

**STATEMENT**  
**UPR Pre-session on the Republic of Korea**  
**Geneva, 30 November 2022**  
**Delivered by People's Solidarity for Participatory Democracy (PSPD)**

This statement is delivered by People's Solidarity for Participatory Democracy (PSPD) on behalf of 461 CSOs in the Republic of Korea.

Today, I am delivering this statement in great despair. I would like to take this opportunity to emphasize a very urgent and important human rights issue in Korea before starting my statement. It has been one month since 158 people including 26 foreigners were crushed to death in Itaewon. The responsibility for this tragedy lies with the government, which has failed to properly assess the risks and run the safety management system. We urge the government to 1) apologize sincerely, 2) conduct independent, fair, and victim-centered fact-finding, and 3) punish those responsible for the tragedy and take appropriate measures to prevent a recurrence.

In this statement, I would like to address the following issues : (1) The Death Penalty; (2) The National Security Act; (3) Poverty; and (4) Business and Human Rights.

### **The Death Penalty**

The Korean government noted 20 recommendations for the abolition of the death penalty in the previous UPR review. Death sentences continue to be imposed, although no executions have been carried out since 1997. The government voted for the first time in favor of the "Death Execution Moratorium" resolution adopted at the Third Committee of the UN General Assembly in 2020. However, in January 2021, the government submitted to the Constitutional Court an opinion that the death penalty should be maintained, arguing that the existence of the death penalty is not a criterion for determining the human rights of a country and does not infringe on the essential content of the right to life. Currently, the Special Act on the abolition of the death penalty has been proposed to the National Assembly for the 9th time.

- The government should declare a moratorium on executions and reduce all death row prisoners to life imprisonment.
- The government should ratify, without reservations, the Second Optional Protocol to the ICCPR, aiming at the Abolition of the Death Penalty.

### **The National Security Act(NSA)**

Many countries gave recommendations to abolish the NSA but the Korean government noted that NSA is to safeguard the basic order of liberal democracy of the country as a divided nation. However, the Act has various problems from a human rights perspective. The Act has been used to arbitrarily prosecute innocent individuals, human rights defenders, and labor unions who have opposed the government since its enactment. The Act has been used as a form of censorship, to punish people for publishing and distributing material deemed to benefit North Korea. The Act has unduly restricted freedom of expression, opinion, thoughts, and association by punishing acts, such as praise. The Act also has unreasonably restricted the right to privacy, academic freedom, and cultural rights by punishing acts, such as holding the materials. In September, the Constitutional Court held an open hearing to examine

the unconstitutionality of the Act. At the same time, the NSA repeal bill is now proposed to the National Assembly.

- The government should abolish the National Security Act so that it complies with international human rights laws and standards

### **Poverty**

The tragic deaths of poverty-stricken people are continuing as they are not eligible for medical benefits due to the family obligation rules. As of 2021, the number of recipients of medical benefits is only 3% of the total population which is far less than the number of people who actually need it. The national basic living security system still has strict conditions such as family obligation rules, income, and property criteria and the level of coverage is also low, so it is not working as an effective poverty measure.

However, the government has not abolished the family obligation rules for receiving medical benefits, citing financial burden as the reason. In addition, the poverty rate of elderly Koreans is the highest among OECD members, about three times higher than the OECD average. Yet the benefit amount of the national pension system is very low and the system still has a wide blind spot.

- The government should immediately abolish the family obligation rules for all benefits to resolve the blind spots in poverty and guarantee the right to health.
- The government should raise the income replacement rate of the national pension to the OECD average and take active measures to eliminate the blind spot in the system.

### **Business and Human Rights**

While establishing the Third NAP(2018-2022), the government newly adopted a separate chapter about business and human rights. However, the government has not developed any initiative to integrate the UN Guiding Principles in Business and Human Rights into business practices of the private sector and to promote corporate human rights due diligence. There are no laws requiring human rights and environmental inspections in the supply chain of Korean companies. So it is virtually not effective nor enforceable. In particular, Korean companies are criticized internationally for failing to fulfill their social responsibilities for human rights and the environment abroad. The Korean National Contact Points for OECD Guidelines for Multinational Enterprises also has not come up with any meaningful decision or recommendation for the last two decades and most cases are simply dismissed in the initial assessment stage.

- The government should Act on Mandatory Human Rights and Environmental Due Diligence.
- The government should prepare comprehensive measures to respond to human rights violations and environmental destruction by Korean companies operating overseas.

Thank you for your attention.