



## National Human Rights Commission of Korea

### - Information Submission -

**<Question 1> Please provide information on the current situation of the human rights of older persons, including particular challenges and threats that may prevent the full realization of their rights.**

The National Human Rights Commission of Korea (NHRCK) surveyed 806 elderly people aged 65 or over in 2009 to assess their human rights status in the Republic of Korea. Key findings are as follows:

#### **Poverty of the Elderly**

An average income of the survey respondents was KRW 628,000 (approx. USD 580) per month, and the monthly income rates vary by gender, age and education. Sufficient living expense for an elderly person was estimated at KRW 1,370,000 (approx. USD 1,270) per month, excluding the pocket expense of KRW 530,000 (approx. USD 490). The estimated minimum living expense for an elderly person was KRW 640,000 (approx. USD 590). The proportion of financially self-reliant elderly people was 46.2 per cent. About 19 per cent of elderly people relied on their non co-residing (grand) children or children's spouses; and for slightly less than 20 per cent on their co-residing (grand) children or children's spouses. Only 6.2 per cent of the elderly relied on national social security schemes or the support of social organizations. More than a third of elderly people identified their economic status to be poor. The near-poor group perceived their poverty more seriously than the extreme poverty group. Poverty among elderly people was closely associated with their employment status (58 per cent). The survey indicated that individual labor force participation dominantly determines their income accessibility. Declines in health condition (17 per cent) and the death of a spouse (16 per cent) also attributed to their poverty. According to the survey on old-age poverty in the Republic of Korea, 41.7 per cent of elderly people accounted their poverty for supporting their children and 28.5 per cent explained that they were not able to secure savings or incomes for their livelihood after retirement.

### **Housing**

More than half (58.1 per cent) of elderly people resided in self-owned (or owned by their spouses) housing; elderly people residing in housing owned by their children or family accounted for 13.4 per cent; and 13.7 per cent of elderly people resided in leased housing and for 14 per cent in monthly rented housing.

### **Employment**

#### *Employment Status*

The Statistics Korea, in its economically active population survey, indicated that an average of 32.7 per cent of people aged 65 or over participated in labor force in 2009. The NHRCK survey showed that 84.4 per cent of elderly people participated in labor force for economic reasons and the majority of elderly people engaging in paid work were employed on a temporary basis. In terms of employment types, 35.9 per cent of elderly people in labor force was self-employed and 35 per cent was temporarily (or daily) employed. Only 26.7 per cent of elderly people in labor force enjoyed the regular employment status. The working condition of elderly people varies by gender and the level of education. An average of 38.1 per cent of elderly men was employed under regular contract in contrast to only 9.8 per cent of elderly women. In addition, those with elementary school education or lower education tended to retain temporary (daily) employment while a significant proportion of high education group (40.3 per cent) had regular employment.

#### *Income*

The average monthly income of elderly people was KRW 920,000 (approx. USD 850), which was considerably lower than the national average. According to the Ministry of Employment and Labor, the national average monthly income per capita in the third quarter of 2009 was KRW 2,610,000 (approx. USD 2,420).

- Gender: The average income level of elderly men was KRW 1,070,000 (approx. USD 990), in contrast to KRW 700,000 (approx. USD 650) for elderly women.
- Age: People aged between 65 and 69 earned on average KRW 1,060,000 (approx. USD 980). The income level decreased by a third for those aged 75 or over.
- Education Level: Those with high school education earned 1.5 times more than those with primary education.

### *Working Hours*

On average, working hours per week of elderly people were 49.3 hours, comparing with 46 hours of national average working hours in 2008. The survey indicated that approximately 4 out of every 5 currently working elderly people preferred to stay in labor force despite the lack of adequate employment forms and working condition for elderly people.

**<Question 9> Please provide information on existing legislation, polices and programs to ensure access to justice and judicial remedies for violations of the rights of older persons, including references to specific mandates of institutions such as national human rights institutions to address their rights.**

The National Human Rights Commission of Korea has a mandate to investigate and take remedial action against human rights violations committed by government agencies or detention and protective facilities. The NHRCK also investigates into acts of discrimination by corporate persons, groups or private entities and organizations and recommends remedial measures. Any individual including the elderly can file a complaint of human rights violation or discrimination with the NHRCK.

### *Resolution of Individual Complaints*

There are several ways to file complaints with the National Human Rights Commission of Korea. Written complaints may be submitted at the Human Rights Counseling Center directly, or by mail or facsimile. It is also possible to download and prepare written complaints via the webpage of the Commission or to submit complaints verbally in person or by telephone. Persons accommodated in detention or protection facilities may file written complaints directly to the Commission or submit complaints to the Commission's investigators upon their visit and interview. When the Commission receives such complaints, it must deliver or forward receipt certificates to complainants.

Upon receipt of complaints, the Commission's investigators conduct investigations as follows:

- Investigators may request that the complainant, victim, respondent, or other related person submit written statements. Those requested to submit written statements should submit them to the Commission with fourteen days.
- Investigators may request that the complainant, victim, respondent, or other related person submit materials deemed pertinent to the investigation. Investigators may also request the relevant persons to present themselves, hear their opinions, or inquire into certain facts or information when necessary.
- Investigators may conduct investigations or assessments on-site concerning the place, facility, materials, etc. in question.
- Investigators may seek expert opinions when necessary.

If complainants wish to withdraw their complaints, they must submit a letter of withdrawal specifying such intent (including a letter of withdrawal in the form of electronic documents including e-mail). If complainants verbally express intention to withdraw complaints to the staff of the Commission in person, protocols for withdrawal prepared by such staff by causing the complainants to affix their signatures or seals may be submitted in lieu of said letter of withdrawal. If complainants express intention to withdraw complaints by telephone without submitting a letter of withdrawal, telephone conversation reports prepared by the staff concerned may substitute for such letter of withdrawal.

When it is evident that a complainant should file a complaint to another government agency according to remedial procedures provided in other laws, the Commission shall immediately transfer such complaint to the government agency concerned.

Even in the absence of a complaint, the Commission may initiate investigation by a resolution of its sub-committee in charge including the Standing Commissioners Committee if there is sufficient evidence of grave human rights abuses or discriminatory acts.

The Commission (Plenary Committee, Standing Commissioners Committee, and Sub-Committees) shall deliberate on the findings of investigations into complaints and may make a recommendation, dismiss the complaint, reject the complaint without deliberation, recommend for settlement, transfer the complaint, or take other such action. Within fourteen days after such decision, the Commission should forward to the complainant a written guide and written notice of case handling results.

In addition, the NHRCK has a mandate to issue recommendations or present opinion on legislations, policies and practices and to research human rights conditions. It also carries out an active role to foster the public awareness of human rights of elderly citizens through educational programs and public campaigns. As an example, the NHRCK launched a human rights monitoring team for the elderly in 2009. The team is composed of elderly citizens themselves and aims to identify human rights challenges that the elderly people face and to find ways to improve their rights. The NHRCK actively supports the activities of the team and lays ground for a feasible social roadmap for the advancement of the human rights of elderly people.