

Statement by the Korea Center for United Nations Human Rights Policy

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Clustered ID with WG on TNCs and human rights and SR on trafficking

16 June, 2015

This statement was jointly prepared with the Korean Transnational Corporations Watch (KTNC Watch) and the Advocates for Public Interest Law (APIL).

Mr. President and distinguished members of the Working Group on Business and Human Rights,

With regard to the situation in the Republic of Korea (ROK), I'd like to raise the absence of a legislative framework to regulate the activities of business enterprises domiciled in ROK's territory as well as in its jurisdiction, with a view to ensuring human rights standards in accordance with international human rights instruments and, in particular, the Guiding Principles.

For example, the ROK government failed to address the corporate responsibility of POSCO, a ROK based multinational steel-making company, concerning their project in India to build a mega steel plant. This project will displace 22,000 people and disrupt the livelihoods of thousands more and, for this reason, it has been severely criticized by the international community including the Special Rapporteur on the right to food.¹ However, ROK's President, on her visit to India, agreed to push ahead with the project² despite that no visible steps have been taken to redress past, present and foreseeable human rights violations against the affected population.

Another case is Daewoo International and the Korea Minting, Security Printing & ID Card Operating Corporation (KOMSCO), which are companies that continue to operate its cotton processing facilities in Uzbekistan using cotton produced by forced labor. However, ROK has no means to regulate the activities of Korean corporations for neglecting the human rights abuses in their supply chains.

Furthermore, National Contact Points under the OECD Multinational Corporations' Guidelines has completely failed to serve its purpose as the

¹India: Urgent call to halt Odisha mega-steel project amid serious human rights concerns - See more at:<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=13805&LangID=E#sthash.MX7WAnPf.dvAyg8uw.dpuf>

²<http://profit.ndtv.com/news/corporates/article-posco-gets-go-ahead-as-india-south-korea-ink-five-accords-377837>

possible mechanism to provide remedy to the victims of the human rights violations by the multinational corporations based in ROK. So far, 19 cases including POSCO India case, cases relating to garment factories in South East Asian countries were all closed without any investigation, mediation, and recommendations being made.

Ms. Special Rapporteur,

Even though ROK has a provision on human trafficking in its criminal code, the number of convictions under this provision is significantly low due to the narrow reading of the provision. In general, the government lacks the will to enforce anti-human trafficking legislations as well as policies.

For example, foreign crews who were trafficked onto ROK-flagged fishing vessels and exploited under abuse without any payment of wages were not compensated at all under Korean law in terms of their status as victims of human trafficking. The case also highlights the absence of the monitoring system in supply chains; the companies are not closely investigated for the

Another example is the trafficking of Filipino women who enter the country under “entertainment visas.” These women were originally issued their visas to work as singers; however, most of them end up being sexually exploited at clubs. The CEDAW Committee in 2011, and CERD Committee in 2012, expressed their concerns on this issue in their concluding observations; however, ROK has not taken any measures to redress the situation.

On June 10, 2015, an individual complaint was submitted to you with regard to the trafficking of four Filipino women with entertainment visas and we kindly request your close examination on this case.

Thank you for your attention.