



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

**Sixth periodic report submitted by the Republic of
Korea under article 19 of the Convention
pursuant to the simplified reporting procedure,
due in 2021* ****

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* The present document is being issued without formal editing.

** The annex to the present report may be accessed from the web page of the Committee.



1. The Government of the Republic of Korea (hereinafter the “Government”), as a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment (hereinafter the “Convention”), hereby submits the sixth periodic report in accordance with Article 19 of the Convention. This report includes measures taken by the Government to implement the previous recommendations made by the Convention and the Committee against Torture (hereinafter the “Committee”).

Articles 1 and 4

Reply to paragraph 2(a) of the list of issues (CAT/C/KOR/QPR/6)

2. Article 125 of the *Criminal Act* (hereinafter the “CA”) in place is a provision to punish human rights violations committed by officials performing or assisting activities involving the restraint of the human body, while all torture and other cruel, inhumane or degrading treatment (hereinafter “acts of cruelty”) may be punished by applying the “violence and cruelty act” provided therein in order to realize the provisions of the Constitution on the Prohibition of Torture. Article 125 of the CA stipulates punishment for acts of violence or cruelty of police or those performing or assisting in activities concerning the judgment, prosecution, or other functions involving the restraint of the human body against one such as a criminal suspect’s or other persons’. “Violence” means the exercise of tangible force against the human body, and “acts of cruelty” means the overall actions of causing spiritual and physical pain, including torture or acts of cruelty in all forms. Accordingly, as torture and acts of cruelty in all forms may be punished in accordance with the CA including Article 124 (Unlawful Arrest and Unlawful Confinement) and Article 125 (Violence and Cruelty Act) thereof, Article 9 (Crimes against Humanity) of the *Act on Punishment, etc. of Crimes under Jurisdiction of the International Criminal Court* (hereinafter the “ICCA”), Article 4-2 (Aggravated Punishment of Arrest, Confinement, etc.) of the *Act on the Aggravated Punishment, etc. of Specific Crimes* (hereinafter the “SCA”), the Government plans to carefully review the necessity of newly inserting a provision on the definition of torture provided in the Convention.

Reply to paragraph 2(b) of the list of issues

3. Since the last report (CAT/C/KOR/3-5), there has been no amendment to the CA with regard to torture and acts of cruelty. However, Article 125 of the CA stipulates “imprisonment for not more than five years and suspension of qualifications for not more than ten years,” and Article 4-2 of the SCA regulates that any person who commits a crime provided for in Article 125 of the CA, resulting in the injury of any person, shall be punished by “imprisonment with labor for a limited term of not less than a year” with no upper limit. Accordingly, even acts of cruelty which do not cause injury shall be subject to the provision in which the upper limit of statutory punishment is two times or more as heavy compared to the crime of general violence (Article 260 of the CA, imprisonment for not more than two years, a fine not exceeding five million won, detention, or a minor fine) taking into consideration of the gravity of the crime. When torture or acts of cruelty result in injury, Article 4-2 of the SCA is applied, where there is no upper limit in statutory punishment, while courts decide the specific extent of punishment given the gravity of individual crimes.

Reply to paragraph 3 of the list of issues

Statute of limitations for acts of torture

4. In accordance to the ICCA, the statute of limitations is not applicable to the crimes of torture (Article 8(3), Article 9(2), Article 10(2) thereof, etc.) that are included as one type among the following: crime of genocide, crimes against humanity, war crimes, etc. (hereinafter “Genocide, etc.”) [crimes provided in Article 8 (Crime of Genocide) through Article 14 (War Crimes using Forbidden Weapons)] (Article 6 thereof). However, the non-application of the statute of limitations is not because such acts qualify as acts of torture, but this provision simply reflects the characteristics of Genocide, etc. provided in the ICCA, which are “acts with intent to fully or partially destroy a national, racial, ethnical or religious group,” “an extensive or systematic attack directed against any civilian population in

connection with the policies of the State, organizations or institutions to commit such attack” or “acts in relation to international or non-international armed conflict.” Thus, the non-applicability of the statute of limitations to crimes of torture provided in the ICCA is not sufficient on its own to reach the conclusion that other crimes of torture in all forms shall not be subject to the statute of limitations. As the applicability of the statute of limitations is clearly not about the justification of torture but rather about the extent of recognition of the general exceptions of the *Criminal Procedure Act* (hereinafter the “CPA”), it is necessary to closely review crimes of torture by specific type. Taking into consideration the legislative intention of the CPA to differentiate the statute of limitations and also the diverse types, nature and statutory punishment of torture (e.g., violence provided in Article 125 of the CA may be punished by imprisonment for not more than five years and suspension of qualifications for not more than ten years; violence provided in Article 125 of the CA which resulted in bodily injury and death may be punished by imprisonment for at least one year and imprisonment for life or for a limited term of at least three years, respectively; and murder may be punished by death, imprisonment for life or for a limited term of at least five years), it is necessary to carefully review whether the indiscriminate non-applicability of the statute of limitations regardless of the type is reasonable. As a bill including similar content as the Committee’s Observations (Non-Applicability of Statute of Limitations to Torture) (the *Act on Special Cases Concerning Non-Applicability of Statute of Limitations, etc. to State Crime against Humanity* (bill): Non-applicability of statute of limitations to certain crimes including violence, illegal arrest, acts of cruelty, etc., by using governmental authority, submitted by Representative Choon-Suk Jung in July 2020) is currently pending at the National Assembly (hereinafter, the “NA”), the Government will actively support the discussion on the legislation thereof.

Article 2

Reply to paragraph 4(a) of the list of issues

5. When detaining a foreigner for emergency reasons pursuant to Article 51(3) of the *Immigration Act*, an immigration control official informs the foreigner either orally or by showing the announcement of their Miranda Rights, etc., (in writing, translated into seven languages) that he/she has the right to remain silent and the right to have the assistance of counsel and that he/she may file an objection against detention. The foreigner is also informed that if he/she may request it, the official may provide written notice specifying the date, time and place of and grounds of detention to the foreigner’s legal representative, spouse, lineal relative, sibling, family member or counsel or a person designated by the foreigner, or to the consul in the Republic of Korea (hereinafter the “ROK”) who represents the country of which the foreigner is a national or citizen. After being detained, detained foreigners are provided with the procedures which are displayed in the immigration detention units to apply for refugee status, to file a petition about human rights violations with either the National Human Rights Commission (hereinafter the “NHRC”) or the Human Rights Bureau of the Ministry of Justice (hereinafter the “MOJ”) and to make a request for temporary release from detention. The contact information of embassies can be found in each immigration detention unit, allowing them to receive the assistance of their own country’s consul at any time.

6. In accordance with Article 17 of the *Administration and Treatment of Correctional Institution Inmates Act* (hereinafter the “CIA”), new inmates are notified orally or in writing of the matters concerning the rights of inmates, remedies against infringement of rights, etc. In particular, under Article 56 of the *Enforcement Rule* thereof, correctional officials with a good command of foreign languages are designated to conduct daily individual interviews, resolve grievances, provide interpretation and translation and keep in contact with relevant institutions including diplomatic missions or consulates, and also to give assistance by providing unsentenced foreign inmates with legal knowledge necessary for procedures, etc.

7. In addition, in the case where inmates are investigated as having engaged in any behavior in violation of disciplinary rules to be complied with in correctional facilities provided in Article 107 of the CIA and Article 214 of the *Enforcement Rule* thereof, the overall procedures guaranteed are shown in <Table 1>.

8. The police, to fully understand the criminal rights of foreigners and ensure that they are able to exercise the rights, may provide interpretation into languages that the inmates understand upon arrest and investigation pursuant to Article 91(1) of the *Police Investigation Rules* (Ordinance of the Ministry of Interior and Safety) (hereinafter the “PIR”) and Article 217 of the *Crime Investigation Rules* (Ordinance of the Korean National Police Agency, (hereinafter the “KNPA”)); in particular, if necessary, the police have foreigners make and submit statements in their language to prevent disadvantages caused by language. Also, in accordance with Article 91(2) of the PIR, in the case where foreigners are arrested or prosecuted, they are informed of the fact that they may have access to visits or communication with the consular service personnel of their country and may also request to inform the consul of their arrest or prosecution, and especially when Chinese or Russian citizens are under arrest or prosecution, it is required under the consular convention with the two countries to inform the consul, regardless of the will of the suspects. Such measures may be considered a very important institution, as it is effective to calm the psychological state of foreigners while also helping them to freely communicate with consular service personnel in their native language and fully exercise the right to defense not only upon arrest or investigation but throughout the entire criminal procedure.

9. Also, the police use a so-called “POLI-Phone” (a mobile phone equipped with various functions necessary for outside duty such as checking identity, vehicle plate number and whether a suspect is on the wanted list) when arresting a foreigner suspect, to inform them of the Miranda Rights in 16 languages including English, Japanese, Chinese and Russian about 33 crimes including murder; as a result, foreigners are informed of their charge(s) and rights in their native language upon arrest.

10. In addition, pursuant to Articles 7(4) and 7(5) of the *Rules on Detaining and Escorting Suspects* (Ordinance of the KNPA), when a foreigner is detained in a detention room, which is a police detention facility, for the first time, the introduction of “Human Rights Guarantee for Detainees” is translated and displayed, showing various rights in the detention center such as visits of a counsel, family members, relatives, etc., and that a petition may be filed to the NHRC in case of human rights violation, and an introduction written in foreign languages with the method, process, reason, etc., of a medical checkup is placed in the medical checkup room. The Government also endeavored to protect the human rights of foreigners by producing and distributing to detention centers in 2018 the *Guidelines on Life in Detention Center for Foreigners* (i.e., possible questions to be received according to the situation while working at a detention center are prepared in eight languages including English and Chinese) that detainees’ protection officers can refer to. In the case where interpretation service is needed unexpectedly at a detention center or site of arrest, it is recommended for police officers to actively use mobile interpreting services (tourist information call, BBB Korea, etc.) or a mobile interpretation app.

Reply to paragraph 4(b) of the list of issues

11. Rights to assistance of counsel in the Republic of Korea are being guaranteed, in principle, in all investigation processes including by the police and the prosecutors, regardless of whether the suspect is detained or not, provided that the rights are exceptionally inapplicable to cases in which the counsel unlawfully impedes the investigation, etc.

12. To further protect the rights of suspects, the Supreme Prosecutors’ Office (hereinafter the “SPO”) amended the *Operation Guidelines on Participation of a Counsel in Interrogation of a Suspect* (SPO’s Guidelines) to newly insert a provision where a counsel may raise an objection to an unjust interrogation method during the interrogation, and established and enacted in May the *Guidelines on Visits and Communications with a Suspect*, etc., by a Consul to strictly guarantee the rights of a counsel to visit and communicate with an arrested suspect, etc., in the Prosecutors’ Office. Furthermore, in October 2019, the SPO published the *Plan to Strengthen Counsel’s Right to Audience*, mainly about expanding a counsel’s right to participate during an investigation, minimizing restrictions on a counsel’s participation, fully granting a counsel the opportunity to directly make an oral statement to the prosecutor, expanding notification to the consul of the status of the case proceedings, etc. The SPO enacted the *Operation Guidelines on Participation of a Counsel, etc. in an Interrogation or an Investigation* (SPO’s Established Rules) in November 2019. In January

2020, the *Rules on the Administrative Affairs of the Prosecutors' Office* (MOJ's Ordinance) was amended and enacted to strengthen a counsel's right to audience, thereby allowing counsels to take notes with no limitations during an interrogation or an investigation of a suspect, and specifically describing the inevitable grounds to restrict the participation of a counsel include the destruction of evidence, complicity, flight and damaging a material witness. As such, the investigators are making efforts to fully guarantee suspects' right to the assistance of counsel.

13. Especially for detainees, Article 12(4) of the Constitution stipulates that any person who is arrested or detained shall have the right to prompt the assistance of counsel, and Article 84 of the CIA regulates that a correctional official may not intervene in visits with a defense counsel and that the time and frequency of visits with a defense counsel shall be unlimited. Also, even sentenced inmates whose conviction is finalized are guaranteed the right to free visits with a counsel if they are tried for an additional criminal case. To prevent human rights violations during investigation procedures, the Government is preparing a criminal public attorney system to provide suspects whose attendance is required by an investigator with the assistance of a court-appointed defense counsel.

14. Under the CPA in effect, court-supported defense (pro bono legal aid) for a defendant, in principle, shall be recognized, and in accordance with the examination procedures of suspects before being arrested (Article 201-2 of the CPA) and the legality review procedures of arrest (Article 214-2 of the CPA), in cases where a suspect does not appoint a defense counsel, the court shall appoint a court-supported defense counsel. In consideration of the intention to newly insert counsels' right to participate in the interrogation of a criminal suspect to the CPA in 2007, the police have implemented the *Plan to Materialize Counsels' Right to Participation* since 7 March 2018, not to restrict the "justifiable participation" of a counsel. The content is shown in <Table 2>.

Reply to paragraph 4(c) of the list of issues

15. In accordance with Article 16 of the CIA and Article 15 of the Enforcement Decree thereof, medical examinations of new inmates shall be conducted without delay (within three days), and inmates may receive medical treatment by a doctor (medical officer) working for the correctional facility any time upon request.

16. To improve inmates' right to receive medical treatment at an external medical institution, 47 correctional institutions are operating a remote treatment system as of November 2020. On the details of medical examination, refer to <Table 3>.

17. Under Article 34 of the CPA and Article 31 of the *Rules on Detaining and Escorting Suspects* (Ordinance of the KNPA), in cases where detainees, their families, etc., make a request to receive medical treatment from a doctor for reasons of disease, injury, etc., such requests are granted to the fullest possible extent. Also, the *Human Rights Protection for Detainees* displayed in detention centers explains that detainees may request medical treatment to a doctor, ensuring that they may request and receive such treatment any time. Detainees who want to take medicine are allowed to do so only when the safety of the medicine is verified by its prescription, a hospital and a pharmacy. The Government endeavors to protect detainees' right to health by operating the *Medical Support Project* to support hospital and operation charges and outpatients' medical costs for those who satisfy specified conditions among the homeless, foreign workers, refugees, etc., who are not eligible to receive medical benefits such as the national health insurance of the ROK and the Payment System for Unpaid Emergency Medical Costs which is applied when a detainee who needs emergency medical treatment cannot afford the costs. The medical institution first pays for the emergency treatment and is paid by the detainee later after the review by the Health Insurance Review & Assessment Service.

Access to an independent doctor upon request

18. Detainees may receive medical treatment by a doctor (medical officer) working for the correctional facility any time they request, and may receive treatment by an external doctor in consideration of the opinion of the medical officer pursuant to Articles 37 and 38 of the CIA and Article 55 of the Enforcement Decree thereof.

Whether doctors can bring medical reports of injuries suspected to be caused by torture directly to the attention of the public prosecutor

19. Even though a medical report constituting an individual's sensitive information is, in principle, confidential information, when the requirements Article 218 of the CPA are fulfilled, the doctor (medical officer) may submit it by his/her own discretion to the prosecutor after getting the approval of the head of the facility under Article 21(3) of the *Medical Service Act* (hereinafter the "MSA").

Reply to paragraph 4(d) of the list of issues

20. When a suspect is arrested, the title of the alleged case, the time and place of apprehension, the summary of the crime, the reason for apprehension and the fact that one may appoint a counsel shall be notified in writing to a counsel or any other person designated by the suspect without delay, and such right to notify a family member or any other person of an arrested suspect is guaranteed under Article 12(5) of the Constitution, Article 200-6, Article 201-2(10), Article 209, Article 213-2 and Article 87 of the CPA. Furthermore, in accordance with Article 214-2(2) of the CPA, it shall be notified that the review of the legality of the arrest may be requested to a person designated by the suspect among those who may request to review the legality of the arrest such as the arrested suspect or counsel.

21. Article 33(1) through (3) of the *Regulations on Mutual Cooperation between the Prosecutors and the Judicial Police and the General Investigation Rules* (Presidential Decree) and Article 57 of PIR stipulate that the title of an alleged case, the time and place of apprehension, the summary of the crime, the reason for apprehension and the fact that one may appoint a counsel shall be notified within 24 hours in writing to a counsel when possible or a person designated by the suspect among those specified for in Article 30(2) of the CPA when not, in order to protect the human rights and the right to defense of the suspect.

Reply to paragraph 4(e) of the list of issues

22. Apprehension and arrest are distinguished under the system of the ROK, and a suspect shall be immediately released unless the investigator files a request for warrant within 48 hours from the time when the request is filed, which is guaranteed under the detention warrant system, the legality review of the arrest, etc., including the review of the detention warrant provided in the Constitution and the CPA. Investigators shall release a suspect immediately if a request for the warrant of detention is not made within 48 hours from the time of arrest pursuant to Article 200-2(5) of the CPA, and shall also release a suspect immediately if a warrant of detention is not issued because the request for a warrant of detention of the suspect arrested based on a warrant of arrest is dismissed pursuant to Article 200-4(2) thereof. In the legality review of arrest and detention guaranteed under Article 12(6) of the Constitution and Article 214-2 of the CPA, the court shall examine the suspect within 48 hours from the time on which the request is filed, and, in accordance with the review of the detention warrant provided in Article 201-2 of the CPA, a judge who receives a request for a warrant of detention shall examine the suspect without delay.

Right to have their detention, including transfers, recorded immediately after arrest

23. In cases where a criminal suspect or defendant is deprived of freedom by arrest based on a warrant of arrest, emergency arrest, arrest of a flagrant offender, enforcement of a warrant of detention, etc., the facts of such detention including the date, time and place of arrest, place of detention, transfers, etc., shall be recorded upon arrest under the regulations regarding investigation provided in the *Rules on the Administrative Affairs of the Prosecutors' Office* (No. 980 of MOJ's Ordinance).

24. When a person is detained and transferred to a correctional facility, the information about the transfer is recorded and entered in the detention record report and the correctional information system (Borami System), respectively, and transfers between correctional facilities are also recorded and entered therein.

25. When arresting a suspect, the police shall record the matters relating to the date, time and place of arrest and detention, the rank, position, name, etc., of the police officer who arrested the suspect in the forms of a flagrant offender arrest report and an emergency arrest

report set in the PIR. Also, in cases of arrest based on a warrant of arrest, such matters shall be recorded in the warrant of arrest, and the same goes for warrants of detention. In addition, such matters, which shall be recorded in the “Korea Information System of Criminal-justice Services” (hereinafter the “KICS”), are also being recorded and managed digitally. As such, the police are recording and managing all matters related to arrest and detention. With the release report for all types of arrest provided in the PIR, matters regarding release are also being recorded.

26. As for detention in a police detention center, a suspect is accommodated based on the form of detention instructions set in the *Rules on Detaining and Escorting Suspects* (Ordinance of the KNPA), and all information about detention is recorded to prevent any cause of or contribution to human rights violation against suspects. For example, the date and time of detention (and of release) are recorded in the form of detention instruction; police officers working at detention centers shall enter information about detention such as the date and time of detention in the KICS; and such information shall be confirmed and reviewed by detainee protection officers (i.e., by investigation directors on weekdays and police situation management directors after working hours and on weekends).

Right to have access to the KICS

27. Suspects may make an inquiry regarding the progress of their own criminal case through the KICS (whether the case is sent to the prosecutors’ office, to whom the case is allocated, whether the case is prosecuted, etc.), and if they designate their attorney (legal counsel, family members, etc.) therein (entering information such as investigation agency, case number, name of the attorney, residence registration number, and legal counsel registration number), the attorney also may make an inquiry regarding the progress of the case. However, as information about the progress of the criminal case provided as above does not include any specified information about detention, such information may not be found in the KICS, provided that the fact that a suspect is detained, the place of detention, etc., are notified to the suspect’s family members or his/her legal counsel upon arrest and detention, apart from the inquiries listed above.

Reply to paragraph 4(f) of the list of issues

28. Suspects’ right to challenge the legality of their detention is represented by the legality review of arrest and detention, stipulated in Article 12(6) of the Constitution and Article 214-2 of the CPA. The arrested or detained suspect or his/her defense counsel, legal representative, spouse, lineal relative, sibling, family member, cohabitant or employer may request the legality review of arrest or detention to the competent court, while the police officer who arrested or detained the suspect shall notify the suspect or a person designated by the suspect among those listed above of the fact that they may request the legality review. Also, the court which received the request shall interrogate the suspect and investigate the evidence, etc., within 48 hours from the receipt of the request and then, in cases where the court recognizes that the request is with merit, shall order to release the arrested or detained suspect. The legal counsel may make a statement about the legality of the detention of the suspect by attending the interrogation procedure, ensuring suspects to exercise such rights with the assistance of a legal counsel.

Reply to paragraph 5 of the list of issues

29. The prosecutors of the ROK deemed the death of Mr. Baek owing to a skull fracture resulting from a direct hit by a high-pressure police water cannon during the process of suppressing the “General People’s Uprising” dated 14 November 2015 (hereinafter the “Death of Mr. Baek”) to be the abuse of public authority causing grave damage, which is death, to the public due to the violation of the operational guidelines of a water cannon (prohibition on direct hit against the chest), which is a dangerous piece of equipment, and the negligence of related instruction and monitoring, and prosecuted the former Commissioner of the Seoul Metropolitan Police Agency (hereinafter the “SMPA”), the former Commander of the Fourth Mobile Corps of the SMPA and two officials assigned to control water cannons for death resulting from occupational negligence on 17 October 2017. The second instance court convicted all defendants including the former Commissioner of the SMPA (with a fine

of KRW 7–10 million) on 9 August 2019 and especially acknowledged the negligence that the former Commissioner of the SMPA, the general manager, had recognized the excessive watering but not taken necessary actions. The former Commissioner of the SMPA appealed to the Supreme Court on 13 August 2019 which is under progress, and the court finalized the guilty rulings for the other defendants.

30. In the “intensive training” period lasting 4–10 weeks respectively designated in the first and second halves, all police units are provided with stepwise training courses including (i) human rights and safety training and (ii) on-site response simulation training based on the law and principle. (For relevant statistics, see <Table 4>.)

31. On 25 August 2017, the police of the ROK launched the Fact-Finding Commission on Human Rights Violations of the KNPA, more than two thirds of which consists of external experts. The Commission investigated the police’s management policy over assembly and demonstration, the situation of the victim being watered and injured, appropriateness of follow-up measures taken, etc., in relation to the Death of Mr. Baek for six months, from 1 February to 20 August 2018. The commission announced the result of the investigation which was that the riot police assigned to control water cannons were lacking in safety inspection and training as of the day when Mr. Baek died on 20 August 2018. The commission considered the use of water cannon against Mr. Baek even when a risk did not obviously exist and the act of ordering use without supervision to violate the victim’s personal liberty, and made eight recommendations to the police including an apology to his bereaved family members (see <Table 5>), seven of which were implemented. However, with regard to the matters required to amend the law, the relevant law was proposed and has been discussed in the NA. As for the withdrawal of the litigation filed by the State among the recommendations above, neither party chose to raise an objection to the recommendation for compromise by the court’s ruling against the litigation, resulting in the case closed.

32. The lawsuit for compensation from the State that the bereaved family of Mr. Baek raised against the ROK was closed, as the court ruled the recommendation for compromise on 22 January 2018, and the Government accepted the court’s ruling of the recommendation for compromise and paid KRW 490 million (approximately USD 410,000) including the consolation money thereto.

33. The former Commissioner General of the KNPA made apologies to Mr. Baek and his bereaved family at the launching ceremony of the Police Reform Committee on 16 June 2017, saying “our deepest condolences and apologies to Mr. Baek and his bereaved family.” Later, the police offered apologies again at the first anniversary of the Death of Mr. Baek on 25 September 2017 and after the prosecutors announced the investigation result of the Death of Mr. Baek on 17 October 2017. On 26 July, the last day of the fact-finding commission on human rights violations of the KNPA, the police apologized to the victims in relation to the Death of Mr. Baek as well as the human rights violation cases committed by the police.

Reply to paragraph 6(a) of the list of issues

34. The NHRC, in the name of the Chairperson thereof, requested to the Government fact-finding and prevention of recurrence regarding the Sewol Ferry accident in August 2014 and re-emphasized the responsibilities of the State again including the amendment to the acts to ensure the safety of the public at the one-year anniversary in April 2015. Also, to monitor the police’s excessive use of force, the NHRC dispatched human rights guardians to the scenes of relevant demonstrations and rallies including the one-year memorial assembly.

Outcome of the proceedings and on any redress awarded to the bereaved family members

35. The bereaved family members of 121 out of a total of 299 victims of the Sewol Ferry accident rejected compensation under the *Special Act on Remedy for Damage Caused by the April 16 Sewol Ferry Disaster, Assistance Therefor*, etc. and they directly raised a lawsuit for compensation from the State (valued at KRW 107.8 billion) between September 2015 and April 2017. The first instance court ruled the partial defeat of the State (valued at approximately KRW 72.4 billion) on 19 July 2018. On the further details of the proceedings of the lawsuits and its redress, refer to <Table 6>.

Reply to paragraph 6(b) of the list of issues

36. The KNPA prepared the mid-term framework plan on human rights training for police officers (1st 2018–2020), developed training content including human rights training programs, materials and video materials for police officers, established the Police Code of Conduct of Human Rights Directives (hereinafter the “PCC”) (see <Table 7>) and strengthened training about the prohibition on torture and compliance to the principle of due process. Especially Article 4 of the PCC stipulates that police officers shall not conduct nor accept physically and mentally inhumane and cruel acts including torture while on duty,” and the police have prepared and distributed the interpretive guide to the PCC and provided police officers with training about the principle of prohibition of torture. In February 2021, the police produced an instructive video in the form of interpretation thereof and conversation with the incumbent police officers and made workplace training mandatory for all police officers across the nation, improving the awareness of human rights including the principle of prohibition on torture. The KNPA has required all police officers to take human rights training for six hours a year. The training includes the detailed guidelines on activities protecting human rights for police officers on duty. In addition to the mandatory training, on-site police officers have easier access to human rights training in their everyday life with regular training content. For example, by producing and distributing human rights pocket books, on-site police officers may become aware of what needs to be paid attention to in relation to their activities to protect human rights and the principle of prohibition on torture, etc.

Reply to paragraph 6(c) of the list of issues

37. To protect and improve human rights, the police amended the *Rules on the Standard of the Use of Hazardous Police Equipment* in January 2020 that the police no longer use water cannons at the scenes of rallies or demonstrations; the requirements for the use of water cannons are strictly specified that they may be placed and used only when an emergency risk such as an uprising or a direct attack against an important national facility occurs following the order of the Commissioner of local police agencies; and the standards of water pressure by distance are stricter. Also, in March 2019, to secure the safety of the participants and the public, the police launched the “Demonstration Scene Safety Diagnosis Team” (see <Table 8>).⁹ Also, when conflicts between participants occur or are obviously expected to occur at a scene of a collective complaint, the police take necessary measures to control and prevent such conflicts in accordance with Articles 5 and 6 of the *Act on the Performance of Duties by Police Officers*.

Reply to paragraph 7 of the list of issues

38. During the review period, the *National Security Act* (hereinafter the “NSA”) was not repealed nor amended. Article 1(2) of the NSA regulates the principle of strict construction and application such as prohibition on extensive construction, and the said Act includes the requirement of “with the knowledge of fact that it may endanger the existence and security of the State or democratic fundamental order.” The Constitutional Court and the Supreme Court of the ROK have recognized the constitutionality and necessity of Article 7 of the NSA, and the said Act shall be strictly applied only to the cases where “there exists obvious danger that will cause practical harm on the existence and security of the State or democratic fundamental order” based on the courts’ established precedents.

39. The Government protects the freedoms of speech, assembly and press to the maximum and prevents arbitrary arrest and detention by restrictively applying the NSA only to cases where “there exists obvious danger that will cause practical harm on the existence and security of the State or democratic fundamental order” based on such Act and precedents. (For statistics on the prosecution in violation of NSA, see <Table 9>.)

Reply to paragraph 8 of the list of issues

40. The NHRC, as an independent national human rights institution, may receive complaints from detainees, conduct visit investigation *ex officio* on detention facilities including military detention centers and foreigner detention centers and interview detainees

in the absence of witnesses during complaint investigation. Also, it may recommend policy improvements or correction to government agencies, etc., based on the result thereof.

41. The Human Rights Bureau of the MOJ has launched and operated the Human Rights Violation Report Center. The Bureau receives complaints about torture and ill-treatment which occur in various detention centers under the control of the MOJ and conducts independent investigation and processing with no instruction from the Crime Prevention Policy Bureau, the Korea Correctional Service, the Korea Immigration Service, etc. The Human Rights Bureau ensures persons detained in various detention facilities under control of the MOJ to be able to quickly and easily submit a complaint (see the details of operation in <Table 10>). When the occurrence of human rights violation is recognized, it may take relief measures such as request for investigation or penalty on the person who violated human rights and the manager thereof, request for improvement measures, notification of state compensation or legal aid and recommendations for policy improvement.

42. The Human Rights Bureau of the MOJ, when it needs to confirm medical evidence (medical record, diagnosis, opinion, etc.) of a petitioner or a victim (hereinafter the “petitioner”) during the proceedings of human rights violation cases, may receive it by requesting to the detention center in which the petitioner is detained to submit materials pursuant to the *Rules on the Investigation and Treatment of Human Rights Violation Cases and the Actual Condition Investigation of Detention Centers* or requesting the detention center or the medical institution to submit medical records, etc., by attaching the agreement of the petitioner pursuant to the MSA.

43. The status of investigation and indictment with regard to torture or acts of cruelty which are crimes under the CA and the SCA between 2015 and 2019 is shown in <Table 11>.

44. The status of receipt and proceeding of complaints by the NHRC in connection with torture and acts of cruelty between 2016 and October 2020 is shown in <Table 12>. “Torture and acts of cruelty” in the said status include excessive use of equipment and unlawful arrest; therefore, it is noted that the definition of “torture or acts of cruelty” provided in paragraph 41 above is different therefrom.

45. Article 5 of the *Act on the Execution of Criminal Penalties in the Armed Forces and the Treatment of Military Inmates* stipulates that the human rights of military inmates shall be respected to the maximum in the execution of criminal penalties in the armed forces; in accordance with Article 101 in Chapter XII Remedies against Infringement of Rights, a military inmate may apply for a talk with the warden regarding the treatment; and pursuant to Article 102, one may file a petition with the Minister of National Defense or a public official on an inspection round with regard to the treatment the one has received. To be specific, in accordance with Article 47 of the *Ordinance of Military Human Rights Affairs* (Ordinance of the Ministry of National Defense (hereinafter the “MND”) No. 2334), inmates of military detention centers may file a complaint about human rights violation to the Minister of National Defense. Among the complaints submitted by inmates of military detention centers, one complaint was proceeded in 2018, seven in 2019 and seven in 2020. No complaint was related to torture or cruel, inhumane or humiliating treatment, and most of the complaints above were about the improvement of treatment.

Reply to paragraph 9 of the list of issues

46. The Government amended the *National Human Rights Commission of Korea Act* (hereinafter the “NHRCA”) on 3 February 2016 to secure the diversity of the members of the NHRC and transparency of the process for the selection and appointment thereof. To set up a transparent process for the selection and appointment of its members, diverse social groups may recommend a candidate and provide an opinion thereabout, and human rights advocates may be selected or appointed as their career is also recognized. Also, a provision to exempt any responsibility of the members for their remarks made in the course of performing their duties is inserted to secure the independence of the NHRC. Matters necessary for the organization of the NHRC shall be prescribed by the subordinate decree of the NHRCA, with utmost consideration given to ensure the independence of the NHRC and to enable it to perform its duties effectively.

47. Refer to the monitoring function of the NHRC in paragraph 38. Such authority of the NHRC is guaranteed by the law. The NHRC made recommendations for remedies and penalties and request for investigation to, and laid an accusation against the Prosecutors' Office and the KNPA for 46 complaints in total with relation to torture. Among 38 cases for which relief measures or penalties were recommended, 34 cases were accepted except for two partially accepted cases and another two rejected cases, and as part of the implementation of recommendations relating to the prevention of torture, individual measures for respondents, vocational training about investigation and the use of equipment, human rights training, investigation about torture, etc., have been carried out. (For the details of individual recommendations, see <Table 13>.).

48. The authority given to the Subcommittee on Prevention of Torture by the Optional Protocol to the Convention is likely to conflict with relevant domestic acts such as protection of military secrets, prohibition of leaking of secrets relating to duties, etc., which makes it difficult to immediately ratify the Optional Protocol. In the meantime, the NHRC is an independent national human rights institution established under the *Paris Principles*, serving the roles similar to those of the National Prevention Mechanisms provided in the Optional Protocol as explained in paragraph 38. Accordingly, as domestic detention centers in the ROK are under monitoring about torture and acts of cruelty by an independent institution as intended in the Optional Protocol to the Convention, we humbly ask the Committee to faithfully review this matter again.

49. The Government established the 3rd National Action Plan for the Promotion and Protection of Human Rights (2018–2022, hereinafter the “NAP”) in August 2018. The 3rd NAP, drafted through two public hearings and 18 meetings with the participation of relevant civil societies and ministries, contains policy tasks to implement the Concluding Observations on the Fourth Periodic Report of the Human Rights Committee. Major tasks include the review on alternative service for conscientious objectors, improvement in the legality and responsibility of law enforcement at the scene of rallies, guarantee of peaceful demonstrations under the principle of non-application of general obstruction of traffic, and revision to the laws on anti-discrimination. Including the recommendations by the treaty bodies including the Committee as appendices, the 3rd NAP may be referred when public officials execute policies.

Article 3

Reply to paragraph 10(a) of the list of issues

50. The investigation on the persons escaping from the Democratic People's Republic of Korea carried out by the National Intelligence Service (hereinafter the “NIS”) is just an administrative investigation to determine whether to protect and support them grounded on Article 7 of the *North Korean Refugees Protection and Settlement Support Act* (hereinafter the “NKA”), which is not intended to punish them, and the Government notes that the temporary protection of North Korean defectors may not be deemed as forceful detention as it may be commenced and terminated based on the free will of those who applied therefor. In addition, the Government amended the Enforcement Decree of the NKA in February 2018, to shorten the temporary protection period for North Korean defectors that had been within 180 days from their arrival to “within 90 days from their arrival, in principle.” The NGO report submitted to the Human Rights Committee in June 2019 describes that “the upper limit of the investigation period has been shortened to three months due to the amendment to the Enforcement Decree thereof, but as there is still no limitation in the determination period with regard to protection, they may be detained for indefinite periods,” which is not true. After the temporary protection and investigation at the North Korean Refugee Protection Center of the NIS, North Korean defectors leave the center and join the Settlement Support Center operated by the Ministry of Unification (Hanawon). The Minister of Unification has the authority to determine whether a North Korean defector shall be protected or not, not the NIS, and such determination is made while they live in the Settlement Support Center. Accordingly, immediately after the end of temporary protection and investigation, North Korean defectors join the Settlement Support Center operated by the Ministry of Unification even before the determination of protection is made, and it is impossible for the NIS to

temporarily protect North Korean defectors for indefinite periods for the reason that such temporary protection is needed in determination of protection even after the end of temporary protection and investigation.

51. In addition, pursuant to the internal guidelines of the NIS established under the mandate of the said Enforcement Decree, North Korean defectors may contact their family members outside via phone calls or visits during the temporary protection period. In fact, the temporary protection period of North Korean defectors on average is approximately 60 days from their arrival.

The number of such cases during the reporting period

52. The investigation and temporary protection period of North Korean defectors shall be, in principle, up to 90 days under the said Enforcement Decree amended in February 2018, and the period is around 60 days on average. Therefore, there has been no North Korean defector whom the NIS investigated or temporarily protected for six months from May 2017 to date.

Reply to paragraph 10(b) of the list of issues

53. The NIS invites an external attorney-at-law as a human rights protection officer for North Korean defectors to be sufficiently given legal assistance during a temporary protection and investigation process, to monitor whether there has been human rights violation that may occur during such process and to ensure North Korean defectors who need legal assistance to get one-on-one counseling therewith. Especially in July 2019, tasks, qualifications, terms, independent status, etc., of the human rights protection officer that had been determined based on internal guidelines of the NIS have been included in the said Enforcement Decree to reinforce legal grounds on 16 July 2019.

54. Human rights protection officers are appointed pursuant to the standards stipulated in Article 12-5 of the said Enforcement Decree. The qualifications include attorneys-at-law with 10 years or more of practical experience and those engaged in activities related to human rights or North Korean defectors for 10 years or more. To secure the fairness of the appointment process, outside institutions with public confidence such as the Korean Bar Association are requested to recommend a candidate. Currently, an outside female attorney-at-law is appointed as a human rights protection officer and currently performing her job in an independent status.

Whether the methods and duration of interrogation comply with international standards

55. The NIS has conducted the administrative investigation of North Korean defectors to determine whether the Government will provide protection and support pursuant to the NKA. In accordance with the Enforcement Decree thereof, the investigation is conducted as shown in <Table 14 >.

Reply to paragraph 10(c) of the list of issues

56. The Government deported two fishermen who killed 16 colleagues on board and fled to the southern area of the Northern Limit Line (NLL) in the East Sea to North Korea on 7 November 2019. This was the first case to deport North Korean residents, and the Government deemed that the will of the North Korean residents, who committed a heinous crime, to defect to South Korea was without sincerity. The Government carefully reviewed and referenced the Constitution and the laws and regulations at home and abroad including the Convention above in the process of determining deportation. The deportation was determined with utmost priority given to the lives and safety of the public, a State's fundamental duty, amidst the circumstance with different characteristics of the relations between the two Koreas.

Reply to paragraph 10(d) of the list of issues

57. When formulating the grounds provided in Article 5(1) of the *Enforcement Decree of the Refugee Act*, overseas refugee/asylum legislative provisions, including those of Australia

and Germany as well as the *EU Asylum Procedures Directive*, were referred to specify the standards of non-referral decisions on asylum claims, and those grounds are under review for a possible amendment. In the meantime, a bill to amend the refugee legislation, removing the provisions of *Article 5(1) of the Decree*, was submitted to the National Assembly on 18 June 2015, but was discarded as the term of the 19th National Assembly ended as of 29 May 2016.

Improved reception conditions for asylum seekers at POE

58. The Korea Immigration Service has introduced a waiting zone with amenities and other facilities in the Incheon International Airport (see <Table 15>) to provide better reception conditions for asylum seekers at the Port of Entry (POE).

Enhanced quality of RSD decisions at first instance

59. To boost the quality of first instance Refugee Status Determination (hereinafter “RSD”) decisions, the MOJ has conducted 50 hours (or more) of mandatory training per year per person, along with the joint training activities in cooperation with the UNHCR since 2018, to its employees responsible for refugee affairs (see <Table 16>). To ensure the accuracy of interpretation during the RSD procedure, the evaluation of interpretation performance on Refugee Interpreters has been carried out by outside professionals such as interpreters and experts on specific regions/countries or languages since 2020.

Establishment of an independent asylum appellate body

60. In February 2020, a division dedicated to fact investigation on objections raised with regard to a decision of non-recognition of refugee status, etc. (i.e., the Refugee Appeal Division) was established, separated from the division operating the first-instance refugee screening system, to lay the foundation for the operation of an independent asylum appellate body. In April 2020, persons from the private sector were commissioned as the Chairperson and members of the sub-committee deliberating agenda to be submitted to the Refugee Committee, an objection deliberation body (see <Table 17> for details). To strengthen its independence, the “advisory committee to the Refugee Committee” comprising 35 external experts in refugee-related fields was established in July 2020 to expand external advice about the deliberation of objection filed, improving professionalism and fairness of deliberation.

Current status of the 500 arrivals of Yemeni asylum seekers on Jeju Island

61. The status of Yemenis claiming asylum in Jeju Island is shown in <Table 18>.

Article 10

Reply to paragraph 11(a) of the list of issues

62. To establish a culture which respects the human rights of persons related to the cases during investigation, internal and external professional instructors are invited to the fundamental training courses by grade and the professional training courses by sector for prosecutors and prosecution investigators, which provides training about important laws and regulations such as the *Investigation Rules for Human Rights Protection*, *Regulations on the Prohibition of Disclosure of Criminal Cases*, etc., examples applied to practice, human rights violation inspection cases, etc. The aforementioned laws and regulations stipulate that acts of cruelty including torture and discrimination against persons related to the cases such as suspects shall be prohibited in any circumstances, while regulating fair investigation from an objective perspective. To be specific, the aforementioned laws and regulations strictly restrict investigation conducted for a prolonged time or at night, while ensuring human rights-based investigation by prohibiting the unfair use of separate investigations for the relevant case and prolongation of investigation to find a new criminal charge not related to the relevant case. In addition, the disclosure of criminal cases before indictment is prohibited in principle, and only when there exists a false report in practice, such information may be exceptionally disclosed in order to prevent human rights violations caused by stigmatizing persons related to cases as criminals before the court’s trial. Also, humiliating investigation or violation of portrait rights are prevented by restricting open summons or installation of photo lines. The

Institute of Justice provides newly appointed prosecutors with an opportunity to recognize human rights violations that may occur during investigation by conducting “role playing investigation practice” with which they can experience the situation of people under investigation. Officials who control inmates at detention facilities such as those in charge of protection and correction are also given various training about how to use protection equipment and awareness raising on inmates with mental illness and sexual minority inmates, preventing human rights violations against inmates. Training about human rights and gender equality is required to be included in the fundamental courses for each occupational group of judicial and prosecution officials, and the number of those provided with the training is a total of 16,662 from 2017 to 2020.

Reply to paragraph 11(b) of the list of issues

63. All medical professionals provided in Article 2 of the MSA shall take refresher training implemented by each central association in accordance with Article 30 thereof (except for those subject to postponement or exemption provided in Article 20 of the *Enforcement Rules* thereof such as those who newly obtained the license), and such refresher training is implemented to contribute to the development of medical services by having medical professionals obtain medical techniques in a timely manner, information about medicine, etc., necessary for improvement of their capability. The *Enforcement Rules* thereof were amended (enacted on 1 January 2018) to make mandatory taking two hours or more of the course on medical ethics and the laws and regulations related to medicine to enhance professionalism and occupational ethics. Currently, the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* is not included in the mandatory refresher training course, but, if necessary, decision on whether to include it therein shall follow the review on whether it is in line with the amended intention of refresher training for medical professionals.

64. Each correctional facility under the MOJ frequently provides all officials including medical officials with training to improve awareness of human rights such as prohibition on torture and acts of cruelty; it also operates training courses for new medical officials (approximately 10 officials) and public health doctors (approximately 30 doctors) every year about gender communication, medical policy for inmates, roles of medical officials, correctional legislation, which are necessary for the improvement of medical treatment to protect inmates’ right to health and the realization of human rights-friendly correctional administration.

Reply to paragraph 11(c) of the list of issues

65. After the judicial and prosecution officials complete the training course, the trainees answer a survey about the training courses and lectures. The survey items include internal elements such as the appropriateness of the training period, content and composition of subjects, as well as operational ones such as the capability of instructors and sufficient support by the relevant officials and environmental ones including training and convenience facilities and meal service, to seek comprehensive assessment across the course. With the survey, the Institute of Justice tries to identify various factors that may affect the effectiveness of training and provide substantial training by complementing weak points for the courses to follow. Also, by administering surveys to those who completed the training and returned to their institutions, as well as to their colleagues and superiors, the Institute of Justice endeavors to continuously improve the training course by identifying how much the training improved the trainees’ practical capability and collecting opinions on further improvement.

Article 11

Reply to paragraph 12 of the list of issues

66. The MOJ has prepared and implemented measures to expand parole such as the alleviation of application standards for the parole of the socially disadvantaged and introduction of parole screening for short-term inmates (see <Table 19>). The MOJ has progressed stepwise projects to expand reception places by newly constructing or moving

correctional facilities, remodeling unused spaces and extending reception buildings to reduce overcrowding and expand rooms allotted to inmates. Refer to <Table 20> on the ratio of inmates to capacity.

67. To improve the material conditions in correctional facilities, the MOJ has continuously improved facilities and living environments by installing LED lights and upgrading the heating system and toilet at correctional institutions across the nation. With regard to Rule 18 (Personal Hygiene) and Rule 19 (Clothing and Bedding), it promotes hygiene improvement and human rights protection by installing washing machines for common use, providing t-shirts, distributing personal food trays, etc. The MOJ will continuously put in efforts to reflect the *United Nations Standard Minimum Rules for the Treatment of Prisoners* in its correctional administration in a comprehensive consideration of the laws and regulations in place, change in correctional environments, etc. Inmates stay healthy with daily exercise of within one hour a day, and the MOJ supports the reintegration of inmates to be a member of society by minimizing a sense of alienation that they may feel as being in the institutions with social treatment measures by providing field trips and recovery programs for family relations. Such social treatment will continuously be expanded.

68. A total of 575 prison guards were hired during the period under review. The MOJ tries to secure medical personnel by improving working environments such as by introducing advanced medical equipment and upward adjustment of grades and wages of medical officials. Refer to <Table 21>. External specialized medical care, such as referrals to outside medical clinics, visiting treatments and remote video treatments, is on an increase as the correction authority has actively made efforts, and especially remote video treatment has increased to 24,088 cases in 2020 from 14,377 in 2017 with remote medical systems established in 47 correctional institutions and 31 affiliated hospitals in November 2020. The referrals to external medical clinics have decreased to 37,101 cases with the decrease in face-to-face medical treatment due to COVID-19 in 2020, but in an increasing trend from 37,403 in 2017 to 39,824 in 2019.

69. To ensure that protective devices and restraints are used only as a measure of last resort, Articles 97 through 99 of the CIA strictly regulate requirements for use thereof, prohibition of abuse, etc. When using protective devices or compelling force, officials shall use a video device such as a camcorder and a body cam, in principle, and the evidential materials shall be conserved for 90 days or more. To monitor whether such regulations are complied with, institutional safeguard has been prepared in accordance with Article 183 of the *Enforcement Rules* on the aforementioned Act; for example, whether protective devices are continuously used shall be screened and recorded four times or more per day, and movements per hour shall be observed and recorded.

Reply to paragraph 13 of the list of issues

70. Solitary confinement shall be imposed for up to 30 days based on the resolution on the gravity of the violation of regulations made by the Disciplinary Committee, and the MOJ is looking for measures to reduce the upper limit of the period of solitary confinement during punishment to meet the international human rights standard. Article 112(4) and (5) of the CIA was amended on 4 February 2020 to ensure that even inmates subject to suspension of doing outdoor exercise may do it at least once a week. In accordance with Article 112(6) of the CIA and Article 133(4) of the Enforcement Decree thereof, inmates subject to solitary confinement are receiving appropriate medical treatment; for example, a medical officer shall frequently check the health of the inmates before, during and after the execution of solitary confinement. In accordance with Article 111(6) of the CIA, the persons subject to disciplinary actions shall be given a sufficient opportunity to make a statement by attending the committee, may state any facts favorable to them in writing or orally or file evidence and may file an objection such as an administrative appeal against the decision.

71. With regard to the composition of the members of the Disciplinary Committee in accordance with the CIA, such committee shall be operated in the correctional facilities to determine disciplinary action on the persons subject thereto; the person on the second rank after the warden shall serve as the chairperson of the committee; and the committee should be composed of five to seven members, the warden shall appoint at least three members among the directors of the competent agencies and external personnel, who have much

knowledge and experience in correction. Any person subject to disciplinary action may file an application for challenge to any member; the warden who requested the resolution of disciplinary action and the members in charge of the investigation may not attend the committee; where members are the relatives of persons subject to disciplinary action or where there is any special ground to believe that impartiality from them in deliberation and resolution is hardly expected, no such member may attend the committee; and only when at least one outside member makes attendance, the committee may be held to promote objectivity and fairness. In addition, as external members shall be construed as public officials, punishment is aggravated for unlawful acts such as bribery or divulgence of classified information in connection with their task. In the meantime, the right to the defense of persons subject to disciplinary action is protected as they may make a sufficient statement by attending the committee and may state any facts favorable to them in writing or orally or file evidence. See <Table 22> for the regulations for the appointment of the members of the Disciplinary Committee.

Reply to paragraph 14 of the list of issues

72. The Government has consecutively accepted pretrial inmates in substitute cells in connection with the building of new correctional facilities. As of April 2021, all substitute cells are closed with the inmates in the remaining four police stations accepted. To reduce overcrowding, the Northern Gangwon Prison was opened in Sokcho in 2020, and the Government has sought the building of five correctional facilities in Hwaseong, Taebaek, Northern Gyeonggi, etc., as well as movement and reconstruction (eight institutions) and extension and remodeling (six) of the existing facilities. Refer to the number of guards in paragraph 66. The correctional facilities accepted the pretrial inmates in four remaining substitute cells in August 2020; male and female inmates are separately accepted; and female guards supervise the medical checkup, counseling, training, work, etc., of female inmates.

Reply to paragraph 15(a) of the list of issues

73. The number of deaths in custody and the status of causes are shown in <Table 23>.

The age and sex of the victim and the outcome of the inquiries, and any redress provided to families

74. Among deaths in custody, five persons were between 19 and 39 years of age, 54 were between 40 and 59 years of age, and 39 were 60 or older. Among them, two were women while 96 were men. With regard to such deaths, the outcome of the inquiries are reported under the instruction of the prosecutors, and then the internal investigation is closed. Between 2017 and 2019, a total of 13 suits for compensation from the State were filed by the bereaved families of the dead in custody, and nine were closed and four are under proceedings. In two out of the nine closed suits, compensation for the bereaved family was recognized and paid.

The provision of adequate medical treatment to persons suffering from diseases and those requiring specialized medical care

75. To expand the right to access external medical treatment of inmates, the Government has provided ex medical clinics, visiting treatments and remote video treatment, and especially remote video treatment has been operated in 47 correctional institutions in 2020 (and it is planned to expand the service into all correctional facilities in 2021). Refer to the medical checkup for inmates in paragraph 15.

Specific measures taken to prevent deaths in custody, including suicides

76. The Government endeavors to prevent deaths in custody including suicides by implementing various medical treatment such as treatment by medical officers in correctional facilities, external medical clinics, visiting treatments, remote video treatments, regular medical checkup at external institutions for all inmates and operation of hemodialysis rooms and remote clinics. Both internal and external experts provide face-to-face counseling, life line and video counseling to find inmates likely to commit suicide in the early stage and help them become psychologically stable, and it is planned to continuously find inmates in a high-

risk group for suicide by providing training titled “life guards to prevent suicide” for inmates in the future.

Reply to paragraph 15(b) of the list of issues

77. When a death in custody occurs, the special judicial police officer in the correctional facility promptly takes relevant procedures such as an autopsy under the instruction of the prosecutors. When such death is related with the violation of duty of a guard, the superior supervisory institution, the local correctional agency, conducts on-site investigation about the circumstance of the death, whether they performed their duty appropriately, etc.

Whether persons suspected of having committed acts of torture, physical or psychological ill-treatment or willful negligence are prosecuted

78. Public officials who committed torture or acts of cruelty shall be punished by Articles 124 and 125 of the CA and Article 4-2 of the SCA (when a person commits a crime provided for in Article 124 or 125 of the CA, resulting in the injury or death of any person).

Whether the persons are punished in accordance with the gravity of their acts, if found guilty

79. There has been no case at the point of submission of this report, where a person suspected of having committed acts of torture, physical or psychological ill-treatment or willful negligence is prosecuted in connection with a death in custody to the point this report was submitted, but the prosecutors of the ROK impose punishment in accordance with the gravity of acts if such a case occurs.

Reply to paragraph 15(c) of the list of issues

80. When a death in custody occurs, the special judicial police officer in the correctional facility takes relevant procedures such as an autopsy under the instruction of the prosecutors. As for the 98 deaths in the correctional facilities that occurred for the last three years, the officers conducted autopsies in consideration of whether the bereaved family agreed thereon and the doctor’s opinion that an autopsy is needed, under the instruction of the prosecutors, and as a result, thoroughly resolved any suspicion about the cause of the deaths.

Whether family members receive autopsy reports

81. The CPA regulates that, when a person is suspected of having died due to crime or the cause of his/her death is suspicious, the prosecutor with the authority of investigation and prosecution shall inspect the body and may conduct an autopsy based on the warrant issued by a judge, etc. Before the autopsy, the bereaved family shall be notified of the fact in advance, and their right to know is protected by explaining the result of the autopsy within the range that does not damage the fairness of the investigation. However, any written autopsy reports are not sent to the bereaved families.

Whether family members are able, upon request, to commission independent autopsies

82. When an inmate who died in custody is suspected of having died due to crime or the cause of his/her death is suspicious, the prosecutor gives instruction to the special judicial police officers in the correctional facility and conducts an autopsy at the independent National Forensic Service based on the warrant issued by a judge. Out of 98 deaths in custody that occurred during the last three years, a total of 71 bodies were subject to autopsies, all of which were conducted at the independent National Forensic Service.

Reply to paragraph 16 of the list of issues

83. The Government relates to the intention of the Second Optional Protocol to the International Covenant on Civil and Political Rights that the State shall take all necessary measures to protect human’s natural dignity and the right to live, and have been recognized as a “de facto abolitionist” in the global community as it has not executed any death penalty since 1997. However, as the abolition of death penalty is a material issue related to the

foundation of the State's right to punishment, the Government plans to comprehensively review this matter.

84. As of 28 April 2021, the number of prisoners on death row is 55, and there have been no cases where death sentences were imposed by courts or commuted to prison terms since May 2017. Aside from this, the number of prisoners on death row in the Military Correctional Institution is four, and there have been no cases where death sentences were imposed or commuted to prison terms since February 2016.

85. General treatment for prisoners on death row such as designation of a living room, religious activities, outdoor exercise, meal, medical treatment and sending and receiving of mail is same with that of other inmates, and the budget for confinement management per prisoner on death row is also same with that of other inmates. In particular, in-depth counseling and counseling with external experts are provided for psychological stability and normal confinement of prisoners sentenced to death penalty.

Articles 12 and 13

Reply to paragraph 17(a) of the list of issues

86. The Government amended the *Military Criminal Act* (hereinafter the "MCA") in 2016 to prevent violence, sexual harassment, sexual abuse, acts of cruelty, etc., in military units and ensured punishment upon violence and threat between soldiers in military units regardless of the will of victims. Also, the standards for the determination of disciplinary actions against acts of cruelty were newly established (29 March 2016) to strengthen discipline on perpetrators. In addition, the *Framework Act on Military Status and Service* regulates mandatory training on soldiers' fundamental rights, the relief procedure, etc.; describes duty to report violence, acts of cruelty, etc.; and states measures to protect informant's identity, seeking the prevention of human rights violation in military units.

Whether to i) directly decide the responsibility of the perpetrator and the persons in the chain of command, ii) prosecute and punish the responsible persons with punishment in line with the gravity of such acts, and iii) disclose the result of the relevant investigation to the public

87. With regard to verbal abuse, insults, violation and acts of cruelty in military units, the MND set the following standards about the responsibilities of the first, second and third commanders and supervisors and the relevant staff officers based on the seriousness of the accident in the *Directive on Military Unit Management* (Ordinance of the MND) (see <Table 24>), reprimanding the persons in the chain of command. The trials made in the military courts shall be disclosed in principle as <Table 25>, and when a criminal trial is finalized, the result of punishment is being disclosed through the sentencing.

88. The MND launched the Gender Equality Committee of the MND (3 September 2018) comprising internal and external members of the military, strengthening the function of performing gender-sensitive tasks in the military. Furthermore, the Ministry has operated the Sexual Distress Counseling Office and the Gender Equality Office to provide counseling about sexual distress to all soldiers and, when victims of sexual abuse occur, protect the victims and support treatment therefor. In 2019, MND carried out the *Fact-Finding Survey on Sexual Abuse in Military* to identify the awareness of soldiers about sexual abuses, the actual status of such damage, etc., and find the demands for improvement of policies. In addition, the number of personnel in charge of eradication of sexual abuse is increased.

89. Also, MND has prepared various guidelines and amended the laws and regulations for the activities to prevent sexual abuse by amending and enacting the *Directive on Military Unit Management* to clarify the time to take a protective measure for victims of sexual abuse and prevent secondary victimization.

Any consideration given to repealing article 92-6 of the MCA

90. The Military of the ROK prohibits discrimination based on the homosexuality of soldiers. However, the crime of indecent act provided for in Article 92-6 of the MCA may be

subject only to indecent acts that relax discipline in the military, and it pays attention to preventing human rights violations based on the homosexuality of soldiers by establishing relevant regulations (Article 253 of the *Directive on Military Unit Management*). But as some point out that the elements constituting the crime of indecent act are discriminatory against homosexuals and not clear, adjudication on the constitutionality of statutes is currently under progress again in the Constitutional Court, and the measures will be taken based on the decision of the Constitutional Court in the future. Also, the MND and the Armed Forces strictly judge whether an act constitutes a crime of indecent act upon investigation and prosecution to prevent excess punishment, and try to minimize prosecution for the crime of indecent act.

91. Whether to abolish Article 92-6 of the MCA needs to be determined in a legislative manner in comprehensive consideration of the benefit and protection of the law, the legislative intention, the precedents of the Supreme Court and the Constitutional Court, etc., in connection with the given provision. In the past, the Constitutional Court deemed that such discrimination had reasonable grounds (Constitutional Court Decision 2012HunBa258 rendered on 28 July 2016, etc.), the MND does not crack down the crime of indecent act, and the number of punishment imposed by the Military Court on the crime of indecent acts provided for in Article 92-6 of the MCA was five in 2018 and two in 2019.

Reply to paragraph 17(b) of the list of issues

92. The Government currently selected the establishment of the office of the military ombudsman as a national agenda, seeking amendment to the NHRCA to establish the office thereof in the NHRC. As of May 2021, one bill to establish the office thereof in the NHRC presented by representatives and another bill to establish the office thereof in the NA presented by other representatives are pending at the Steering Committee of the 21st NA, and the MND is actively cooperating for passing the bills at the earliest possible time.

Information on the outcome of the three bills in that connection before the NA

93. All the existing bills were discarded due to the expiration of the term of the 20th NA, and the NHRC is preparing for government legislation.

Information on the mandate and legal status of the military ombudsman

94. Refer to paragraph 38 on the details of NHRC's *ex officio* investigation. And there will be an amendment of the NHRCA to establish the office of the military ombudsman and the military human rights protection committee and enable visit and investigation in the military units based on the resolution if the necessity is recognized.

Reply to paragraph 17(c) of the list of issues

95. The "Help Call" helpline of the MND is a communications channel within military units operated based on Article 8 of the *Enforcement Rules on the Framework Act on Military Status and Service* and Article 173-2 of the *Directive on Military Unit Management*. (For the details of operation, see <Table 26>.)

Results of the research project initiated in April 2017 aimed at diagnosing the status of respect for human rights in the military

96. The MND and the Korea Institute for Defense Analyses (hereinafter the "KIDA") jointly visited military units and conducted a collective survey for 1,764 officers and 3,917 soldiers between 11 and 30 September 2017, to diagnose the living condition and human rights condition of military personnel and use the survey results to establish defense policies related to the improvement of the welfare and human rights of soldiers in the future. The result of the survey about abuses and acts of cruelty is shown in <Table 27>.

Whether they have had an effect on reducing violence and human rights abuses

97. According to the result of the human rights status survey jointly conducted by the MND and KIDA in 2018, the ratio of soldiers who experienced human rights violation

decreased from 7.5% in 2017 to 6.8% in 2018, and that of officers also fell from 4.3% in 2017 to 4.0% in 2018.

Article 14

Reply to paragraph 18 of the list of issues

98. The Government has made efforts to communicate with the victims, civil societies, etc. to redress the issue of sexual slavery victims of the Japanese Imperial Army, the so-called “comfort women,” based on a victim-centered approach. The Korean government held the “Public-Private Consultation Meeting” on 4 June 2021, presided over by the Office for Government Policy Coordination and the public-private meeting on July 7, 2021, presided over by the Ministry of Foreign Affairs to hear the opinions on the “comfort women” issue from various sectors including organizations supporting the victims and academic experts. The government will continue its efforts to seek measures to resolve the “comfort women” issue based on a victim-centered approach. Also, the Government has endeavored to raise awareness of the global community that the issue of “comfort women” is an unprecedented issue of human rights violation of women as well as a universal human rights violation under armed conflicts, that goes beyond the bilateral relations between Korea and Japan, with multiple presentations at the Human Rights Council, the Third Committee, the Open Debate of the Security Council, etc.

99. To support sexual slavery victims drafted for the Japanese Imperial Army, those registered as persons eligible for livelihood stability support pursuant to the *Act on Protection, Support and Commemorative Projects for Sexual Slavery Victims for the Japanese Imperial Army* (hereinafter the “CWA”) are given support for livelihood stability with KRW 43 million of the first special subsidies and subsidies for livelihood stability every month. Also, as the victims are aging, the demands of support for medical treatment and nursing services are increasing and, as a result, medical benefits and costs of nursing services are being provided for. In addition, for the emotional support for sexual slavery victims drafted for the Japanese imperial army, the livelihood status and the demands for support are identified through regular contact and visit, and a survey on the livelihood status and satisfactory level is carried out every year involving the victims and their guardians to assess such support. The Ministry of Gender Equality and Family (hereinafter the “MOGEF”) has operated the Research Institute on Japanese Military Sexual Slavery since August 2018 to establish the foundation for general management and integration of research related to sexual slavery victims drafted for the Japanese imperial army, systematic progress of follow-up research and training of next-generation. (For major relevant projects, see <Table 28>.) In addition, it has put in efforts to restore the honor of the victims and raise awareness about right history with various projects such as a national ceremony on the memorial day for the victims (August), the international conference in relation to the victims, exhibitions at home and abroad, art competitions for adolescents, projects for private groups, etc. The CWA defines the obligations of the State against sexual slavery victims drafted for the Japanese imperial army on the matters in <Table 29>. The MOGEF decides and registers the persons whose damage as a sexual slavery victim drafted for the Japanese imperial army is identified in the deliberation by the Deliberation Committee for Support and Commemorative Project for Sexual Slavery Victims Drafted for Japanese Imperial Army to be the persons eligible for livelihood stability support, and support shown in <Table 30> is provided in accordance with Article 4 of the CWA. For training about the restoration of honor and damage of sexual slavery victims drafted for the Japanese imperial army, the MOGEF has implemented commemorative projects such as provided in <Table 31>.

Article 16

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100. The Government announced the government-wide measures to prevent domestic violence in November 2018, described the measures in the provisions in June 2019, and presented a bill through representatives to amend the *Act on Special Cases Concerning the*

Punishment, etc. of Crimes of Domestic Violence (hereinafter the “DVA”) to strengthen response at crime scenes by specifying the arrest of flagrant offenders and the impact of temporary measures such as criminal punishment on the violation of temporary measures in the 20th NA in November 2019 and the 21st NA in September 2020. In response, the NA promulgated the amendment thereto in October 2020 (Enforced in January 2021).

101. With regard to sexual violence, to aggravate punishment on sexual violence using one’s superior position, the Government amended the CA and the *Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes* (hereinafter the “SVA”) in October 2018 to aggravate the statutory punishment on the crimes of occupational indecent act and sexual intercourse through fraudulent means or by the threat of force. Also, the statutory punishment on grave sexual violence such as special rape was aggravated.

102. The CA and the SVA were amended and enacted to strengthen punishment on sexual violence crimes to adjust the standard age of statutory rape upward from 13 years old to younger than 16 in May 2020, newly insert the crimes of preparation and conspiracy for grave sexual violence crimes, strengthen punishment on illegal videos of adults, newly insert the crimes of possessing illegal sexual videos, etc.

103. The Government has protected and supported victims grounded on individual acts in relation to domestic violence, sexual violence, etc., but as such violence is developed into various forms such as stalking, dating violence and violence using the information communications network, the Government prepared the grounds for the protection of and support for victims of violence against women with no blind spots with the *Framework Act on Prevention of Violence against Women* established in December 2018. Based thereon, the authorities organized and operated the Committee on Prevention of Violence against Women in 2020 to effectively and systematically take measures to prevent violence against women, establishing the basic plan for policies to prevent violence against women in February 2020 and monitoring the annual implementation plan and important measures. Also, those working in investigation institutions must take training to prevent secondary victimization, and projects such as research on the actual condition related to violence against women and preparation of statistics related to violence against women have been sought.

104. The police, too have made various efforts to investigate the needs of women who are customers of security. The KNPA established the “Women’s Safety Planning Officers” organization to eradicate crimes against women in May 2019. In the first half of 2018, the Cyber Sexual Violence Investigation Team and the Special Investigation Team for Crimes against Women were newly established at municipal and provincial police agencies across the country. In the first half of 2018, an “intensive crackdown on malicious crimes against women” such as illegal filming, sexual violence, domestic violence, dating violence, and stalking was strongly promoted. In the second half of the year, a “special crackdown on cyber sexual violence offenders” was promoted and a total of 3,847 people were arrested, including those who have distributed pornography, through crackdowns on offline filmmakers and websites, web-hards and heavy uploaders, locked the DNS access of 150 obscene sites and closed 92. In 2019, the “focused crackdown on the eradication of web-hard cartel” continued to crack down on 62 web-hard drives, and 947 people including 119 operators and heavy uploaders were arrested. In order to comprehensively and systematically respond to digital sex crimes caused by the case of Telegram sexual exploitation, the Digital Sex Crimes Special Investigation Headquarters was established and began operating in 2020 cracking down on a total of 2,807 cases and arrest 3,575 people. The proceeds of 51 cases were recovered. In order to comprehensively and systematically respond to digital sex crimes triggered by the case of sexual exploitation via Telegram, it installed and operated the Special Investigation Department of Digital Sexual Crimes in 2020 to crack down 2,807 cases and arrest 3,575 criminals, and retrieved benefits from 51 cases of such crimes. In addition, specialized and specified protection and support measures were established and implemented for victims of digital sex crimes, and a police officer in charge of the victim was designated to provide support from the time of receiving a report to the post-mortem connection. As a result, 1,094 victims were subject to a total of 4,387 times of customized protective and supportive measures such as the deletion of related videos and connection with professional institutions. In the future, the Government will continue to expand the manpower of the dedicated investigative team to improve professionalism, conduct intensive investigations,

prevent secondary victimization and protect victims by strengthening gender-sensitive education for investigators, and continue the promotion of strengthening education and on-site inspections.

105. The Government strengthens punishment on stalking crimes through the enactment of the *Act on Punishment, etc. of Stalking* (promulgated on 20 April 2021, to be in effect on 21 October 2021). Acts of stalking are defined as acts of approaching, following or blocking the way of a victim with no reasonable grounds against the will of the victim, and continuous and repeated acts of stalking are defined as stalking crimes. The judicial police officer may take an emergency measure when a stalking crime is likely to occur and urgent response is needed to prevent it. (The prosecutors need to apply for post-approval while the court needs to grant it.) When recognizing that stalking crime is likely to repeatedly occur, the prosecutors may apply for tentative measures such as restraining orders, detaining to the court *ex officio* or upon the application of the judicial police officer. When recognizing that such measure is needed for an effective investigation, hearing or protection of the victim of the stalking crime, the court may rule a tentative measure. Those who committed stalking crime face imprisonment for up to three years or fines up to KRW 30 million, and those who carry or use a lethal weapon or a dangerous object face imprisonment for up to five years or fines up to KRW 50 million.

106. To strictly respond to new types of crimes against women, the Supreme Prosecutors' Office gave instruction and provided training on strictly responding to gender-based crimes of violence by launching and operating a task force for crimes against women and children, holding a joint workshop with relevant agencies, strengthening the internal case processing standards of the prosecutors' office, and providing capacity strengthening training to prosecutors dedicated to crimes against women and children. Also, strict punishment is imposed on new types of digital sex crimes by strengthening the case processing standards for sexual exploitation video criminals (enacted on 9 April 2020).

Whether marital rape has been included as a separate offence in the Criminal Code

107. Currently, marital rape may be punished under the acts in place, and the Supreme Court also described that the objects of rape provided in Article 297 of the CA include legal spouses, and the crime of rape may be constituted not only in the cases where the marital relationship is broken but also in the cases such relationship is practically maintained (Supreme Court Decision 2012Do14788). Accordingly, necessity of separate legislation is not that significant.

Whether victims of domestic violence benefit from protection, including restraining orders

108. Temporary measures and victim protection orders including separation such as the leaving of the perpetrator of domestic violence, restraining orders, and restraining orders via communications devices may be imposed under the acts in place; the Government strengthens restrictive measures to ensure that criminal punishment, not fining, is imposed on the violation of temporary measures such as restraining orders through the amendment to the DVA (promulgated in October 2020, enacted in January 2021). In addition, "the restriction on the right to visit" was added in the type of victim protection orders in consideration of repeated crimes that may occur in the process of exercising the right to visit children under the given amendment, and criminal punishment is imposed on the violation thereof.

Whether victims of domestic violence have access to adequately funded shelters throughout the country

109. The Government has operated 65 shelters across the nation as of the end of 2020 to support victims of domestic violence to be protected in a stable place and to stand on their own feet as members of society, and has provided 344 rental houses for them to seek communal living.

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110. The Government has regularly checked entertainment places for foreigners since 2014 in cooperation with the MOGEF, and has made efforts to prevent sexual violence by amending the *Enforcement Rules of the Immigration Act* (June 2018) to restrict employers who have a history of sexual crime from inviting foreigners. In addition, from January 2020, the authorities review the identification indicators of human trafficking submitted when granting the extension of stay for the holders of Art and Entertainment (E-6) visa and check whether there was damage. Also, when foreigners are going through the relief process of civil and criminal rights under the court's trial, and the investigation and other acts due to the damage of serious crimes such as sexual violence may not allow their stay in South Korea due to the expiration of the original period of stay, they are granted the Miscellaneous (G-1) visa and may get a job.

111. A foreign worker is allowed to change the place of business if exploitation or unfair treatment, etc., against migrant workers occurs (Article 25 of the *Act on the Employment, etc. of Foreign Workers* (hereinafter the "FWA")), and the grounds for the change were expanded to 36 kinds such as delay in payment of wages and sexual violence from April 2021. To prevent sexual violence, unfair treatment, etc., against migrant workers, the FWA was amended in April 2021 to ensure that the employers who are granted employment permission for the first time take training on labor-related acts and regulations, human rights violation, etc. In the employment training course for migrant workers, training on the prevention of sexual harassment and response thereto is provided, and leaflets produced in languages of 16 dispatching countries are distributed for prevention and damage relief of sexual violence against female migrant workers. Also, migrant workers, who are at the early stage of their stay in South Korea, and their employers are monitored, and especially sexual violence, unfair treatment, confiscation of personal documents, etc., are reviewed in the instruction and inspection of the places of business. The employers whose employment permit is cancelled due to the violation of labor-related acts such as sexual violence and unfair treatment and who were punished due to confiscation of personal documents pursuant to the *Immigration Act* are restricted from employing foreigners. In particular, for the immediate protection of victims, the authorities shall allow them to change the place of business even if the investigation is in progress (i.e., emergency change in business place), immediately isolating them from the perpetrators, provide specialized counseling for victims of sexual violence, etc., by designating dedicated counselors in the Foreign Worker Support Centers (9 centers), and prepare the Anonymous Report Center on the official website of the Ministry of Employment and Labor (hereinafter the "MOEL") to protect and support such victims. The Government also established a favorable cooperative relationship with foreigner-related support institutions (i.e., protection facilities, shelters, etc., for foreign workers affected by sexual violence).

112. The Korea Legal Aid Corporation (hereinafter the "KLAC") under the MOJ provides legal aid services to migrant workers who do not receive sufficient legal protection due to economic difficulties or lack of knowledge about the laws. (Legal counseling and representation in a lawsuit, see <Table 32>.) The Corporation supported representation in lawsuits for 39,466 foreign workers and 231 sailors who suffered delay in payment of wages in the last three years. The Interpretation Support Center for Foreign Workers (Korea Labor Foundation) and local governments provide interpretation services for such legal services.

113. The Counseling Center for Foreign Workers (1 center) and the Foreign Worker Support Centers (44 centers) introduce migrant workers to use shelters when the damage that they suffered is identified during counseling via visit or call. In particular, the Hub Foreign Worker Support Centers (9 centers) designate dedicated counsellors to immediately take protective measures for migrant workers who have suffered sexual violence, unfair treatment, etc. In addition, the Counseling Center and Support Centers provide contact information and location of the institutions operating such shelters to migrant workers during the counseling process, and such operators introduce the process to move to the shelters after checking the workers' will, quickly rescuing the interest of migrant workers who do not have a residence. The MOEL supports the institutions operating the shelters of the Foreign Worker Support Centers to ensure female migrant workers to use the shelters (17 centers across the nation, (see <Table 33>) as of 2021). The shelters provide a residence to migrant workers (visas E-

9 and H-2) who changed the place of business, and the Government allocated approximately KRW 60 million of budget (as of 2021) to subsidize foods (KRW 300,000 every month) to the institutions operating each shelter.

114. In accordance with Article 109 of the *National Health Insurance Act*, overseas Korean nationals or foreigners residing in the ROK are eligible for the national health insurance, the employee insured may be eligible when employed by the place of business subject to the subscription of the national health insurance, and those who hold the status of sojourn and reside in South Korea for six month or longer shall become self-employed insured, all of whom are provided with medical services same as that for local citizens.

115. The grounds on which foreign workers (E-9) can apply for a change in employment provided in Article 25(1) of the FWA are shown in <Table 34>. In particular, the notification of the grounds for a change in employment for which foreign workers are not responsible was amended in April 2021 to include serious disaster caused by the violation of the *Occupational Safety and Health Act*, provision of accommodations in unlawful temporary buildings in violation of the *Farmland Act* and the *Building Act*, suggested resignation for the reason of an agricultural off-season or a closed season of fishing, and non-purchase of social insurance policy that must be purchased to become 36 reasons. As a result of operating the employment change system for foreign workers (E-9), foreign workers (E-9) make 50,000 applications per year on average for a change in employment (which should be processed within seven days) and 99.9% of the applications are approved.

116. Migrant workers including female migrant workers may report to a local labor inspection office if the employer violated labor-related acts such as delay in payment of wages in accordance with Article 104 of the *Labor Standards Act*, and the labor inspector shall inspect the fact against the persons subject to the inspection (informant, reported person, suspect, testifier, witness, etc.). As a result, in the cases of immediately recognized crimes or where an employer who was granted a period for correction failed to implement such correction in due time, the inspector shall begin the investigation and send the case to the competent prosecutors' office, suggesting indictment. The number of cases sent to the prosecutors' office suggesting indictment between 2017 and March 2021 was 19,841 in total.

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117. Refer to the answer in paragraph 55 on the amendment of Article 5 of the *Enforcement Decree of the Refugee Act*. When an application for refugee status at POI is not referred to the authority in charge, the applicant concerned may file an administrative appeal. When an administrative appeal against a non-referral decision is found pending, the return procedures of the claimant are suspended until the appeal becomes final.

118. The *Immigration Act* distinguishes the detention for the examination and decision of foreigners who violated the acts from the detention for the execution of foreigners under a deportation order. The period of the former detention is regulated as up to 20 days. However, the latter detention is nothing more than a means to fulfill the purpose of the execution of a deportation order, and the detention period terminates upon the foreigner's departure from the ROK under a deportation order. As for the latter, the *Immigration Act* does not specify the upper limit of the detention period by stating that "if it is impossible to immediately repatriate the person out of the ROK, until the person can be repatriated." This is because, when the upper limit of the detention period is regulated, as a foreigner subject to a deportation order refuses to leave the ROK with no reasonable grounds, whether to execute the law may be determined depending on the intent of the foreigner. Nonetheless, such foreigners are not detained indefinitely. An immigration control official has a legal obligation to immediately execute a deportation order, the limit of the purpose and time of a detention order is determined based on the precedents of the Supreme Court, and also the Deliberation Committee of the MOJ in which private members and government members participate in the same number deliberates and controls such detentions. With such control measures, foreigners are being detained for the minimum period necessary to fulfill the purpose of the execution of a deportation order. It is deemed relevant judicial control is sufficiently imposed considering that an objection may be filed against a detention order or a deportation order pursuant to Articles 55, 59, etc., of the *Immigration Act*, and the suspension of an execution

of a detention order may be filed to the court through the complaint for the cancellation of a deportation order or a detention order.

119. In accordance with the *Rules on Detention of Foreigners*, the Government restricts the detention of children under the age of 14, refrains from the detention of children under the age of 18 to the maximum, and even if such children are inevitably detained due to a criminal offense, it is regulated that the authority shall prevent long-term detention through regular interviews and assign them to special detention rooms equipped with additional facilities. Also, the amendment to the *Immigration Act* is being prepared to stipulate the principle of prohibiting the detention of criminal minors (i.e., children under the age of 14). In addition, the introduction of the *System for Deposit of Performance Bond about Deportation Orders* started from January 2020, has helped secure the effectiveness of deportation orders, minimize the detention of foreigners who violated the acts, and minimize the detention period by temporarily suspending the detention of the child or parent when the reason for temporary suspension of detention is recognized.

120. To improve the material living conditions in immigration detention facilities, foreigners under detention will be dispersed by building a new detention facility of the Seoul Southern Immigration Office on 4 March 2020 (capacity of 56 persons), planning to complete the construction of a new office building in Ulsan and remodeling the detention center (capacity of 160 persons) in the second half of 2022. Also, with regular inspection on detention facilities for the replacement of aged heaters, aged air conditioning systems, showerheads to prevent self-injury, etc., the Government continues to improve such material conditions. The Government has also allowed detained foreigners to access the Internet upon request at foreigner detention centers since August 2018. In-house doctors regularly conduct internal medical treatment for the physical and mental health of detained foreigners, who may also have access to external medical clinics if they want. Especially in April 2019, psychological counsellors were hired and assigned to three detention centers, to resolve detained foreigners' stress and promote their psychological stability.

121. At foreigner detention centers, detainees may do outdoor exercise five times a week, and the "Dong-Gam Program" is under operation which includes training on Korean language, health management, religion, entertainment, etc., for psychological stability. Certified hygienists manage hygiene in detention centers, and air purifiers were installed. The Government will continue its effort by securing additional budgets, etc., to improve such residential environments.

122. In particular, refer to the activities of the NHRC in paragraph 38 on its investigation. The Human Rights Bureau of the MOJ also regularly conducts investigation on the actual condition of detention centers and pays visits for investigation pursuant to the relevant acts. Detention centers such as foreigner detention centers ensure that detainees may freely make outside calls by installing public telephones in detention rooms and displaying the contact information of embassies and the notice on the procedure on remedies.

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123. The Government amended and enacted Chapter XXXI of the CA, the fundamental act that regulates the State's right to punishment, as "Crimes of Trafficking in Persons" on 5 April 2013, to stipulate the concepts of human trafficking in line with the international standards. Such crimes had been punished under various punishment regulations, but the provision of the crimes of human trafficking (Article 289) was newly inserted to comply with the *United Nations Convention against Transnational Organized Crime* and more actively implement the Palermo Protocol. Considering that human trafficking constitutes a crime against humanity, the provision of universality (Article 296-2) was inserted to punish foreigners who commit the crimes of human trafficking outside South Korea under the laws of the ROK. Under the amended CA, kidnapping, abduction, human trafficking for the purpose of labor exploitation, sex trafficking, sexual exploitation, the sale and purchase of organs, etc., shall be punished, and the new provisions were inserted (Article 292 of the CA) to strictly punish persons who recruit, transfer or deliver another with the intent to commit kidnapping, abduction, human trafficking, etc., as an individual crime.

124. The Government established the *Act on Prevention of Human Trafficking and Protection etc. of Victims* (hereinafter the “HTA”) in reflection of the concerns of international organizations and civil societies that the definition of human trafficking provided in the CA is narrow and the protection of victims is not sufficient. The Government launched a task force of relevant ministries under the lead of the MOGEF in 2020, reviewed the criminal definitions of human trafficking in domestic laws in line with the international standards, the protection system for the victims of human trafficking, the protection system for foreign victims, the necessity to establish an organization governing human trafficking, etc. The bill was passed at the plenary session of the NA on 24 March 2021 and promulgated on 20 April. The aforementioned act will be enacted from 1 January 2023.

125. The given Act defines the crimes related to human trafficking dispersed across various acts; has the MOGEF take the lead in establishing the general measures to prevent human trafficking jointly with relevant ministries; and regulates general matters about the identification, protection and support of victims and special provisions for foreigners. Under the Act, the MOJ participates in the process of preparing the general measures to identify, protect and support victims with relevant ministries including the MOGEF, and provides training to raise the awareness of investigators about human trafficking and strengthen their capacity to respond thereto.

126. The HTA, as intended to protect victims of human trafficking, does not include separate punishment provisions, but all forms of trafficking in persons including human trafficking, sexual exploitation and labor exploitation are subject to punishment, and some crimes including trafficking in children and adolescents are subject to aggravated punishment, in accordance with special acts including the CA and the *Act on the Arrangement of Commercial Sex Acts, etc.* (hereinafter the “CSA”). In addition, the aforementioned Act regulates that “children and persons with disabilities” are included in the scope of victims that the crimes of human trafficking are recognized even without acts such as abuses, threats, fraudulent means, and force, protecting victims in a wider range provided in the Palermo Protocol (“children”).

127. The Government has the public institutions control the overall process of employment of foreign workers through the Employment Permit System to prevent the infringement of rights of foreign workers such as human trafficking in persons and labor exploitation and provide employment training, including training on the labor-related acts, before and after foreign workers arrive in South Korea so that they may recognize and enjoy their rights and interpretation and counseling services. More labor inspectors were hired for effective monitoring, and a total of 1,178 supervisors (911 labor inspectors and 267 occupational safety supervisors) were hired between 2017 and 2019. In addition, by selecting employers who are highly likely to exploit the labor of the disadvantaged including foreigners and persons with disabilities, the supervisors inspect such employers about whether they have forced long hours of work, abused the workers, complied with the minimum wages, etc., and impose criminal punishment, etc., upon the identification of unlawful acts. As a result, labor supervisors inspected 22,574 places and found a total of 58,692 unlawful cases in 2017, and inspected 26,082 places and found 70,009 unlawful cases in 2018.

128. To strengthen the protection of human rights of female migrant workers who hold the Art and Entertainment (E-6) visa for which the concerns about the chances of human trafficking have been pointed out, the Government has continued to conduct random inspections on entertainment places where foreign entertainers work, through joint enforcement teams in cooperation with relevant ministries such as the KNPA. To prevent and eradicate the cases of human trafficking against those arriving in South Korea under the visa exemption agreement, the MOJ regularly operates enforcement periods for unlawful entertainment and massage shops and unlawful employment brokers. The MOGEF also conducts inspections on places that employ female foreigners, jointly with relevant ministries including the KNPA, to prevent violence against women such as the arrangement and forcing of sex trafficking.

129. Intensive crackdowns of unlawful employment brokers were carried out in May 2019; intensive crackdowns of the unlawfully employed in the entertainment and massage shops, employment brokers, etc., were carried out in June 2019, and there were intensive crackdown periods of unlawful entertainment and massage shops in September, November and

December 2019 and January and November 2020. The Government signed an MOU with the Thai Government to promote a reasonable and orderly migration, considering the ROK-ASEAN Special Summit on 25 November 2019, and the intergovernmental efforts will be continuously made to prevent the occurrence of such issues by signing MOUs with other countries. Also, the consuls conduct interviews with applicants for the Art and Entertainment (E-6) visa to check the authenticity of their entertainment activities, and the Initial Adjustment Support Program to prevent human rights violations is provided to those arriving in South Korea for the first time to prevent sex trafficking and the suffering of victims

130. To resolve difficulties to recognize the situation of human rights violations such as forcing sex trafficking by permitting entertainment agencies to represent, etc., in the process of residence permit, the MOJ abolished the provision of representation in administrative affairs in the process of granting permission to stay for foreigners, restricted the issuance of visas for citizens from countries with 40% or more of overstay rate, and checked whether there had been human rights violations through face-to-face interviews from January 2020. When a foreigner visits the competent immigration office for extension of residence, etc., one must fill in the identification indicators of human trafficking victims and whether one is insured by the national health insurance shall be confirmed. Also, the Government will strengthen efforts to prevent human rights violations by distributing the guidelines about remedy and contact information of relevant agencies upon the application for visa, foreigner registration and extension of stay.

131. In the ROK, victims of the crimes of human trafficking for the purpose of sexual exploitation are not subject to punishment for sex trafficking, and also not subject to criminal punishment in cases where such acts constitute a forced unlawful act provided in Article 12 of the CA.

132. The prosecutors have taken measures to strictly respond to the enforcement and investigation of the crimes of sex trafficking using the *Identification and Protection Indicators of Human Trafficking Victims* published by the NHRC and the *Guidelines for Identification of Sex-trafficking Victims* funded by the MOGEF. Also, collective training on the overall criminal process of sex trafficking cases, identification and support of the victims of sexual violence, etc., is provided to prosecutors dedicated to women and children twice a year.

133. The Government provides the victims of sex trafficking with counseling, medical and legal support, accommodation and departure. The victims of human trafficking may also be given economic support such as medical costs, psychological treatment by the Smile Centers and legal support by the KLAC in accordance with the *Crime Victim Protection Act*. They also may stay in a shelter for a specified period for the protection of their identification, and be given services such as support of a location system to the victims with the fear of retaliation. Furthermore, the Government supports interpretation and translation services through the connection with the Danuri Call Center or “the third-party interpretation and counseling service” operated by the MOJ’s information center for foreigners for foreign victims of sex trafficking to have effective communication in the process of investigation or immigration, and the victims may be accompanied by a person in a reliable relationship at the investigation by the institutions, in accordance with the CSA.

134. When a public official finds a foreigner who is staying in South Korea without any reasonable status of sojourn while being on duty, the *Immigration Act* grants public officials the obligation to inform the head of the office of local immigration and foreign affairs thereof, but such obligation is exempted when it is recognized that remedy and reparation is needed as priority, as it is likely that a foreigner without status of sojourn would not report the crime one is suffering from for the fear of deportation, or when it is deemed necessary to prevent crimes that exploit such a weakness. The foreign victims of human trafficking are also subject to the notification exemption system. The Government expanded the scope of public officials subject to such exemption to all public officials in September 2018, and the *Enforcement Rules on the Immigration Act* was amended and enacted for the clarification of legal grounds. Also, to prevent the cases where a foreigner without a status of sojourn does not receive a test in the fear of enforcement after the spread of COVID-19 in February 2020, the related press remedy and guidelines titled “the cost for a diagnosis and the exemption of the notification obligation” (in 14 languages) were distributed for the promotion of such systems.

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135. The Government amended the *Enforcement Decree of the Elementary and Secondary Education Act* to prohibit the corporal punishment of children using tools or body parts from 2011. Later, the Municipal/Provincial Offices of Education have had each school designate an alternative training method considering the conditions, not to make training methods other than corporal punishment to be indirect corporal punishment. The *Early Childhood Education Act* included the prohibition of corporal punishment of young children by teachers and staff of kindergarten facilities using tools or body parts in 2016, and was amended once again to protect the human rights of young children by prohibiting inflicting emotional distress on young children by loud voice or violent language, etc., in 2020.

136. As it has been pointed out that Article 915 of the *Civil Act* relating to the right to take disciplinary action may be misunderstood as allowing the corporal punishment of parents to their children, the MOJ presented a bill to partially amend the *Civil Act* to delete Article 915 thereof on 15 October 2020, which was passed at the plenary session of the NA on 8 January 2021 and has taken effect since 26 January 2021.

137. In addition, with the amendment to the *Child Welfare Act* in 2020, the grounds for local governments to have public officials dedicated to child abuse (Article 22) were prepared, ensuring that local governments may effectively respond to child abuse that may occur at home, etc., by taking a step to immediately separate the abused child.

138. The Government has operated and held campaigns titled “the child abuse reporting period” to prevent tolerance against corporal punishment from leading to child abuse. To raise awareness about child abuse and prevent domestic violence, the Government designated 19 November as the Child Abuse Prevention Day and one week therefrom as the Child Abuse Prevention Week. By rewarding persons of merit who prevent child abuse and showing a promotional video, the authorities raised awareness of child abuse and facilitated active reports. In addition, the grounds for the operation of the domestic violence eradication week were established in the *Act on the Prevention of Domestic Violence and Protection, etc. of Victims*.

139. The Government has made efforts to develop positive and non-violent training programs to replace corporal punishment after prohibiting it in kindergartens and schools. Each local government and office of education has prepared various daily education programs not dependent on corporal punishment.

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140. The MND amended the MCA to add the provision of special cases to punish a military person who assaults or intimidates another military person even in cases where the victim does not want punishment thereon, which had not been punishable, to punish acts of assault or intimidation in the military without exception (Article 60-6 of the MCA). It is expected that with such amendment, assault and intimidation in the military may be eradicated, and an appropriate culture within the military where human rights is protected may be created.

141. The Act in place regulates the duty to report by stating that, “Where a soldier becomes aware of any private sanction committed by other soldiers such as beating, verbal abuse, harsh treatment, bullying or any sexual molestation or sexual violence during his/her barrack life, one shall promptly report it to his/her superior or notify it to the officer for the protection of the soldier’s human rights or a military investigative agency, etc.” (Article 43(1) of the *Framework Act on Military Status and Service*). Also, as a person who reports a crime subject to punishment pursuant to the MCA is a whistleblower, by establishing the provisions that a person who discloses personal information about a whistleblower or a fact that enables another person to infer that one is a whistleblower, etc., or takes disadvantageous measures against a whistleblower, etc., the authority protects whistleblowers while it punishes perpetrators without exception (Article 15(1) and Article 30 of the *Protection of Public Interest Reporters Act*). Especially, the Ordinance of the MND regulates that in the case when a superior in the chain of command acquiesced, aided and abetted, concealed or protected the facts of sexual violence, etc., a resolution for disciplinary action shall be requested, and the misdeeds and the determination of the disciplinary action of persons who committed sexual

violence shall be considered. In such cases, favorable circumstances such as prizes and decorations shall not be taken into consideration.

142. The acts in place regulate the “Judge System” under which an officer not qualified as an attorney-at-law may participate in the trial as a judge only in exceptional cases (i.e., the cases designated by the commander that needs advanced professional knowledge and experience about the military, among the cases prosecuted only for the crimes provided in the MCA except for rape and indecent act and the crimes provided in the *Military Secret Protection Act*). However, the MND prepares the amendment to the Act to delete the provision as the aforementioned “Judge System” is deemed to have a chance of violating the independence and professionalism of the decision. Also, it has implemented the Guidelines to strictly apply the system in line with the intention of abolishing the Judge System before the amendment thereto, and as a result no officers without a license have participated in a trial as a judge since 7 July 2017. The MND will continue to seek the amendment to the Act to abolish the Judge System.

143. The MND has made efforts to protect the human rights of soldiers, and as a part of such effort, it amended the act on 4 February 2020 to substitute the guardhouse detention, one of the disciplinary actions on soldiers, which may be against the warrant requirement principle under the Constitution, for the *Military Discipline Training System* (For the details refer to <Table 35>).

Reply to paragraph 25(a) of the list of issues

144. As the decision of the unconstitutionality of Article 24 of the *Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients* (hereinafter the “MHA”) was made in September 2016, the aforementioned Act was amended to become the MHA that regulates the process of involuntary hospitalization to require (i) an additional diagnosis of hospitalization by a medical specialist of another medical clinic other than the clinic for hospitalization and (ii) an examination by the Committee for Examination as to Legitimacy of Admission (hereinafter the “LEC”). For details of the amendment refer to <Table 36>.

Reply to paragraph 25(b) of the list of issues

145. The Government wholly amended the MHA in 2016 to improve the process related to involuntary psychiatric hospitalization to enhance the protection of human rights. To be strictly necessary and proportionate, the system of hospitalization for diagnosis for two weeks prior to the hospitalization for treatment is introduced, and only when two or more psychiatrists present during the period of hospitalization for diagnosis are of the same opinion that the patient fulfills the two requirements: (i) necessity of hospital treatment; and (ii) necessity of hospitalization considering that the patient is likely to damage his/her own health or safety or others, the patient may continue to be hospitalized. Also, the LEC comprising a legal profession, a psychiatrist, a family member of the patient, an expert, the patient him/herself, etc., is launched to examine the legitimacy of involuntary hospitalization. The head of the psychiatric institution shall inform the Committee of the hospitalization within three days of the decision of hospitalization, and the said Committee shall inform the result of the examination as to the legitimacy of admission within one month. Furthermore, involuntary hospitalization may continue only for the first three months, and the extension of the hospitalization period requires the deliberation by the Mental Health Examination Committee. Furthermore, in cases where the intention of “a face-to-face investigation on the legitimacy of admission by an investigator” was confirmed through the notification of rights when involuntary hospitalization was applied for, the rate of face-to-face investigation conducted between 2018 and 2020 stood at 24.7%. (The number of actual investigation conducted: 21,095.) In addition, to hire more medical specialists at national and public hospitals, the Ministry of Health and Welfare (hereinafter the “MOHW”) plans to review the measure to secure more medical public officials and to increase wages, etc.

Reply to paragraph 25(c) of the list of issues

146. As for involuntary hospitalization, a patient may be hospitalized for up to three months only with the same opinion of two or more medical specialists presented within two weeks

from the first day of hospitalization. After the initial hospitalization, the patient needs to receive the opinions of two or more medical specialists twice every three months and then every six months. Especially for the hospitalization by a legal guardian, the two medical specialists shall belong to “different medical institutions” and one of them must work for a national, public or designated medical institution. The judicial hospitalization is not possible without a change in the current judicial system, but the LEC provided in the MHA, which is composed of an attorney-at-law, a psychiatrist, a civil society, etc., is in the form of quasi-judicial hospitalization.

Reply to paragraph 25(d) of the list of issues

147. Under the amended Act, to fully respect the will of the patient, the face-to-face investigation procedure is also introduced in the examination as to the legitimacy of admission, under which the investigator of the LEC directly listens to the opinion of the patient upon the request of the patient or *ex officio* of the commissioner of the LEC. Local governments establish and operate the Mental Health Deliberation Committees for persons hospitalized in psychiatric institutions, etc., or the legal guardians thereof may file a petition for the examination for discharge or improvement of treatment, and there is remedy for human rights protection that the given persons may file a petition for discharge any time under the *Habeas Corpus Act*. In addition, Article 68 of the MHA stipulates that except in cases of emergency hospitalization, no person shall hospitalize or admit any mentally ill person in a mental medical institution or mental health sanatorium or extend the period of hospitalization or admission without a direct diagnosis by a psychiatrist, while Articles 72 and 75 thereof regulate the prohibition of detention, cruelty, etc., and the prohibition of isolation or other restrictions, respectively. To be specific, as a result of the examination as to the legitimacy of admission pursuant to Article 45 of the MHA, 1,051 cases were determined for discharge between May 2018 and December 2020.

Reply to paragraph 25(e) of the list of issues

148. Article 2 of the Enforcement Decree of the NHRCA includes a psychiatric institution equipped with a detention facility provided in the MHA. Upon receiving a complaint, the NHRC makes various recommendations for investigation, practices and policy to the MOHW, and the Division of Mental Health Policy reflects and implements such recommendations.

Other issues

Reply to paragraph 26 of the list of issues

149. The *Act on Counter-Terrorism for the Protection of Citizens and Public Security* (hereinafter the “CTA”) was established in 2016 to protect the life and property of citizens and to ensure national and public security against terrorism; the authorities are engaged in counterterrorism activities based on the laws and procedures by installing and operating the National Counterterrorism Committee to deliberate and resolve on important matters of policies related to national counter-terrorism activities. For an example, see <Table 37>.

150. The process for such measures was implemented under the procedures provided in the acts in place including the CPA. As the judicial process on the suspects who financed terrorism (shown in <Table 37>) was also based on that for general domestic crimes, such measures did not affect human rights safeguards in law or in practice. For example, the Counter-Terrorism Human Rights Protection Officer has been operating to prevent the infringement of people’s basic rights which may be caused by the counter-terrorism activities of related agencies in accordance with the CTA, but no complaint has been filed relating to human rights to date.

151. The Government has dealt with terrorism under the procedures provided in the CPA, which has the suspects’ right protection system in line with the international laws. To be specific, Section 1 of Chapter 9, Section 2 of Chapter 1, etc., of the CPA regulate the due process relating to arrest, prosecution and detention in detail, and the aforementioned Act materializes the right to counsel, the presumption of innocence, special protection of minors, prohibition against double jeopardy, etc.

152. Also, the Counter-Terrorism Human Rights Protection Officer System is under operation to prevent the infringement of people's basic rights which may be caused by counter-terrorism activities, and there are complex measures to protect human rights with the provision of aggravated punishment on a public official of intelligence or investigation institutions who makes a false accusation, commits perjury or forges any evidence of the crimes of forming terrorist groups, etc. With regard to the Convention, in accordance with Article 309 of the CPA, the confession of a criminal defendant which is extracted by torture, violence, or threat or after prolonged arrest or detention, or by other means, shall not be admitted as evidence of guilt.

153. The prosecutors and investigators of the Prosecutors' Office are selected from those with extensive knowledge about the Constitution and the CPA based on strict standards. They are continuously provided with the training about human rights protection during the investigation process such as the prohibition of cruelty and discrimination, fair investigation and principled discretionary investigation, and the methods of collecting evidence based on due process. The prosecutors shall make efforts to prevent human rights violations by confirming whether human rights were infringed during the investigation through the interview with the arrested suspects. Especially, the prosecutors and investigators in charge of the crimes of terrorism are given training on the characteristics, response procedures and proceeding standards of the crimes of terrorism with the counter-terrorism manual distributed, and also provided with training on important investigation cases, methods of collecting evidence, due process prepared for human rights protection, etc., every year. Furthermore, in April 2018, the prosecutors in charge of terrorism were given training by a U.S. federal prosecutor and an FBI investigator, and the group of prosecutors in charge of counter-terrorism visited various counter-terrorism institutions including the National Security Division of the U.S. Department of Justice, continuously making efforts to raise awareness about advanced response, investigation and prevention system against terrorism and human rights protection or the supervisory system, etc., during the course.

154. In accordance with Article 7 of the CTA, the Government has operated the Counter-Terrorism Human Rights Protection Officer System to prevent the infringement of people's basic rights which may be caused by counter-terrorism activities. The Counter-Terrorism Human Rights Protection Officer is engaged in human rights protection activities such as providing counseling and recommendations for the improvement of human rights protection, processing civil petitions related to the infringement of human rights and educating related agencies on human rights. With regard to the response to civil petitions thereof, civil petitioners may be informed of the result within two months of the date of receipt except for inevitable cases when they submit the statement via mail, fax, email or E-Petitions to the offices supporting the Counter-Terrorism Human Rights Protection Officer. Even in the given inevitable cases, civil petitioners are informed of the grounds therefor and the processing plan. The civil petitioner who needs remedy for right relieved may request the introduction of legal aid, accusation or investigation, deliberation of punishment on the party or the responsible person, etc. No complaints were received on the given issue.

Reply to paragraph 27 of the list of issues

155. Refer to <Table 38> on the efforts made during the COVID-19 pandemic for persons deprived of their liberty and in other situations of confinement.