**Response to the Survey of the United Nations**

**Working Group on Business and Human Rights**

The National Human Rights Commission of Korea is a national institute and responds to question A. General update, which is for the implementation and dissemination of the「UN Guiding Principles on Business and Human Rights」, and does not respond to question B. Business enterprises owned or controlled by the state, which should be answered by the government who actually deals with the matter.

Below are details of measures taken by the National Human Rights Commission of Korea with respect to question A. General update.

**A. General Update**

**1. Any Specific Steps taken by the State to Implement the 「Guiding Principles on Business and Human Rights」**

The National Human Rights Commission of Korea is a national institute dedicated to protecting human rights and is independent from the legislative, judicial and executive branches of the government, and has pursued the implementation of the「UN Guiding Principles on Business and Human Rights」based on 3 axes (first, creating the nation's legal and systematic basis; second, reaching a domestic consensus; third, promoting international cooperation).

1. **Creation of Legal, Systematic and Policy Basis**

The National Human Rights Commission of Korea has the rights to recommend the improvements of national laws, systems and policies. Followings are details pursued by the Commission in order to improve laws, systems and policies related to Business and Human rights.

❍ Conducting a Survey on the Reality and Research Outsourcing

The National Human Rights Commission of Korea has outsourced researches and surveys on the reality of human rights in businesses so as to improve national laws, systems and policies regarding Businesses and Human rights.

- Research outsourcing for the National Action Plan (NAP) on Business and Human Rights (2015)

- Conducting an investigation into the reality of SME's human rights management and exploring measures to improve systems (2014)

- Developing indicators to evaluate best practices in human rights management (2014)

- Conducting a case study regarding the human rights impact assessment of overseas businesses (2014)

- Conducting an investigation into the reality of human rights infringement by overseas Korean companies (2013)

- Conducting a research on improvements of laws, policies and systematic practices related to Businesses and Human Rights (2012)

- Conducting case studies to disseminate a business culture that is human rights friendly and an investigation into the reality to establish an advanced model (2011)

❍ Publication of the Business and Human Rights Report (2013) and the Guidelines for Human Rights Management and Checklist (2014)

In 2013, the National Human Rights Commission of Korea issued, based on its investigation into the reality, the "Business and Human Rights Report" covering the roles of the government for human rights management, human rights policies in the public sector and current status of Korean businesses' human rights management. In addition, it issued the "Human Rights Management and Check List" in 2014 so as to strengthen domestic implementation of international rules and regulations including the「UN Guiding Principles on Business and Human Rights」and thereby to help Korean businesses to actively keep pace with global trends. An English version “Guidelines for Human Rights Management and Check List" was issued in 2015 and is attached hereto.

❍ Recommendations to Public Institutions for the Implementation of the “Guidelines for Human Rights Management and Check List” (2014)

In September 2014, the National Human Rights Commission of Korea Recommended heads of 117 public institutions (representatives of 30 public enterprises and heads of 87 quasi-government institutions) to apply the "Guidelines for Human Rights Management and Checklist" to their management practices and to improve vulnerable sectors by conducting self checks based on the "check List". Among them, 115 institutions or 98% accepted the recommendation and applied the "Human Rights Management and Checklist" which requires them to indirectly encourage human rights management in private companies (big conglomerates and SMEs) through their supply network. [[1]](#footnote-1)

In the first half of 2015, the Health Insurance Review & Assessment Service, the Korea Rail Network Authority and the National Health Insurance Service established the basic plans for human rights management, organized a human rights management committee, established their own guiding principles on human rights management, declared human rights management policies by the decision of their chief decision maker and the Korea Postal Logistics Agency started outsourcing services to set up an human rights management system.

Also, public institutions have actively pursued human rights management, for instance, 8 public institutions including the Korea Electric Power Corporation (KEPCO), the Korea Hydro & Nuclear Power, the Korea Airport Corporation and the National Health Insurance Service notified their participation in the 2015 United Nations Forum on Business and Human Rights.

**② Creation of Domestic Consensus**

This is aimed to create domestic consensus on Business and Human Rights so as to encourage businesses to voluntarily respect human rights. Specifically, consensus on the need for businesses to respect human rights would be disseminated among businesses and other stake holders including consumers and investors to make businesses focus on the issues of Business and Human Rights in order to achieve their economic goals.

❍ Human Rights Management Forum (2010~2014)

The National Human Rights Commission of Korea has hosted the Human Rights Management Forum every year since 2010 with participation of businesses, national institutions, scholars and NGOs to enhance consciousness on human rights management and to promote voluntary implementation of human rights in their management practices. This year's conference will be held on November 5th, 2015 under the theme of the National Action Plan (NAP) on Business and Human Rights.

❍ Translation and distribution of international documents for dissemination of UN Guiding Principles on Business and Human rights

The National Human Rights Commission of Korea has translated important international documents related to Business and Human Rights, including those of the UN and the OECD, and distributed them to stake holders including government institutions, businesses, the National Assembly and NGOs.

- UN Guidance on National Action Plan on Business and Human Rights (2015)

- Guide to Human Rights Impact Assessment and Management (2014)

- UN Guiding Principles on Business and Human Rights (2011)

- OECD Guidelines for Multinational Enterprises (2011)

- Policy Framework for Business and Human Rights (2010)

❍ Education Programs for Executives & Employees and Issuance of education materials

The National Human Rights Commission of Korea has provided education to 269 people through seven education programs since 2011 for the dissemination of the「UN Guiding Principles on Business and Human Rights」(to 50 people through one education program in 2014, to 30 people in 2013, to 22 people in 2012 and to 167 people through 4 education programs in 2011). In 2004, the Commission issued an education material on Business and Human Rights "Business & Human Rights".

**③ International Cooperation**

The National Human Rights Commission of Korea has rapidly disseminated international issues and trends in Korea by participating in international conferences such as the UN Forum on Business and Human Rights hosted by the UN Working Group on Business and Human Rights, or by hosting lectures and international conferences inviting prominent overseas figures.

❍ Hosting of International Conferences and Lectures

- Special Lecture by the Chairperson of the UN Working Group on Business and Human Rights UN (2015. 5. 18)

- Joint hosting of the UGGC Korea Leaders Summit (2015. 5. 19)

- Asia Pacific National Human Rights Institutions Regional Conference on Business and Human Rights (2011)

❍ Participation in International Conferences

- The OECD/UN Workshop on National Action Plans on Responsible Business Conduct (2015)

- OECD Global Forum on Responsible Business Conduct (2013~2015)

- UN Forum on Business and Human Rights (2012~2014)

- ICC Working Group on Business and Human Rights (2010~2013)

**2. The Development of the National Action Plan(NAP) on Business and Human Rights**

In 2012, the National Human Rights Commission of Korea Recommended to the government the National Action Plan(NAP) on Business and Human Rights based on the「Guiding Principles on Business and Human Rights」of 2011, but the government did not reflect the recommendation in the establishment of the NAP in 2012.

In December 2014, the UN Working Group on Business and Human Rights provided UN Guidance on National Action Plan on Business and Human Rights and in 2015 the Commission has outsourced a research on the NAP on Business and Human Rights in order to make a draft recommendation in sufficient consideration of the Guidance. This research is scheduled to be completed by November 2015, and based on the result the Commission is going to make recommendations to the government regarding the establishment of the NAP on Business and Human Rights in 2016.

**① Government Ministries leading the Establishment and Implementation of the NAP**

❍ Recommending Institution : The National Human Rights Commission of Korea

In the Republic of Korea, the National Human Rights Commission prepares for

a draft recommendation for NAP based on the coordination of relevant

institutions, and the government establishes a NAP in line with the draft

recommendation.

❍ Establishing Institution : the Ministry of Justice (the Government)

The National Human Rights Commission of Korea notifies a NAP

recommendation to the government, and the government should confirm the

establishment process and organize a coordination institution.

❍ Collaborating Institution

Government ministries, human rights groups and experts discuss and coordinate

details in the process of preparing for and establishing the NAP on human rights.

**② Systematic Framework to Encourage Participation of Stake Holders including Business Associations and Civil Rights Groups**

The National Human Rights Commission of Korea has rules and regulations on ‘Human Rights Policy Makers’ meeting’ related to the establishment of the draft recommendation for NAP in accordance with 「the Enforcement Decree of the National Human Rights Commission Act[[2]](#footnote-2)」(Article 19 or Article 21). Also, the Commission has the「Operation Rules of the Human Rights Policy Makers’ Meeting[[3]](#footnote-3)」in which details are stipulated for the organization and operation of the Meeting.

Attachment 1. Guidelines for Human Rights Management and Check List PDF

2. Records related to Business and Human Rights

**□ Records Related to Business and Human Rights**

|  |  |
| --- | --- |
| **Classification** | **Major records** |
| **Creation of Legal & Systematic Basis** | **Recommendation & Expression of Opinion** | Organized a domestic liaison office and made recommendations for operational improvement (2011)Recommended improvements regarding the industrial accident compensation insurance system (2012)Expressed opinions regarding the draft law for supporting Korean companies entered overseas markets and returning back to the domestic market (2013)Made a draft amendment to the law related to the compensation & support for transmission and substation facilities (2014)Recommended to 117 public institutions to apply the Guidelines for Human Rights Management and Checklist (2014) |
| **Studies and Surveys on the reality** | Analyzed the current status of human rights policies of major companies (2008)Conducted investigations into people’s consciousness of business activities and human rights (2008)Conducted a research on best practices of human rights management and investigation into the reality of self-checklist development by businesses (2009)Conducted case studies for the dissemination of human rights friendly business culture and investigation into the reality for the establishment of advanced model (2011)Conducted researches on the improvement of laws, policies, systems and practices related to Business and Human rights (2012)Conducted investigation into human rights infringement by overseas Korean companies (2013)Developed indicators for evaluating best practices of human rights management (2014)Conducted case studies on the assessment of human rights impacts of overseas companies (2014)Investigated human rights management practices of SMEs and conducted researches for improvement (2014)Conducted outsourcing research on National Action Plan (NAP) regarding Business and Human Rights (2015) |
| **Creation of Domestic Consensus** | **Forums & Meetings** | The International Conference on Corporate Social Responsibility(CSR) (2007)Policy meeting among organizations related to corporate social responsibility(CSR) (2009)The Human Rights Management Forum (2010-2015) |
| **Translation and introduction of Overseas Materials** | Guidance for the Integrated Human Rights Management by Businesses (2008)Business Activities and the Application of Human Rights (2008)Protect, Respect and Remedy: a Framework for Business and Human Rights (2010)UN Guiding Principles on Business and Human Rights (2011)Guide to Human Rights Impact Assessment and Management (HRIAM) (2014)UN Guidance on National Action Plan on Business and Human Rights (2015) |
| **Publication of Books & Leaflets** | Report on Business and Human Rights (2013)The Guidelines for Human Rights Management and Checklist (2014)English version of the Guidelines for Human Rights Management and Checklist (2015) |
| **International Cooperation** | **Hosting & Participating in International Conferences** | [Hosted conferences]International Conference on Business and Human Rights (2009)The Asia Pacific National Human Rights Institutions Regional Conference on Business and Human Rights (2011) Special lecture by the chairperson of the UN Working Group on Business and Human Rights and an International Symposium (2015)[Participated conferences]ICC Working Group on Business and Human Rights (2010-2013)The 10th International Conference of National Human Rights Institutions (2010)OECD Global Forum on Responsible Business Conduct (2013-2015)UN Forum on Business and Human Rights and session presentation (2012-2014) |

1. Among the 117 institutions, Korea Exchange (KRX) and Korea Securities Depository were excluded from the list of public

 institution after the recommendation was made and did not accept the recommendation. [↑](#footnote-ref-1)
2. Amended on January 28th 2013 by presidential decree 24342 [↑](#footnote-ref-2)
3. Amended on April 8th, 2009, Rule 50 of the National Human Rights Commission of Korea [↑](#footnote-ref-3)