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**KGV/181/2025**

The Permanent Mission of the Republic of Korea to the United Nations Office 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 honour to submit, as enclosed, the response of the Government of the Republic of Korea to the joint communication from Special Procedures, dated 30 September 2025 (AL KOR 5/2025).

The Permanent Mission of the Republic of Korea to the United Nations Office 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, 3 December 2025

Enclosed: as stated



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

# **The Government of the Republic of Korea's Response to the Joint Communication from Special Procedures**

(December 3, 2025)

## **1. *Any additional information and/or comments your Excellency may have in relation to the allegations described above concerning the operations of Samsung Electronics in Viet Nam***

The Government of the Republic of Korea would like to explain its overall position regarding corporate obligations to respect human rights and environmental standards at overseas business sites as follows.

The Korean government shares the international community's recognition that there is a great emphasis on the role of corporations as human rights protectors, encompassing the protection of local residents' human rights, ensuring environmental rights and industrial safety, responsible supply chain management, and safeguarding labor rights. We actively support our companies in voluntarily practicing a management culture that respects human rights in accordance with international standards.

Furthermore, in December 2021, as part of its efforts to enhance the implementation of the *UN Guiding Principles on Business and Human Rights*, the Korean government published the *Guidelines on Business and Human Rights*, based on international standards including the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*, and distributed it to companies, aiming to raise corporate awareness of human rights and promote compliance with international norms.

Since local laws may not align with international standards, companies are encouraged to conduct monitoring. In this vein, Samsung Electronics has conducted human rights impact assessment and third-party audits at its Vietnam facilities.

Whilst the Korean government advocates for worldwide respect for human rights by governments and businesses, since Samsung Vietnam is a corporation established under Vietnamese law, the regulation of Samsung Vietnam's activities within Vietnam remains a sovereign matter for the Government of Vietnam.

For detailed domestic implementation efforts regarding the specific inquiries from the Special Procedures, please refer to the detailed response provided.

## **2. *Information on measures the Government has taken or intends to take to ensure that companies based in the Republic of Korea, such as Samsung Electronics, fully respect human rights and environmental standards in their global operations, including in their supply chains, in line with the UN Guiding Principles on Business and Human Rights and international law***

Under a dedicated chapter on business and human rights entitled "Strengthening Corporate Responsibility to Respect Human Rights" in the Fourth National Action Plan for the Promotion and Protection of Human Rights ("NAP," 2023-2027), the government is implementing relevant policy measures, including the prevention of human rights

violations against local workers employed by companies operating overseas.<sup>1</sup>

In December 2021, the Ministry of Justice of the Republic of Korea published and distributed the *Guidelines on Business and Human Rights* (“*Guidelines*”) based on international standards, including the *UN Guiding Principles on Business and Human Rights* and the *OECD Guidelines for Multinational Enterprises*. In January 2022, the English version of the *Guidelines* was published and uploaded to the Ministry of Justice website for Korean companies operating abroad.

The *Guidelines* explains the need for companies to conduct human rights due diligence appropriate to the characteristics of each industry, and introduces key human rights issues in each sector, as well as the areas and procedures where human rights due diligence is recommended.

In particular, with respect to the manufacturing industry, the *Guidelines* specifies major human rights issues, including safety and health of workers, labor issues in overseas manufacturing centers, responsible supply chain management, and impact on the environment and local community. It also recommends that Korean manufacturers operating overseas should first comply with the domestic laws of the country of operation, but if the local laws do not meet international standards, they should conduct monitoring.

**3. *Measures taken by the Government to guarantee the right of access to information about hazardous substances for workers and affected communities by the operations of companies, including Samsung Electronics, especially in relation to the Industrial Technology Protection Act of 2019, and of steps taken to apply the standards of the domestic Pollutant Release and Transfer Registry system for companies based in the Republic of Korea to their operations abroad***

The Korean government operates a system to protect workers’ health by requiring employers to measure and assess exposure levels to 192 harmful factors, including noise, dust, and chemical substances, and to improve working environments based on the measurement and assessment results.

Meanwhile, the “Working Environment Measurement Result Report,” which employers are required to submit to the head of the regional employment and labor office under the Occupational Safety and Health Act (pursuant to article 125 of the act and article 188 of its Enforcement Rule), must be publicly disclosed in accordance with the Official Information Disclosure Act, excluding personal and other non-disclosable information.

The Korean government discloses workers’ workplace-environment information in principle, as required under relevant laws. However, certain categories of information, such as national core technology, trade secrets, and personal data, are partially exempt from disclosure.

Article 9-4 (provision regarding the non-disclosure of information on national core technology) of the Act on Prevention of Divulgence and Protection of Industrial

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<sup>1</sup> The NAP is a comprehensive, nationwide plan established and implemented every five years. Its implementation is evaluated by the National Human Rights Policy Council, composed of vice-ministers from relevant ministries and chaired by the Minister of Justice.

Technology, introduced in 2019, provides the legal basis for withholding information related to national core technology. This provision does not expand the scope of nondisclosure; rather, it stipulates procedures through which such information may be disclosed, provided that doing so does not adversely affect national security or the national economy.

The Republic of Korea, in line with the recommendations of the OECD, introduced the Chemical Pollutant Release and Transfer Register system in 1996. Since 1999, annual surveys have been conducted, and the results have been made publicly available.

This system is implemented under national law, and applies to all companies located in Korea, including foreign-affiliated companies.

Regarding overseas business sites located in countries where the PRTR system has not yet been established, such as Vietnam, there are limits in directly applying Korean laws or mandating pollutant release reporting and information disclosure, due to the principle of territorial jurisdiction under international law.

The Korean government recognizes that the PRTR information disclosure of overseas business sites is an issue that can be addressed through institutional frameworks of the host countries and cooperation with the international community.

We will continue engaging with industry to explore ways to incorporate PRTR- related information in existing corporate environmental disclosure frameworks, such as sustainability reports.

**4. *Information on any measures taken by your Excellency's Government to investigate and to redress the working conditions of women affected by the company's operations, including their right to health, and specific measures on accessing sexual and reproductive services and information***

To strengthen the protection of female workers' health rights, the Korean government amended relevant rules in 2022 to add eight reprotoxic substances<sup>2</sup> to the list of hazardous substances subject to management. (Safety and Health Rules, Attached Form 12, Amended on October 18, 2022)<sup>3</sup>

Notably, seven of these substances, excluding cyclohexylamine, were designated as "Substances Under Special Management," obligating employers to inform workers of their reprotoxic nature through company bulletin boards and other communication channels.

**5. *Information on measures taken by the Government to investigate the allegations of anti-union activities and lobbying against freedom of association by Samsung Electronics***

The Korean government addresses violations of the three labor rights by employers as "unfair labor practices" under the Trade Union and Labor Relations Adjustment Act (TULRAA), in order to safeguard workers' fundamental labor rights.<sup>4</sup>

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<sup>2</sup> Nitrotoluene, dibutyl phthalate, benzopyrene, sodium tetraborate (anhydride, pentahydrate), boron oxide, wafarin, formamide, cyclohexylamine

<sup>3</sup> Reprotoxic substances: substances that negatively affect reproductive functions or fetal development and growth

<sup>4</sup> Article 81(1) of the TULRAA defines five types of unfair labor practices (subparagraphs 1 through 5).

Pursuant to Article 90 of the TULRAA, employers found to have engaged in unfair labor practices are subject to imprisonment with labor for up to two years or a fine of up to 20 million KRW.

The TULRAA applies to labor relations in all companies domiciled in the Republic of Korea, including foreign-affiliated companies. Meanwhile, Samsung Electronics in Vietnam is subject to Vietnamese labor laws.

**6. *Information on the legal framework and measures to compel companies to comply with their obligations regarding the right to access to information and transparency***

The Occupational Safety and Health Act requires employers to inform employees, including employees of relevant contractors, of the results of working environment measurements. Failure to do so constitutes a violation of Article 125(6) of the Act and is subject to a fine of up to 5 million KRW.

The Korean government punishes persons who fail to submit, or submit false data required for the chemical release and transfer inventory by imposing an administrative fine of up to 10 million KRW pursuant to Article 64 of the Chemical Substances Control Act.

The above Occupational Safety and Health Act and Chemical Substances Control Act apply only to companies located within the territory of the Republic of Korea, including foreign-invested or foreign-affiliated companies.

**7. *Measures taken by the Government to investigate complaints of and/or protect workers, whistleblowers, and human rights defenders from intimidation or retaliation for reporting on working conditions or environmental pollution at companies of the Republic of Korea, both domestically and abroad***

The Republic of Korea enacted and operates the Public Interest Whistleblower Protection Act since 2011 as a domestic law to implement Article 33 (Protection of Reporting Persons) of the United Nations Convention Against Corruption. In case of a public interest infringement<sup>5</sup> or having concerns of a public interest infringement, anyone can report to a public interest reporting agency and receive protection under Article 6 of the Public Interest Whistleblower Protection Act. To report without revealing one's identity, anyone can report under the name of the reporting attorney acting as the proxy under the anonymous proxy reporting system and safeguard the identity and safety of the reporting person.

Not only the whistleblowers themselves, but also persons who provide statements, testimony, or materials in connection with the public interest infringement report, relevant investigations, prosecutions, litigation, or investigations/litigation related to whistleblower protection measures, are included as 'public interest whistleblowers, etc.' and are subject

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<sup>5</sup> In accordance with Article 2, Subparagraph 1 of the Public Interest Whistleblower Protection Act, public interest infringement means an act detrimental to the health and safety of people, the environment, the interest of consumers, fair competition, and public interest; equivalent to any act falling under the penalty provisions or subject to administrative measures, such as measures of the cancellation or suspension of approval or permission, in accordance with the 497 acts ('25.09.26) stated in the Appendix of the aforementioned Act.

to protection.

The Anti-Corruption and Civil Rights Commission protects whistleblowers who disclose information on the public interest violation by establishing and operating protective provisions under the Public Interest Whistleblower Protection Act, including confidentiality, personal protection, liability reduction, prohibition of adverse actions, and application for protective measures, as follows;

Prohibition of disclosure or broadcast of identity without the consent of public interest whistleblowers, etc. (Article 12: Duty to maintain confidentiality). Whistleblowers may request personal protective measures if they have suffered or face a clear risk of serious harm to their life or body due to a whistleblowing, etc. (Article 13: Personal protection measures). Where a criminal act of a whistleblower, etc. is found in connection with a whistleblowing disclosure, etc., the whistleblower, etc. may face reduced punishment or be exempt from relevant punishment. (Article 14: Mitigation of culpability). No disadvantageous measures, such as dismissal, shall be taken against a whistleblower by reason of having filed a whistleblowing disclosure, etc. (Article 15: Prohibition of disadvantageous measures), and if such disadvantageous measures occur, the whistleblower may request for reinstatement or other necessary measures (Article 17: Request for protective measures).

The Public Interest Whistleblower Protection Act stipulates that anyone can report acts of public interest infringement occurring within the country, hence it does not regulate acts of public interest violations occurring overseas.

**8. Information and/or comments on steps taken to prevent, mitigate, and remedy the adverse human rights, health and environmental impacts caused by Samsung business activities and to ensure adequate remedies and healthcare are provided to affected individuals, particularly in relation to exposure to hazardous substances.**

As an adherent to the OECD Declaration on International Investment and Multinational Enterprises, the Republic of Korea has carried out a variety of outreach activities for Korean enterprises operating overseas to promote awareness of RBC, including domestic and international seminars and the distribution of informational materials on key areas such as human rights, labor and the environment.

Meanwhile, with regard to remedies for individuals adversely affected by corporate activities, a lawsuit may be filed in the courts of the Republic of Korea if the international jurisdiction of the courts of the Republic of Korea is recognized under international judicial rules governing international jurisdiction.

In addition, as an adherent to the OECD Declaration on International Investment and Multinational Enterprises, the Republic of Korea operates the National Contact Point (NCP) for Responsible Business Conduct(RBC), established within the Ministry of Trade, Industry and Resources. The NCP serves as a non-judicial grievance mechanism through which individuals or stakeholders may file complaints against enterprises operating in or from the territory of the Republic of Korea, or a foreign enterprise having a business relationship with an enterprise of the Republic of Korea, where there is an alleged breach of the OECD Guidelines for Multinational Enterprises on RBC.

Under the Industrial Accident Compensation Insurance Act, if an industrial accident occurs

due to exposure to harmful substances and there is a proximate causal relationship between the employee's duties and the accident, the affected employee is eligible to receive compensation through industrial accident insurance. This includes benefits such as medical care, temporary layoff, and disability.

However, in principle, the Industrial Accident Compensation Insurance Act does not apply to workplaces located overseas, in accordance with the principle of territoriality.

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