

My name is JHO. I am the specialist on Business and human rights for National Human Rights Commission of Korea. I would like to present the limitation of investigation of National Human Rights Commission of Korea about human right violation by business and how to overcome it.

The biggest limitation that the Commission faces as a provider of non-judicial remedies is that we do not have the right to investigate human rights infringement cases that have occurred in a private business. In accordance with “National Human Rights Commission Act”, the Commission can conduct investigations and provide remedies for human rights infringement and discrimination cases in public sector entities, such as State-Owned Enterprises. However, we are only able to investigate discrimination cases for the private business.

To overcome this limitation, The Commission has established a strategy to spread human rights management as a private company through SOEs in 2014

(What is human rights managements is implementing UNGP to fulfills the state duty to protect human rights, the corporate responsibility to respect human rights and provides access to effective remedies)

The commission recommended that SOE must implement human rights management. then SOEs demand human rights management of their supply chain as a private enterprises

The Commission has acknowledged the importance of protecting human rights for state owned enterprises and recommended the system enhancement to establish human rights management through ‘Recommendation on Implementation of the Guidelines for Human Rights Management and Checklist’ in September 2014, ‘Recommendation on Improvement of Management Assessment for State Owned Enterprises (SOE)’ in February 2016, and ‘Recommendation on Establishment of National Action Plans on Business and Human Rights’ in July 2016.

As the Korean government selected ‘Institutionalization of Human Rights Management and Remedy’ as one of the policy objectives, with finalization of ‘the third National Action Plans (2018-2022)’ on August 7, 2018, it stressed that issues relating to corporate human rights were one of the responsibilities that the nation should address, including some of the human rights management items in the management assessment checklist for state owned enterprises.

In August this year, the Commission has come up with ‘Human Rights Management Manual for State Owned Enterprises (SOE)’ in order for state owned enterprises to implement human rights management, and for the government as well as local governments to make concrete evaluation of human rights management of the SOEs.

The manual covers entire stages required to achieve human rights management, and consists of four steps; Establishment of human rights management system, Human rights impact assessment, Implementation and disclosure of human

rights management, Provision of remedies as an independent remedy committee on human rights violation.

By going through these four steps, it is expected that SOEs can understand the UNGP and get help in establishing the human rights management system.