



REFERENCE: 2019-101/CESCR/FU

9 December 2019

Excellency,

In our capacity as Chair and Rapporteur for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights respectively, we have the honour to refer to the examination of the fourth report of the Republic of Korea at the Committee's sixty-second session, held in October 2017. In the concluding observations (E/C.12/KOR/CO/4), the Committee requested the Republic of Korea to provide, within 18 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 18 (a), 23 and 41 of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/KOR/CO/4/Add.1) received in April 2019 under its follow-up procedure. The Committee examined the report at its sixty-sixth session, held in October 2019, and wishes to communicate the following assessment:

Paragraph 18 (a): Business and human rights – Insufficient progress. The State party provides information in its follow-up report on various significant measures adopted in the area of business and human rights. However, the Committee's recommendation to establish “a legal obligation to exercise due diligence” has not been implemented, and no measures have been taken, or contemplated, to give the principle of due diligence legal force under domestic law. The Committee requests the State party to provide information in its next periodic report on concrete steps taken with a view to establishing the aforementioned legal obligation, including information on its application in practice.

Paragraph 23: Non-discrimination legislation – Insufficient progress. The Committee welcomes the measures taken by the State party, in particular the legislative initiatives, including on the strengthening of the National Human Rights Commission. However, it is apparent from the available information that the State party has not adopted a comprehensive anti-discrimination legislation covering all the prohibited grounds of discrimination, nor is it planning such a step in the near future. The Committee requests the State party to provide detailed information about the measures taken in this respect in its next report on the implementation of the Covenant.

Paragraph 41: Insufficient progress. Regarding the recommendation on the plurality of trade unions and collective bargaining, the Committee notes that the State party has taken steps such as the adoption of the procedures for “Simplification of Bargaining Windows” and the introduction of the Innovation Plan on Unfair Labour Practices Investigations. However, according to information received, the bargaining channel unification system continues to undermine collective bargaining rights and the right to strike.

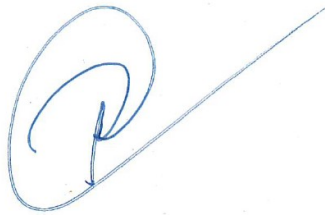
Regarding the recommendation concerning the right to form and join trade unions and preventing arbitrary interference in the functioning of trade unions, the State party’s follow-up report confirms that there are “workers and public officials, including dismissed workers and the unemployed, who are limited to exercise their rights of association.” The Committee regrets that the follow-up report does not address the Committee’s concern regarding the right of workers in non-regular forms of employment to form or join trade unions. Moreover, it notes that, according to information received, while proposed amendments to the Trade Union and Labor Relations Adjustment Act (TULRAA) seek to expand the categories of workers who can exercise the right to freedom of association, restrictive conditions are maintained.

Regarding the ratification of ILO Conventions No. 87 and 98, while appreciating the steps taken and planned by the State party, the Committee regrets the lack of information about the timeframe for their ratification.

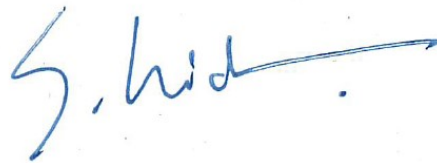
The Committee requests the State party to provide further information on progress in the implementation of recommendations contained in paragraph 41 of the concluding observations in its next periodic report.

The Committee looks forward to continuing its constructive dialogue with the Government of the Republic of Korea, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurance of our highest consideration.



Renato Zerbini Ribeiro Leão
Chair
Committee on Economic, Social
and Cultural Rights



Sandra Liebenberg
Rapporteur for follow-up
Committee on Economic, Social
and Cultural Rights