

UPR – Pre-session on the Republic of Korea

Statement delivered by : Ms. Jeanie Kim (MINBYUN – Lawyers for a democratic society)
on behalf of the **South Korean NGOs Coalition for the 4th Cycle of the UPR** (461 NGOs)

This statement is delivered by MINBYUN – Lawyers for a democratic society on behalf of South Korean NGOs Coalition for the 4th Cycle of the UPR. The South Korean NGOs Coalition consists of 461 national organizations. In this statement, I would like to address the following issues : (1) the current human rights situation in general; (2) minority rights; and (3) the right to just and favorable conditions of work in the Republic of Korea (ROK).

The Current Human Rights Situation in General

The 461 NGOs would like to focus on the fact that the Korean government has failed to implement recommendations repeatedly made by relevant treaty bodies and States who participated in the previous reviews. Since its last review in 2018, there has been no advancement of major human rights issues. The anti-discrimination legislation is still not enacted; the death penalty and the the National Security Act still exist, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) as well as the Optional Protocol to the Convention against Torture (OP-CAT) still remain unratified. I also would like to emphasize that during the COVID-19, the basic human rights have been severely restrained. Excessive punishment was imposed for unintentional or even unavoidable violations of quarantine rules. Discrimination and inequalities against the socially vulnerable have been deepened as persons with disabilities, migrants, and the elderly were not properly considered during the pandemic times. Rallies and protests were also restricted. There were measures to restrict assemblies without a fixed time limit and to ban all demonstrations except for one-person demonstrations.

Recommendations

The government should provide concrete and detailed plans for implementation of previous recommendations.

Minority Rights - Rights of People with Disabilities

During his press-conference in October 2022, the Minister of Justice Han Dong-hoon stated that “the international human rights standards are not legally binding in South Korea”, referring to the recommendations made by the Committee on the Rights of the Child. The statement shows the attitudes of the current government towards the rights of minorities in South Korea.

Despite improvements in law and policies since its last review, disabled people in ROK are still suffering from discrimination and exclusion as the budgets for its implementation are not guaranteed. The Korean government issued the roadmap for deinstitutionalization but it does not meet the international human rights standards, and the budget in 2023 for deinstitutionalization is only 1/300 of the budget for institutions for people with disabilities. The government enacted the Act on Guarantee of Rights of and Support for Persons with Developmental Disabilities in 2021, however the type and amount of services are limited to actually support people with developmental disabilities and their families. This resulted in a series of tragic cases where parents kill their disabled children and committing suicide afterwards.

Recommendations

The government should review the Roadmap for the Independent Living Support in line with the international human rights standards, with close consultation with the people with disabilities and their representative organizations.

The Right to Just and Favorable Conditions of Work

The Korean government finally ratified the ILO Conventions 87 and 98 in 2021, however various obstacles still remain in exercising the fundamental labor rights as the provisions of the Trade Union and Labor Relation Adjustment Act (TULRAA) conflict over the Conventions. Article 2 of the Act gives the definition of ‘employee’ , but it excludes numerous workers, such as dependent self-employed and platform workers who are assigned work through smartphone applications. The ‘employer’ is also narrowly defined which leads to subcontracting workers not being able to negotiate with the principal contractor who substantially controls their working conditions. Article 3 of the Act provides grounds for restriction on claim for damages, however it does not restrict all the damages claim on strike rights guaranteed by ILO Conventions, including

strikes for workers' socioeconomic status. As a result, the Act has allowed the employers to sue the workers to reclaim strike damages, instead of engaging in bargaining.

Recommendations

The government should review the Trade Union and Labor Relation Adjustment Act to ensure that all workers including subcontracted workers are guaranteed a legitimate legal basis for negotiating with the principle employers; and that workers are not oppressed due to their union activities and are not subjected to excessive claims for damages.

Freedom of Expression

President Yoon has specifically targeted one media outlet (MBC) for broadcasting his embarrassing comments to President Biden despite other media reporting similar facts, then barred journalists with MBC from the presidential plane. Yoon's attack on MBC is only the latest manifestation of attempts by the current government to suppress the media and the freedom of expression. There was an incident involving the Ministry of Culture, Sports and Tourism which tried to discontinue support to the relevant agency over its decision to award a prize to an editorial cartoon critical of the President.

Recommendations

The government should ensure the media freedom and guarantee the freedom of expression by not targeting nor accusing certain media outlets of producing "fake news" when they broadcast unfavorable news about the current administration.

Thank you very much for your attention.