

## REPUBLIC OF KOREA

### Follow-up - State Reporting

#### i) Action by Treaty Bodies

CAT, A/61/44 (2006)

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#### CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS

38. In Chapter IV of its annual report for 2004-2005 (A/60/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2005. This chapter updates the Committee's experience to 19 May 2006, the end of its thirty-sixth session.

39. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2006 on the results of the procedure.

40. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment," as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

41. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow-up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow-up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' report under article 19.

42. Since the procedure was established at the thirtieth session in May 2003 through the end of the thirty-sixth session in May 2006, the Committee has reviewed 39 States for which it has identified follow-up recommendations. Of the 19 States parties that were due to have submitted their follow-up reports to the Committee by 1 May 2006, 12 had completed this requirement (Argentina, Azerbaijan, Czech Republic, Colombia, Germany, Greece, Latvia, Lithuania,

Morocco, New Zealand, United Kingdom, and Yemen). As of May, seven States had failed to supply follow-up information that had fallen due (Bulgaria, Cambodia, Cameroon, Chile, Croatia, Moldova, Monaco), and each was sent a reminder of the items still outstanding and requesting them to submit information to the Committee.

43. With this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

44. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all of the items designated by the Committee for follow-up (normally between three to six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she writes to solicit the outstanding information.

45. Each letter responds specifically and in detail to the information presented by the State party, which is given a formal United Nations document symbol number.

46. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues not addressed but which are deemed essential in the Committee's ongoing work in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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48. The chart below details, as of 19 May 2006, the end of the Committee's thirty-sixth session, the state of the replies with respect to follow-up.

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### **C. Follow-up due May 2007**

State party	Date due	Date reply received	Document symbol number	Further action taken/required
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Republic of Korea	May 2007			
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## **CAT, A/62/44 (2007)**

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### **IV. FOLLOW UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In Chapter IV of its annual report for 2005 2006 (A/61/44), the Committee described the framework that it had developed to provide for follow up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2006. This chapter updates the Committee's experience to 18 May 2007, the end of its thirty eighth session.

47. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2007 on the results of the procedure.

48. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

49. Since its thirtieth session in May 2003, the Committee began the practice of identifying a limited number of these recommendations that warrant a request for additional information following the review and discussion with the State party concerning its periodic report. Such "follow up" recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its "follow up recommendations" which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

50. Since the procedure was established at the thirtieth session in May 2003, through the end of the thirty eighth session in May 2007 the Committee has reviewed 53 States for which it has identified follow up recommendations. Of the 39 States parties that were due to have submitted their follow up reports to the Committee by 18 May 2007, 25 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Germany, Greece, Latvia, Lithuania, Monaco, Morocco, New Zealand, Qatar, Sri Lanka, Switzerland, United Kingdom and Yemen). As of 18 May, 14 States had not yet supplied follow up information that had fallen due (Bulgaria, Bosnia and Herzegovina, Cambodia, Cameroon, Democratic Republic of the Congo, Georgia, Guatemala,

Republic of Korea, Moldova, Nepal, Peru, Togo, Uganda and United States of America). In March 2007, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow up information was due in November 2006, but had not yet been submitted, and who had not previously been sent a reminder.

51. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report (A/61/44). However, only 4 (Austria, Ecuador, Qatar and Sri Lanka) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. While comparatively few States had replied precisely on time, 19 of the 25 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

52. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

53. The Rapporteur has expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information is needed, she writes to the State party concerned with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she writes to solicit the outstanding information.

54. At its thirty eighth session in May, the Committee decided to make public the Rapporteur's letters to the States parties. These would be assigned a United Nations document symbol number and placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies (these symbol numbers are under consideration) to the follow up and also place them on its website.

55. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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57. The chart below details, as of 18 May 2007, the end of the Committee's thirty eighth session, the state of the replies with respect to follow up.

**Follow up procedure to conclusions and recommendations from May 2003 to May 2007**

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**Thirty sixth session (May 2006)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
... Republic of Korea	May 2007	Not received**	
...			

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\*\* Information received after the thirty eighth session: CAT/C/KOR/CO/2/Add.1.

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#### **CHAPTER IV. FOLLOW-UP ON CONCLUSIONS AND RECOMMENDATIONS ON STATES PARTIES REPORTS**

46. In this chapter, the Committee updates its findings and activities that follow-up on the conclusions and recommendations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on Follow-Up to Country conclusions. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated to through May 2008, following the Committee's fortieth session.

47. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the conclusions and recommendations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2008.

48. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to conclusions and recommendations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2008 on the results of the procedure.

49. The Rapporteur has emphasized that the follow-up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and cruel treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

50. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

51. Since the procedure was established at the thirtieth session in May 2003, through the end of the fortieth session in May 2008, the Committee has reviewed 67 States for which it has identified follow-up recommendations. Of the 53 States parties that were due to have submitted

their follow-up reports to the Committee by 16 May 2008, 33 had completed this requirement (Albania, Argentina, Austria, Azerbaijan, Bahrain, Bosnia and Herzegovina, Canada, Chile, Czech Republic, Colombia, Croatia, Ecuador, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Republic of Korea, Latvia, Lithuania, Monaco, Morocco, Nepal, New Zealand, Qatar, Russian Federation, Sri Lanka, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen). As of 16 May, 20 States had not yet supplied follow-up information that had fallen due (Bulgaria, Burundi, Cambodia, Cameroon, Democratic Republic of the Congo, Denmark, Guyana, Italy, Japan, Luxembourg, Mexico, Moldova, the Netherlands, Peru, Poland, South Africa, Tajikistan, Togo, Uganda and Ukraine). In March 2008, the Rapporteur sent a reminder requesting the outstanding information to each of the States whose follow-up information was due in November 2007, but had not yet been submitted, and who had not previously been sent a reminder.

52. The Rapporteur noted that 14 follow-up reports had fallen due since the previous annual report.<sup>3</sup> However, only 2 (Hungary and the Russian Federation) of these 14 States had submitted the follow-up information in a timely manner. Despite this, she expressed the view that the follow-up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow-up to the review of the periodic reports. While comparatively few States had replied precisely on time, 25 of the 33 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non-governmental organizations, many of whom had also encouraged States parties to submit follow-up information in a timely way.

53. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

54. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

55. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

56. Since the recommendations to each State party are crafted to reflect the specific situation

in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

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58. The chart below details, as of 16 May 2008, the end of the Committee's fortieth session, the state of the replies with respect to follow-up.

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3/ *Official Records of the General Assembly, Sixty-second Session, Supplement No. 44 (A/62/44).*

**Follow-up procedure to conclusions and recommendations  
from May 2003 to May 2008**

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**Thirty-sixth session (May 2006)**

State party	Information due in	Information received	Action taken
...			
Republic of Korea	May 2007	27 June 2007 CAT/C/KOR/CO/2/Add.1	Response under review
...			

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**CAT, A/64/44 (2009)**

#### **IV. FOLLOW UP ON CONCLUDING OBSERVATIONS ON STATES PARTIES REPORTS**

53. In this chapter, the Committee updates its findings and activities that follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the recommendations of its Rapporteur on follow-up to concluding observations. The Rapporteur's activities, responses by States parties, and the Rapporteur's views on recurring concerns encountered through this procedure are presented below, and updated through 15 May 2009, following the Committee's forty-second session.

54. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. It also presented information on the Committee's experience in receiving information from States parties from the initiation of the procedure in May 2003 through May 2009.

55. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. As in the past, Ms. Gaer presented a progress report to the Committee in May 2009 on the results of the procedure.

56. The Rapporteur has emphasized that the follow up procedure aims "to make more effective the struggle against torture and other cruel, inhuman and degrading treatment or punishment", as articulated in the preamble to the Convention. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific actions designed to enhance each State party's ability to implement the measures necessary and appropriate to prevent acts of torture and ill-treatment, and thereby assists States parties in bringing their law and practice into full compliance with the obligations set forth in the Convention.

57. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information specifically for this procedure. Such follow-up recommendations are identified because they are serious, protective, and are considered able to be accomplished within one year. The States parties are asked to provide within one year information on the measures taken to give effect to its follow-up recommendations which are specifically noted in a paragraph near the end of the conclusions and recommendations on the review of the States parties' reports under article 19.

58. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-second session in May 2009, the Committee has reviewed 81 States for which it has identified follow up recommendations. Of the 67 States parties that were due to have submitted their follow up reports to the Committee by 15 May 2009, 44 had completed this requirement. As of 15 May 2009, 23 States had not yet supplied follow up information that had fallen due. The

Rapporteur sends reminders requesting the outstanding information to each of the States whose follow up information was due, but had not yet been submitted, and who had not previously been sent a reminder. The status of the follow-up to concluding observations may be found in the web pages of the Committee (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

59. The Rapporteur noted that 14 follow up reports had fallen due since the previous annual report. However, only 4 (Algeria, Estonia, Portugal and Uzbekistan) of these 14 States had submitted the follow up information in a timely manner. Despite this, she expressed the view that the follow up procedure had been remarkably successful in eliciting valuable additional information from States on protective measures taken during the immediate follow up to the review of the periodic reports. One State party (Montenegro) had already submitted information which was due only in November 2009. While comparatively few States had replied precisely on time, 34 of the 44 respondents had submitted the information on time or within a matter of one to four months following the due date. Reminders seemed to help elicit many of these responses. The Rapporteur also expressed appreciation to non governmental organizations, many of whom had also encouraged States parties to submit follow up information in a timely way.

60. Through this procedure, the Committee seeks to advance the Convention's requirement that "each State party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture ..." (art. 2, para. 1) and the undertaking "to prevent ... other acts of cruel, inhuman and degrading treatment or punishment ..." (art. 16).

61. The Rapporteur expressed appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow up information at all, she requests the outstanding information.

62. At its thirty eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties. These would be placed on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow up and also place them on its website (<http://www2.ohchr.org/english/bodies/cat/sessions.htm>).

63. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill treatment.

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65. The chart below details, as of 15 May 2009, the end of the Committee's forty-second session, the state of the replies with respect to follow up.

**Follow-up procedure to conclusions and recommendations from May 2003 to May 2009**

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**Thirty-sixth session (May 2006)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Republic of Korea	May 2007	27 June 2007 CAT/C/KOR/CO/2/Add.1	Request for further clarification
...			

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**Chapter IV. Follow-up to concluding observations on States parties' reports**

65. In this chapter, the Committee updates its findings and activities that constitute follow-up to concluding observations adopted under article 19 of the Convention, in accordance with the procedure established on follow-up to concluding observations. The follow-up responses by States parties, and the activities of the Rapporteur for follow-up to concluding observations under article 19 of the Convention, including the Rapporteur's views on the results of this procedure, are presented below. This information is updated through 14 May 2010, the end of the Committee's forty-fourth session.

66. In chapter IV of its annual report for 2005-2006 (A/61/44), the Committee described the framework that it had developed to provide for follow-up subsequent to the adoption of the concluding observations on States parties reports submitted under article 19 of the Convention. In that report and each year thereafter, the Committee has presented information on its experience in receiving information on follow-up measures taken by States parties since the initiation of the procedure in May 2003.

67. In accordance with rule 68, paragraph 2, of the rules of procedure, the Committee established the post of Rapporteur for follow-up to concluding observations under article 19 of the Convention and appointed Ms. Felice Gaer to that position. In November 2009 and May 2010, the Rapporteur presented a progress report to the Committee on the results of the procedure.

68. At the conclusion of the Committee's review of each State party report, the Committee identifies concerns and recommends specific measures to prevent acts of torture and ill-treatment. Thereby, the Committee assists States parties in identifying effective legislative, judicial, administrative and other measures to bring their laws and practice into full compliance with the obligations set forth in the Convention.

69. In its follow-up procedure, the Committee has identified a number of these recommendations as requiring additional information within one year. Such follow-up recommendations are identified because they are serious, protective and are considered able to be accomplished within one year. The States parties are asked to provide information within one year on the measures taken to give effect to the follow-up recommendations. In the concluding observations on each State party report, the recommendations requiring follow-up within one year are specifically identified in a paragraph at the end of the concluding observations.

70. Since the procedure was established at the thirtieth session in May 2003, through the end of the forty-fourth session in May 2010, the Committee has reviewed 95 reports from States parties for which it has identified follow-up recommendations. It must be noted that periodic reports of Chile, Latvia, Lithuania and New Zealand have been examined twice by the Committee since the establishment of the follow-up procedure. Of the 81 States parties that were due to have submitted their follow-up reports to the Committee by 14 May 2010, 57 had completed this

requirement. As of 14 May 2010, 24 States had not yet supplied follow-up information that had fallen due: Republic of Moldova, Cambodia, Cameroon, Bulgaria, Uganda, Democratic Republic of the Congo, Peru, Togo, Burundi, South Africa, Tajikistan, Luxembourg, Benin, Costa Rica, Indonesia, Zambia, Lithuania (to the 2009 concluding observations), Chad, Chile, Honduras, Israel, New Zealand, Nicaragua and the Philippines.

71. The Rapporteur sends reminders requesting the outstanding information to each of the States for which follow-up information is due, but not yet submitted. The status of the follow-up to concluding observations may be found in the web pages of the Committee at each of the respective sessions. As of 2010, the Committee has established a separate web page for follow-up (<http://www2.ohchr.org/english/bodies/cat/follow-procedure.htm>).

72. Of the 24 States parties that did not submit any information under the follow-up procedure as of 14 May 2010, non-respondents came from all world regions. While about one-third had reported for the first time, two-thirds were reporting for a second, third or even fourth time.

73. The Rapporteur expresses appreciation for the information provided by States parties regarding those measures taken to implement their obligations under the Convention. In addition, she has assessed the responses received as to whether all the items designated by the Committee for follow-up (normally between three and six recommendations) have been addressed, whether the information provided responds to the Committee's concern, and whether further information is required. Each letter responds specifically and in detail to the information presented by the State party. Where further information has been needed, she has written to the concerned State party with specific requests for further clarification. With regard to States that have not supplied the follow-up information at all, she requests the outstanding information.

74. At its thirty-eighth session in May 2007, the Committee decided to make public the Rapporteur's letters to the States parties which are posted on the web page of the Committee. The Committee further decided to assign a United Nations document symbol number to all States parties' replies to the follow-up and also place them on its website.

75. Since the recommendations to each State party are crafted to reflect the specific situation in that country, the follow-up responses from the States parties and letters from the Rapporteur requesting further clarification address a wide array of topics. Among those addressed in the letters sent to States parties requesting further information have been a number of precise matters seen as essential to the implementation of the recommendation in question. A number of issues have been highlighted to reflect not only the information provided, but also the issues that have not been addressed but which are deemed essential to the Committee's ongoing work, in order to be effective in taking preventive and protective measures to eliminate torture and ill-treatment.

76. Among the Rapporteur's activities in the past year, have been the following: attending the inter-committee meetings in Geneva where follow-up procedures were discussed with members from other treaty bodies, and it was decided to establish a working group on follow-up; addressing the Committee on the Elimination of Discrimination against Women at its August 2009 meeting in New York concerning aspects of the follow-up procedure; assessing responses

from States parties and preparing follow-up letters to countries as warranted and updating the information collected from the follow-up procedure.

77. Additionally, the Rapporteur initiated a study of the Committee's follow-up procedure, beginning with an examination of the number and nature of topics identified by the Committee in its requests to States parties for follow-up information. She reported to the Committee on some preliminary findings, in November 2009 and later in May 2010, and specifically presented charts showing that the number of topics designated for follow-up has substantially increased since the thirty-fifth session. Of the 87 countries examined as of the forty-third session (November 2009), one to three paragraphs were designated for follow-up for 14 States parties, four or five such topics were designated for 38 States parties, and six or more paragraphs were designated for 35 States parties. The Rapporteur drew this trend to the attention of the members of the Committee and it was agreed in May 2010 that, whenever possible, efforts would henceforth be made to limit the number of follow-up items to a maximum of five paragraphs.

78. The Rapporteur also found that certain topics were more commonly raised as a part of the follow up procedure than others. Specifically, for all State parties reviewed since the follow-up procedure began, the following topics were most frequently designated:

Ensure prompt, impartial and effective investigation(s)	76 per cent
Prosecute and sanction persons responsible for abuses	61 per cent
Guarantee legal safeguards	57 per cent
Enable right to complain and have cases examined	43 per cent
Conduct training, awareness-raising	43 per cent
Ensure interrogation techniques in line with the Convention	39 per cent
Provide redress and rehabilitation	38 per cent
End gender-based violence, ensure protection of women	34 per cent
Ensure monitoring of detention facilities/visit by independent body	32 per cent
Carry out data collection on torture and ill-treatment	30 per cent
Improve condition of detention, including overcrowding	28 per cent

79. In the correspondence with States parties, the Rapporteur has noted recurring concerns which are not fully addressed in the follow-up replies and her concerns (illustrative, not comprehensive) have been included in prior annual reports. To summarize them, she finds there is considerable value in having more precise information being provided, e.g. lists of prisoners, details on deaths in detention and forensic investigations.

80. As a result of numerous exchanges with States parties, the Rapporteur has observed that there is need for more vigorous fact-finding and monitoring in many States parties. In addition, there is often inadequate gathering and analysing of police and criminal justice statistics. When the Committee requests such information, States parties frequently do not provide it. The Rapporteur further considers that conducting prompt, thorough and impartial investigations into allegations of abuse is of great protective value. This is often best undertaken through unannounced inspections by independent bodies. The Committee has received documents, information and complaints about the absence of such monitoring bodies, the failure of such bodies to exercise independence in carrying out their work or to implement recommendations for

improvement.

81. The Rapporteur has also pointed to the importance of States parties providing clear-cut instructions on the absolute prohibition of torture as part of the training of law-enforcement and other relevant personnel. States parties need to provide information on the results of medical examinations and autopsies, and to document signs of torture, especially including sexual violence. States parties also need to instruct personnel on the need to secure and preserve evidence. The Rapporteur has found many lacunae in national statistics, including on penal and disciplinary action against law-enforcement personnel. Accurate record keeping, covering the registration of all procedural steps of detained persons, is essential and requires greater attention. All such measures contribute to safeguard the individual against torture or other forms of ill-treatment, as set forth in the Convention.

82. The chart below details, as of 14 May 2010, the end of the Committee's forty-fourth session, the replies with respect to follow-up. This chart also includes States parties' comments to concluding observations, if any.

#### **Follow-up procedure to concluding observations from May 2003 to May 2010**

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#### **Thirty-sixth session (May 2006)**

<b>State party</b>	<b>Information due in</b>	<b>Information received</b>	<b>Action taken</b>
...			
Republic of Korea	May 2007	27 June 2007 CAT/C/KOR/CO/2/Add.1	Request for further clarifications
		10 July 2009 CAT/C/KOR/CO/2/Add.2	Request for further clarifications
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## **Follow-up - State Reporting**

### **ii) Action by State Party**

**CAT, CAT/C/KOR/CO/2/Add.1 (2007)**

**Comments by the Government of the Republic of Korea\* to the conclusions and recommendations of the Committee against Torture (CAT/C/KOR/CO/2)**

[27 June 2007]

### **Paragraph 7**

**Despite the existence of legislative and administrative measures to prevent and prohibit torture and forms of other ill-treatment, the Committee remained concerned at continuing allegations of torture and intimidation committed by law enforcement officials, in particular in relation to the use of excessive force and other forms of ill-treatment, during arrest and investigation, and in detention and correctional facilities.**

**The State party should give higher priority to efforts to promote a culture of human rights by ensuring that a policy of zero tolerance is developed and implemented for all law enforcement personnel, as well as for all staff in detention and correctional facilities. The State party should also intensify its efforts to reinforce human rights education, awareness-raising and training activities in general, and with regard to the prohibition of torture in particular.**

1. In May 2006, the Ministry of Justice established the Human Rights Bureau to conduct preliminary inspections to prevent human rights violations in the law enforcement process under the Ministry, including investigation, correction, and immigration. When a case arises, the Human Rights Bureau has the capacity to conduct prompt investigations and to take remedial measures for the victims.

2. In May 2006, Human Rights Violations Hotline Center was launched within the Human Rights Bureau for the investigations on human rights violations and the remedies related to law enforcement process of the Ministry of Justice. 207 cases were reported between the period of May and December 2006; 23 out of the 45 investigated cases were accepted and provided with remedy. From May 2006 to February 2007, 73 (51%) facilities of the 147 detention and protective facilities under the Ministry of Justice were inspected for the prevention of human rights violations (surveyed 637 detainees and interviewed 234 detainees).

**Remedy includes rectification of unfair punishment, change of facility rooms, and improvements on medical treatment for the detainees.**

3. For the better human rights protection of the people in the investigation process, 'Investigation Standards on Human Rights Protection' were revised in June 2006, implementing a new system to expand human rights protection, such as the notification by telephone

immediately after the arrest, the decision on custody in accordance with the custodial investigation standards, the greater permission of the guardian participation in the investigation procedure, and the provision of mandatory break time during a long investigation.

### **Relevant provisions of the 'Investigation Standards on Human Rights Protection'**

a) Article 20 (Prompt notifications of arrests, etc.)

In addition to the written notification specified in Paragraph 1, additional notifications are given by telephone or facsimile immediately after being brought in through the arrest or apprehension. However, this does not apply to special circumstances such as accomplice runaway or destruction of evidence or to those who have been notified as prescribed in Paragraph 1 at the time of the arrest or apprehension.

b) Article 16 (Standards on custodial investigations)

(i) The prosecutor shall decide with strict fairness and prudence on making a custody in accordance with the Standards on Custodial Investigations, which have been formulated and implemented to consolidate the rule of law and to raise the trust of the people on criminal justice.

(ii) The prosecutor shall pay attention to the following in the decision of making a custody :

Shall thoroughly examine whether the criminal charge of the suspect has been elucidated by objective evidence.

Shall prudently decide if there are reasons for the custody, such as concerns for runaway or destruction of evidence by comprehensively considering the character of the criminal offense, the anticipated length of the sentence, the character and conduct of the suspect, the criminal records, the family relationship, the occupation, the social relationship, and the situation after the criminal offence.

Shall not come to a conclusion on the concerns for run-away or destruction of evidence on the grounds of the suspect's denial of his/her offence, the suspect exercising the right to remain silent or the media attention that particular case receives.

c) Article 47 [Presence of a person in trust relation such as family]

(i) In the case of the victim or other witnesses come under any of the following, the prosecutor shall permit presence of a person unless it interrupts the investigation or is against his/her intention.

(ii) Concerns over the exercise of rights of a person due to being under-aged or physically/mentally disabled.

(iii) Those in need of psychological stability.

4. Article 42 [Provision of breaks]

a) In the case of a long investigation, the prosecutor shall permit sufficient breaks during the investigation so as for the suspect to recover from fatigue.

b) In the case of the suspect requesting a break during the investigation, it shall be permitted taking into consideration the time taken for the investigation and his/her health status.

c) In the case of discovering health abnormalities of the suspect, the prosecutor shall take necessary measures such as medical consultation or provision of rests.

d) Provisions of paragraph 1 or 3 shall be applied to in the case of investigating the concerned parties such as the person being investigated before arrest, the victim or the witness.

5. For the intensive implementation of the 'Investigation Standards on Human Rights Protection', the "Report Guideline for Human Rights Supervision" has been instructed to each Public Prosecutor's Office in March 2007, containing the following; half year reports and inspections conducted on the implementation of the Investigation Standards to the Ministry of Justice and the Supreme Public Prosecutor's Office; thorough supervision of the implementation of the Investigation Standards by the Supreme Public Prosecutor's Office and the prosecutors of respective High Public Prosecutor's Office; and inspections conducted by the Inspector General's Office and the Human Rights Protection Division of the Ministry of Justice when internal inspections are considered insufficient.

6. As of April 1, 2006, the National Intelligence Service established the 'Investigation Standards on Human Rights Protection' and it has been implementing. An internal human rights supervision system has been developed with the establishment of the "Human Rights Promotion Team" within the Security Investigation Bureau in April 2006, assigning an officer to take full charge of the human rights protection. The investigation time of the suspect is strictly regulated through transferring the suspect to a nearby police station after 8pm, and transporting him/her again to the investigation room at the National Intelligence Service at 9am on the following day.

7. For the improvements of the environment for the suspect investigation, investigation rooms at the National Intelligence Service Complex have been allocated above the ground, installed closed-circuit televisions (CCTV) in investigation rooms to record the entire investigation on the suspect, under his/her consent, and assigning the counsel interview room next to the investigation building to facilitate the detection of problems and lodge of objection in the investigation process.

8. In October 2005, "Duty Regulations for Police Officers on Human Rights Protection" were established to prevent human rights violations by all police officers including those working in the police cells. Police officers who commit violent and cruel acts such as torture shall be punished in accordance with the Criminal Act.

a) Article 8 (Prohibition of violent and cruel acts, etc.), Paragraph 1 of "Duty Regulations for Police Officers on Human Rights Protection" : The police officer shall not pose a threat nor commit unreasonable violation to the body of the suspect including acts of assault or cruelty, instigate or aid such acts in the entire process of the duty performance.

b) Under the current administration, there has been one case on assault for harming a detainee, and the offender has been imposed of criminal punishment in accordance with the Criminal Act.

9. For the prevention of torture, human rights education has been reinforced for the public officials of the Ministry of Justice. The Ministry's Human Rights Bureau is responsible for the human rights education on the public officials of legal administrative affairs, offering more professional and effective human rights educational training.

10. Details of the human rights education for the public officials of the Ministry of Justice are as follows:

a) On 23 March, 2007, a workshop was held to strengthen the human rights-mindedness of high level officials of the Ministry of the Justice and the Prosecutor's Office. Oh-Gohn Kwon, judge of the International Criminal Tribunal for the former Yugoslavia (ICTY), gave a special lecture on "International Human Rights Standards".

b) Regular human rights education is provided to investigators, prison officers and public officials of immigration control. (A total of 15 sessions in 2006).

c) Human rights education has been selected as a mandatory subject for advancement, training courses. Also, human rights education programmes, which have taken into consideration the characteristics of each field of legal affairs have been developed and implemented.

(i) 2006 : Developed a human rights educational programme for corrections officials

(ii) 2007 : Developing human rights educational programme for immigration control officials

11. At the Graduate School of the National Intelligence Service, a subject entitled "Theory of Criminal Investigation Process" is offered to promote understanding of various types of rules, laws, and regulations including the Criminal Procedure Act, Duty Regulations for Special Judicial Police Management, and Duty Regulations for Investigators. In particular, basic principles of the criminal law such as the Principle of the Exclusion of Illegally Obtained Evidence and the Miranda Rule are taught to raise awareness of proper legal procedures. The importance of human rights, cases of violations and preventive measures are taught through special lectures given by human rights experts including human rights lawyers.

12. . The police authority has set up human rights education courses in the police educational institutions and all local police academies nationwide to strengthen human rights education, allowing all police officers to complete 10 hours of human rights education annually. For more substantial human rights education, programmes to enhance the methods of participative education and human rights sensitivity are being developed in cooperation with the National Human Rights Commission and human rights organizations.

### **Paragraph 9**

**The Committee notes with concern that the right to have counsel present during interrogations and investigations is not presently guaranteed by the Criminal Procedure Act and is only permitted under guidelines of the public prosecutor's office.**

**The State party should take effective measures to ensure that fundamental legal safeguards for persons detained by the police are respected. In this regard, the Committee recommends the adoption of the relevant amendments to the Criminal Procedure Act, currently pending before the National Assembly, guaranteeing the right to have legal counsel present in interrogations and investigations.**

13. The revised bill of the Criminal Procedure Act to ensure the presence of counsel during suspect interrogations was passed by the National Assembly on 30 April 2007.

a) Relevant provisions of the revised Criminal Procedure Act

b) Item 2 of Article 243 (Counsel's presence, etc.)

(i) In accordance with the request of the suspect, the suspect's counsel, the legal representative, the spouse, the lineal relatives or the siblings, the prosecutor or the judicial police officer must have the counsel interview the suspect or have the counsel present during the suspect interrogation unless there are justifiable reasons to do otherwise.

(ii) In the case of more than two counsels wishing to be present in the interrogation, the suspect designates one counsel. If the designation does not take place, the prosecutor or the judicial police officer may do so.

(iii) The counsel present in the interrogation may make a statement after interrogation. The counsel, however, may raise an objection during interrogation on the unreasonable interrogation methods and state opinions with the approval from the prosecutor or the judicial police officer.

(iv) In accordance with paragraph 3, interrogatories of criminal suspects, which describes the counsel's opinions must be read, signed and sealed by that counsel.

(v) The prosecutor or the judicial police officer must record whether or not the counsel was present and the details of the restrictions in the interrogatories of criminal

suspects.

### **Paragraph 13**

**The Committee is concerned about the number of persons held in 'substitute cells' (detention cells in police stations), which are reported to be overcrowded and in poor conditions.**

**The State party should limit the use of 'substitute cells', clarify their functions, ensure that they provide humane conditions for those detained, and complete the proposed construction of new detention facilities. The Committee also urges the State party to ensure that all detention facilities conform to international minimum standards.**

14. Among 11 substitute cells nationwide, substitute cells in Eui-Sung and Young-Deok were closed in March 2007. For the closing of the substitute cells in Young-Wol, Mil-Yang, and Hae-Nam Police Stations, new prisons are under construction in the respective area, aimed for completion in 2009.

15. . For the new construction projects of Jung-Eup, Sok-Cho, and Sang-Ju Prisons planned for completion by 2012, consultation with relevant authorities and selection for proposed sites are in progress with a view to closing substitute cells in the respective police station. For the closing of the substitute cells in the Young-Dong, Guh-Chang, and Nam-Won Police Stations, new construction projects for correctional facilities are expected to proceed in stages until 2018.

16. On 23 January, 2007, the "Task Force on Substitute Cells" was formed, composed of members from the Correctional, Public Prosecutors, and Human Rights Bureaus of the Ministry of Justice as well as the National Police Agency. Through periodic meetings, the Task Force plans to make recommendation on improving the conditions of substitute cells.

17. In September 2006, "Standard Regulations for Detention Facilities" were revised, expanding the area per person of the shared cells in the accommodation unit of the correctional facilities from 2.47m<sup>2</sup> to 2.58m<sup>2</sup>. Approximately 1.6 trillion won will be injected to 10 correctional facilities for reconstruction or establishment from 2007 to 2019.

18. In March 2006, the police authority revised the "Standard Regulations for the Design of Police Cells" to conform to international minimum standards, making their utmost efforts to ensure humane environment for the detainees.

### **Paragraph 14**

**The Committee is concerned about the high number of suicides and other sudden deaths in detention facilities. It notes that detailed investigations have not been conducted into the link between the number of deaths and the prevalence of violence, torture and other forms of ill-treatment in detention facilities.**

**The State party should take all necessary steps and reduce the number of deaths in detention facilities. Adequate provision of and access to medical care should be provided, and suicide prevention programmes should be established in such facilities. The Committee also recommends that the State party conduct a comprehensive analysis on the link, if any, between the number of such deaths and prevalence of torture and other forms of ill-treatment in detention.**

19. The Ministry of Justice has made every effort for the prevention of suicide in detention facilities, such as the early identification of suicide-prone detainees through utilising scientific and rational methods such as the correctional psychology assessment and the provision of counselling services

20. Highly suicidal detainees including those with past suicide attempts are monitored 24-hours a day or are detained in the living area equipped with a closed-circuit television (CCTV), reinforcing the observation of their movements. Also, psychiatric treatment is provided to the suicide-prone detainees. For the identification of suicide-prone detainees, 20 clinical psychologists and 9 emergency medical technicians (Grade 1) were officially employed in December 2006, and the government plans to gradually increase the medical personnel including psychiatrists, mental health nurses, clinical psychologists, and emergency medical technicians by 2010.

21. For the suicide prevention of detainees, educational training has been provided to corrections officials through non-governmental organizations such as the Suicide Prevention Centre (Lifeline); a total of 1,844 officials completed the educational training between 2006 and March 2007. A five-year plan to foster 40 emergency medical technicians (corrections officials) each year started in 2006 to respond to emergency situations occurring during the night and on holidays.

22. According to the "Inspection Chart for Suicide Prevention in the Correctional Facilities", comprehensive inspections are conducted more than once a month as a complementary measure. In addition, the "Committee for Suicide Prevention" has been formed and is currently in operation, composed of two external personnel including a psychiatrist in every correctional facility.

23. In order to prevent sudden deaths, critical patients with cardiac and respiratory disorders are provided with intensive care and are immediately transferred to an external hospital in case of an emergency. Proper treatments are also provided through the suspension of the execution of the sentence/arrest. Broadcast education on common medical knowledge about health management is also offered.

24. In the case of a detainee's death such as suicide in the correctional facility, thorough investigations on all matters are conducted including the causes of death, presence of violent acts, and appropriate measures are taken based on the result. There have been no cases of suicide or death due to violent acts committed by the officials.

## **Paragraph 15**

**The Committee expresses its concerns at the number of suicides in the military and at the lack of precise information on the number of suicides caused by ill-treatment and abuse, including hazing, at the hands of military personnel.**

**The State party should prevent ill-treatment and abusive measures in the military. It is encouraged to conduct systematic research into the causes of suicides in the military and to evaluate the effectiveness of current measures and programmes, such as the ombudsman system, to prevent such deaths. Comprehensive programmes for the prevention of suicides in the military may include, inter alia, awareness-raising, training and education activities for all military personnel.**

25. The number of suicides in the past 6 years (2001-2006) caused by the abuse and violation of human rights committed by senior soldiers in the military are as follow:

Year	Total	Army	Navy	Air Force
2001	5	5	-	-
2002	8	5	-	-
2003	5	4	1	-
2004	1	1	-	-
2005	4	4	-	-
2006	8	8	-	-
Total	31	30	1	0

**Note :** The majority of soldiers serve in the army for the fulfillment of the military duty. Soldiers in the navy and the air force go through a selection process for their service.

26. Since 2003, the army has operated the "Vision Camps", consisting of individual and group psychological treatment programmes for soldiers prone to suicide and maladjustment in order to prevent suicides and encourage adjustment to the military service. From 2003 to 2006, a total of 1,300 educational sessions were been offered to 25,406 soldiers; 390 were identified as unfit for military service and were discharged from military service.

27. Between July 2005 and December 2006, as a pilot project, 6 personnel including civil experts and those with military experience were employed for the prevention of suicide through the guarantee of basic rights, counseling and alleviation of the individual hardships of the soldiers. Such project proved to be effective in terms of reducing the number of suicides and general accidents. To expand the project, the Ministry of Defense is in the process of allocating counselling officers at all regimental levels by the year 2012. In addition, advanced barrack camps for privates with sergeants as well as educational programmes on suicide prevention are currently in operation.

28. Suicide prevention efforts are made in the Navy, instructing the suicide prevention measures (February 2006). And in the Air Force, a guidebook for educational purposes to prevent suicide within the barracks was produced.

