %)

Classification	'05.8.31-'06.3.20	'05.8.31-10.15	'05.10.15-'06.3.20	Weekly increase rate	
				3.20	5.8
National	2.4%	0.1	2.3	0.3	0.2
Capital	3.1%	□0.1	3.2	0.4	0.4
Seoul	4.7%	□0.1	4.9	0.7	0.3
11-gu in Gangnam	6.1%	□0.5	6.6	0.9	0.3
14-gu in Gangbuk	2.8%	0.3	2.6	0.6	0.3

**Table 51**

**Rate of change in housing price and supply of houses for each year**

(Unit: %, 1,000 units)

Type/Year	1998	1999	2000	2001	2002	2003	2004	End of June 2005
Sales price	-12.4%	3.4	0.4	9.9	16.4	5.7	-2.1	2.4
<i>Jeonse</i> price	-18.4%	16.8	11.1	16.4	10.1	-1.4	-5.0	0.8
Housing construction	306 units	405	N/A	530	667	585	464	192

**Major policy for realizing residence**

**(1) Overhaul of housing laws and systems**

293. With the housing supply rate having exceeded 100 per cent in 2000, the problem of shortages has been solved from a quantitative viewpoint. However, new issues on improving the quality of residence for the low-income class emerged, and the Government subsequently enacted the Housing Act in 2003. It laid the institutional groundwork for upgrading residential standards by introducing minimal residence criteria, establishing a comprehensive plan for housing construction and strengthening the role of local governments.

**(2) New department exclusively for housing welfare**

294. In September 2005, the Bureau of Housing, the Bureau of Land Management and the National Lease Housing Construction Support Division in the Ministry of Construction and Transportation were expanded and reorganized. Through these reshuffles, the Government is pursuing a more systematic and efficient policy for low-income and vulnerable classes.

295. The aforementioned organizations are responsible for purchasing and renting houses, renting in the form of *jeonse* (“paid-in-full” system), supporting *jeonse*-type housing for young family heads and operating group homes for the socially vulnerable class.

**(3) Preparation of minimum housing criteria**

296. The minimum housing criteria was announced in June 2004. The criteria included the following: essential facilities including minimal housing areas per unit, room/rooms, a kitchen, and a bathroom. The criteria for structure, capabilities and the environment are also taken into consideration. The Government aims to stabilize residential environments for the socially vulnerable class by examining the reality of Korea’s housing and comprehensively researching its residential status and types, characteristics and income levels.

**Table 52**  
**Minimum housing areas and number of rooms**  
**for each household unit**

Number of household (persons)	Standard household composition <sup>1)</sup>	Composition of room <sup>2)</sup>	Total residential area (m <sup>2</sup> )
1	1-person	1 K	12
2	Couple	1 DK	20
3	Couple + 1 child	2 DK	29
4	Couple + 2 children	3 DK	37
5	Couple + 3 children	3 DK	41
6	Grandparents + couple + 2 children	4 DK	49

1) Based on 3-member family with one child of 6 years or older.

Based on 4-member family with two children of 8 years or older (one boy and one girl).

Based on 5-member family with three children of 8 years or older (two boys and one girl or one boy and two girls).

Based on 6-member family with two children of 8 years or older (one boy and one girl).

2) K means kitchen and DK means dining room and kitchen. The number means bedroom(s) (including the living room for use of bedroom) or rooms used for bedrooms.

3) Remarks: the number of bedrooms follows the standard as below:

- Couple uses the same bedroom;
- Child of 6-year or older is separated from parents;
- Children of 8-year or older with different genders shall be separated;
- Grandparents shall use their own bedroom.

4) Supply of rental housing.

297. A general statement regarding the supply of lease housing is made in paragraphs 219-228 of the Second Periodic Report to the Covenant.

298. Since the financial crisis, the national lease housing has been constructed to stabilize the supply of housing for the low-income class. One million units of housing with a 30-year lease

will be supplied from 2003 to 2012. The Government provides housing sites, financial support and tax incentives. By the end of 2004, a total of 1.64 million housing units had been supplied and 1.15 million units remained in reserve.

**Table 53**

**Status of inventory for each type of lease housing**

(As of December 31, 2004)

Total	Private leasing (Unit: 1 000)				Public leasing (Unit: 1 000)				
	Total	5 years	Private construction	Purchase	Total	Perpetual	50 years	National	5 years
1 150	707	467	115	125	443	190	93	47	113

299. When observing the trend in the construction of build-to-lease houses each year, the supply of perpetually leased houses has declined after peaking in 1990. The supply declined in 1994 and has been showing a seesaw trend after the financial crisis.

**Table 54**

**Trend of construction for lease housing**

(Unit: 1,000)

Year	'82-'92	'93	'94	'95	'96	'97	'98	'99	'00	'01	'02	'03	'04
No. of units	548	41	75	82	111	109	94	109	96	103	87	85	97

**(5) Housing redevelopment projects**

300. The projects aim to vitalize urban function and provide better living environments by constructing new houses and roads, as well as other infrastructures in old housing areas where basic facilities such as roads and access to water are not set up efficiently, thus resulting in a delay in housing improvements.

301. In order to create a framework for constructing new housing complexes by reviewing the maintenance system of old and improper complexes that have been hotbeds of corruption and dispute among residents, the Government implemented the Urban and Housing Environment Clearing Act from the second half of 2003.

302. The housing redevelopment projects that began in the 1960s contributed the following positive results: removing unlicensed and improper housing; clearing residential areas; stabilizing housing for the impoverished; revitalizing the economy; and creating new jobs.

**Table 55**  
**Record of housing redevelopment projects**

(As of December 31, 2004)

Classification	No. of zone	Implementation area (m <sup>2</sup> )	Subject for removal (unit)	Housing units (unit)
Total	430	18 646 557	153 996	323 534
Completion	325	14 019 498	115 370	247 444
In implementation	67	3 117 822	28 495	49 901
Not implemented	38	1 509 237	10 131	26 189

303. In relation to housing redevelopment projects, construction of small lease housing is needed in order to ensure a stable residential situation after completing the project for tenants. In cases where tenants were seeking national lease housing, it became possible to allot the housing to tenants as a priority over other regular applicants within a 10 per cent range of the construction unit for national lease housing through the new regulations.

304. For residential stability during the construction period after the implementation of development projects, a part of the required *jeonse* fund (limit of 40 million won) is loaned with low interest rates (2 per cent) by the National Housing Fund, and it is possible to keep the housing within a 10 per cent range of construction unit for national lease housing according to new regulations. However, in the event that no lease housing is available in the project district, three months' worth of relocation expenses must be paid depending on the number of constituents.

### **Residence action for socially vulnerable groups**

305. The Government implemented a pilot survey to gather systematic information to residential status of socially vulnerable groups (marginal class) in 2003. In the first half of 2005, the Study on Vinyl Housing Villages, Residential Status of Single Rooms, and Residential Stability Policy was systematically conducted, and on the basis of the survey results, a multi-housing unit lease system was facilitated to provide stable housing for the socially vulnerable class, including the low-income group, by facilitating the multi-unit house purchase and lease system.

#### **(1) The *jeonse* fund support system**

306. The efforts are also being made to provide housing for the low-income class that bears excessive residential expenses. In order to alleviate expenses, the National Housing Fund provides support to poor residents via *jeonse* (the interest rate on loans granted to the poor is 2 per cent and for workers is 4.5 per cent, which is much lower than the market interest rate).

**Table 56**

**Status of support for loans used on *jeonse* funds**

Classification/Year	2004	2005
<i>Jeonse</i> funds for poor residents	200.2 billion won	398.5 billion won
Housing <i>jeonse</i> fund for general public	664.6 billion won	1 125.7 billion won

**(2) Existing housing lease business**

307. In order to guarantee the right of residence for recipients of basic livelihood and impoverished people, 4,500 houses are provided annually by way of purchasing existing housing or entering into a *jeonse* contract (35 per cent level of the market sale price) with a lease option.

**(3) Operation of group home**

308. In addition, by facilitating purchase lease and *jeonse* leases for certain properties, the Government supports the disabled, unwed mothers, and other socially vulnerable classes in joint livelihood homes (group homes), thereby contributing to their residential stability. People entering group homes are divided into groups of 5-6 persons consisting of the disabled, protected children, the elderly, unwed mothers, runaway youth, prostitutes, etc.

**Table 57**

**Status of existing housing purchase and *jeonse***

Classification	Subject for support	'04	'05	'06-'15
Existing housing purchase	(1 <sup>st</sup> priority) recipient, second poorest class (2 <sup>nd</sup> priority)	503 unit (Pilot project)	4 539 unit	Each of 4 500 units
Existing housing <i>jeonse</i>	parent family and the disabled	-	654 unit (Pilot project)	Each of 4 500 units

\* Financial resources: Purchase lease (finance for 45%, national housing fund for 40%, contractor for 10%, and tenant for 5%), *jeonse* lease (National Housing Fund for 95%, tenant for 5%).

309. In addition, from 2005 all persons wishing to rehabilitate and reside in inns, small-spaced rooms, vinyl houses, etc., will be supported by purchasing and reserving 300 units to accommodate them by 2015.

310. The aforementioned types of group homes are operated by non-profit organizations that efficiently support and protect possible tenants and make use of the welfare service network. The tenants may enter free of charge, and the operating institutions (non-profit organizations) pay 50 per cent of the market lease price for a period of two years with a possibility of a two-year renewal.

#### **(4) Housing standard for elderly households**

311. In addition, the “barrier-free” concept was introduced in constructing housing for those who are 65 years of age or older. In order to adequately accommodate the living standards of the elderly, the housing standard for elderly households was introduced in 2005. From 2006, when constructing housing for the elderly, it became a requirement to establish and implement design instructions for housing for the elderly.

#### **Residential plan for the homeless**

312. In order to guarantee the right to residence for people who have lost their homes in the course of urban clearing, relocation costs are covered in addition to monetary compensation for expropriation of their property. For resident owners, resident relocation expenses, relocation settlement (excluding payment in the case of supplied housing) and moving expenses are covered. For tenants, a relocation settlement (excluding payment in the case of supplied housing) and moving expenses along with other related expenses are covered.

313. To ensure residential stability after completion of the project for tenants within the clearance district, it is mandatory to construct small-sized lease housing for low-income tenants. In the event that a tenant desires national lease housing, it is possible to obtain this within a 10 per cent range of the construction unit for national lease housing under the new regulations.

314. In addition, to ensure residential stability during the construction period following the development implementation, part of the *jeonse* funds required (limit of 40 million won) are lent at a low interest rate (2 per cent) by the National Housing Fund, and it is possible to obtain housing within a 10 per cent range of the construction unit for national lease housing.

315. When authorities designate basic plans for clearance under the provisions of article 3 of the Urban and Residential Environment Clearing Act, they must stipulate the basic thrust of the clearance project and establish residence stabilization measures for tenants, in addition to arranging construction plans for public lease housing for tenants under the ordinance of special cities and provinces. For tenants who do not want new residence in public lease housing, residence relocation expenses are covered.

#### **Residential environment improvement projects**

316. The urban poor live in blighted areas with unsuitable housing and insufficient urban infrastructure with poor roads, water and sewerage system. In addition, they lack financial resources due to their low income. The physical conditions of their houses and settlements do not meet the basic standards required by urban rebuilding and remodeling plans, aggravating the poor quality of the environment. As a result, there is increased frustration and a sense of alienation among people with low incomes. The provisional law for the improvement of housing environments was enacted on 1 April 1989, and the Urban and Resident Environment Clearing Act was enacted in 2003 to promote projects for improving housing environment.

317. In order to establish basic plans for urban and residential environment clearance plans and designate clearance zones, a public hearing is required under the provisions of articles 3 and 4 of the Urban and Residential Environment Clearing Act. Project implementation requires the consent of residents under article 7 of the above-mentioned Act.

318. In 2000, 800 billion won of national funds were invested for a total of 482 districts to improve residential environments from 2001 to 2005 in the first stage of a project which covers the necessary expenditure for the installation of infrastructure. Between 2005, the completion year of the first stage of the project, and 2010, the second stage, the Government plans to invest one trillion won of national funds in restructuring areas.

**Table 58**

**Investment records and plans (national treasury)**

(Unit: 100 million won)

Classification	Total	Before 2004	2005	After 2006
Total	18 000	6 725	1 441	9 834
Stage 1	8 000	6 725	1 275	-
Stage 2	10 000	-	166	9 834

**Table 59**

**Status of housing improvement projects**

(As of 31 December 2004)

Classification	District designation		Business implementation		Business completion		Not implemented	
	No. of district	No. of housing	No. of district	No. of housing	No. of district	No. of housing	No. of district	No. of housing
Total	815 units	206 000 units	564	157	245	48	6	1

**Improvement in the environment of indoor residence**

319. The Government enacted the Act of Management for Indoor Air Quality on 30 May 2004. According to law, constructors of more than 100 households should measure a total of seven substances that cause Sick House Syndrome (SHS) - formaldehyde and Volatile Organic Compounds (VOCs) including benzene, toluene, ethyl-benzene, zylene, dichlorobenzene, and styrene - and provide relevant information.

## Article 12

### Building a life-long health management system

320. In 2002, the Government formulated the Health Plan 2010 as a part of its efforts to create a life-long health management system. It focuses on the healthy birth and growth of infants, healthy habits for children, healthy life styles and disease prevention for adolescents and middle-aged adults, and the prevention of chronic diseases and dementia for the elderly.

321. In 2003, non-smoking areas were expanded significantly. In order to prevent minors from gaining access to cigarettes, adult certification is required when using cigarette vending machines; moreover, the price of cigarettes increased by 500 won in December 2004.

322. Recently, as new types of contagious diseases such as SARS threatened the national health and the economic vitality of Korea, the contagious disease management system was reorganized in 2004 by transforming the National Health Centre into the Disease Control Headquarters in order to unify quarantine functions. The benefits of cancer examinations have also been extended to low-income households and organizations, and human resources have been rearranged to control chronic diseases such as high blood pressure and diabetes.

### Project for improving mother and child health

323. Based on the Mother and Child Health Act enacted on 8 February 1973, 89 family health centres in farming and fishery villages and 12 comprehensive mother and child health centres in the 1980s have focused on the improvement of health through proper care. In 2005, a total of 53,453 persons who registered for service at a public health centre were given health examinations. Health management education was provided for 2,863,321 would-be mothers, and health education was provided to 849,149 persons.

324. In 1999, the Act was revised to support medical expenses for premature or retarded babies and to provide post-management care from 2000.

**Table 60**

### Medical support for premature or retarded babies

Classification/Year	2000	2001	2002	2003	2004	2005
Support for premature babies, etc.	494	991	1 049	1 159	1 580	3 075
Amount of support (million won)	2 160	1 905	4 573	5 275	7 148	12 858

325. In addition, the test for natural retardation for all newborn babies was expanded from two types in 2005 to six types in 2006. If test results indicate abnormalities, special baby formulas and medical expenses are provided to prevent mental disabilities and to minimize disorders.

**Table 61**

**Examination of naturally retarded babies and discovery of sick children**

(Unit: persons)

Classification/Year		1998	1999	2000	2001	2002	2003	2004	2005
No. of babies examined		419 626	398 461	407 781	382 338	343 810	343 908	386 889	412 653
Discovered	Phenylketonuria	13	9	10	13	16	16	19	29
	Hypothyroidism	140	88	83	66	77	47	113	182

326. In 2003, the breastfeeding rate was 16.5 per cent (survey of national birth rate, family health and welfare reality), the lowest ranking among all OECD countries, reflecting a need to build up social awareness in order to encourage the practice. Accordingly, efforts to increase the breastfeeding rate were made through the event of the World BreastFeeding Week (1-6 August), education sessions for each targeted group, Internet counseling on breastfeeding ([www.mom-baby.org](http://www.mom-baby.org)), and the establishment of breastfeeding rooms at the workplace.

327. Pursuant to the Ten-year Plan for Mother and Child Health (1998), the targets of the mother and child health project include the youth and middle-aged women in preparation of the health management system for each life cycle. Accordingly, the Government has implemented detailed programmes (14 types), programmes to meet the needs of local residents by contributing greatly to local promotions of mother and child health. In particular, the Infant Growth and Development Screening Programme is designed to detect disorders in infants at an early stage.

**Measures for the environment**

328. Article 35 (1) of the Constitution stipulates that “all citizens shall have the right to a healthy and pleasant environment. The State and all citizens shall endeavor to protect the environment” in order to guarantee the right to environment as one of the basic rights under the Constitution. Below are environmental laws, as stated in paragraph 471 of the initial Periodic Report and paragraph 307 of the Second Periodic Report.

**Table 62**

**Environmental laws by year**

Year	Name	Necessity & Purpose
1999	Wetland Conservation Act	Define the matters necessary for efficient conservation and management of wetlands in order to protect wetlands and biodiversity and reflect the spirit of the Convention on Wetlands, thereby contributing to international cooperation.
1999	Act Relating to Han River Water Quality Improvement and Community Support	Efficiently undertake proper management of the water source, improve water quality and promote community support projects to supply clean water.

Year	Name	Necessity & Purpose
1999	Act on Assessment of Impacts of Works on Environment, Transportation, Disasters, etc.	Review and evaluate in advance the impact of large-scale projects on the environment, transportation and the public in order to provide a pleasant and safe national environment for people with sound and sustainable development.
2000	Sudokwon Landfill Site Management Corporation Act	Define the matters concerning the establishment and operation of the Sudokwon Landfill Site Management Corporation in an attempt to efficiently manage landfills in metropolitan areas, and consequently, promote an appropriate treatment/disposal of waste and waste-to-energy conversion, thereby contributing to a pleasant living environment.
2002	Act on Yeongsan and Sumjin River Watershed Management and Community Support	Improve the water quality in Yeongsan, Sumjin and Dongjin Rivers and promote community support projects in an effort to manage water resources and control water pollution in an efficient way.
2002	Act on Geum River Watershed Management and Community Support	Promote efficient water quality improvement and community support projects in the upper tributary of Geum River; properly manage water resources and control pollution in Geum River, Mangyeong River and Dongjin River.
2002	Act on Nakdong River Watershed Management and Community Support	Improve water quality in an efficient way and promote community support projects in the upper tributary of Nakdong River; and properly manage water resources and control pollution in Nakdong River.
2003	Act on the Protection of Baekdu Daegan Mountain System	Define the matters necessary for protecting the Baekdu Daegan Mountain system; prevent damage to the environment caused by reckless development; preserve biodiversity and create a clean living environment.
2003	Special Act on Seoul Metropolitan Air Quality Improvement	Map out a comprehensive plan to improve the air environment in the metropolitan area and systematically manage air pollutants to protect the public health and create a clean living environment.
2003	Act on the Promotion of Construction Waste Recycling	Manage and recycle construction waste in an environmentally-friendly way to efficiently use natural resources and contribute to promoting economic development and public welfare.
2004	Wildlife Protection Act	Protect and manage the habitats of wild animals and plants in systematic ways to prevent the extinction of wildlife and promote biodiversity, thereby ensuring coexistence between humans and wildlife.
2004	Foul Odor Prevention Act	Prevent bad smells caused by business activities and others, consequently providing the public with a clean environment.

Year	Name	Necessity & Purpose
2004	Act on Antarctic Activities and Environment Protection	Actively participate in international cooperation systems such as the Antarctic Treaty and the Protocol on Environmental Protection to the Antarctic Treaty, thereby contributing to protecting the Antarctic area and developing relevant scientific technology.
2004	Act on Promotion of the Purchase of Environmentally-Friendly Products	Promote the purchase of environmentally-friendly products, prevent resources from being wasted and control environmental pollution, subsequently contributing to the sustainable development of the national economy.

329. As of July 2005, administrative authorities dealing with environmental issues consisted of the Ministry of Environment (MOE), four Environmental Management Offices, three Regional Environmental Management Offices, the Atmospheric Environment Protection Agency, the National Institute of Environment Research (NIER), nine Environment Offices, and the Central Environmental Dispute Reconciliation Committee. Local governments have also established their respective agencies to deal with environmental affairs. The budget in the environmental field increased from 2.81 trillion won in 1998 to 3.22 trillion won in 2004.

330. The Government established and promoted the Environmental Vision 21 (Long-term Plan to Preserve the Environment 1996-2005) with relative success in alleviating pollution caused by industrialization and urbanization. In particular, even under the worst economic circumstances caused by the financial crisis at the end of 1997, the environment preservation policy was steadily carried out without interruption. During the planning period, the Government introduced the policies of water quality pollution management system, advanced environmental review system, environment health policy and other measures to create a framework for the advancement of the environment preservation policy system. However, with the deepening of unbalanced land use stemming from development concentrated in certain regions only, it revealed limitations in preventing social conflict between advocates of development and advocates of preservation in relation to various national projects. In addition, through the ensuing plan of Green Vision 21, the Government has established the Comprehensive Long-term Environmental Preservation Plan (2006-2015) with blueprints in long-term and comprehensive environment management for natural ecology, livelihood environment, resource use and others. Under the plan, the 'sustainable advanced nation' was set as the vision for the plan and the major index based on 2015 is shown as follows:

**Table 63**

**Index of comprehensive plan for national environment**

Index	Present (2003)	Future plan	
		2008	2015
Ratio of nature protection area compared to total land (%)	7.1	10	15
Ratio of population benefiting from public water processing facilities (%)	78.8	83	90
Dispersion rate of water supply (%)	89.4	92	95
Recycling rate for livelihood waste (%)	45.2	50	55
Density of nitrogen oxide in atmosphere in Seoul (ppb)	38	32 (2009)	22 (2014)
Release of carbon dioxide per GDP (ton/1,000 USD GDP)	0.88 (2002)	0.77 (2010)	0.66
Ratio of expenditure for environmental protection compared to GDP (%)	1.61	1.8	2.0

331. The Government has implemented policies for strengthening atmospheric environment standards to WHO or leading OECD country level, expanding the use of liquefied natural gas and other types of clean fuel, introducing compressed natural gas, attaching a gas-reducing device to gasoline-operated vehicles and enacting special laws for atmospheric environment improvement in the densely populated capital region.

332. The Government established the Comprehensive Plan for Water Management on Four Major Rivers in order to restructure the water management system, introduce a water quality pollution management system, designate water protection zones to limit the pollutant source, build up a water control management fund, and promote the resident support business and other comprehensive measures.

333. The Government has developed policies to build a solid foundation for the recycling industry. To minimize the environmental pollution arising from incineration of wastes, the Government has strengthened the management of incineration facilities by setting standards for dioxin release for large waste incineration facilities as well as small incineration facilities of 200kg/hr or less.

334. In order to overcome the limitations of its pollutant-oriented policies, the Government recently established the Ten-year Comprehensive Plan for Environment Health Policy focused on human health and ecology protection, along with the introduction of environmental disease research, evaluation of the harmfulness of chemical substances and the Health Impact Assessment (HIA) system, among others.

335. The Government has institutionalized the public commenting process when examining environmental impact assessments and advanced environmental reviews, among others, and organized various consultative mechanisms with the private sector. In particular, in 2000, it set up the Sustainable Development Committee with the participation of industry, NGOs and other relevant organs as the advisory body under the direct control of the President.

## **Water management**

336. The Government has enacted and operated the Water Quality Environment Preservation Act, the Water Act, the Sewer Act, the Act on Processing of Waste Water and Livestock Waste and the Soil Environment Preservation Act to prevent pollution. In particular, it enacted the Special Act to undertake efficient water quality management. It also enacted the Drinking Water Management Act to regulate and manage the quality of water fountains and their development.

337. In Korea, all people have access to safe drinking water. The Government plans to increase the water supply rate in the rural and fishery areas to 65 per cent by 2009, with the national average increased to 93.1 per cent in 2009.

338. The water supply rate increased from 83.6 per cent as indicated in paragraph 268 of the Second Periodic Report in 1999 to 90.1 per cent as of December 2004, supplying water to 44,187,000 persons. In terms of region, 98.8 per cent (22,793,000 persons) of major cities, 97.3 per cent (16,166,000 persons) of other cities, 82.5 per cent (3,364,000 persons) *eup* areas and 35.2 per cent (1,864,000 persons) of *myeon* units of farming and fishery village were supplied.

339. The areas without water supply receive water by using small facilities. The types of small facilities include temporary water facilities constituting 3.7 per cent (1,793,000 persons), small-scale water facilities constituting 1.4 per cent (687,000 persons), exclusive water constituting 0.6 per cent (297,000 persons), and other facilities constituting 4.3 per cent (2,102,000 persons). The Government plans to create an integration plan according to the improvement action for small-scale facilities and convert approximately 8,000 small facilities into the general water line and conduct improvement work on 4,300 small, obsolete facilities by 2004.

## **Status of waste**

340. The amount of household garbage has shown an increase of approximately one per cent each year after 1995 owing to the volume-rate garbage disposal system, separate collection of food waste, prohibition of dumping, and other policies for reduction of waste and expansion of recycling. As of 2004, 50,007 tons of waste is being disposed of per day. The volume of living waste per person in 2004 amounted to 1.03 kg, which is equivalent to that of the mid-1990s.

341. The volume of industrial waste was 261,488 tons per day in 2004 and has been rising steadily. However, actual landfill or incineration has been greatly reduced due to the policies of volume rate garbage disposal system and recycling. Furthermore, the recycling rate for household garbage jumped from 23.7 per cent in 1995 to 49.2 per cent in 2004, while the rate for business premises went up from 63.8 per cent in 1997 to 81.2 per cent in 2004.

## **Disease management measures**

### **(1) Contagious disease management measures**

342. The number of acute contagious diseases has been declining due to the improvement of the overall livelihood standard, enhancement of people's awareness of health, and the development

of various vaccines and drugs. However, there is a need to address the emergence of new types of contagious diseases such as pathogenic avian influenza, and SARS, among others.

343. The Government has developed an early monitoring system for contagious diseases and implemented prompt investigation and preventive vaccination. Furthermore, to provide high-quality preventive service, it has implemented the national essential vaccination programme, evaluating the effectiveness of vaccination and its side effects. The Government is also carrying out a national compensation system for damages, criteria for its implementation, and computerized management.

#### **(2) Tuberculosis management**

344. The Government has been working hard on inoculating infants, toddlers and young children with the BCG vaccination, thereby expanding the immunized population, discovering new patients for tuberculosis through an X-ray examination, and management of registration for those who have tested positive reaction to tuberculosis. The BCG preventive vaccination was administered to 428,000 persons in 2002, 410,000 persons in 2003, 388,000 persons in 2004, and 353,000 persons in 2005. From 2000 to 2004, a five-year tuberculosis information monitoring system was set up and has been in operation since then.

#### **(3) Management of Hansen's disease**

345. Due to the prevention of the dissemination of Hansen's disease through early detection and treatment, the number of registered patients has fallen sharply, from 27,628 persons (0.71 per cent per 1,000 persons) in 1981 to 15,770 persons (0.33 per cent per 1,000 persons) in 2005.

#### **(4) HIV/AIDS management**

346. In 2005 alone, a total of 680 persons had been infected with HIV. Its accumulated number reached 3,829 by the end of 2005. The number of AIDS patients was 535. Among the total infected, 721 persons have died and 3,108 persons remain alive. In November 1987, the HIV Prevention Act was enacted to focus on preventing the dispersion of AIDS and protecting patients, in addition to supporting rehabilitation and treatment centres.

#### **(5) Management plan for chronic diseases**

347. While the death rate caused by contagious diseases has sharply declined with the improvement of nutrition and advancement of medical technology, the burden of treating chronic regressive diseases and illnesses caused by aging has increased. The management burden is expected to further increase due to various reasons such as an ageing population structure, change in diet and lifestyle, an increase in the smoking population, and a reduction in physical activity.

## **(6) Plan for cancer management**

348. The number of cancer patients in Korea has been on the rise due to the transformation of population and disease structure. The proportion of deaths caused by cancer in 2003 was 25.9 per cent, the highest rate for a cause of death in Korea. For every 100,000 persons, the number of deaths caused by cancer increased from 111 persons in 1992 to 132 persons in 2002.

349. Therefore, the Government established the Ten-year Plan to Conquer Cancer in 1996 to undertake State-led cancer management projects and enacted the Cancer Management Act in 2003. In addition, the early examination system for cancer has been implemented from 1999. In 2004, the examination system for five main types of cancer-stomach cancer, breast cancer, liver cancer, cervical cancer and intestinal cancer-was established. Under this system, 50 per cent of the low-income class had undergone early examination for cancer in 2005.

350. The National Cancer Center Act was enacted on January 12, 2000. In June 2001, the National Cancer Centre, an institution specializing in cancer, was established to serve as a central agency for cancer research, treatment, information network, registration, prevention and development of an early examination model.

### **Management of health-care resources**

351. The weight of public medical treatment in Korea is approximately 20 per cent, which falls in the lower end of those of OECD countries. It is evidently low even compared to the 33.2 per cent in the United States and the 35 per cent in Japan, both of which are countries with primarily private-based medical care systems.

#### **(1) Medical personnel and medical institutions**

352. Medical service providers under the Medical Service Act include doctors, dentists, oriental medicine doctors, midwives, nurses and nurses aids. Pharmacists and oriental medicine doctors come under the Pharmacy Service Act. Medical engineers (clinical pathologists, radiologists, physical therapists, occupational therapists, dental technicians, and dental hygienists) fall under the Medical Engineer Act.

353. In the past 10 years, medical personnel in Korea have greatly improved both quantitatively and qualitatively. The ratio of doctors per 100,000 persons is 168 persons, which is relatively smaller than that of advanced countries with 160-250. However, as over 3,000 doctors graduate each year in Korea, the ratio is predicted to reach the level of advanced nations in the near future.

354. As of 2004, licensed medical service providers have included: 81,914 doctors, 20,727 dentists, 14,348 oriental medicine doctors, 53,537 pharmacists, 202,012 nurses, 124,638 medical engineers, totaling 861,748 persons. The number of patients per doctor is 608, 2,666 per dentist, 1,482 per pharmacist, and 465 per nurse. As of June 2005, there were 291 general hospitals, 760 hospitals, 24,908 medical clinics, totaling 25,959, with figures steadily rising. As of June 2005, the total number of hospital beds was 363,854, with a 6.3 per cent average annual increase rate.

## **(2) Emergency medical services**

355. For the systematic emergency medical services in the industrialized and urbanized areas, the Act on Emergency Medical Service was enacted in 1995. The central emergency medical centre and 12 emergency medical information centres (integrated phone number 1339) are in operation. As of August 2005, there were 430 emergency medical institutions designated and operated. In addition, in order to build up a more advanced emergency system, an Emergency Medical Fund was set up in 1995, and 20 per cent of the traffic fines from general accounting (National Treasury) are allocated each year (50 billion won) to emergency medical service for undertaking emergency medical services worth 50 billion won each year.

356. Emergency patient transport is mainly carried out by the 119 Rescue Team of the National Emergency Management Agency. Emergency action, transportation of emergency patients, provision of medical map and information are undertaken by 12 emergency medical information centres nationwide under the Ministry of Health and Welfare.

## **(3) Local health and medical service**

357. In December 1995, the Public Health Office Act was changed to the Local Public Health Act to enable the health office to assume the role as a life-long health management institution for local residents. As of the end of 2004, there were 246 health offices, 1,273 health branches, and 1,902 health examination centres of local health medical institutions. In addition, in the event that the Government is unable to provide medical benefits to foreign workers, it provides hospitalization and all outpatient treatment expenses free of charge.

358. There are 3,601 medical doctors in the field of public health working in medical facilities, health offices and others in the rural areas or fishing villages where medical services are scarcely available. Health offices are established in remote areas, where it would generally take more than half an hour to reach a clinic. As of 2005, there were 1,902 health offices for primary health and medical service needs. By 2005, 460.2 billion won had been invested for installing 905 facilities with new medical equipment in 437 places. Steady investment in public medical institutions will continue until 2014.

## **Health insurance and medical payment**

359. Refer to Article 9 for detailed information.

360. As of 2005, the national health insurance system had been applied to 97 per cent of the whole population, or 47,391,000 persons. For the remaining 3 per cent, or 1,716,000 persons, some are recipients of basic livelihood security and persons of national merit, while others are receiving basic medical services under the medical payment system.

**Table 64**  
**Status of recipient of medical payment**

(Unit: 1,000 persons)

Classification	1999	2000	2001	2002	2003	2004	2005
Persons	1 637	1 570	1 503	1 421	1 454	1 529	1 761

## **Drug management**

### **(1) Drug manufacturing and management**

361. When carrying out clinical experiments on people, the Korean Good Clinical Practice (KGCP) guarantees protection of their rights and maintains strict confidentiality. The Korea Good Manufacturing Practice (KGMP) is responsible for making safe and effective drugs. If drugs are deemed to be below the required criterion, they can no longer be manufactured, and the manufacturing company that formerly qualified for the KGMP must undergo regular inspections conducted by the Korea Food and Drug Administration (KFDA).

362. The Korea Good Supplying Practice (KGSP) has been obligatorily applied to wholesales and retail vendors selling medical supplies since 30 June 2002 in order to distribute safe drugs for consumers. The Government operates the Drug Re-examination System which re-evaluates the safety of medical products in distribution from the standpoint of advanced medical and pharmaceutical science.

### **(2) Drug management**

363. The Drug Act, the Opium Management Act and the Mental Hallucination Drug Management Act were integrated as the Act on Drug Management and have been implemented since 1 July 2000. In all, 24 hospitals have been designated to treat drug addicts free of charge.

364. In April 1992, the Korea Anti-Drug Movement Headquarters was launched for active movement against drugs such as publicity campaigns among others. The Government is represented at conferences for the Heads of National Drug Law Enforcement Agencies (HONLEA) of the Far East of organized by the United Nations Drug Control Programme (UNDCP), the Anti-Drug Liaison Officials' Meeting for International Cooperation (ADLOMICO), the Colombo Plan and others in order to solidify cooperation with other countries and international organizations in eradicating illegal drugs.

## **Various health indices**

### **(1) Ratio of health expenses**

365. In 2005, the budget for health and welfare was 865 trillion won, and the budget for health projects was 528.7 billion won, representing 6.1 per cent of the total budget for health and welfare. Health project costs under the National Health Promotion Fund consisting of cigarette contributions for the promotion of national health were 362.5 billion won in 2005 and 629.8 billion won in 2006.

**(2) Infant/child mortality**

366. According to the most recent survey, infant mortality in Korea has continued to decline, falling from 9.9 infants in 1993 to 7.7 in 1996, 6.2 in 1999 and 5.3 per 1,000 infants in 2002, due to the effective performance of the mother-child health project, nutrition improvement and vaccination projects, among others.

**(3) Medical force and number of hospital beds**

367. As of 2002, the number of hospital beds, doctors and nurses per 1,000 patients was 5.7, 1.5 and 1.7, respectively. These figures still lag behind those of advanced nations. However, consistent efforts are being made to expand human resources and improve the quality of medical service. To ensure efficient use of the medical force and meet demands for effective health and medical services, the proportion allocated to primary health care is expected to rise and the assignment of human resources to rural areas is to be expanded as well.

**(4) Preventive vaccination**

368. An annual average of 16 million vaccinations is administered for 14 types of contagious diseases including tuberculosis, Hepatitis B, diphtheria, polio, chickenpox, and others contagious diseases. The Government fully supports the costs of vaccination for young children who visit public health centres. It is making strides to provide good quality services through the following: administering national essential preventive vaccination, evaluating its effectiveness, monitoring abnormal reactions, implementing a national compensation system for damages arising from it, evaluating criteria for its implementation, registering and managing its records with goals to improve its rate.

**(5) Average life expectancy**

369. In 1995, the average lifespan for Koreans for 73.5 years, as compared with 76.5 years in 2001. Lifespan is expected to reach 78.8 years in 2010.

**Table 65****Average life expectancy in Korea**

(Unit: years)

Classification/Year	1990	1995	2001	2010
Average life	65.8	73.5	76.5	78.8
Man	62.7	69.6	72.8	75.5
Woman	69.1	77.4	80.1	82.2

**(6) Accessibility of medical facilities**

370. As of March 2005, 3,601 public health doctors had been assigned to public health centres and health offices nationwide for the purpose of improving health services in every region, to ensure that everyone has access to medical facilities. There are 1,902 public health offices in remote islands and rural areas.

**(7) Safe delivery rate and maternity death rate**

371. In 2003, the safe delivery rate for pregnant women was 99.3 per cent (99.4 per cent in urban areas and 96.1 per cent in rural areas), which was significantly higher compared to 1994 (99.4 per cent in urban areas and 96.1 per cent in rural areas). The rate of consulting a specialist for examination prior to giving birth reached 99.8 per cent, and the average number of visits to the doctor for examination reached 12.9 in urban areas and 11.7 in rural areas. This is in part because most pregnant women receive benefits of delivery service by specialized medical agencies. Women's death rate during delivery in 2003 was 15 per 100,000 persons, which is expected to decline gradually.

**Articles 13-14**

**Philosophy and status of education**

372. The educational philosophy that is defined in article 2 of the Basic Education Act of the Republic of Korea is described in paragraphs 502 and 503 of the initial Periodic Report on the Covenant.

373. As of April 2005, the total number of students in Korea represented one fourth of the total population, accounting for 11,930,000 persons. There are approximately 480,000 teachers and approximately 19,600 schools. The support system for this educational community consists of the Ministry of Education and Human Resource Development, the municipal, local and provincial (16 in total) offices of education, as well as numerous lower-level educational offices in cities and districts (182 in total).

374. The Korean Government has provided free and compulsory primary education since 1948. In 2004, free and compulsory education was expanded to include secondary education. In addition, constructive efforts are being made to improve the educational environment in schools, including the reduction of overpopulated classes and schools, the development of more effective teaching-learning methodologies, and the introduction of new educational tools and advanced evaluation methods.

**Access to primary education**

375. Free and compulsory primary education has been fully realized, as indicated in paragraphs 449 and 451 of the initial Periodic Report.

### **Access to middle school education**

376. Students who have completed their primary school education have the right and obligation to attend middle school, as indicated in article 31 of the Constitution and Article 8 of the Education Basic Act. As free middle school education requires a considerable outlay of funds, the Government has gradually introduced free middle school education since 1985 for students in remote areas, depending on the availability of Government funding. Free middle school education was expanded to all students at the district level by 1994. In 2002, the Government established yearly plans for further expansion, and in 2004 introduced free education for all middle school students nationwide. As of April 2005, the percentage of primary school graduates who have gone on to middle school was over 99.9 per cent, and among middle school students, the per cent of those who received free education reached 100 per cent.

377. Middle school graduates are given the option of choosing between vocational high schools and general high schools. The proportion of middle school graduates moving on to high school reached 99.4 per cent in 2005, and the ratio between the number of students in vocational and general high schools was 34:66.

### **Contents of middle school education**

378. Paragraphs 338-340 of the Second Periodic Report describe the contents hereof.

### **Vocational education**

379. The Government strives to change vocational high schools into vocational education institutions that are capable of meeting industrial demands. Steps are being taken to convert vocational high schools into specialized schools so as to cultivate economically competent manpower. There are also ongoing efforts to promote industry-academia collaboration by encouraging vocational high schools and companies to jointly cultivate human resources based on employment promotion contracts. In addition, the central government provides financial support for vocational high schools aimed at raising employability and nurturing technological and technical workers for national industries, as a means to develop human resource development required in the pertinent fields (ex. MOIC-IT, MOAF-farming development, SMBA-development of personnel for small and medium enterprise).

380. Vocational education is offered at general high schools for those who wish to be employed after graduation, in accordance with the contents and method of education practiced at vocational high schools. As of 1 April 2005, 8,548 students received consigned education from their own schools, vocational schools, industrial high schools, or vocational training centres. The employment rate for those who completed vocational education in 2004 was 51.6 per cent.

**Table 66**  
**Status of vocational education**

(As of 1 April 2005)

Year	Total no. of high schools (Unit: schools)	No. of vocational high school (%)	Total no. of high school students (Unit: persons)	No. of vocational high school students (%)
2001	1 969	759 (38.5%)	1 911 173	651 198 (34.1%)
2002	1 995	741 (37.1%)	1 795 509	575 363 (32.0%)
2003	2 031	734 (36.1%)	1 766 529	542 077 (30.7%)
2004	2 080	729 (35.0%)	1 746 560	514 550 (29.5%)
2005	2 095	713 (34.0%)	1 762 896	503 104 (28.5%)

### **Educational expenditure**

381. In 2005, public educational expenditure came to 8.366 trillion won (including 1.46 trillion won for private education) for middle school education, and 9.66 trillion won (including 4.26 trillion won for private education) for high school education, totaling 18.28 trillion won. Public educational expenditure per primary and secondary schools for the year 2005 is as indicated below.

**Table 67**

### **Public educational expenditure per primary and secondary student, 2005**

(Unit: 1,000 won)

Primary school			Middle school			High school		
Total	Public	Private	Total	Public	Private	Total	Public	Private
3 601	3 596.2	4 552	4 158.5	4 242.1	3 851.6	5 474.4	6 071.7	4 900.3

### **Efforts to improve public education and reduce private education expenses**

382. Due to the dominant social perception that the educational level attained rather than personal competency largely determines the success of each individual, there is keen competition to gain admission to 'first-class colleges'. Different amounts of private education according to income levels often lead to educational gaps and vice versa, and excessive expenditure on private education imposes great burdens on the household economy. This has been the major cause of decline in 'quality of life' for the middle class, while overheated competition and late-night private education tend to generate a sense of instability and lack of self-autonomy among students, hindering their mental and physical development.

383. Total private educational expenditure was 11.44 trillion won in 2001 and 13.65 trillion won in 2003, up 23 per cent from the 2.6 trillion won of 2001. By educational level, private expenditure reached 7.16 trillion won (52.5 per cent of all expenses) for primary school, 4.77 trillion won (29.9 per cent) for middle school, and 2.40 trillion won (17.7 per cent) for high school. Private expenditure per primary and secondary student is as follows:

**Table 68**

**Extra private educational expenditure per primary and secondary student, 2003**

(Unit: 1,000 won)

Primary school	Middle school	High school	Total average
209.9	276.2	239.4	238.0

384. On 17 February 2004, the Government announced an action plan to curb private education costs by standardizing public education. It implemented schemes to strengthen formal school education including the introduction of online lectures on the Educational Broadcasting System, nationwide expansion of the cyber home learning programme, establishment of an e-learning support system, and the pilot operation of a teacher evaluation programme. It has also worked to build infrastructure by providing more alternative education opportunities and to downplay the college ranking structure.

385. Furthermore, in order to lessen the burden of national household expenditures by meeting private education demands through the public education system and to bridge the education gap by strengthening support for neglected classes, the Government has been implementing the After-school Programme since 17 February 2006. The programme includes schemes to develop after-school models for rural areas, support child-care programmes for primary schools, provide vouchers for students from low-income classes, and operate a college student mentoring programme.

**Access to higher education**

386. The Korea National Open University offers higher education opportunities and promotes lifelong education by means of distance education via information and communication devices. Most of the university's students are employees at companies. In 2005, the university consisted of 130 professors and 186,645 enrolled students in 21 majors.

**Opportunities for lifelong education**

387. Lifelong education is described in detail in paragraphs 358-368 of the Second Periodic Report.

388. Pursuant to articles 20 and 27 of the Lifelong Education Act, there are eight types of lifelong education facilities: the school-type, distance education type, university-type facilities within companies, those annexed to business premises, civic groups, schools or press organizations, and facilities for knowledge and human resource development.

389. The school-type lifelong education facilities are ones that are established, registered and operated by local offices of education. They are classified into the facilities accredited with qualifications equal to those of secondary school graduates, and those whose qualifications are not duly recognized for graduation. There were 47 qualification-accrediting lifelong education

facilities in 2005, with a student body of 31,144 coming from various backgrounds. These facilities provide tuition support, faculty personnel expenses, laboratory equipment costs among others.

390. Under the provisions of article 25 of the Lifelong Education Act, university-affiliated lifelong education centres are established and reported by the president of the respective university and provide cultural and vocational education for local residents. As of April 2005, approximately 340,000 students were enrolled in 374 lifelong education facilities under the affiliation of universities and colleges.

**Table 69**

**Status of lifelong education centres affiliated to universities/junior colleges**

Classification		No. of students (A)	Status of affiliated lifelong (social) education centres			
			No. of schools	No. of education centres (B) (B/A %)	No. of courses	No. of enrolment
University	General university	169	158	170(100.6)	4 380	239 311
	Industrial college	19	16	16(84.2)	136	4 595
	Educational college	11	10	10(90.9)	98	3 475
	Graduate schools	25	18	18(72.0)	105	3 010
	Open University	1	1	1(100)	7	6 000
	Distance university (4-year)	15	3	3(20.0)	45	3 080
	Subtotal	240	206	218(90.8)	4 771	259 471
Junior college		158	136	136(86.1)	1 837	70 113
Technical college and various schools		28	20	20(71.4)	277	7 871
Total		426	362	374 (87.8)	6 885	337 455

391. Private teaching institutions are registered at or receive approval from local offices of education to offer education for youths and adults. Approximately 400 types of education courses are offered, including culture, knowledge, technology, and arts and music. In terms of the number of institutions and enrollment, these institutions account for a considerable share of social education targeting the public. As of 2005, there were 70,685 private teaching institutions with 4,479,681 persons enrolled.

**Table 70**

**Status of private teaching institutions (past five years)**

Classification	2001	2002	2003	2004	2005
No. of institutions	58 951	60 206	63 724	62 764	64 591
Enrolment	3 620 147	4 220 437	4 411 753	4 801 016	4 479 681

**Expansion of opportunities for preschool education**

392. In order to provide public education facilities for pre-primary school children aged three to five, the Government enacted the Preschool Education Act in 2004 and established an independent legal system for preschool education. In addition, it started supporting free education for five-year-olds from 1999 as a means of expanding preschool education opportunities for the underprivileged. It plans to further expand this policy step by step in combination with governmental measures to address the low fertility rate.

393. With the increased proportion of working women and working couples, many preschools are expanding daylong operation (rate of preschools in daylong operation in 2005: 62.5 per cent). The Government is providing financial and other support to assist daylong operations and help improve the facilities and environment of preschools. Its plan to expand preschool education opportunities is as follows:

**Table 71**

**(Proposed) plan to expand free education for five-year-olds**

(Unit: persons, 100 million won)

Classification	2005	2006	2007	2008	2009
No. of five-year-old children	613 609	593 649	512 070	476 471	474 497
Total no. of beneficiary children	80 880	142 476	186 393	183 441	208 779
Rate of support (including child care)	13.2% (30%)	24.0% (50%)	36.4% (70%)	38.5% (70%)	44.0% (80%)

**Expansion of opportunities for special education**

394. The Government establishes special schools and provides financial support to educate children with emotional, physical and intellectual disabilities. In order to ensure integrated education, special classes for disabled students are also offered within general preschools, primary schools, middle schools and high schools. There are currently 142 special schools nationwide. The plan is to increase the number to 157 schools by 2008. The Government also seeks to increase the rate of special education support for disabled children to 100 per cent, and the number of special classes to 5,458 (from 4,697) by 2008.

**Table 72**  
**Status of special education**

(As of April 2005)

Classification		No. of schools	No. of classes	No. of students
Special schools	Visual impairment	12	207	1 474
	Hearing impairment	18	352	2 056
	Mental disability	87	1 957	15 765
	Physical disability	18	399	2 867
	Emotional disability	7	156	1 287
	Total	142	3 071	23 449
Special classes	Preschool	102	124	475
	Primary school	2 698	3 393	20 698
	Middle school	715	852	5 685
	High school	209	328	2 945
	Total	3 724	4 697	29 803

395. With the spread of integrated education, an increasing number of disabled students are attending special classes within general schools. Teachers of special education majors are assigned to these special classes to develop and operate curricula tailored to students' needs. General schools that do not have special classes are also educating 5,110 disabled students. In order to improve the conditions of integrated education, special class teachers of general schools are being trained on a continuous basis. Education has been provided to help improve normal students' perception and understanding for the disabled. As of late 2005, such education had been implemented in all general schools nationwide. In addition, in order to ensure the mobility and accessibility of disabled students, the Government plans to raise the rate of general schools with special classes that have convenience facilities for the disabled from the current 72.3 per cent to 100 percent by 2009. The following is the status of general schools without special classes and the rate of installation of facilities for the disabled.

**Table 73**  
**Status of general schools without special classes**

Classification	No. of schools	No. of classes	No. of students
Preschool	526	652	1 394
Primary school	716	1 396	1 667
Middle school	335	550	648
High school	550	1 065	1 401
Total	2 127	3 663	5 110

### Investment in education

396. The central government supports local education finance, composed of 19.4 per cent of domestic taxes and 100 per cent of the education tax, to provide for teacher salaries, school operation expenses, school establishment costs, among others, for primary and secondary education levels, including compulsory education. Between 2001 and 2005, the education budget increased as follows:

**Table 74**

#### Education budget 2001-2005

(Unit: 100 million won)

Year	GDP (A)	Government budget (B)	Education budget (C)	Local education budget (D)	(% )	
					C/B	C/A
2001	6 221 226	1 025 285	216 250	182 159	21.1	3.5
2002	6 842 635	1 138 989	225 910	189 048	19.8	3.3
2003	7 246 749	1 204 776	249 357	211 105	20.7	3.4
2004	7 783 008	1 269 998	265 823	225 891	20.9	3.4
2005	8 156 593	1 343 704	279 820	237 367	20.8	3.4

397. The number of schools founded between 2001 and 2004 is indicated below.

**Table 75**

#### New schools 2001-2004

(Unit: number of schools)

Classification	2001	2002	2003	2004	Total
Primary school	77	102	94	101	374
Middle school	41	51	44	46	182
High school	16	26	35	44	121
Total	134	179	173	191	677

398. A greater shortage of schools is found in urban areas than in rural areas. Schools in rural areas suffer from a shortage of students due to population decrease, whereas schools in urban areas have to tackle the problem of overcrowded classes and oversized schools. Accordingly, municipal and provincial education offices are working to establish new schools, improve class environments and curricula, taking into account each school's maximum capacity of enrollment and regional circumstances. The status of overcrowded classes as of April 2005 was as follows:

**Table 76**  
**Status of overcrowded classes**

(As of April 2005)

Classification	No. of students	No. of schools	No. of classes	Overcrowded classes
Primary school	4 022 801	5 646	126 326	49 386
Middle school	2 010 704	2 935	56 968	32 794
High school	1 762 896	2 095	53 924	14 875
Total	7 796 401	10 676	237 218	97 055

399. Class sizes have been gradually decreasing as a result of the Government's continued expansion of educational investment. As of 2004, the average class size was 32.9 students in primary school, 35.1 in middle school, and 32.7 in high school.

**Table 77**  
**Number of students per class 1981-2004**

(Unit: number of students)

Classification	Preschool	Primary school	Middle school	High school
1981	36.8	49.8	64.9	59.0
1985	34.4	44.7	61.7	56.9
1990	28.8	41.4	50.2	52.8
1995	28.3	36.4	48.2	47.9
2000	26.3	35.8	38.0	42.7
2004	24.6	32.9	35.1	32.7

400. By securing land in nearby areas and steadily improving facilities, the Government is seeking to increase the number of classes and lessen class size on a continuous basis. It also anticipates a natural resolution of the problem, considering the fact that students are being relocated following development projects, and the number of students is decreasing as a result of the low fertility rate.

401. Schools in agricultural and fishery areas that decrease in size due to a decline in the number of schoolchildren are faced with the danger of undermining the practical educational rights of children. This is because they have difficulty in operating normal curricula (for example, double classes at the primary level, teachers of non-majors in charge of instruction), and they also encounter limits in providing programmes for special aptitude education and after-school activities. There is a need to merge such small-sized schools, and develop schools of appropriate sizes that are capable of operating normal curricula.

402. The closure and merger of small schools in agriculture and fishery areas will enable students to study under normal curricula, develop healthy competition with peers and more motivation for studies, and build interactive relationships with others. This is expected to help students nurture sound personalities and strengthen social skills.

### **Status of teachers**

#### **(1) Labor relations laws with regard to teacher status**

403. The status of teachers' unions is explained in the part on the three major rights of this Report.

404. Descriptions of the school council are provided in paragraph 376 of the Second Periodic Report. As of June 2005, school councils were in operation in 5,638 primary schools, 2,920 middle schools, 2,105 high schools, and 132 special schools.

#### **(2) Overseas training of teachers**

405. In order to promote better appreciation for global issues, teachers have been sponsored to participate in overseas training programmes. In 2004, approximately 6,000 teachers participated in overseas training, and more training opportunities for teachers are planned.

#### **(3) Teacher welfare**

406. In order to ensure stable livelihood and teaching conditions for teachers, fund loans for better livelihood and education are extended through teachers' welfare organizations (Korea Teachers Welfare Association, Private School Teachers Pension Authority). Loans have been provided at an amount of 1.66 trillion won in 2000, 1.74 trillion won in 2001, 2.16 trillion won in 2002, 3.73 trillion won in 2003, and 3.48 trillion won in 2004.

### **Status of private schools**

407. As of 2005, the status of private primary and middle schools is shown as follows:

**Table 78**

#### **Status of private schools**

(As of April 1, 2005)

Classification	Total no. of schools	No. of private schools (%)	Total no. of students	No. of female students (%)	No. of private school students (%)
Preschool	8 275	3 863 (46.7)	541 603	258 315 (47.7)	417 320 (77.1)
Primary school	5 647	76 (1.3)	4 022 895	1 899 694 (47.2)	47 477 (1.2)
Middle school	2 947	669 (22.7)	2 015 022	946 974 (47.0)	384 178 (19.1)
High school	2 156	954 (44.2)	1 783 049	832 873 (46.7)	873 135 (49.0)
Total	19 025	5 562 (29.2)	8 362 569	3 937 856 (47.1)	1 722 110 (20.6)

408. The status of private universities and colleges as of 2005 is shown as follows:

**Table 79**

**Status of private universities and colleges**

(As of April 1, 2005)

Classification	Total no. of schools	No. of private schools (%)	Total no. of students	No. of female students (%)	No. of private school students (%)
Junior colleges	161	147 (91.3)	856 564	318 488 (37.2)	820 411 (95.8)
Universities	224	178 (79.5)	2 409 939	956 513 (39.7)	1 611 783 (66.9)

**Education for females**

409. As of 2005, the total number of students in Korea stood at 11,933,234 persons, with female students representing 44.9 per cent (5,358,563 students). There was little difference between the number of male and female students throughout preschool, primary school, middle school, and high school. While the percentage of female students does lag behind that of male students in higher educational institutions, this trend is not attributable to the school system or educational policy.

410. There are a number of women's colleges which do not accept male students in Korea. In the colleges of education, the percentage of enrolled female students is 71 per cent. The literacy rate for females is over 90 per cent, and there is no significant difference in literary rates between genders.

411. There is no discrimination against women in the admission policies of higher educational institutions. The ratio of female enrollees in the fields of medicine, science, law, economics, engineering, linguistics and various other major concentrations in universities is as follows:

**Table 80**

**Number of female students registered by discipline**

(Unit: persons)

Major	Total no. of students	Total no. of female students	Ratio
Humanities	251 466	143 704	57.1
Engineering	519 300	66 502	12.8
Natural science	235 045	101 905	43.3
Law	68 463	21 566	31.5
Medicine	29 605	9 612	32.5
Pharmacy	6 617	3 722	56.2
Economics	37 630	11 151	29.6

## **Education and international exchange for foreigners and overseas Koreans**

412. For foreigners or Koreans residing overseas who wish to receive education in Korea, the Government recognizes academic records acquired from foreign institutions (articles 79 and 82 of the Enforcement Decree of the Primary and Secondary Education Act). Special standards are applied so as to facilitate admission to Korean universities and minimize certain disadvantages, such as language barriers and emotional distress.

413. As of April 2005, the number of foreigners attending schools in Korea stood at 22,526. To acquire Korean language skills, these students are attending language programmes at universities or language institutes annexed to universities.

414. In order to realize the right to education, the Government is undertaking domestic measures to gradually extend investment in education while encouraging efforts at the international level including cooperation with international organizations, governments, NGOs, and individuals.

415. Korea has established cultural agreements with 88 foreign countries and has agreed to establish cultural committees with 27 countries in order to enhance international exchanges and cooperation, in particular to bring innovation to education through coordination with UNESCO, OECD, APEC and other major international organizations. Major ongoing projects include research projects and seminars, exchange of literature and information, study-abroad and training programmes, human resources support, and surveys on educational statistics.

## **Ensuring the right to education for the underprivileged**

### **(1) Children from low-income classes**

416. Children from the low-income class in certain parts of urban areas are often deprived of educational opportunities due to the lack of parental protection and support. Since 2000, the Government has provided tuition support for such underprivileged children. Prior to this, it provided tuition for children whose parents had lost jobs during the financial crisis in 1997.

417. Tuition support is provided to high school students from households that are classified as the second poorest group of recipients for basic livelihood security support. Around 124,000 students were provided with 121.5 billion won in 2005. The Government plans to expand the amount annually, starting with 210 billion won for 175,000 students in 2007.

418. As for educational support for rural areas, the Island and Remote Area Education Promotion Act was enacted in 1994 for the purpose of expanding compulsory education in these areas. Under the Act, teachers are provided with allowances and additional points for promotion and housing, while students are provided with free textbooks, meal service, and partial tuition and admission fee exemption.

419. In addition, for low-income class students, Government-guaranteed student loans are provided to allow students to study on interest-free or low-interest loans. The Government has also legalized university tuition exemptions for recipients of basic livelihood security and peoples of the second poorest class.

420. Previously, the Government paid half of the interest of university student loans, which led to difficulties with the Government's fund procurement and complicated guarantee procedures, preventing many needy students from receiving benefits. Consequently, the Government established a 'credit guarantee fund for school loans,' which provides loan opportunities for students from low-income families. This is expected to help students enhance their sense of economic independence, as they themselves provide for tuition and repay the money upon getting employed after graduation.

## (2) Children and youth from North Korea

421. Until 1999, there were only 19 youths who came from North Korea within the age range of 6 to 20 years. However, since 2002, the number has drastically increased by more than 200 persons by the year. As of September 2004, there were 801 youths aged 6 to 20.

**Table 81**

### **Status of students from North Korea discontinuing education**

**(1999-September 2004)**

Classification	Primary school	Middle school	High school	Lifelong education facilities	Total
Admitted students	283	136	76	6	501
Graduates	86	31	35	2	154
Withdrawal*	3 (1.1%)	22 (16.2%)	11 (14.5%)	2 (33.3%)	38 (4.2%)

\* Withdrawal (25 persons during the term) excludes school transfer, study abroad, immigration and others.

422. In terms of their school enrollment, 85.7 per cent enrolled in primary school, 49.1 per cent in middle school and 6.6 percent in high school. The high school enrolment rate is particularly low. From 1999 to April 2004, the drop-out rate was 1.1 per cent for primary school students, 16.2 per cent for middle school and 14.5 per cent for high school students, about 8 to 15 times more than the entire middle school students of South Korea.

423. As a result, the Government plans to establish private alternative schools in 2006 to help youths from North Korea adapt to school and everyday life in the South. In addition, as of October 2004, there were already 10 alternative schools in operation, including four regular alternative schools established by religious groups and private organizations, non-regular alternative schools, and learning classes for children.

## (3) Children of migrant workers

424. As a result of the recent extension of the sojourn period for migrant workers, there has been an increase in marriages and births of children between workers. This has led to demands for more effective measures to secure the educational rights of foreign workers' children, and the law has been revised accordingly.

**Table 82**

**Status of migrant workers' children 2003-2005**

(Unit: persons)

Classification	2003	2004	2005
Persons	837	921	1 574

425. Article 19, paragraph 1 of the Decree of the Primary and Secondary Education Act, revised on 19 January 2003, grants the right to receive compulsory education for children of foreign workers, regardless of their status of sojourn. Children are thus permitted to enter into schools in Korea up to the middle school level.

426. In addition, an administrative guideline was issued so as to allow schoolmasters of primary schools to permit the admission of illegal foreign workers' children based on humanitarian considerations, in the event that they submit an immigration document or verification of alien registration issued by the regional office.

**Table 83**

**Status of migrant workers' children by educational level**

(Unit: persons)

Classification/Year	2003	2004	2005
Primary school	570	615	995
Middle school	191	207	352
High school	76	99	227
Total	837	921	1 574

**Article 15**

**Right to participate in cultural activities and cultural policymaking**

427. Cultural rights in Korea are guaranteed under the Constitution as described in paragraphs 525 and 526 of the First Periodic Report.

428. Korea introduced a cultural development plan in 1990, and the status of this undertaking by the Government was explained in the First Periodic Report (E/1990/5/Add.19 para. 527) and the Second Periodic Report of the Covenant (E/1990/6/Add.19 para. 411).

**Fund for the promotion of artistic creativity**

429. Financial support to various groups for cultural activities in Korea was described in the initial Periodic Report of the Covenant (E/1990/5/Add.19 para. 544-548) and the Second Periodic Report (E/1990/6/Add.19 para. 410-414). The Culture and Art Promotion

Fund was established at the end of 2005 with 492.9 billion won, with which individuals or organizations are annually supported for cultural and art activities. The above-mentioned fund used 115.4 billion won for artistic activities in 2005.

430. Since 1984, local autonomous governments raised funds to promote local culture and art, and as of the end of 2004, a total of 334 billion won had been raised in 16 provinces and cities. Some of the profits earned from the funds were spent for the promotion of local art and creative activities of artists residing in those provinces and cities.

#### **Expansion of cultural facilities**

431. In Korea, there are 514 public libraries, or one per 90,000 persons and the Government plans to build approximately 60 libraries yearly under a plan to raise the number of public libraries to 875 or one per 50,000 persons by 2011. Projects that have been carried out based on national financial grants are to be expanded with increased private participation.

432. By the end of 2005, there were 1,634 movie theaters (screen number basis), 399 performing arts halls, 201 art galleries and exhibition halls, 224 culture centres, 34 traditional music centres, 84 cultural property training centres, 358 museums and 4 regional literature centres in Korea.

#### **Honours awarded and support provided for artists**

433. The details on this issue are described in the First Periodic Report ((E/1990/5/Add.19 para. 557-559) and the Second Periodic Report (E/1990/6/Add.19 para. 423-425).

434. The Government awards prizes every year to artists who have contributed to the promotion of culture and arts in accordance with article 13 of the Cultural Arts Promotion Act, as described in the Second Periodic Report. By 2005, 625 artists had received a medal and 182 artists had received the culture and arts award, and 97 artists had received the young artist's award.

#### **Strengthening of the right to enjoy culture**

435. The Government makes efforts to secure social integration by making possible the enjoyment of culture for all people. It particularly strives to provide expanded opportunities for the socially vulnerable class to enjoy a rich cultural life.

436. The Government operates cultural programmes in museums, theaters, traditional music centers and others. To expand and facilitate productive cultural programmes for the low-income class, the Government has been implementing the Culture Voucher pilot project. In addition, by supporting performances and cultural art programmes, it has been contributing to the active operation of local art halls, thereby enhancing the individual's right to enjoy culture.

#### **Specialized education in the cultural and art fields**

437. Most Korean universities offer fine arts majors to foster artists. As of 2005, a total of 173 colleges had 1,358 arts-related departments with 187,464 students enrolled.

438. The Korean National University of the Arts was established in 1993 to offer undergraduate and graduate school courses in separate colleges of music, drama, film and multimedia, dance, arts and Korean traditional arts. As of 2005, a total of 915 students had graduated from the school of music, 312 students from the school of drama, 309 students from the school of dance, 226 students from the school of arts, 264 students from the school of traditional art, totaling 2,413 students. There are seven fine arts middle schools with 3,061 students enrolled, as well as 28 fine arts high schools with 16,643 students.

439. In 2005, 1,520 teaching experts in the field of culture and art were dispatched to 3,217 schools, and pilot projects to promote culture and art education have been implemented in 64 regions throughout the nation. In addition, in order to cultivate proficient teachers in the fields of culture and art, training programmes are being developed and support is being offered to teachers' voluntary research meetings.

440. A total of 114 culture and art organizations and institutions are operating local-specific cultural and art education programmes, and 75 local cultural and art halls are operating various participatory cultural and art education programmes.

441. In addition, six fields of culture and art education programmes including Korean traditional music are being provided at 201 children's welfare facilities, and 78 houses of culture provide 256 programmes to children from low-income families, local residents and school dropouts.

### **The role of media in the promotion of people's participation in cultural activities**

442. In order to promote people's participation in cultural activities, newspapers, other periodicals and broadcasting stations implement cultural projects. A total of 172 daily newspapers and 32 television and 11 radio broadcasting companies carry out various cultural projects, including annual literary contests, music and theatrical performances and art exhibitions.

443. With the emergence of new media, such as the digitalization of public broadcasting and cable, DMB and others in 2005, people are able to enjoy watching and listening to diverse cultural and art programmes.

### **Protection of intellectual property rights**

#### **(1) Trend of legislation for the protection of work products**

444. Article 22(2) of the Constitution states that "the rights of authors, inventors, scientists, engineers and artists shall be protected by laws." The contents on the protection of the said rights are described in the First and the Second Periodic Report.

445. After 1996, the Government started making efforts to revise the Copyright Act to protect these rights in the new Internet and digital environment.

**(2) Adhesion to treaties related to copyright works**

446. Korea has the most advanced online network environment and joined the WIPO Copyright Treaty (WCT) in March 2004 to gain appropriate copyright protection in the digital environment.

447. Korea has undertaken to fully revise its Copyright Act to meet the needs of the digital era, and it plans to join the World Performances and Phonograms Treaty (WPPT) as soon as the revised Copyright Act takes effect.

**(3) Expansion of copyright protection**

448. The Korean Government has been implementing the copyright registration system to effectively protect copyrights. The relevant information can be found in paragraph 580 of the initial Periodic Report, and the following indicates the registration status.

**Table 84**

**Status of copyright registration**

Classification/Year	2000	2001	2002	2003	2004	2005
Number of registration	1 037	3 615	4 980	6 508	7 167	10 553

449. On 26 April 2005, the copyright protection centre was launched to strengthen the monitoring of infringement activities of online and offline copyrights.

**Table 85**

**Monitoring of illegal copyright products**

Classification/Year		2003	2004	2005
Online	No. of cases (cases)	100 710	208 397	39 470
	Quantity (pieces)			13 019 489
Offline	No. of cases (cases)	11 374	10 252	3 452
	Quantity (pieces)	978 811	572 722	423 660

450. The Government educates the general public on copyright awareness through the publishing of educational publicity booklets as well as steady education provided with the development of various educational programmes. In particular, the Government has worked on youth awareness-raising efforts, as the young generation comprises the main users of online products and is often susceptible to becoming perpetrators of copyright violation.

**Measures to facilitate the development and diffusion of science**

451. In the development of science and technology, the most important element is investment in research and development (R&D). Korea has made continuous efforts to expand its investment in R&D. The R&D investment rate compared to GDP increased to 2.64 per cent in 2003

from 1.82 per cent in 1991. With the steady expansion of R&D investment, the number of patent applications overseas also rose from 37 cases in 1991 to 2,949 cases in 2003, and the number of related theses increased from 1,869 cases in 1991 to 18,787 cases in 2003.

452. In 1973, in order to secure a space for science and technology research, the Government constructed the 27.6 km<sup>2</sup> Daedeok Research Science Town in Daejeon City. On 28 July 2005, the existing research complex, Daedeok Techno-Valley, Daejeon 3-4 industrial complex and others, which together cover a total of 70.4 km<sup>2</sup>, were designated as the Daedeok Innopolis. This research complex currently accommodates seven public institutions, 20 Government research institutions, 10 Government-backed institutions, 33 private research institutes, six higher education institutions, and 765 manufacturing and venture enterprises.

453. The supporting measures provided for the research institutions were described in paragraph 618 of the initial Periodic Report. Such research institutions associated with science and technology (i.e. Government research institutions and other research institutions) have 10,163 research personnel working on various research projects. The Government provided 2.2 trillion won in support in 2005 and will provide another 2.5 trillion won in support in 2006.

454. The Government implements overseas training programmes. Specifically, it dispatches researchers for a certain period of time to overseas research centres or colleges located in advanced countries for the purpose of improving the Korean researchers' R&D capacity and enabling them to acquire experience with advanced research.

**Table 86**

**Record of overseas research**

(Unit: persons)

Year/Classification	Colleges	Research institutions	Industries	Total
1982-2004	3 864	837	191	4 892
2005	356	58	29	443

**Measures for development of science education and human resources**

455. Science high schools were established by the Government to provide pragmatic science education. As of February 2006, there were 17 schools with a total of 3,107 students. Most of the graduates of these schools continue their studies at the Korea Advanced Institute of Science and Technology (KAIST). KAIST aims to produce researchers and scholars of science and technology by teaching both advanced theories and practical applications skills. The outcomes so far have been as follows:

**Table 87**

**Record of graduating students from KAIST**

(Unit: persons)

Courses	Prior to 2000	2001	2002	2003	2004	2005	Total
Masters	12 554	705	774	768	823	703	16 327
PhD	4 161	429	386	394	378	399	6 147

**Supporting technological development of private firms**

456. To encourage private firms to develop technology and strengthen their competitiveness, the Government is implementing various policies. First, it grants tax incentives to firms on the amount of money invested annually in technology and manpower development by private firms. In addition, goods imported by R&D divisions in businesses or industrial technological research associations, for R&D purposes, are exempted from tariffs. Second, the Government supports some of the research funds that are put into basic and original technology development by private companies.

**Table 88**

**Status of annual investment in specific R&D projects**

(Unit: 100 million won)

Classification	By 1999	2000	2001	2002	2003	2004	Total
Amount of research fund	37 138	5 825	6 496	6 731	7 167	7 271	70 628
Government	24 369	4 389	5 253	5 730	5 894	5 667	51 302
Private firms	12 769	1 436	1 243	1 001	1 273	1 604	19 326
No. of projects	17 113	1 806	1 921	2 251	2 430	2 149	27 670
No. of participating firms	8 351	922	914	724	680	794	12 385

457. With shared R&D support from the Government, a total of 27,670 projects were completed as of the end of 2004. For successful examples, there are developments of polyester film, 4M/16M DRAM, a cancer-treating enzyme genetic discovery, 60K genome oligonucleotide, and terra-level flash memory development, among others. As a result of these successful projects, 62.4 billion won in technical royalties were collected and reinvested in R&D projects.

**Freedom of culture and art creation**

458. To promote the freedom of artistic creation and the freedom of expression as well as qualitative improvement of performing arts, the Performance Act was revised in February 1999 and censorship was abolished.

459. To further promote artistic freedom, previous censorships were abolished, while the Movie Promotion Act was revised in January 2002. The system of reserved ratings was eliminated and replaced with a complete rating system. In addition, the import recommendation system of movies and music records that received concerns of censorship was lifted in October 2006, in an effort to guarantee as much freedom of expression as possible. In the event of domestic performances by foreigners, they are required to have a recommendation from the Movie Rating Committee pursuant to the Performance Act, and in the case of video and music records, the classification for grade is determined based on the provisions of relevant laws.

### **National Security Act and activities of artists**

460. In Korea, there is no censorship on art works or academic research. Article 21, paragraph 2 of the Constitution clearly states that “Licensing or censorship of speech and the press, and licensing of assembly and association shall not be recognized.”

461. In relation to the recommendation of the Committee concerned with the National Security Act restricting the activities of intellectuals and artists, detailed information on the National Security Act and freedom of expression are described in the Third Periodic Report (CCPR/C/KOR/2005/3/ para. 290-297). The National Assembly of Korea has a pending agenda for abolishing the National Security Act or for revising it in such a way as to restrict the scope of its application.

### **Guarantee of freedom in scientific research and creative activities**

462. As mentioned in paragraph 616 of the First Periodic Report, the Constitution states that the freedom of scientific research and creative activities shall be protected by law. Measures regarding the constitutional guarantee of the freedom to exchange much information are described in Paragraphs 620 and 621 of the initial Periodic Report.

### **International cultural exchange**

463. As described in paragraphs 583-588 of the initial Periodic Report and paragraphs 450-456 of the Second Periodic Report, Korea promotes international cultural exchange under the principle of mutual benefit.

464. The Government promotes cultural exchange between governments as well as individuals by sending performance groups and delegations to cultural events overseas, and supports the hosting of international performances, exhibitions and conferences. In particular, agreements on cultural exchange had been signed with 89 countries as of June 2005 (17 countries in Asia, 23 countries in America, 26 countries in Europe, 28 countries in Africa and Middle East), and the Government plans to continue concluding such agreements with other countries as well. Based on such agreements, the Government hosts a Joint Committee on Culture meeting with the particular country every two to three years. As of June 2005, the Joint Committee on Culture was established and operated in cooperation with 27 countries.

465. The Government actively encourages the participation of the private sector in international culture activities. The Korean Government will continue to make efforts to establish and undertake policies with supplementary laws and regulations to enhance the cultural rights of people.

### **International science and technology exchanges**

466. International exchanges of science and technology with advanced nations are explained in paragraphs 625-631 of the First Periodic Report and paragraphs 487-494 of the Second Periodic Report. Korea has concluded a total of 65 agreements with 44 countries for science and technology and nuclear cooperation.

467. Since the 1950s, the United Nations has played a major role in providing aid to Korea. Over a period of 40 years, up until 2004, the United Nations Development Programme (UNDP) provided a total of US\$ 78.85 million for technology development personnel, social welfare, environment field and other areas. After Korea became a member of OECD in 1996, UNDP changed Korea's classification as a recipient country to a donor country, which resulted in the decrease of its grant amount and finally ended UNDP support projects in Korea in 2000.

468. The Korean Government has cooperated with UNDP and undertaken national projects for UNDP with the target of development support for developing countries. In addition, after joining the Committee for Science and Technological Policy (CSTP) of the Organisation for Economic Co-operation and Development (OECD), it has participated in the general meetings and various expert groups.

469. After joining OECD in December 1996, Korea hosted UNCTAD's Seoul Conference on Facilitating International Technology Co-operation in October 1997, and has been very active in pursuing OECD projects (national innovation system research for underdeveloped countries) and hosted the General Meeting of the 88th OECD CSTP in October 2006 in Seoul, thereby confirming the Government's commitment to active participation in the globalization of industrial research, intellectual property rights, and the technology programme.

470. Korea is interested in international joint research projects to strengthen its R&D capabilities. From 1985 to 2005, a total of 122.6 billion won was invested in 2,044 projects to conduct joint research projects with major advanced countries (e.g. Japan, Russia, the United States of America and Germany). From the early 1990s, for the purpose of achieving the mutually beneficial joint research, 10 overseas research institutes were established in the United Kingdom, Germany, Russia, and the People's Republic of China, with a total of 17 overseas organizations, including overseas liaison offices and a cooperative centre, in operation.

471. In 2005, 11.5 billion won was invested in a total of 133 projects, including projects with countries such as the United States of America, Japan, Germany, France, the United Kingdom, the People's Republic of China, and other multilateral research endeavors.

472. The Korean Government is actively participating in various seminars, workshops, symposiums with international organizations, including the Colombo Plan, UNESCO, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), the Food and Agriculture Organization of the United Nations (FAO), the World Health Organization (WHO), the Investment Promotion Service of the United Nations Industrial Development Organization (UNIDO/IPS), the International Monetary Fund (IMF), and the International Labor Organization (ILO). Furthermore, to strengthen cooperation with international organizations, the Government donates US\$ 1 million to UNDP and US\$ 700,000 to ESCAP annually, with the latter donation provided through the Ministry of Foreign Affairs and Trade.

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