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Geneva*

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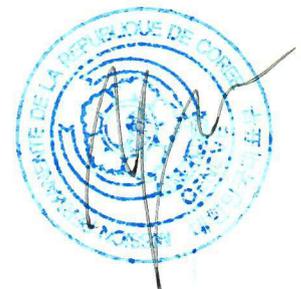
The Permanent Mission of the Republic of Korea to the United Nations and Other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and has the honor to transmit herewith the response of the Government of the Republic of Korea to the Joint Communication from Special Procedures (AL KOR 6/2020).

The Permanent Mission of the Republic of Korea to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (OHCHR) the assurances of its highest consideration.

Geneva, 12 May 2021

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais des Nations, CH-1211 Geneva 10, Switzerland



Response of the Government of the Republic of Korea

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

N/A

2. In regard to the above allegations, please highlight the steps and/or legal and policy measures that your Excellency's Government has taken, or is considering to take, to ensure that business enterprises domiciled in its territory and/or jurisdiction, respect human rights throughout their operations and supply chains.

The government of the Republic of Korea has translated *the Corporate Responsibility to Respect Human Rights (An Interpretive Guide)* and *the Gender Dimensions of the Guiding Principles on Business and Human Rights* published by the Office of the United Nations High Commissioner for Human Rights (OHCHR) into Korean to publish *the Interpretive Guide to the Corporate Responsibility to Respect Human Rights and Gender Equality* in December 2020. *The Interpretive Guide* was distributed to Korean Composite Stock Price Index (KOSPI)-listed companies, industry associations, public institutions and others in April 2021.

Since 2020, the Ministry of Justice (MOJ) has been developing Standard Guidelines on Business and Human Rights that introduces measures for private companies to implement international human rights norms related to “business and human rights” in practice.

The Guidelines was drafted based on international standards including the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises and was reviewed by civil societies and federations of enterprises.

As the Korean government's guideline on business activities to meet international standards such the UN Guiding Principles on Business and Human Rights, it is intended to support companies to voluntarily guarantee the realization of human rights in their business operation. The Guidelines also includes the declaration of human rights-based business management, human rights due diligence, and grievance handling and remedy procedures for victims.

After further review, the MOJ plans to publish and distribute its final version to companies in the second half of this year.

The Korean government aims to improve the effectiveness of grievance handling and remedy procedures in order to more actively monitor any adverse impacts of companies on human rights and to make companies hold its corporate accountability.

Furthermore, the Ministry of Justice (MOJ) has made efforts to distribute international standards on business and human rights, by concluding an “MOU for the spread of human rights-based business management” with the National Human Rights Commission of Korea (NHRCK) in May 2020, and convening the “Business and Human Rights Forum” with the NHRCK.

The Korean government established the 3rd National Action Plan for the Promotion and Protection of Human Rights (NAP) for 2018-2022 that encompasses all ministries’ policies related to human rights, introducing a new chapter on business and human rights, entitled “a society nurturing human rights-friendly business activities with joint efforts”.

The content of the 3rd NAP, including the chapter on business and human rights, was confirmed based on the recommendations of the NHRCK, opinions suggested in public hearings, and results of multiple meetings between public officials and civil societies.

This newly inserted chapter focuses on policy initiatives related to business and human rights. The main objective is to institutionalize human rights-based business management, with the following specific tasks: i) to secure corporate responsibility to protect human rights; ii) to formulate and implement a comprehensive policy for sustainable management; iii) to consider social responsibility in public procurement; iv) to secure consumer safety in everyday products; v) to support gender equality in corporate management; vi) to protect human rights by cooperating with multilateral international organizations; and vii) to make efforts to prevent human rights violation against local employees at Korean companies operating abroad.

As part of its “efforts to prevent human rights violation against local employees at Korean companies operating abroad” in the NAP, the Korean government aims to establish infrastructure for local labor-management relations.

To support local labor management, the Korean government dispatched an on-site supporting team, and hosted webinars and briefings on related issues. In addition, the government hosted webinars on COVID-related support policies and labor laws in respective countries, held an online forum for global sustainable management, and published materials supporting labor management for overseas investment companies.

The Korean government continues to put efforts to implement the NAP by supporting Korean

enterprises operating abroad to comply with their host countries' labor laws and regulations.

3. Please indicate the measures taken by your Excellency's Government to ensure that its public procurement of goods and services is only from business enterprises which have not caused, contributed to, or are directly linked to human rights abuses such as those alleged in the present letter.

According to Article 6 of the GOVERNMENT PROCUREMENT ACT, an "Administrator can reflect social values such as human rights in procurement practices to encourage corporate social responsibility," emphasizing the importance of human rights in the procurement process.

In accordance with Article 27 (1) of the ACT ON CONTRACTS TO WHICH THE STATE IS A PARTY, the Korean government imposes sanctions on companies which have violated human rights. In detail, the Korean government bars such companies from participating in all public procurement opportunities for a certain period, and confiscates performance bonds if companies fail to comply with the ACT ON THE PROMOTION OF MUTUALLY BENEFICIAL COOPERATION BETWEEN LARGE ENTERPRISES AND SMALL AND MEDIUM ENTERPRISES, the FAIR TRANSACTIONS IN SUBCONTRACTING ACT, etc.

4. Please indicate the steps that your Excellency's Government has taken, or is considering to take, to ensure effective access to domestic judicial mechanisms for victims of business-related human rights abuses, including for overseas victims of serious human abuses such as those alleged in the present letter.

The Korean government notes that if a party or a case in dispute is substantively related to the Republic of Korea, a Korean court shall have international jurisdiction under Article 2, paragraph (1) of the ACT ON PRIVATE INTERNATIONAL LAW. Accordingly, any victims may bring a civil suit in the Republic of Korea by proving there existed unlawful acts under the jurisdiction of the Korean court, set forth in the ACT ON PRIVATE INTERNATIONAL LAW.

Article 4 of the NATIONAL HUMAN RIGHTS COMMISSION OF KOREA ACT stipulates the scope of its application to all citizens of the Republic of Korea and foreigners residing therein.

According to NATIONAL HUMAN RIGHTS COMMISSION OF KOREA ACT, victims of human rights violation by public institutions including public enterprises can seek remedy through the NHRCK, an independent institution which was established to deal with affairs to

protect and promote human rights.

The NHRCK can also investigate when a person has been discriminated against by a juristic person, an organization, or a private individual on the grounds of sex, religion, age, social status, ethnic origin, etc. With respect to any petition of which the investigation is in progress or it has been completed, the Commission may recommend to the respondent a remedy necessary for the fair resolution of the case.

If the NHRCK deems, as a result of the investigation of any petition which indicates, that the content of the petition corresponds to a criminal act, the Commission may request the Prosecutor General or the head of the competent investigation agency to initiate an investigation as well as to take necessary measures.

Also, as a result of the investigation of any petition, when it is deemed, that the contents of a petition corresponds to a criminal act that requires a criminal punishment, the Commission may file an accusation to the Prosecutor General, which enhances access to the judicial remedy of victims of human rights violations.

5. Please indicate the steps that your Excellency's Government has taken, or is considering to take, to ensure business enterprises domiciled in its territory and/or jurisdiction establish effective operational-level grievance mechanisms, or cooperate with legitimate remedial processes, to address adverse human rights impacts that they have caused or contributed to.

Article 26 of the ACT ON THE PROMOTION OF EMPLOYEES' PARTICIPATION AND COOPERATION stipulates that every business or workplace with 30 or more regular employees shall have a grievance handling committee.

Upon hearing from a worker about a grievance, a grievance handling committee shall notify the worker concerned of the contents of any measure taken and other results of handling within 10 days from the date of the hearing.

Any matter deemed beyond a mandate of the grievance handling committee shall be referred to a labor-management council for settlement through consultation.

In addition, while conducting labor inspection on approximately 25,000 work places every year, the Korean government not only monitors violations of labor laws, but also inspects and guides the election procedures of grievance handling committees.

6. Please indicate if your Excellency's Government has the intention of introducing legislation which would require a disclosure of contemporary forms of slavery, including forced labour, in activities of all Korea-based businesses overseas, similar to the UK Modern Slavery Act.

To prevent human trafficking, including forced labor, the Korean government newly enacted the ACT ON THE PREVENTION OF HUMAN TRAFFICKING AND PROTECTION, ETC. OF VICTIMS. It will come into force from January 1, 2023 and will be applicable to all Korean businesses as stipulated by the act.

Moreover, the Korean government will continue its endeavor to prevent trafficking in persons through public campaigns to raise public awareness.