

Equality and Prohibition of Discrimination

1) (a)

◦ 「Constitution of the Republic of Korea」 Article 11 ① All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status.

(b)

◦ 「Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion」 Article 1. The purpose of this Act is to prevent discrimination in hiring practices on the grounds of age without justifiable grounds.

◦ 「National Human Rights Commission of Korea Act」 Article 2. The term ‘discriminatory act violating the equal right’ means any of the following acts, without reasonable grounds.

(a) An act of favorably treating, excluding, discriminating against or unfavorably treating a particular person regarding employment(including recruitment, appointment, education, posting, promotion, payment of wage and any other money or valuables, financing, age limit, retirement, dismissal, etc.)

(b) An act of favorably treating, excluding, discriminating against or unfavorably treating a particular person regarding the supply or use of goods, services means of transportation, commercial facilities, land and residential facilities.

(c) An act of favorably treating, excluding, discriminating against or unfavorably treating a particular person regarding education and training at educational facilities or institutions for workplace skill development, or the use thereof.

2) Information on discrimination against older people in different areas

◦ Access to goods and services

「2014 Survey on Elderly」 shows discrimination against people aged 65 and above as follows:

Discrimination people experienced discrimination ¹⁾	Cases ²⁾						Number
	Public transportation	Sales facilities	Medical facilities	Public institutions	Restaurant and cafe	Etc.	
7.1%	37.7%	17.7%	14.4%	11.0%	9.6%	9.8%	729

Note: 1) Among 10,279 respondent

2) Among 729 respondent who experienced discriminations

3) Information on inequality in opportunity or result experienced by the elderly

◦ Quality of and access to medical service and possibility of usage

In National Health Insurance(Legal basis : 「National Health Insurance Act」), the amount of medical expenses for people aged 65 and above was 21 trillion 361.5 billion won, accounting 36.8% of total expenses which stood at 58 trillion 170 billion won. Medical expenses for one older person was 343 million won, which is 3 times more than the average medical expenses for one persons, 115 million won.

4) Area where discrimination based on age is explicitly justifiable

◦ Legal Retirement Age

「Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion」
Article 19 (Retirement Age)

① An employer shall set the retirement age of workers at 60 years of age or older.

② In cases where any employer sets the retirement age of workers at below 60 years of age notwithstanding paragraph①, the retirement age shall be deemed set at 60.

◦ Benefits based on aged

People aged 65 and above are beneficiary of the Basic Pension Act pursuant to income and property(Legal basis : 「Basic Pension Act」)

Violence, abuse and negligence

1) Ministry of Health and Welfare and the Korea Elder Protection Agency continued to release 'Report on Elderly Abuse' every year since 2005 to 2015.

* 2016 Report on Elderly Abuse will be released on the World Elder Abuse Awareness Day on June 16, 2017.

2) (a) Types of elderly abuse reported

(unit: case, %)

Mental abuse	Physical abuse	Negligence	Self-negligence	Economic abuse	Sexual abuse	Abandonment	Total
2,330	1,591	919	622	542	102	48	6,154
37.9	25.9	14.9	10.1	8.8	1.7	0.8	100

◦ Types of Places

(unit: case, %)

Residential		Non-residential			Etc.	Total
House	Living facilities	Utility facilities	Hospitals	Public place		
3,276	206	57	88	80	111	3,818
85.8	5.4	1.5	2.3	2.1	2.9	100

◦ Types of Perpetrators

(unit: case, %)

Victim him/herself	Relatives							Others	Institutions	Total
	Son	Spouse	Daughter	Daughter-in-law	Grandchildren	Relatives	Son-in-law			
622	1,523	652	451	183	64	46	21	283	379	4,224
14.7	36.1	15.4	10.7	4.3	1.5	1.1	0.5	6.7	9.0	100

* Source: 「2015 Report on Elder Abuse」, Ministry of Health and Welfare and the Korea Elder Protection Agency.

(b) 「2015 Report on Elderly Abuse」 shows that female accounts for 71.4%(2,727) and male account for 28.6%(1,091) among victims who have experienced abuses. In addition, people in their 60s accounted for 19.0%, people in 70s accounted for 42.9% and people in 80s accounted for 32.1%. Thus, elderly women are highly likely to be exposed to abuses.

3) Legislation deals with violence, abuse and negligence against the elderly

- 「Welfare of Older Persons Act」 Article 1.2 4. The term “elder abuse” means any act of physical, mental, emotional, and sexual violence and economic exploitation of, or atrocities against, or desertion or neglect of, older persons.

- 「Welfare of Older Persons Act」 Article 39.4 ① The State and local governments shall install emergency telephones so as to prevent any elder abuse and to receive reports at any time.

- 「Welfare of Older Persons Act」 Article 39.5 ① The State shall establish and operate a central institution specializing in protecting older persons in charge of the affairs to establish interconnection among regions and to prevent elder abuse.

- 「Welfare of Older Persons Act」 Article 39.6 ① Where anyone has come to know of any instance of elder abuse, he/she may file a report thereon to an institution specializing in protecting older persons or an investigation agency. ② Where any of the following persons has learned of a suspected case of elder abuse in the course of performing his/her duties, he/she shall immediately file a report thereon to an institution specializing in protecting older persons or an investigative agency.

- 「Welfare of Older Persons Act」 Article 39.7 ① Any staff member of a specialized agency for the protection of older persons or judicial police officer who has received a report on elder abuse under Article 39-6 shall promptly go to the scent of elder abuse.

- 「Welfare of Older Persons Act」 Article 39.12 No persons who is or was engaged in the duties relating to a protection of abused older persons under this Act, shall divulge secrets that have come to their knowledge in the course of performing their duties.

- 「Welfare of Older Persons Act」 Article 61.2 ① An administrative fine not exceeding five million won shall be imposed on any of the following person.

- 2. An administrative fine not exceeding five million won shall be imposed on a person who failed to report elder abuse, in violation of Article 39.6 ②.
- 「Criminal Act」 273 ① A person who cruelly treats another who is under one's protection or supervision, shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won. ② When the crime of the preceding paragraph is committed on a lineal ascendant of the offender or of one's spouse, one shall be punished by imprisonment for not more than five years, or a fine not exceeding seven million won.

4) Provision on protecting the elderly from financial abuse

- 「Welfare of Older Persons Act 」 Article 39.9 No one shall be allowed to conduct any of the following acts.
 - 5. Acts of using the money and valuables donated or provided to older persons for a purpose other than their original purpose.