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

Joint written statement on the situation of Economic, Social and Cultural Rights in the Republic of Korea submitted by Pax Romana, a non-governmental organization in special consultative status with the Economic and Social Council, and by Citizen Network for Cultural Reform, Council for Representatives of Health Care Organizations, Green Korea United, Joint Committee for Migrant Workers in Korea, Korea Confederation of Trade Unions, Korean Federation for Worker's Safety and Health, Korea Center for City and Environment Research, Korean People's Artists Federation, Korea Teachers' and Educational Workers' Union, Korea Women's Association United, Lawyers for a Democratic Society, National Association of Professors for a Democratic Society, People's Solidarity for Participatory Democracy, People's Solidarity for Social Progress, Research Institute for the Handicapped Rights in Korea, SARANGBANG Group for Human Rights, Struggle Network for Migrant Workers' Labor Rights and Freedom of Migration

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[20 February 2001]

I. INTRODUCTION

1. This document is prepared by 17 Korean NGOs, within the framework of the examination of the second periodic report of the Republic of Korea by the Committee on Economic, Social and Cultural Rights (hereinafter referred to as the Committee).
2. The aim of this document is not only to help the Committee to understand correctly to what extent the Korean people enjoy their economic, social and cultural rights, but also to bring the attention of the Committee to those issues which have not been dealt with in the report of the Government of the Republic of Korea.

II. GENERAL REMARKS

3. The Government's report makes reference to social and economic legislation and policies without giving an indication of the results of the legislation and policies. Moreover, the report makes very few references to the worsening situation after the 1997 economic crisis, which led to inequality in the realization of economic, social, and cultural rights.
4. In a statement made during its eighteenth session in May 1998, the Committee declared that the realms of trade, finance and investment are in no way exempt from human rights obligations and principles. Although international society may view the Republic of Korea as having effectively overcome the economic crisis and as already having entered a stable stage, the situation today is far from the realization of human rights principles. The Government has implemented restructuring policies based on market-oriented paradigms according to IMF and IBRD recommendations. It has abandoned labour rights protection measures and reduced its role in the public sector, such as in the areas of health and education. The distance between regular workers and irregular workers, between the affluent and the needy has widened with regard to income as well as to social participation.
5. The Government still lacks endeavour in domestic legislation, public relations and education to fully implement the Covenant. Moreover, it has not taken any measures consistent with the Committee's recommendation that some mechanisms need to be in place to ensure compatibility between domestic legislation and the provisions of the Covenant. Although the Korean Constitution stipulates that the judiciary can directly apply the provisions of the Covenant in domestic courts, rarely are there such cases. Domestic courts have never directly applied the Covenant. The Covenant is also hardly taken into consideration in the legislative and policy-making process at the national level.

III. SUMMARY OF QUESTIONS AND RECOMMENDATIONS

A. Non-discrimination (art. 2)

6. We hope that the Committee will question the Government on the procedure, standards and average time taken for refugee recognition and request the Government to improve related legislation, which can secure applicants' economic, social and cultural rights.

7. Although the Committee recommended in its previous observations that immediate attention be given to enhancing the access to secondary and higher education of the most vulnerable and disadvantaged groups, only a few disabled children are benefiting from free education.

B. Gender equality (art. 3)

8. Patriarchal ideology expressed as patrilinealism is still dominant through the “householder system”. The system prohibits a divorced or remarried woman from registering her children in her registry, which results in discrimination in the family system. We hope the Committee will request the Government to take an official stance on abolishing the householder system, which is not compatible with the Covenant.

C. Right to work, working conditions (art. 6, art. 7)

9. The unemployment rate of 3.6 per cent as of June 2000 may seem stable, but the number of temporary workers skyrocketed to account for 53 per cent of total wage workers (July 2000; Source: the National Statistics Office). The increase in temporary workers, who not only suffer from underemployment and low wages but also are excluded from social security, has resulted in a widening of the income gap. We hope the Committee will urge the Government to take measures to stop senseless expansion of irregular jobs and stabilize employment.

10. The status of non-national workers is still insecure and their human rights are poorly protected. The existing trainee system for non-national workers does not cover non-national workers in poor working conditions with long hours and low wages who have the status of illegal immigrants. We would like to ask the Committee to recommend that the Government abolish the existing trainee system, legalize the status of non-national workers and introduce mechanisms to improve their working conditions.

11. The government report indicates that industrial accidents and occupational diseases have been gradually decreasing. However, the reality is that the Deregulation of Industrial Safety and Health Act has weakened industrial safety and health management and in turn the number of injured workers has increased.

D. Freedom to form and join trade unions and the right to strike (art. 8)

12. The right of civil servants and university professors to form trade unions and to take strike action is still totally denied. Although the Government made it legal for teachers to form trade unions, the effectiveness of collective bargaining is still limited and the right to participate in collective action is not guaranteed at all.

13. In spite of the Committee’s expression of concern in its previous concluding observations, the Government is still restricting trade union strikes by prosecuting union leaders on charges of business interference or admitting action for damages by management. The Government often mobilizes the police force to crack down on strikes. We hope the Committee will recommend that the Government refrain from forceful intervention in labour disputes.

E. Right to social security (art. 9)

14. The Committee already recommended in its previous concluding observations that the social security system of the Republic of Korea should be swiftly expanded. But government expenditure on social security was a meagre 6.82 per cent of GDP. Irregular workers and workers in small business have been excluded from the benefits of social insurance.

15. The Government implemented the National Minimum Living Standards Security Act, starting in October 2000, to secure every person a minimum standard of living. But, as the qualifications are too stringent and unreasonable, a number of people who are in urgent need of government assistance are excluded. We hope the Committee will recommend that the Government relax requirements for public assistance.

F. Protection of the family, women and children (art. 10)

16. Since the economic crisis, many enterprises have executed “women first” lay-off policies, which have cost many female workers their jobs or converted them into irregular workers. We hope the Committee will question the Government whether it has concrete plans to improve poor working conditions of women, and enforce punitive and administrative measures against discriminatory practice.

G. Right to an adequate standard of living (art. 11)

17. The number of low-income families grew drastically after the economic crisis. (The Gini coefficient of the Republic of Korea increased from 0.283 in 1997 to 0.316 in 1998, and again to 0.320 in 1999. Source: the National Statistics Office.) We express our hope that the Committee will put the following questions to the Government: why is the number of low-income families on the rise? Why is the income gap growing wider? What are some of the fundamental solutions?

18. The Committee has already recommended in its previous concluding observations that no evictions should be carried out without offers of alternative housing being made. But countermeasures such as temporary accommodation or housing loans are directed only to house owners and just a section of tenants who meet arbitrary criteria. We hope the Committee will recommend that the Government extend countermeasures following eviction to every tenant, as well as to house owners.

H. Right to health (art. 12)

19. As the national health insurance system does not fully cover medical costs, the average rate of self-financing of hospital and pharmacy expenses is very high. Measures to ensure the right to health of the vulnerable, such as Medical Aid, are also insufficient. In spite of this situation, the Government is trying to introduce private health insurance rather than improve the present public insurance. Health care is always put on the back-burner when the Government draws up its annual budget. We hope the Committee will recommend that the Government expand the number of public health care institutions and increase the health care budget, and consequently establish measures for the lower-income group and social minorities.

I. Right to education (art. 13)

20. The Government's responsibility in the public education domain has diminished, and the relative size of the budget for education has shrunk. On the other hand, the cost of private education is continuously increasing, which burdens the disadvantaged. We hope the Committee will recommend that the Government allocate more of the budget to education, thus bringing public education up to the established norms and providing a better environment for students and teachers.

J. Right to take part in cultural life

21. Disregarding the plea made by the Human Rights Committee in 1999, the Korean Supreme Court found the artist Mr. Shin, guilty, under the National Security Law, of benefiting the enemy by his painting "Rice planting". Freedom of artistic expression is severely restricted and distorted by the National Security Law, often resulting in the arrest of artists.
