

Alternative Report to the United Nations Human Rights Committee

Republic of Korea, 113th Session

Submitted by KTNC Watch

Contact Information:

KTNC Watch

Shin Young Chung

#505, 163 Anguk-dong Jongno-gu, Seoul 110-240

South Korea

Tel: + 82-2-3478-0529 Fax: + 82-2-3478-0527

Email: sychung@apil.or.kr

I. INTRODUCTION

1. Korean Trans National Corporation Watch (KTNC Watch) is a network of NGOs based in Korea working in various fields ranging from human rights and corporate social responsibility to energy/climate policy and labor rights. The network was formed with the view to bring together various expertise and experience to monitor transnational corporations registered in Korea and address issues arising from their operations.

2. Member organizations in 2014 are as follows: Advocates for Public Interest Law/ GongGam Human Rights Law Foundation/ Korean Lawyers for Public Interest and Human Rights/ Korean House for International Solidarity/ MINBYUN-Lawyers for a Democratic Society - Committee for International Labor Rights/ Korean Confederation of Trade Unions/ Center for Good Corporations

II. Extra-Territorial Obligations under the ICCPR

3. It is the position of the Human Rights Committee that the Covenant rights should be ensured within State parties' territories as well as extraterritorially. In its 2012 Concluding Observations on Germany, the Human Rights Committee clearly recognized the extra-territorial obligations stating that:

While welcoming measures taken by the State party to provide remedies against German companies acting abroad allegedly in contravention of relevant human rights standards, the Committee is concerned that such remedies may not be sufficient in all cases (Art. 2, para. 2).

The State party is encouraged to set out clearly the expectation that all business enterprises domiciled in its territory and/or its jurisdiction respect human rights standards in accordance with the Covenant throughout their operations. It is also encouraged to take appropriate measures to strengthen the remedies provided to protect people who have been victims of activities of such business enterprises operating abroad.¹

4. The Human Rights Committee reaffirmed its position on the applicability of extra-territorial obligations of the Covenant rights in its 2014 Concluding Observations on the United States by stating that:

The Committee **regrets** that the State party continues to maintain its position that the Covenant does not apply with respect to individuals under its jurisdiction but outside its territory, despite the contrary interpretation of article 2(1) supported by the Committee's established jurisprudence, the jurisprudence of the International Court of Justice and state practice. The Committee further notes that the State party has only limited avenues to ensure that state and local

¹ Human Rights Committee, Concluding Observations: Germany, UN Doc. CCPR/C/DEU/CO/6 (31 October 2012) at para. 16.

governments respect and implement the Covenant, and that its provisions have been declared to be non-self-executing at the time of ratification. Taken together, these elements considerably limit the legal reach and the practical relevance of the Covenant (art. 2).

The State party should:

Interpret the Covenant in good faith, in accordance with the ordinary meaning to be given to its terms in their context, including subsequent practice, and in the light of its object and purpose and review its legal position so as to **acknowledge the extraterritorial application of the Covenant** under certain circumstances, as outlined inter alia in the Committee's general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant;²

5. In fact, other Treaty bodies have supported this position on extra-territorial obligations. For example, the Committee on the Rights of the Child expressed its opinion in General Comment 16 that:

Under the Convention, States have the obligation to respect and ensure children's rights within their jurisdiction. The Convention **does not limit a State's jurisdiction to "territory"**. In accordance with international law, the Committee has previously urged **States to protect the rights of children who may be beyond their territorial borders**. It has also emphasized that State obligations under the Convention and the Optional Protocols thereto apply to each child within a State's territory and to all children subject to a State's jurisdiction.³

6. Thus, Korea has extra-territorial obligation under the ICCPR to ensure the Covenant rights by regulating the activities of corporations and other business entities incorporated or domiciled in its territory and/or its jurisdiction for their activities abroad.

III. Korean Companies in Uzbekistan's Cotton Industry

1. Forced Labor of Adults and Children in Uzbekistan's Cotton Sector

7. The widespread and systematic use of forced labor in the cotton sector is a serious and systematic human rights violation by the government of Uzbekistan. Under the state-controlled system of cotton production, the government forcibly mobilizes farmers to cultivate and the general population to harvest cotton. In addition, authorities

² Human Rights Committee, Concluding Observations: the United States of America, UN Doc. CCPR/C/USA/CO/4 (23 April 2014) at para. 4.

³ Committee on the Rights of the Child, General comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, UN Doc. CRC/C/GC/16 (17 April 2013) at para 39.

force children and adults to weed the cotton fields during the springtime. Students are sent to the cotton fields through the education system under the threat of expulsion from school, forced to work under the indecent conditions without proper compensation. Adults are not exempted from the forcible mobilization: farmers, workers in public and private sector, and beneficiaries of the social welfare system are massively mobilized to contribute to the national cotton production plan, with threats to lose their jobs, salaries, and social welfare support.

8. Due to the continuous international condemnation, mass mobilization of children younger than 16 during the harvest was not observed in 2012 and 2013; however, the government used forced labor of children aged 16 to 17 systematically throughout the country. Moreover, the government shifted heavier burden to adult population to cover the lack of labor force, and workers from different sectors were massively mobilized for the harvest.⁴In 2012 and 2013, as the Uzbek Government shifted the burden of the cotton harvest from children under age 16 to older children and adults, it forced over five million citizens to pick cotton.⁵ This number of persons

⁴Environmental Justice Foundation, “White Gold, The True Cost of Cotton, Uzbekistan, Cotton and the crushing of a Nation”, 2005, p.13.

⁵ Two methodologies to estimate the total persons mobilized produce an estimate of over 4 million adults. The estimated cost of the Uzbek government’s mobilization of public-sector workers to pick cotton is \$211- \$291 million, depending on the exchange rate, official or unofficial.

A. According to the Labor Demand:

Assumptions-

1. The annual production target for raw cotton is 3.5 million tons.
2. Almost all cotton is harvested manually. The amount of cotton harvested by machinery is negligible.
3. Over last two years, in 2012 and 2013, the school kids of the age up to 14 years old were released from forced labor in cotton fields. In the previous years, they had to work in cotton fields 45 days in average each season.
4. In 2012 and 2013 the government had to compensate for the loss of school children as the main labor force for harvesting cotton by dramatically increasing the number of adults and university students mobilized for harvest. The number of mobilized high school (colleges and lyceums) students remained unchanged – most of them have been and still are subject to forced labor. According to the Uzbek-German Forum for Human Rights, not less than 1.4 lm high school and university students are being mobilized for cotton harvest each year [See “Cotton — it’s not a plant, it’s politics”: The system of forced labor in Uzbekistan’s cotton sector, Berlin: Uzbek-German Forum for Human Rights, 2012, p. 35.]
5. While the high school and university students would stay in the cotton fields for the whole season, 45 days in average, the employees of organizations and enterprises have been mobilized on a rotation base, for 10 days each round.
6. Although the daily norm of picking cotton for each pickers has varied between 50 – 70kg, in reality productivity has been 30 kg in average.

Taking into account the above assumption, we made the following calculations according to the labor demand:

National production target, kg	3,500,000,000
No of high school and university students mobilized for cotton harvest	1,400,000
No of days the students work in the cotton fields	50
Daily productivity per person, kg	30

represents over 16% of Uzbekistan’s population and far exceeds the total worldwide estimate of persons subjected to state-sponsored forced labor in 2012, of 2.2 million persons.⁶

9. In 2014, in continuation of changes that began two years ago, the government did not systematically and forcibly mobilize children to harvest cotton, yet it increased forced labor of adults to pick cotton, apparently to compensate for reduced numbers of children. Furthermore, the government failed to end the use of child labor in cotton production as in some regions local authorities forcibly mobilized children, particularly in the later weeks of the harvest, to meet quotas assigned by the same central government authorities that simultaneously decreed that children should not be forced to pick cotton.⁷

2. Case of KOMSCO: ICCPR Article 8

10. Korea Minting, Security Printing & ID Card Operating Corporation (KOMSCO) is a wholly state-owned enterprise, set up under the Korea Minting, Security Printing & ID Card Operating Corporation Law in 1951. KOMSCO has been the sole manufacturer of Korea currency; it also produces security paper such as banknotes, gift certificates and passport pages. For the replacement of deteriorated facilities and the securing the supply of the raw material, KOMSCO established a local subsidiary, Global Komsco Daewoo (GKD) in Uzbekistan in 2010. As a joint venture, KOMSCO is the majority shareholder in GKD as it has 65% stake of GKD; Daewoo International has remaining

The volume of cotton the students would pick over a harvest season, kg	2,100,000,000
Remaining cotton	1,400,000,000
10 days productivity (adults), kg	300
No of adults required to pick 1.4 million tons	4,666,667

B. According to the citizens available to the Government to mobilize through state institutions:

Assumptions-

1. This is based on the observations that suggest the universal character of mobilization for cotton wherein the authorities make no exclusion to any category of organizations and enterprises.
2. According to official statistics, there were 12,523,000 people employed in the economy and public institutions in 2013. [Uz24.Uz, March 19, 2014, <http://www.uz24.uz/society/chislennosty-naseleniya-uzbekistanauvelichilasy-na-4951-tis.-chelovek>.]

According to these assumptions, it would fair to suggest that at least third of this number, approximately four million adults, have been subject to compulsory mobilization for cotton and each worked at least ten days in the cotton field on a rotation base.

⁶ International Labor Organisation, Profits and Poverty: The Economics of Forced Labor, Geneva, 2014, page 7

⁷ Uzbek-German Forum for Human Rights, “Preliminary Report on Forced Labor During Uzbekistan’s 2014 Cotton Harvest,” 7 November 2014, <http://uzbekgermanforum.org/wp-content/uploads/2014/11/Forced-Labor-During-Uzbekistans-2014-Cotton-Harvest.pdf>.

35% stake of GKD. GKD produces the cotton pulp out of the cotton linter, wholly purchased from the UZINTERIMPEX, in its facilities.

11. Though KOMSCO is fully aware of the widespread and systematic use of forced labor and child labor in Uzbekistan's cotton industry, it has continuously source the tainted cotton from the Uzbekistan. At the Parliamentary Inspection of KOMSCO in 2012, the forced child labor issue was raised from two Members of Parliament and KOMSCO was asked not to use the cotton harvested by forced child labor.⁸ However, at the Parliamentary Inspection of KOMSCO in 2013, it was confirmed that KOMSCO failed to take any measures to address the situation. Despite the reports from the independent monitors that the forced labor of children and adults still existed, KOMSCO merely reiterated the Uzbek government's official statement denying the existence of the child labor.⁹

12. In fact, the knowledge of the forced labor in its supply chain has had no effect on KOMSCO's operation in Uzbekistan. Despite repeated comments from MPs during the Parliamentary Inspection, KOMSCO continues to ignore the existence of the forced labor of children and adults in Uzbek's cotton industry and has not made any changes in its operation. GKD continues to operate its facilities without ceasing; rather, its production has constantly increased, and the cotton pulp produced by GKD now accounts for 14% of the domestic market.¹⁰ After all, KOMSCO encourages and supports the forced labor system in Uzbek cotton industry by maintaining its operation in Uzbekistan despite of acknowledging forced labor.

3. Case of Daewoo International: ICCPR Article 8

13. Daewoo International (formerly, Daewoo Corporation) is headquartered in Seoul, Republic of Korea. It has been engaged in the textile business in Uzbekistan since 1996 and is currently involved in the operation of three Uzbekistan textile companies. It owns 100% stakes in two of the textile companies (Daewoo Textile Bukhara LLC and Daewoo Textile Fergana LLC; collectively, "Daewoo Textiles") and has a 35% stake in Global Komsco Daewoo.¹¹ Cotton processed in Daewoo Textiles accounts for around 20% of all cotton processed in the country, which makes Daewoo International the largest cotton processor in Uzbekistan.

⁸Minutes of Parliamentary Inspection of the Strategy and Finance Committee of 2012, Oct. 24, 2012, pp. 4-6, 21-22, 57.

⁹Minutes of Parliamentary Inspection of the Strategy and Finance Committee of 2013, Oct. 28, 2013, pp. 56-59.

¹⁰ Press Release, MP Maengwoo Park, Oct. 14, 2014

¹¹ "Daewoo International re purchasing cotton produced in Uzbekistan with child & forced labor," Business & Human Rights Resource Centre, 19 February 2013, available at <http://www.business-humanrights.org/Documents/CottonCampaignHandM>

14. Daewoo International is fully aware that the widespread and systematic use of forced labor and child labor in Uzbekistan's cotton industry. In its public statements, it acknowledged that "To our knowledge and information, as the 90% of the harvested cotton are produced by not the machine but the hand-picking, the Uzbek government had taken advantage of the child labor during the harvest season, from September to November," and "Uzbek children under 15 years old have been hardly forced and however, teenagers over 15 years old have seemed partially forced, as far as we heard. In the countryside where is hardly affected by the government, there has been partially the forced child labor."¹² It also confirmed its awareness on the forced labor issue stating that "it cannot be free from the issue of alleged forced labor in Uzbekistan."¹³ The admission was also made public via media report stating that "the company is aware of the use of forced labor and child labor during harvests and confirmed that it acquired cotton picked by such workers" in its interview with the Wall Street Journal.¹⁴

15. However, knowledge of the forced labor in its supply chain has no effect on Daewoo International's operation in Uzbekistan. Despite requests from various organizations and companies to meet its due diligence duties by stopping purchase of Uzbek cotton until the forced labor ends and conducting independent monitoring, Daewoo International constantly refuses such demands. What Daewoo International alleges to "its best efforts in resolving the issue" is communicating with Uzbek government officials regarding the issue. After the communication, Daewoo International ends up with reiterating the position of Uzbek government denying the existence of forced labor. Daewoo International has not made any changes in its operation; it continues to operate its facilities without ceasing; rather, it is expanding its operation in Uzbekistan by investing US \$22 million in 2014 alone.¹⁵ After all, Daewoo International encourages and supports the forced labor system in Uzbek cotton industry by maintaining and expanding its operation in Uzbekistan despite of acknowledging forced labor.

¹² <http://www.business-humanrights.org/Documents/CottonCampaignHandM>

¹³ The Cotton Campaign sent the letter to Daewoo International in September 5, 2012, asking to meet its human rights due diligence duties by 1) Stopping purchases of cotton from Uzbekistan until the ILO verifies that the government of Uzbekistan has ended its forced-labor cotton production system, and 2) Establishing independent monitoring and public reporting on human rights risks and violations in Daewoo's cotton supply chain in Uzbekistan (See Appendix H). Daewoo International sent the response letter in June 11, 2013 (See Appendix I).

¹⁴ "Posco Unit Admits Using Cotton From Forced and Child Labor," The Wall Street Journal, Aug. 13, 2014, available at <http://online.wsj.com/articles/daewoo-faces-criticism-for-use-of-uzbekistan-cotton-made-with-forced-labor-1407918539>

¹⁵ "Daewoo International to invest US\$22m to modernize two textile plants," Daewoo Textile Fergana Official Website, 26 June 2014, available at <http://en.daewootextile.com/news2?view=76453621>

4. CRC's Concluding Observations in Relation to the Issue

16. It will be meaningful to review the opinion from other Treaty Bodies regarding this specific issue. The CRC adopted Concluding Observations on Korea addressing extra-territorial obligations by stating that:

The Committee welcomes increasing interest by the business sector in the State party, one of the most dynamic economies in the world, in corporate social responsibility, which for now seems to focus exclusively on environmental issues. While noting aspects of the State party's legislation which, inter alia, address labour standards and minimum wage, the Committee notes that there is no comprehensive legislative framework regulating the prevention and mitigation of adverse human rights impacts of companies' activities, either in the State party's territory or abroad.¹⁶

17. The CRC expressed concern about:

The State party is importing products from countries which are under investigation by the International Labour Organization (ILO) (and the European Parliament) for reportedly **using forced child labour, thus becoming complicit with a serious breach to child rights;**¹⁷

18. The Committee recommended that Korea:

(a) Further promote the adoption of effective corporate responsibility models by providing a legislative framework that requires companies domiciled in Korea to adopt measures to prevent and mitigate adverse human rights impacts in their operations in the country and abroad, whether by their supply chains or associates. The inclusion of child rights indicators and parameters for reporting should be promoted and specific assessments on business impacts on child rights should be required;

(b) Monitor the entry of products to prevent the importation of those which are produced with forced child labour and to use its trade agreements and national legislation to require that the products entering its market are child-labour free;¹⁸

19. As the nature of human rights violations here clearly has the 'forced labor' as well as 'child labor', the Article 8 of ICCPR is the Covenant right involved. Therefore, Korea failed to carry out extra-territorial obligation under ICCPR to ensure the Covenant rights by regulating the activities of Korean corporations for activities undertaken abroad.

¹⁶ Committee on the Rights of the Child, Concluding Observations: Republic of Korea, UN Doc. CRC/C/KOR/CO/3-4 (2 February 2012) at para. 16.

¹⁷ Ibid.

¹⁸ Ibid., para 17.

IV. Abuse of Foreign Crews in Korean-flagged Fishing Vessels

1. Case of Sajo-Oyang: ICCPR Article 8

20. Sajo-Oyang is headquartered in Seoul, Republic of Korea. In June 2011, it was revealed that forced labor abuses and unpaid and underpaid wages took place in Oyang 75, which was the fishing vessel owned by Sajo-Oyang and operated in New Zealand's EEZ. Indonesian crews suffered from physical and verbal abuses, and even sexual harassment; they were forced to work without break and were provided inadequate meals both in quality and quantity. They had no choice but to endure the human rights abuses and inhumane working condition due to the guarantees and securities they had paid to the manning agencies at the time of departure. Many of them were required to hand over birth certificates, family identity documents, and education certificates; sometimes even required to pay a cash bond up to \$US 300.¹⁹

21. After 32 crews walked off from Oyang 75 in June 2011, Sajo-Oyang tried to cajole the crews. While crews were in New Zealand, Sajo-Oyang sent the forged document that they had sent the unpaid wages to their account; however, it was turned out that they had not paid wages but merely tried to send the crews back to Indonesia. When the complaint of physical abuse, sexual assault, delay of wages, forging documents, and breaches of the Seamen Act was filed to Korean prosecutor's office, Officers from Sajo-Oyang even visited Indonesia and threatened and forced crews not to bring any cases against the company to receive the unpaid wages. Due to the financial difficulties, many of the crews did signed the document t which stated that they would not accuse the Sajo-Oyang officers.

22. Several actions were taken on behalf of the crews in Korea, but could not bring effective remedy to the crews. The complaint filed to National Human Rights Commission of Korea (NHRCK) for battery and assault, sexual harassment, and wage discrimination, was dismissed all the claims except sexual harassment on the basis that NHRCK did not have jurisdiction over the disputes between private parties. Sexual harassment claim, however, was also decided against the crews due to lack of evidence.²⁰ Meanwhile, Korean government launched joint inquiry team for the investigation of problems in the Korean-flagged fishing vessels operated in New Zealand's EEZ. The joint inquiry team issued the report based on their investigation including visit to New Zealand, clarifying that all the allegations upon Sajo-Oyang such as human rights abuses, delay of wages, counterfeiting, and breaches of Seamen Act were factual. Subsequently, case of physical abuse against Indonesian crew by Korean crews and case of forging employment contracts and confirmation of wage payments by staffs of Sajo-Oyang were transferred to the Prosecutor's office. However, the cases were not prosecuted at first instance; it was only after the appeal that the case was reopened for investigation. Seoul Western District Court decided that the perpetrators were sentenced suspension of prosecution for the physical abuses and suspension of execution of five months imprisonment for forging documents. Thus, none of the

¹⁹ Department of State of the United States, 2012 The Trafficking in Persons Report, p. 210

²⁰ http://www.hani.co.kr/arti/english_edition/e_international/532524.html

measures taken by Korean government served as an effective remedy to the victims of forced labor.²¹

2. Other Korean Fishing Vessels in New Zealand Waters: ICCPR Article 8

23. In fact, the forced labor has been the common practice that can be found in Korean fishing vessels in New Zealand waters. In September 2011, the University of Auckland published the report regarding foreign charter vessels (FCV) fishing in New Zealand's EEZ.²² It was reported that manning agents forced the workers to pay extortionate fees and confiscated their passports that can result in crippling financial consequences to the families. This method of using debt bonding to keep crews is a common tactic. Thus they can be rendered powerless and subject to future exploitation. In terms of working conditions, Indonesian crews were in slum-like conditions with a lack of adequate food and water and were forced to work excessively long shifts, sometimes even 53 hours. They experienced physical and verbal abuse and even sexual abuse. In many cases, unreasonable deductions are made or the wages not paid at all.²³

24. Though the case specifically dealt in the report was regarding Oyang 70, the authors emphasize that "this is not the only allegation of abuse aboard foreign crewed charter vessels fishing in New Zealand's EEZ. In fact, there have been 'numerous documented cases of crew members not being paid, being underpaid, having their wages eaten up by agency fees, and being verbally and physically abused.'" ²⁴ Thus, Korean government has breached the obligation under ICCPR by regulating the Korean-flagged fishing vessels operated abroad and providing effective remedies to the foreign crews on the vessels.

V. POSCO India Case

25. POSCO (formerly Pohang Iron and Steel Company), the world's fourth largest steel maker, is a multinational steel-making company headquartered in Pohang, South Korea. In June 2005, POSCO signed a Memorandum of Understanding (MoU) with the state government of Odisha in India, for the construction of a steel plant, including a

²¹ http://koreatimes.co.kr/www/news/nation/2014/10/113_165858.html

²² Christina Stringer, Glenn Simmons, and Daren Coulston, Not in New Zealand's waters, surely? Labour and human rights abuses aboard foreign fishing vessels (September 2012)

²³ The report revealed the abuse against the foreign crews in Korean fishing vessels in New Zealand waters such as: physical force for little or no reason, sexual harassment including rape, inhumane punishment such as being made to stand on deck for hours without food or water in extreme weather conditions, intimidation and threats involving crew and their families, excessive working hours and fatigue causing accidents and injuries, lack of protective or safety gear, denial of medical treatment and accidents covered up or not reported, substandard living conditions including little or no heating, providing inadequate food and drinking water, verbal abuse such as calling Muslim workers dogs, monkeys and other names, Christina Stringer et al., *Ibid.*

²⁴ Christina Stringer et al., *Ibid.*, p.3

captive port, and the development of iron ore mines in the state. The project envisages a total investment of 12 billion USD by POSCO, and requires over 12,000 acres of land, including 4,004 acres for the steel processing plant and port in the coastal Jagatsinghpur district, 2,000 acres for a company town and associated infrastructure and a further 6,177 acres for the iron ore mine in an area known as the Khandadhar Hills. To implement the project, POSCO established POSCO-India Pvt. Ltd., as its wholly owned subsidiary in India in August 2005.

26. The project was met by vehement resistance by the local population in the three *gram panchayats* affected by the steel plant in Jagatsinghpur. More than seventy percent of the affected area belongs to the three villages of Dinkia, Govindpur and Nuagaon, and resistance has been most intense in these villages.

27. The local population in the affected area not only faces eviction from their homes, but also loss of a livelihood that has been their means for a sustainable living for generations. Through sheer perseverance, they were able to stop construction of the steel plant for eight years, however acquisition and clearance of land by the Odisha state was continued. On January 16, 2014, South Korean President Park Geun-hye and Prime Minister Manmohan Singh agreed to push ahead with the POSCO project²⁵, while no visible steps have been taken to redress past, present and foreseeable human rights violations of the affected population.

28. Though there is no publicly available evidence that POSCO-India has attempted to use its leverage to challenge either the illegal acquisition process or the related human rights abuses taking place.²⁶ Instead, in May 2013, Y.W. Yoon, the Chairman and Managing Director of POSCO-India expressed being “happy” that there “[had] been significant progress on the land clearance work for the project.” POSCO also denied that authorities were using force to evict any people, “despite extensive media and civil society documentation of the use of force against project-affected communities and despite the fact that, on at least one occasion, a POSCO-India official was reportedly on site as armed police dismantled betel vines after forcibly entering Govindpur village.”

29. As pointed out by International Human Rights Clinic and ESCR-Net in the report, “Republic of Korea has so far failed to develop a legislative framework to regulate corporate activity abroad. It has also failed to engage with procedures as established under the OECD Guidelines for Multinational Enterprises,²⁷ and which have

²⁵ <http://profit.ndtv.com/news/corporates/article-posco-gets-go-ahead-as-india-south-korea-ink-five-accords-377837>

²⁶ International Human Rights Clinic and ESCR-Net, *The Price of Steel: Human Rights and Forced Evictions in the POSCO-India Project* (2013); the reports also points out that India failed to ensure that the legal standards governing forced eviction and the right to participation were met, and committed human rights abuses against the project-affected communities, thereby violating ICCPR Articles 16(1), 9, 9(1), 19, 21, 22, 12 and 25(a).

²⁷ In 2012, the Korean, Dutch, and Norwegian NCPs received a request for review from a consortium of NGOs (Lok Shakti Abhiyan (India), Korean Trans National Corporation Watch (South Korea), Fair Green Global Alliance (Netherlands), and ForUM (Norway)), alleging that Pohang Iron and Steel Enterprise (POSCO), and its joint venture POSCO India Private Limited had breached the human rights provisions of the Guidelines. The allegations also concerned two of POSCO's investors, the Dutch Pension Fund ABP,

been invoked to register concerns about the POSCO-India project.²⁸ Therefore, Korea has failed to carry out extra-territorial obligation under ICCPR to ensure the Covenant rights such as Article 7 and 17.

VI. Conclusions

30. The government of Korea failed to effectively regulate Daewoo International and KOMSCO, thus substantially contributed to the forced labor of the adults and children in Uzbekistan.

31. The Human Rights Committee should express its concern for the violation of Korea to abide by the extra-territorial obligation to protect Covenant rights, including Article 8, by failing to regulate the activities of Daewoo International and KOMSCO, which are complicit in the forced labor of adults and children in Uzbekistan.

32. The government of Korea failed to effectively regulate Sajo-Oyang, thus substantially contributed to the forced labor of the Indonesian crews on the Korean-flagged vessels. The government of Korea failed to investigate and appropriately sanction Sajo-Oyang, thus continues to contribute to the denial of the right to a remedy for the Indonesian crews.

33. The Human Rights Committee should express its concern for the violation of Korea to abide by the extra-territorial obligation to protect Covenant rights, including Article 8, by failing to regulate the activities of Sajo-Oyang, by failing to investigate and appropriately sanction Sajo-Oyang, and by failing to ensure remedies are available to Indonesian crews.

34. The government of Korea failed to effectively regulate POSCO, thus substantially contributed to the forced eviction in the area affected by POSCO project. The government of Korea failed to investigate and appropriately sanction POSCO, thus continues to contribute to the denial of the right to a remedy for the residents in communities affected by POSCO project.

35. The Human Rights Committee should express its concern for the violation of Korea to abide by the extra-territorial obligation to protect Covenant rights, including Article 7 and 17, by failing to regulate the activities of POSCO, by failing to investigate and appropriately sanction POSCO, and by failing to ensure remedies are available to Indian residents in affected area.

and its pension administrator APG, and the Norwegian Bank Investment Management (NBIM) of the government pension fund Global; On 10 June 2013, the Korean NCP, however, concluded that “the specific instance concerning POSCO did not merit further consideration. The NCP considered the allegations to be related to the administrative activities of the provincial government of India rather than the business activities of Posco India. Therefore, the Indian courts, and not the NCP, were responsible for determining the legality and legitimacy of such activities.” (more information available at <https://mneguidelines.oecd.org/database/instances/kr0010.htm>)

²⁸ International Human Rights Clinic and ESCR-Net, Ibid., p.75

VII. Recommendations for the List of Issues

36. What policies and practices have been put in place by Korea to ensure that it meets its extra-territorial obligation to protect Covenant rights?
37. Please inform the Committee if the State party intends to set up the comprehensive National Action Plan that includes extra-territorial obligations of Korea to ensure Covenant rights abroad.
38. Please provide information on whether Korea intends to emphasize the role of foreign embassies and diplomatic missions abroad to ensure Covenant rights in light of Korea's extra-territorial obligation.
39. What steps has Korea taken to ensure accountability of Daewoo International and KOMSCO for the forced labor of adults and children in Uzbekistan?
40. What steps has Korea taken to ensure the right to a remedy for the Indonesian crews for the forced labor on the Korean-flagged fishing vessels?
41. Please provide information on whether Korea has the legal standards governing forced eviction and the right to participation in the area affected by POSCO project.
42. What steps has Korea taken to ensure that human rights abuses against project-affected communities by POSCO are prevented and remedied?