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## JOINT PUBLIC STATEMENT

### **National Assembly of South Korea should act swiftly to enact anti-discrimination legislation**

Four separate bills on anti-discrimination have been filed since June 2020 at the National Assembly of South Korea. However, these bills remain pending for discussion at the Legislation and Judiciary Committee. We, the undersigned human rights organizations, call on the National Assembly to immediately move forward with discussions on these bills and pass a comprehensive, meaningful and enforceable Anti-Discrimination Act without further delay.

The Legislation and Judiciary Committee had until 10 November to respond to an online parliamentary petition calling for the adoption of an anti-discrimination law initiated by a former job applicant to Dong-A Pharmaceutical Co. who faced discrimination during her job interview. The petition garnered more than 100,000 signatures between 24 May – 14 June, meeting the requirement under which the committee is obligated to review it.

Our organizations consider that comprehensive anti-discrimination legislation is a necessary step to address discrimination based on a broad spectrum of grounds. It is also vital in providing much needed protection from discrimination for all members of South Korean society, including lesbian, gay, bisexual, transgender and intersex people. This is the 11th time draft legislation on anti-discrimination has been submitted to the National Assembly since 2007. Any further delay or failed attempt to pass a strong anti-discrimination law consistent with international human rights standards will only perpetuate the institutionalized suffering, stigmatization and even violence against victims of discrimination in the country.

Individuals often face multiple types of discrimination based on different aspects of their identity at the same time, such as their gender and religious or other beliefs. It is important that a law is passed that includes a broad list of explicitly protected grounds on which discrimination is banned, but that also is non-exhaustive, so that any new forms of discrimination that arise can be covered within the scope of the law. At a minimum, it should ensure that everyone has the right to be treated equally regardless of race, ethnicity, nationality, language, class, religion, belief, sex, gender, sexual orientation, gender identity, sex characteristics, age, health, disability, marital or other family status, or other status.

The South Korean Constitution prohibits discrimination, as do international human rights treaties to which South Korea is a party. Article 26 of the International Covenant on Civil and Political Rights in particular states: “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”

In addition, a number of UN human rights bodies have called on the South Korean government to adopt a comprehensive Anti-Discrimination Act including the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. Yet direct and indirect discrimination, as well as discrimination by non-State actors, remains a major problem in South Korea, preventing social inclusion and causing suffering for many simply because of who they are or what they believe.

On numerous occasions, South Korea supported UN Human Rights Council resolutions aiming to end discrimination. However, the absence of a national legislation for combating discrimination at home demonstrates a bitter contradiction to the country’s commitments made abroad.

Persons from marginalized and disadvantaged groups, who are disproportionately the victims of discrimination, cannot afford to be subjected to this injustice without redress any longer. We call on the South Korean government to be consistent with its international stance on human rights by working to pass a law that effectively protects everyone from discrimination. Such a law would provide for a real means of access to justice for persons in South Korea who have been victims of discrimination and give protection, hope and safety to many. It would demonstrate to the world that South Korea is genuinely committed to promoting inclusion, upholding its international human rights obligations and serious about respecting, protecting and fulfilling the human rights of all.

Co-endorsed by:

Amnesty International

FORUM-ASIA

Human Rights Watch

ILGA Asia

ILGA World

International Commission of Jurists

International Federation for Human Rights