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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Visit to the Republic of Korea

**Report of the Special Rapporteur on adequate housing as a component
of the right to an adequate standard of living, and on the right to non-
discrimination in this context *,****

Summary

The Secretariat has the honour to transmit to the Human Rights Council the report of the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Leilani Farha, on her mission to the Republic of Korea from 14 to 23 May 2018 pursuant to Human Rights Council resolution 34/9.

* The summary of the report is being circulated in all official languages. The report itself, which is annexed to the summary, is being circulated in English only.

** The report is submitted after the deadline to reflect the most recent information.

Annex

Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context

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I. Introduction

1. The Special Rapporteur on the right to housing, Leilani Farha, visited the Republic of Korea from 14 to 23 May 2018, at the invitation of the Government. The purpose of her visit was to identify positive outcomes and existing challenges for the realisation of the right to adequate housing in the country. In this context, the Special Rapporteur considered to what extent vulnerable groups are enjoying the right to housing and non-discrimination in that context.
2. The Special Rapporteur thanks the Republic of Korea for their invitation and their full cooperation during the visit. She also thanks all her interlocutors including senior government officials, municipal officials of Seoul and Busan, judges, lawyers, the national human rights institution, and civil society representatives. A special warm thanks is extended to the individuals and families she met living in various degrees of inadequate housing or in situations of homelessness who shared their personal experiences with her.
3. The Special Rapporteur had fruitful meetings with the Ministry of Land, Infrastructure and Transport, the Ministries of Foreign Affairs, Justice, Health and Welfare, Labour, Gender Equality and Family. She also met with the Supreme Court, the National Human Rights Commission, the Korean National Police Agency, and relevant State-owned enterprises, such as the Korea Land and Housing Corporation (LH), the Korea Housing Finance Corporation (HF) and KORAIL. She was also grateful for having the opportunity to meet with the National Pension Service, the Korea Research Institute for Human Settlements, and the Korean Association of Realtors.
4. The Republic of Korea has in many ways embraced the right to adequate housing and has made substantial efforts towards its progressive realization. The City of Seoul, and its Mayor, have shown particular commitment to human rights including the right to housing and have joined The Shift, an international global movement of diverse stakeholders who are reclaiming and realizing the right to adequate housing.
5. According to the 2017 Census, the population of Republic of Korea has reached 51.4 million people, nearly half (25.5 million people) of whom live in the Seoul Metropolitan Region. In the last four decades urbanization has taken hold, with 82.7 percent of the population now living in towns and cities.
6. The Republic of Korea is currently one of the fastest ageing societies in the world due to increased life expectancy – currently at 82.5 years – and a dramatic fall in the fertility rate, which reached an all-time low with 1.05 children per female adult in 2017.¹ At the same time, extended-family, and multi-generational living arrangements are on the decline, and the number of single and two-person households has increased significantly. In 2000, only 34 percent of all households were one and two person, whereas by 2017 they accounted for 55.3 percent. Households are also increasingly female-headed – their number doubled from 15.7 percent in 1990 to 30.6 percent in 2017, and it is expected to continue to increase.²
7. In the past 50 years, the Republic of Korea has experienced massive and relatively rapid economic growth, having gone from being a developing country, to now being the 11th largest economy in the world. However, over the last decade, the rate of economic growth has slowed and income distribution is becoming more concentrated, affecting the accessibility of housing for many.
8. The past impressive economic growth resulted in an overall decline of poverty, though 13.1 percent of the population still lives below the OECD poverty line.³ The Republic has the highest old-age poverty rate in the OECD. Nearly half (45.7 percent) of the population above 65 years lives in relative poverty and is therefore particularly vulnerable to inadequate housing conditions.⁴

¹ Statistics Korea, 2017 Populations and Housing Census, and Social Indicators 2017, available at: <http://kostat.go.kr>.

² Ibid.

³ According to 2015 OECD data, <https://stats.oecd.org/index.aspx?queryid=58290>

⁴ Ibid.

II. Legal framework

9. The Republic of Korea has ratified a number of international human rights treaties including: the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the Convention on the Rights of Persons with Disabilities.

10. The Republic of Korea has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their families and the Optional Protocol on the International Covenant of Economic, Social and Cultural Rights, which would increase access to justice for individuals, groups, and non-governmental organizations through an international complaints procedure.

11. Article 6 of the Republic of Korea's Constitution grants treaties that have been "duly concluded and promulgated" with equal effect as the domestic laws of the Republic of Korea. This means that international human rights treaties can be relied on by Courts. The Constitution does not include an explicit "right to adequate housing", but Article 34 (1) specifies that "all citizens shall be entitled to a life worthy of a human being" and Article 35 (3) stipulates that "the State shall endeavour to ensure comfortable housing for all citizens through housing development policies and the like". Article 23 (3) requires that fair compensation shall be provided for any expropriation and restriction of property rights based on public needs.

12. The right to housing and its many dimensions is found in legislation. The Framework Act on Residence (2015) states in Article 2 that "people have the right to live in a decent residential life in a pleasant and stable dwelling environment, protected against any physical or social danger..."⁵ It further specifies that people's housing expenses shall be maintained at affordable levels through housing supply and subsidization according to income levels and life cycle; and that housing standards for low-income and other disadvantaged groups shall be elevated by giving them priority over supply and expense subsidization. In addition, it specifies that support shall be provided to ensure that the housing needs of persons with disabilities, older persons, and other disadvantaged groups are met. There are also specific laws targeting those most in need, such as the Act on the Support for Housing Disadvantaged Persons including Persons with Disabilities and the Aged, the Housing Benefits Act and the Act on Support for Welfare and Self-Reliance of the Homeless.⁶

III. Right to adequate housing

14. According to international human rights law, States have an obligation to progressively realize the right to adequate housing, using maximum available resources. The right to adequate housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. The right to adequate housing contains: (a) legal security of tenure; (b) availability of services, materials and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; (g) cultural adequacy.⁷

15. The Republic of Korea has made many efforts towards the progressive realization of the right to adequate housing. The establishment of public housing programmes substantially addressed the housing shortage in the early 2000s, and overall housing conditions have improved significantly over the past decades. Enhancing housing affordability and quality for low-income households and disadvantaged groups is now, however, a pressing issue.

⁵ Act No. 13378, from 22 June 2015 as amended by Act No. 15120 from 28 November 2017.

⁶ All relevant national laws are available in English and Korean at: elaw.klri.re.kr.

⁷ General Comment No. 4 of the Committee on Economic, Social and Cultural Rights.

16. International human rights law require the State to adopt a comprehensive national housing strategy or plan.⁸ While South Korea has adopted the Framework Act on Residence, it is unclear as to how the many housing related laws, and programmes interact, and whether taken together they will lead to the effective realization of the right to adequate housing, Sustainable Development Goal (SDG) 11 and commitments made under the New Urban Agenda.

A. Overview of housing conditions

17. After the Korean War (1950-53), the Republic of Korea faced a significant housing shortage. Seoul still had many informal settlements in the early 1960s formed by those who lost their homes in the war, refugees and people from rural areas settling in the city. In 1966, Seoul had a population of 3.8 million with approximately 720,000 households, but there were only 360,000 homes available in the city. The country, still under military rule, embarked on what can be called a “bulldozer” approach to “slum” clearance that hardly complied with human rights-based approaches for the upgrading of informal settlements.⁹ It was at that time that the first large-scale apartment complexes were erected in Seoul.

Accessibility

18. In 1981, the Government established the National Housing Fund and started to provide public lands for large-scale development of housing by private and public sector developers. Several years later, the Government went on a massive construction drive to create 2 million units in a short period of time, increasing construction from about 200,000–250,000 units per annum during the 1980s to over 500,000 units per year during the early 1990’s.¹⁰ Public housing stock offered for rental continued to increase from about 825,500 units in 2007 to 1.36 million in 2016.¹¹ The Special Rapporteur welcomes that the current Government is continuing its strong commitment to investing in public housing, at a time when this is under threat in many countries. The Government aims to increase the ratio of public rental housing units to total housing units from 6.7 percent to 9 percent by 2022 and supply 130,000 additional public housing units every year.

19. In 2007, the Government adopted a housing support policy that designated 15 percent of the public rental housing for vulnerable groups. However, between 2013 and July 2017, only 3.5 percent of all such units built have been provided to persons considered vulnerable.¹²

Habitability

20. In the 1980s, most Koreans lived in detached houses, but today the most typical form of housing is the apartment complex, representing 60 percent of all housing units. Only 46.5 percent of all housing units in the country are older than 20 years, as the prevailing policy has been to replace old housing stock with larger and taller apartment complexes.¹³

21. The Special Rapporteur welcomes the introduction by the Government of minimum housing standards in 2004, and the monitoring of the number of housing units that do not comply. These standards require a particular number of rooms, and floor size per household member and were updated in 2011. Over the last decade, the share of substandard housing according to the official minimum housing standards has plummeted from 16.6 percent in 2006 to 5.9 percent in 2017. However, in absolute numbers there are still more than one million substandard housing units.

22. Overall overcrowding in housing has been reduced substantially. Between 1980 and 2016 the average floor size per person expanded three times to 33 square metres. There are,

⁸ Ibid., para. 12 and Article 5 of Act No. 13378 from 22 June 2015.

⁹ See A/73/310/Rev.1.

¹⁰ Kyung-Hwan Kim and Miseon Park, “Housing Policy in the Republic of Korea”, Asian Development Bank Institute, Working Paper Series No. 570, April 2016, p. 3-4.

¹¹ Statistics provided to the Special Rapporteur by MOLIT.

¹² According to MOLIT data submitted in response to a request by Yoon So-ha, Member of the National Assembly.

¹³ Statistics Korea, 2017 Populations and Housing Census.

however, still many people residing in *jjokbang* or *goshiwan*, which are on average just 3.3 square meters as discussed below. There has been a marked increase in the number of households with piped water from just 56 percent in 1980, to almost 98 percent in 2010, and the number of households equipped with a modern toilet increased from just 18.4 percent to 97 percent during the same timeframe.¹⁴ However, 5.3 percent of households living below the poverty line still have no access to a private flushing toilet, which is above the OECD average.¹⁵

B. Issues in Focus

1. Housing affordability

23. The lack of affordable housing in South Korea is a substantial barrier to adequate housing particularly for those in the lowest income groups, which includes young people, older persons, single parents, persons with disabilities, and others. Low-income households (bottom 20%) tend to spend 26.3% of their income on rent, and can at times struggle to cover other necessities. Housing affordability is particularly a problem in the Seoul Metropolitan Area, where 33.6 percent of all households face an excessive housing cost burden.¹⁶

24. Buying a home has also become increasingly expensive. During the last 10 years home prices in all metropolitan areas increased on average by 3.8 percent per annum.¹⁷ The burden of buying a home in Seoul rose to a six year high in the last quarter of 2017.¹⁸ According to KB Kookmin Bank, average apartment prices in Seoul increased by 19.1 percent between May 2017 and May 2018. While apartment prices soared, the monthly income of an average three-person household increased by only 1.5 percent.¹⁹ Main drivers of the price increases are real estate speculation and increased demand for housing in metropolitan areas.

25. The Government has tried to ensure affordable housing for low-income households through several public housing schemes and a social and housing benefit for persons living in poverty.

26. The Korean Land & Housing Cooperation (LH) is one of the largest public housing providers in the world and provides 70 percent of the public rental housing stock in South Korea. LH's largest public housing programme is the National Rental Housing scheme with about 600,000 units accessible to households earning below 70 percent of the average median income. It provides rental accommodation at 60- 80% below market rate. The government has also invested in a public permanent rental housing programme that targets low-income households. This programme is accessible to those in receipt of a basic living security benefit. Rents are set at approximately 30 percent of market price. However, there are only approximately 200,000 permanent rental housing units available.²⁰

27. By way of encouragement, these publically funded programs can be commended. The Rapporteur was pleased to hear that after her visit to Korea, the Government announced that vulnerable persons can now be exempted from providing a deposit for a public rental unit which has proven to be a major access barrier for those in the lowest income bracket.

28. In 1999, through the unified National Basic Livelihood Security System the Government introduced a rental allowance scheme for the lowest-income households. Under the Housing Benefits Act, people living in private rental accommodation can receive a

¹⁴ Kyung-Hwan Kim and Miseon Park, "Housing Policy in the Republic of Korea" (Fn. 11 above), p.6.

¹⁵ See OECD, Affordable housing database, indicator HC2.2, available at: <http://www.oecd.org/social/affordable-housing-database.htm>.

¹⁶ Data provided to the UN Special Rapporteur on Housing, MOLIT, May 2018, p.6.

¹⁷ *Ibid.*, p. 4.

¹⁸ "Burden of buying a house in Seoul hits 6-year high", in Korean Herald, 19 March 2018.

¹⁹ "Surging apartment prices frustrate Seoul residents", Korea Herald, 10 January 2019.

²⁰ For a more comprehensive overview, see OECD, "Housing Dynamics in Korea: Building Inclusive and Smart Cities", (OECD, Paris 2018), pp. 81-85.

monthly cash subsidy calculated on the basis of household income, rent level, family size and location.²¹

29. While the number of beneficiaries receiving the housing benefit has increased from 686,000 households in 2015 to 940,000 households in 2018, until very recently many applicants could not receive this benefit, as their next of kin held assets or had income that would disqualify the applicant. In addition, only those with an income below 44 percent of median income would qualify.²² The Special Rapporteur also learned that the housing benefit is inadequate to meet housing costs. When meeting a number of residents in receipt of livelihood and housing benefits, recipients reported to her that the housing benefit is insufficient to cover actual housing costs and thus they must use their livelihood benefit to pay their rent. Some residents are paying more than \$250USD/month on rent for some of the smallest units with the most squalid conditions, which renders them exceptionally expensive on a per square metre basis. In 2016, the average housing benefit covered only 69.8 percent of the actual average rents paid by the beneficiaries.

30. The Rapporteur is concerned that the eligibility criteria for social security and housing benefits are discriminatory and violate Articles 2(2), 9, and 11(1) of the International Covenant on Economic, Social and Cultural Rights, as foreign residents and those without a fixed address who cannot provide proof of their last permanent residence are excluded from receiving these benefits.

31. The Special Rapporteur was very pleased to learn that after her visit, the Government abolished the regulations limiting access to the housing benefit for those with immediate family members in good economic standing. The Government also announced that the income eligibility criteria for receiving the housing benefit will be relaxed over time. By 2020 an income below 45 percent of the median income will qualify for the benefit scheme. While this will improve access to housing benefits, a large cohort of those living below the relative poverty rate will still be excluded.

2. Security of tenure: *Joensei* and monthly rental

32. There are three main forms of tenure that distinguish the Republic of Korea: Owner-occupied housing, *joensei* rental, and monthly rental.

33. With close to 60 percent of the population in a home ownership situation, the majority of the Republic's population can be said to have security of tenure, a cornerstone of the right to adequate housing. However, this figure drops to 47 percent for single parents and less than 30 percent for single persons, making them increasingly dependent on the increasingly expensive and insecure rental housing market.

34. Traditionally the most common rental regime in South Korea has been *joensei*. In this regime, a tenant is required to pay a large lump sum deposit - 50 to 70 percent of the total market price of the unit - for a specified rental contract period (usually two years). The homeowner then invests this money and the return on the homeowner's investment is in lieu of monthly rental payments. Upon termination of the lease, the tenant receives back their lump sum deposit.

35. *Joensei* is seen by many tenants as a step towards homeownership through a savings scheme of sorts. It also assisted in the rapid development of Korea as it provided home owners liquid capital for construction and development at a time when banking institutions were experiencing great instability. High interest rates in the 80s and 90s assured landlords sufficient monthly interest returns and spared them from the collection of monthly rent and the possible risk of the tenant defaulting on her or his monthly rent payments.

36. Over the last decade the proportion of *joensei* on the rental market has declined. In 2017, 22.5 percent of all households were in monthly rental contracts as compared to 15.2 percent in *joensei* rental arrangements.²³ This is in part because the low-interest earned

²¹ Act No. 12333, from 24 January 2014.

²² This is below the relative poverty level of 50 percent below median income, see also "Govt, softens eligibility rules for welfare subsidies", The Korean Herald, 22 June 2018.

²³ Ministry of Land, Infrastructure and Transport, Korea Housing Survey 2017.

through capital markets makes *joensei* contract arrangements less attractive to owners. To generate more profits, property owners have sharply increased the average *joensei* deposit, and as such they are now outpacing inflation and household incomes, making this form of rental accommodation less affordable including for medium income households.²⁴

37. These developments would be less worrying, if security of tenure were available for all irrespective of type of tenancy. However, in Korea security of tenure is only truly guaranteed for the homeowner. The lack of adequate protections for tenants (in both *joensei* and monthly rentals) has been the major cause of housing instability for those who do not own home. Under article 4 of the Housing Lease Protection Act²⁵, lease terms must have at minimum a duration of two years. Once the lease expires, however, the tenant does not have a right of renewal and the homeowner can increase upfront deposits at will and without restriction. The tenant is thus left to either accept the increase or find another home.

38. According to the latest figures published by the Ministry of Land, Infrastructure and Transport, on average tenants remain in rental units only for 3.4 years and the proportion of households that stay in the same home for less than two years is now as high as 35.9 percent.²⁶

39. During the visit, a tenant reported to the Special Rapporteur that he and his family had to move 16 times in the last 20 years, as the cost for renewal of his existing rent contract exceeded his financial means. This causes a great deal of instability: it is difficult to develop community ties, and it disrupts schooling for children. The lack of security of tenure along with the failure to put more stringent caps on rent increases year over year means that residents with *joensei* contracts must often continue to borrow funds every two years. It contributed to the high average household debt at 163 percent of net disposable income in the Republic of Korea, .

40. The *joensei* system has remained popular because housing costs for apartments rented through this system are on average lower than for similar housing rented on a monthly basis. However, the initial capital needed for the lump-sum deposit creates a barrier, particularly for the young population and other low-income households like single-parents. If a prospective tenant is low income and has inadequate savings or any family members who can provide a loan, only the monthly private rental market is accessible, which is more expensive and provides even less protection for tenants.³⁹

41. The Government has attempted to address some of these issues by, for example, developing a public loan scheme. In December 2017, the Government established the “Plan for the Promotion of Rental Housing Registration” to encourage, through tax benefits, multi-unit homeowners to voluntarily register their places as private rentals. Under this registration plan, tenants benefit as rent increases are capped and the right of renewal for 4 or 8 years is possible, depending on the registration period chosen by the homeowner. Currently, the registration rate is relatively low at 18% of multi-unit homeowners.

3. Informal Settlements: *Goshiwon*, *Jjokbang* and Vinyl Green Houses

42. According to Household Population Surveys, the number of households occupying informal settlements or substandard housing not intended for residency, including vinyl green houses, *Jjokbang*, *Goshiwon*, and containers has rapidly increased from approximately 57,000 in 2005 to close to 394,000 in 2015. Overall the housing conditions in these informal housing units are grossly inadequate: cramped, overcrowded, prone to flooding and fires, and without adequate indoor sanitation facilities, placing women at particular risk.

43. The Special Rapporteur visited residents living in both *Goshiwon* and *Jjokbang* units. *Goshiwon* were initially constructed as temporary student accommodation. They are, on average, small cubicles of around 3 sq. m, often without windows and with barely enough room for a single bed and small table. The buildings, usually managed by a live-in caretaker, have a common kitchen and shared sanitation facilities. Today this substandard housing is no longer exclusively reserved for students. Instead it is used as accommodation for low-income

²⁴ Kyung-Hwan Kim and Miseon Park, “Housing Policy in the Republic of Korea” (Fn. 11) p. 8.

²⁵ Act no. 3379 from 5 March 1981, as most recently amended by Act No. 14175 from 29 May 2016.

²⁶ “6.8 years needed to own a home”, Korean Herald, 9 May 2018.

people, most of whom are older persons, either unemployed or retired. Rental costs are surprisingly steep in light of the cramped and substandard conditions, ranging from 220,000 to 450,000 per month (220 – 450 USD).

44. *Jjokbangs*, originally built as temporary accommodations for construction workers and day labourers, are one-room units between 2.5 to 5 sqm, with common kitchen and sanitation facilities. The Special Rapporteur visited some of these residences where she noted that some were so small the tenants had to sleep sitting up or in a bent position. Only short term leases (monthly, weekly or daily) are available for this type of accommodation. Despite the short-term nature of the rental contracts, 57 percent of residents live in *Jjokbangs* on a long-term basis (more than 7 years).²⁷

45. For many persons living in poverty these units are housing of last resort. Costs to reside in a *Jjokbang* are between 7,000-8000 Korean Won (6-7 USD) per day, or 250,000 Won per month (220 USD). During her inspection of several *Jjokbangs* in downtown Seoul, the Special Rapporteur noted that many are not only small, but also very poorly maintained. Rain water poured into several rooms, and residents are in a weak position to demand repairs as they otherwise risk losing their room and have no alternative accommodation.

46. Residents living in these sorts of informal accommodations lack security of tenure and thus are at risk of being forcibly evicted, particularly by urban development projects. Residents also face the risk of fire breaking out because many of the units are made of highly flammable materials, such as plastic, scrap wood, or cardboard. The largest informal settlement in Seoul is Guryong village, where several fires have occurred since 2010. Vinyl tents are also used to house migrant workers in agricultural areas in deplorable, substandard housing conditions.

47. The Special Rapporteur appreciates that Government officials acknowledge that the *Goshiwon*, *Jjokbang*, vinyl and greenhouses, and other informal accommodations do not meet adequate housing standards under international human rights law. The urgency to address unsuitable living conditions and insufficient safety arrangements with immediate effect is underlined by a fire that broke out in a *Goshiwon* in Seoul on 9 November 2018 that was home to 50 residents, killing seven people and injuring twelve.²⁸

48. The Special Rapporteur is concerned that the Government of South Korea has yet to develop a plan to upgrade these informal accommodations and ensure access to adequate housing for residents, in accordance with their commitments under Goal 11, Target 11.1 of the SDGs and its human rights obligations.

4. Homelessness

49. According to article 2 of Korea's Act on Support for Welfare and Self-Reliance of the Homeless²⁹, persons living in homelessness is defined broadly to include are those who have lived without a permanent abode or who have slept in shelter for a substantial period, as well as persons who live in a dwelling that is considered uninhabitable. Despite this inclusive definition, statistics gathered in 2016 by the Ministry of Health and Welfare counted only those sleeping rough or in homeless shelters, amounting to 11,340 people.³⁰

50. According to civil society organizations, this number soars to 262,000 homeless people when those living in informal units such as vinyl homes, and huts as well as those residing in substandard housing, such as *Goshiwon*, *Jjokbang*, and containers are included in the count.

51. The factors leading to street homelessness include the Asian Financial Crisis, as well as the reduction of affordable small units like *Jjokbangs* in central locations, as many are being converted into more profitable guest houses for tourists.

²⁷ See Seoul Metropolitan Government, "Housing Seoul: Improving the Quality of Life", The Mayor of Seoul, Housing Policy Division, 12 October 2016, p.148.

²⁸ Kim Jae-heun, "Fire at housing facility in Seoul kills seven", The Korean Times, 10 November 2018, https://www.koreatimes.co.kr/www/nation/2018/11/281_258419.html

²⁹ Act No. 10784 from 7 June 2011 as amended by Act No. 14882 from 19 September 2017.

³⁰ Lee Tae-Jin et al, The 2016 Survey on the Status of the Homeless, Ministry of Health and Welfare.

52. The Special Rapporteur spoke with a number of homeless persons living in and around Seoul station. Each of them articulated that they had experienced discrimination, stigmatization, and deep shame as a result of their housing status. Implementation of government policies to ensure long term, adequate housing solutions for vulnerable groups living in substandard housing such as *Jjokbang*, *Goshiwon*, inns or vinyl houses, in homeless shelters or on the street has been inadequate.

53. While homelessness is generally not criminalized in South Korea, national law prohibits begging in public spaces and there have been attempts to force homeless people out of parks, citing public safety concerns. The Special Rapporteur witnessed hostile architecture under bridges designed to prevent people from sleeping there.

54. The Special Rapporteur remains concerned about the prohibition of sleeping in railway stations, enforced since 2011, as well as the hiring of security firms to remove persons living in homelessness from train stations. The Special Rapporteur is also concerned that without a fixed address, access to the subsistence allowance and housing subsidy is denied. This makes it very difficult for rough sleepers to improve their living and housing conditions.

55. The Special Rapporteur encourages the National Police to adopt a community policing approach towards homeless people. She welcomes that, in 2012, KORAIL established a programme offering part-time employment to persons living in homelessness to assist their reintegration. She is also pleased to hear that, after her visit, the programme has expanded from Seoul to Busan, Daejeon and Cheongyangni Stations. Of the initial 240 participants in Seoul Station, 20 were later employed by KORAIL, and 65 in other public and private sector jobs. The part-time employment was paid, but monthly payments were below the basic social subsistence allowance rate.

56. While the Republic of South Korea recognizes that homelessness is a significant issue, the Government does not appear to have a plan to identify and address the root causes of homelessness with a view to eliminating it, in keeping with its international human rights obligations, SDG and Urban Agenda commitments. The Special Rapporteur also did not hear of plans to ensure that long term adequate housing options are available to those who are homeless.

5. Urban Redevelopment and Reconstruction

57. While large-scale redevelopment and reconstruction projects have been common in Korea, the Special Rapporteur welcomes the Government's paradigm shift as they move away from mass forced evictions, demolitions, and reconstruction towards small-scale urban renewal projects, undertaken in consultation with residents, with minimal involuntary displacement and with the aim of improving living conditions in communities. This is consistent with a human rights based approach.

58. The previous policy of large-scale demolition and reconstruction has not been entirely phased out, however. The Special Rapporteur was informed that many projects throughout Korea that were already designated for demolition and reconstruction, continue to be executed under the previous policy. For example, as of April 2018, the City of Busan was committed to continuing 171 planned large-scale redevelopment and reconstruction projects. The Special Rapporteur hopes that these planned or ongoing large-scale redevelopment projects will be re-evaluated and carried out in a manner that is fully compliant with international human rights standards.

59. For a neighbourhood to be designated as a reconstruction zone, the consent of at least 75 percent of all *homeowners* must be secured. These homeowners are guaranteed to receive priority access to housing units after reconstruction is completed. *Tenants*, who often make up 70 percent of the residents in concerned areas, are not adequately consulted by the Government or by landlords, and some argue that compensation schemes are insufficient to secure a new rental home in a proximate location. The Special Rapporteur also heard disturbing reports of violence and intimidation of residents at the hands of private developers. Some individuals, facing imminent forced eviction, expressed to her that they feel helpless and voiceless, with no choice but to remain in their homes as a form of protest.

60. The Special Rapporteur visited Ahyeon-dong, a neighbourhood in Seoul undergoing reconstruction where residents have been forcibly evicted without prior consultation, compensation or adequate support for relocation. Local police allegedly failed to protect residents from the squads hired by the developers to demolish their houses.³¹ The area was designated for redevelopment in 2003, but the plan stalled for over 10 years, before evictions and home demolitions started in 2018. During her visit she witnessed irregular methods used by private demolition companies to force out residents from their homes, including the destruction of doors and windows of inhabited homes and the spreading of garbage in the streets to make the area uninhabitable.

61. After the Special Rapporteur's visit, she received reports that one resident of Ahyeon-dong, who alongside his mother had experienced repeated evictions, committed suicide on 3 December 2018 after he was evicted from his temporary shelter.³² According to news reports, after the tragic incident, the developer decided to compensate the mother of the deceased and has offered support to her and three other households who have refused to vacate their homes.³³

62. The Special Rapporteur has been informed that the City of Seoul has launched an investigation to examine the legality of the forced evictions that took place in Ahyeong-Dong. Such an investigation must analyse any possible violation of international human rights law.

63. The Special Rapporteur is concerned that the current legal framework for redevelopment and reconstruction fails to comply fully with the right to adequate housing, General Comment No. 7 on forced evictions (E/1998/22) and the Basic Principles and Guidelines on Development-Based Evictions and Displacement (A/HRC/4/18). These human rights standards require that States explore every alternative to displacement; consultation and participation of all residents in the planning and implementation of urban renewal plans, regardless of their housing status as homeowners or tenants; that no individual should be rendered homeless or vulnerable as a consequence of redevelopment and reconstruction projects; that alternative housing that meets all adequacy standards, including affordability, is provided; and that residents have access to legal recourse to challenge an eviction.

64. The Special Rapporteur notes that in 2016, the Economic Development Fund of Korea and the Korea Exim Bank adopted a safeguards policy which includes improved regulations for involuntary resettlement. She welcomes the adoption of these safeguards. It is, however, perplexing that standards to protect affected communities and individuals in development projects abroad appear to be stronger and more in line with international human rights standards than those at home. In her view, what can be demanded of projects executed abroad to the benefit of people in foreign countries can and should also be committed to at home.

6. Financialization

65. In the early 90s, housing price stability was a top priority for the Government sought to suppress speculation by targeting supply to would-be qualifying owner-occupiers. Speculation was frequently regarded as the key driver of housing price increases, and foreign investment in land was strictly prohibited until 1994 when, due to lower housing demand, the Government began to allow limited foreign acquisition of commercial real estate.³⁴ After joining the OECD in 1996, Korea was compelled to liberalize and do away with regulation that had preserved prices and suppressed speculation in the housing market. Property market liberalization was also a condition of the International Monetary Fund's bailout in 1998.³⁵ Both of these events led to policies that fueled the financialization of housing, including

³¹ See as well the submission received on 10 December 2018 by several South Korean NGOs working on the right to housing.

³² See Lee So-jeong, "Death of evictee raises call for action on resettlement", in: Korean Herald, 17 December 2018.

³³ Park Ju-young, "Ahyeon redevelopment union to compensate mother of deceased evictee". In Korean Herald, 10 January 2019.

³⁴ Kyung-Hwan Kim and Man Cho, "Structural Changes, Housing Price Dynamics and Housing Affordability in Korea" in: *Housing Studies*, Vol. 25, No. 6 (2010), p. 840.

³⁵ Ibid.

lifting the ceiling on individual foreign ownership to 55%, and allowing foreign financial institutions to purchase equity in domestic banks without restriction.

66. In 1998, the Foreign Investment Promotion Act was passed. This Act further eased the regulations and restrictions on investment by foreigners, while expanding tax incentives for their real estate purchases.³⁶ The Government also implemented foreigner-friendly policies, such as allowing city mayors to designate areas of the city as “foreign investment zones” to induce foreign investment.³⁷

67. The Special Rapporteur was pleased to hear that the current Government has tightened mortgage rules and the resale of new builds to restrict speculative investment in parts of Seoul and Busan. Mortgages for second homes will also be tightened to prevent excessive borrowing out of concern for the increase in household debt.³⁸ Additionally, the Government is now closely tracking and classifying the most heated markets in Korea, designating them appropriately and implementing measures to stabilize the housing prices therein.

68. Because of the nature of the *joensei* system, landlords can quickly become multiple homeowners, which also financializes the housing market and drives up prices. The Special Rapporteur was informed that a new law, which came into force in April 2018, would serve to regulate landlords who own multiple homes, so that they may be registered and subject to taxation to reduce housing speculation.

69. Korea’s National Pension Service (NPS) is the third largest in the world, valued at \$596 billion USD. In the last 10 years, the NPS has been increasing overseas investment, including in real estate overseas to diversify its portfolio, lower its exposure to risk and ensure it can perform adequately to provide security to its beneficiaries.

70. Korea’s rapidly ageing population, as well as the increasing beneficiary to contributor ratio has put pressure on the NPS to ensure high returns. The National Pension Service is therefore under pressure to ‘diversify its portfolio in terms of geographical exposure’ in order to achieve high investment incomes without relying exclusively on volatile stock markets or low interest bonds.³⁹

71. Real estate investments make up the largest alternative asset class within the NPS, and alternative investments have significantly grown from 0.5 percent in 2005 to 11.4% percent in 2016. Though the NPS indicated that only a small portion of its investments, to their knowledge have gone into residential real estate, the Special Rapporteur is concerned that due consideration is not being given as to whether investments in real estate may have any adverse effects on the enjoyment of the right to housing. The push of global investment into residential real estate has strongly contributed to the unaffordability of housing in many countries. Investment into real estate is not negative per se. However, there is a big difference if a public pension fund invests into social or public housing to promote a social goal, or mainly into residential real estate in prime locations with the intention of maximizing profits without any consideration whether such investments may have any adverse effect on the realization of the right to housing.

³⁶ Act. No. 5559, from 16 September 1998 as most recently amended by Act No. 14839 from 26 July 2017.

³⁷ *Ibid.*, article 18.

³⁸ “South Korea to tighten mortgage rules for owners of multiple homes”, *Reuters*, 24 October 2017.

³⁹ PriceWaterhouseCoopers, “Beyond their borders: evolution of foreign investment by pension funds” (2015), available at: <https://www.pwc.lu/en/asset-management/docs/pwc-am-beyond-their-borders.pdf>, p. 36

IV. Discrimination and social exclusion

A. Women, young and older persons

73. As stated above, the Republic of Korea has experienced a rapidly changing demographic which now demands distinct measures to adjust the housing needs of women, older persons as well as young persons.

74. **Women** face significant barriers when accessing housing particularly under the *joensei* rental system. Korea has the widest gender pay gap among all OECD countries at 35.4 percent, as of 2016.⁴⁰ Despite the entry into force of the Equal Employment Opportunity and Work-Family Balance Assistance Act in 2009 which aims to realize gender equality in employment, discriminatory treatments in wages and in employment persist.⁴¹ This makes it increasingly difficult for women to pay a large lump sum deposit or even a high monthly rent.

75. Women who are divorced, separated, or widowed, particularly those with children, face increased discrimination when accessing housing. The social stigma faced by single-mothers makes them undesirable tenants. The Special Rapporteur welcomes that the Government has increased in 2019 subsidies for children living in single-parent families, to reduce the percentage of single-parent families living in poverty. Women are considerably disadvantaged after a divorce as the division of marital property is not equally divided but based on each spouse's relative contribution. In the case of the death of a spouse, the property cannot be inherited if it is under the name of the male spouse.⁴²

76. **Young people** face significant barriers when accessing affordable and adequate housing. Between 2005 and 2015, single-person households increased five fold in Seoul, almost half of which are made up of youth.⁴³ The Government's housing policy, however, has remained focused on couples or family households and single person households represent only about 8.8 percent of all tenants living in public housing supplied by LH. The rent and quality of rented apartments in which most students and young people live, are not regulated by the Government forcing young people to spend a large portion of their income on substandard housing.

77. Nearly half of **older persons** live in relative poverty and in poor living conditions, particularly when they are not homeowners. Due to the changes in family support structures, older persons can no longer rely on children or relatives for care and so the percentage of single person households aged 65 and above is rapidly growing, and projected to reach 39.2 percent by 2035.⁴⁴ Social security transfers are not commensurate with average rental prices, in particular for older women who tend to receive lower pension entitlements.

78. Older persons constitute one of the largest groups living in informal settlements, such as *Goshiwon* and *Jjokbangs*. Their homes tend to be located in popular urban areas vulnerable to the consequences urban redevelopment projects. In 2010 the Asian Human Rights Commission raised a concern over the forced eviction of hundreds of tenants, mostly older persons, in the Gocheck business market. The Commission stated that the public administration failed to intervene using the excuse that redevelopment projects are a "private matter", resulting in a lack of protection of the right to housing for vulnerable persons.⁴⁵

⁴⁰ See CEDAW/C/KOR/CO/8, para. 38.

⁴¹ Ibid.

⁴² See CEDAW/C/KOR/CO/8, para. 47 and Korea Women's Associations United: NGO Submission to CEDAW, p. 26, available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/KOR/INT_CEDAW_NGO_KOR_30063_E.pdf

⁴³ Statistics Korea, Population and Housing Census (1990-2015).

⁴⁴ Miseon Park, "Housing support for Young Generation responding to socioeconomic changes", KRIHS Special Report 2017, Vol 39, Korea Research Institute for Human Settlements, p. 12.

⁴⁵ Asia Human Rights Commission, Urgent Appeal Case, AHRC-UAC-068-2010, 19 May 2010, available at <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-068-2010/>

79. While more efforts are needed to address the barriers faced by older persons, the Special Rapporteur commends the Government for taking some positive steps in this regard. For example, the Bogeumjari programme, aimed to provide 1.5 million public housing units with integrated social services for older persons between 2009 and 2018. In 2017, the Seoul Metropolitan government announced that it had provided over 105,770 public rental housing units over the last five years, including customized rental housing units for seniors living alone.

B. Migrant Workers

80. The foreign population in Republic of Korea has increased significantly during the last years due to a demand for migrant workers in mining, manufacturing and agriculture. There are 2.18 million foreigners in the country as of 2017.⁴⁶ Migrant workers are largely excluded from the Government's housing policy. Legislation such as the Labour Standards Act or The Act on Foreign Workers Employment has so far inadequately dealt with migrants' access to adequate housing. Migrant workers are also excluded from accessing public rental housing and public housing benefits, constituting a clear violation of Articles 2(2), 9 and 11(1) of the International Covenant on Economic, Social and Cultural Rights.

81. Research conducted by the National Human Rights Commission revealed the poor living conditions of migrant workers in the agricultural industry. Dormitories, provided by their employers, are often makeshift buildings or structures such as vinyl greenhouses or containers, made of sheets and panels and lacking bathrooms and showers.⁴⁷ The Rapporteur visited one such place. The Commission has, both in 2013 and 2017, recommended that the Government improve housing conditions of migrant workers.

82. The Ministry of Employment and Labour recently issued a legislative notice allowing migrant workers to request a change of their place of employment if employers fail to provide adequate food or lodging.⁴⁸ While it is necessary to abolish all restrictions prohibiting migrant workers to change their employment⁴⁹, this new regulation is a positive step forward.

C. Persons with Disabilities

83. In 2008, the Government of Korea ratified the Convention on the Rights of Persons with Disabilities which, according to article 19, states that the government should take active measures to help persons with disabilities live independently in the community. Despite this, there are more than 30,000 people with disabilities that are institutionalized and 78,000 people with psycho-social disabilities residing in psychiatric hospitals. Because of the lack of strategy to facilitate and support independent living in the community, only those individuals who are fortunate to have personal or family assistance are able to live outside of an institution.

84. While the Government has adopted legislation to protect the rights of persons with disabilities,⁵⁰ the Committee on the Rights of Persons with Disabilities has expressed concern with the lack of effective implementation of these acts.⁵¹ The Special Rapporteur was pleased to hear that the Government has abolished its old contested system which determined, through the tallying of points, the level of assistance for persons with disabilities. She was informed that this system will be replaced in July 2019 with a more comprehensive

⁴⁶ Korea Immigration Service, Monthly Statistics, December 2017.

⁴⁷ National Human Rights Commission of Korea, "The Human Rights Situation of Migrant Workers in the Agricultural and Livestock Industry" (in Korean), 2013.

⁴⁸ Notice No, 2018-110

⁴⁹ CESCR, Concluding Recommendations, E/C.12/KOR/CO/4, para. 37.

⁵⁰ The Act on Guarantee of Rights of and Support for Persons with Developmental Disabilities; the Act on Welfare Support for Children with Disabilities; Anti-Discrimination against and Remedies for Persons with Disability Act.

⁵¹ Committee on the Rights of Persons with Disabilities, Concluding observations, CRPD/C/KOR/CO/1, para 11.

assessment criteria to determine eligibility for living support.⁵² The Special Rapporteur urges the Government to review her report on the right to housing and persons with disabilities (A/72/128), and base the eligibility for the living support on personal characteristics, circumstances and needs of persons with disabilities.

D. LGBT persons

85. The Special Rapporteur heard of various forms of discrimination suffered daily by LGBT persons in Korea. These include a series of discriminatory laws and practices that make it difficult for LGBT persons to enjoy their right to housing. In this regard, Korea has failed to recognize LGBT couples in their rental housing policies, while several measures have been taken by the Government to prioritize heterosexual couples that are newlywed. In addition, neither the Korean law relating to inheritance of property nor the national tenant law provides security of tenure for partners of LGBT persons that have shared a home, in case of death of one of the partners.

86. Transgender persons face enormous barriers accessing housing. Due to the invasive requirements for gender recognition, including sterilization surgery, many transgender persons cannot change their gender marker on their government issued identification. The Special Rapporteur heard of instances where those individuals whose gender identity did not match that on their ID cards faced significant difficulty in renting a home. Due to suspicion and stigma, many landlords decline renting to people that are transgendered. Additionally, transgender and gender non-conforming youth face domestic violence from their families and when they flee their homes, they have difficulty accessing shelters, as many are gender-segregated, ultimately leading them into homelessness.

87. In their meeting, the Special Rapporteur was dismayed to hear that the barriers facing LGBT persons were, “outside of the policy focus” of the Ministry of Gender Equality. The Committee on Economic, Social and Cultural Rights recommended in its concluding observations that Korea take effective measures to eliminate de jure and de facto discrimination against LGBT persons, and “revise legal and regulatory provisions that are discriminatory or have a discriminatory effect, such as those relating to social security, reproductive health and housing.”⁵³ The Special Rapporteur was encouraged to hear that in August 2017, the Supreme Court ordered the Government to allow LGBT foundations to legally register as charities.⁵⁴ This is an important step to recognize LGBT persons as a vulnerable group in the Korean society and empower their representatives to advocate for LGBT housing rights.

V. Access to Justice

88. Central to the realization of the right to housing is the ability of rights holders to claim the right to housing, as the Special Rapporteur argues in her most recent thematic report (A/HRC/40/61).

89. The Constitution of the Republic of Korea includes a broad right to a life worthy of a human being. In light of the relationship between housing, dignity and life itself⁵⁵, the right to adequate housing could be read into this provision. To date, this provision has not been used for such claims. Furthermore, the Rapporteur was told that because the Constitution gives only limited scope to the right to housing, there may be a reluctance by the judiciary more generally to review the conformity of domestic legislation with the right to housing. The Rapporteur learned that the judiciary was likely to accord deference to the government if systemic right to housing claims were brought challenging government policies, such as the reach and level of the housing benefit. The Rapporteur did learn of a case whereby a

⁵² Ho Kyeong Jang, "Let Everyone Shine: South Korea to Abolish Decades-Long Disability Rating System", *Korea Exposé* (16 March 2018), online: <www.koreaexpose.com>.

⁵³ E/C.12/KOR/CO/4, para. 25 (b).

⁵⁴ Human Rights Watch, "South Korea: Supreme Court Affirms LGBT Rights" 4 August 2017..

⁵⁵ A/71/310.

utility company challenged their obligation to provide utility services to individuals. The court did impose on the company positive obligations suggesting that the Court might be open to other positive rights claims including those related to housing.

90. The Korea Legal Aid Corporation provides free legal advice in its 113 offices and around 5 percent of all cases it supported in 2018 relate to the House Lease Protection Act. Barriers to access to justice for the right to housing include the high costs associated with legal procedures such as court stamp fees.⁵⁶ In addition, there appears not to be a strong culture of claiming economic, social and cultural rights through strategic litigation by civil society organizations. While the National Framework Act on Residence provides the right to live in a decent residential life, avenues and mechanisms for residents to claim the right to housing in South Korea could be further strengthened.

91. The National Human Rights Commission can receive complaints by rights holders and can undertake investigations. Its investigative mandate is however limited to Articles 10 to 22 of the Constitution, thus largely excluding economic, social and cultural rights, although the Commission can investigate and receive complaints relating to discrimination and has used this to undertake some studies covering the right to housing. As of May 2017, complaints received by the Commission have mainly been related to civil and political rights rather than discrimination.⁵⁷ Of the approximately 20,000 discrimination cases heard, 269 concerned discrimination in relation to residential facilities.⁵⁸

92. The Special Rapporteur notes that the House Lease Protection Act includes provisions establishing Dispute Conciliation Committees in each branch of the Korean Legal Aid Corporation. These Committees can deliberate on and mediate disputes over increases or reduction of rents and deposits, lease periods and maintenance issues.⁵⁹ As the Dispute Conciliation Committees were only established in 2017, it is too early to assess whether it provides an effective mechanism for tenant protection in housing disputes.

93. The Special Rapporteur welcomes that the Seoul Metropolitan Government has taken a leading role within the country in implementing human rights policies at the city level. This includes the establishment of the Committee Against Human Rights Violations – a mechanism that receives and can investigate human rights complaints related to the city’s administration and its public institutions and enterprises, including welfare institutions that receive financial support from the city. Institutions and bodies that have received a recommendation from the Committee have two months to notify the Human Rights Division of the City regarding follow-up measures taken to implement the recommendation. The Committee can also give advice on municipal regulations and policies that influence human rights. As many housing issues fall under the scope of municipalities, this type of mechanism is an important step toward providing full access to justice at local level.⁶⁰

94. Seoul has furthermore established a Human Rights Protection Group at Demolition Sites which includes a member of the Seoul Bar Association. Its aim is to protect residents at demolition sites through human rights monitoring. As it stands, its role focuses on persuading “residents to voluntary and peacefully leave the property” and on overseeing “the process at the eviction site to prevent violence against residents”.⁶¹ The group has conducted monitoring in more than 30 demolition sites, but it is not clear whether the protection group also assists in protecting the right to adequate housing for homeowners and tenants facing eviction and relocation for example in legal disputes against eviction or demolition orders.

⁵⁶ CESR, Concluding Observations, E/C.12/KOR/CO/4, para 7-10.

⁵⁷ <https://www.humanrights.go.kr/site/program/link/statisticsEng?menuid=002003005>

⁵⁸ National Commission on Human Rights, Annual Report 2017, p. 88.

⁵⁹ See Articles 14 to 31 of Act No. 3379 from 5 March 1981 as amended by Act No. 14175 from 29 May 2016.

⁶⁰ See, Seoul Metropolitan Government, “Introduction to Seoul Human Rights Governance”.

⁶¹ *Ibid*, p. 6.

VI. Conclusions and recommendations

95. The Republic of Korea has made significant efforts to progressively realize the right to housing. The Government has taken steps, including following the visit of the Special Rapporteur, to provide a legislative and policy framework that both recognizes the right to housing and allows for its implementation. In the last fifty years the Republic has made significant progress with respect to the quality and supply of housing in Korea. Access to water and sanitation and overcrowding have been addressed for many. And perhaps most notably, the Government has implemented the largest publicly funded housing programme in the world.

96. The Special Rapporteur is concerned that despite this progress, some aspects of housing quality, security and affordability particularly for low-income households and disadvantaged groups, remain pressing issues.

97. More than 300,000 people continue to live in substandard accommodation or in informal settlements. Reconstruction and development projects affecting housing in metropolitan areas are being implemented without consultation with affected populations and are causing forced evictions and displacement. Homelessness, when broadly defined, is a significant problem in Korea affecting more than an estimated 260,000 people. Social security measures are denied to some vulnerable populations and are insufficient for those who are eligible. The *joensei* system must be further regulated to properly respond to the socio-economic realities of the Republic of Korea.

98. The Special Rapporteur regards the housing concerns outlined in this report to be manageable and is confident that they can be addressed, especially in light of Governments' strong commitment to human rights and the right to housing. Governments in South Korea also have the capacity, financial resources and planning skills that equips them to make further significant improvements to the realization of the right to adequate housing for all people living in the Republic.

99. Beyond the recommendations contained in earlier parts of the report, the Special Rapporteur makes the following recommendations to the Government of the Republic of Korea:

(a) The Framework Act on Residences (2015) should be amended to reference international human rights laws and standards and ensure that it is consistent with the Special Rapporteur's report on rights based housing strategies (A/HRC/37/53). In the implementation of the Act, the Government must employ the standard of maximum available resources for the progressive realization of the right to housing. It should also ensure that the implementation of the Framework Act on Residence is reviewed and updated as necessary in consultation with relevant stakeholders and civil society organizations.

(b) The Government should ensure that its various housing programmes and policies together form a coherent national plan of action or strategy in keeping with human rights principles laid out in the Rapporteur's report on rights based housing strategies (A/HRC/37/53)

(c) The Government should develop a plan on an urgent basis to prevent, reduce and eliminate homelessness, as defined by the Homelessness Act, by 2030 in keeping with its SDG commitments, particularly Goal 11, Target 11.1. The Government must also ensure that persons living in homelessness have access to long-term housing options and that they are treated with dignity and respect and without violence by all government officials, their agents and third parties including private security personnel.

- (d) To address growing unaffordability of housing, the Government should:
- i. raise the housing benefits to a level that is commensurate with average rents and indexed to inflation.
 - ii. in compliance with rights to non-discrimination and equality, ensure the social security and housing benefits are available to all

who qualify in terms of level of income, including LGBTI, foreign residents and those who have no fixed address.

- iii. consider taking steps to encourage residential property owners to phase out the *jeonse* system. As a first incremental step to this end, the Government should make the registration according to the Special Act on Private Housing mandatory for multi-unit homeowners– which places caps on rent increases and allows for longer tenancies. This will also enhance the security of tenure of residents in rental accommodation.
- iv. ensure adequate supply of public rental housing with long-term leases and maintain the deposit waiver to enhance access for those in the lowest income brackets.
- v. continue to promote the existing reverse mortgage scheme for older home-owners that face difficulties meeting daily living expenses, to avoid them being forced out of their homes due to financial difficulties.

(e) To ensure adequate supply of housing for vulnerable groups, including young people, LGBT, migrants, older persons and persons with disabilities, the government should adjust the Act on the Support for Housing Disadvantaged Persons, so that the percentage of housing units reserved for these groups is commensurate with need.

(f) Publicly funded rental housing and social security programmes must be non-discriminatory and accessible to those in need including those without a fixed address, foreign residents, migrants, and LGBT persons.

(g) The Government should also consider enacting regulations whereby a certain percentage of newly built housing units by private construction companies and developers must be reserved for low income residents through a rental or homeownership scheme.

(h) The Government must develop a national strategy for improving the quality and safety of all homes which currently do not meet minimum housing adequacy standards under international human rights law, including *goshiwon*, *jjokbang* and vinyl homes in consultation with residents, and in keeping with commitments made under Sustainable Development Goal 11, Target 11.1. The Government should ensure that upgrading substandard housing does not result in housing that is unaffordable, or an increase of rough sleeping or institutionalization of persons living in poverty.

(i) Forced evictions are a gross violation of the right to housing and should never occur. The Government should bring its legal framework, policies and practices with respect to reconstruction and redevelopment of urban areas into full compliance with the international human rights law including the Committee on Economic, Social and Cultural Rights' General Comment No. 7, and the Basic Principles and Guidelines on Development Based Evictions and Displacement and on the right to adequate housing.

(j) The Government should continue to regulate financial investment in housing in order to curb speculation domestically and abroad including by pension funds and consider the reintroduction of regulations for foreign investment in real estate.

(k) The National Pension Fund, institutional and private investors in Korea should exercise human rights due diligence as recommended by the Guiding Principles on Business and Human Rights (A/HRC/17/31). This should include an assessment as to whether investments at home or abroad may directly or indirectly contribute to human rights violations, including forced evictions, and whether investments in real estate may cause adverse effects on the right to adequate housing, such as contributing to the reduction of social housing stock by private acquisitions, or gentrification resulting in a significant reduction of the affordable housing stock.

(l) **The Government must ensure protection against discrimination in housing consistent with international human rights law. This should include:**

- i. Enacting non-discrimination legislation applicable to all aspects of accommodation including access to benefits, shelters, and private rental accommodations. This must include equal protection of inheritance and property rights for women and LGBT in same-sex partnerships. This legislation should be overseen and implemented by the Human Rights Commission and should include a claiming mechanism.**
- ii. Developing education campaigns that serve to combat the social stigma and discrimination faced by women - particularly single mothers, and those who are LGBT so that these vulnerable groups do not face discrimination by landlords. This could be executed by the Ministry of Gender Equality, and serve to reorient the Ministry's policy focus to include LGBT persons.**
- iii. Adopting a national strategy for persons with disabilities to facilitate and support independent living in the community rather than in institutions, as provided for in article 19 of the Convention on the Rights of Persons with Disabilities.⁶² In this regard, the Government should provide adequate housing and social support to persons with disabilities to ensure that they can reside with their families or enjoy independent living in their communities.**
- iv. Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

(m) **To enhance access to justice for the right to housing:**

- i. The Constitutional Court must be open to hearing social and economic human rights claims and interpreting the Constitution in a manner that is consistent with international human rights law.**
- ii. NGOs and private bar lawyers should bring forward to the courts appropriate right to housing claims.**
- iii. The Government should ratify the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.**
- iv. The Government should enhance institutional arrangements for providing legal advice and legal assistance to tenants.**
- v. The Government should encourage the establishment of human rights complaint mechanisms at local government level following the model of the Metropolitan Government of Seoul and enhance existing monitoring mechanism to protect effectively tenants from forced evictions.**

⁶² See CRPD/C/PRT/CO/1, paras. 38-39 and the report of the Special Rapporteur, (A/72/128).