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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Korea Center for United Nations Human Rights Policy, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Human Rights Violations by Transnational Corporations and the Mismanagement of Hazardous Substances and Wastes

Today, transnational corporations (TNCs) are often the perpetrators of human rights violations. While there are instances where corporations are directly involved these violations, there has been an increase in adverse human rights impacts arising from the use or production of hazardous substances by corporations.

Such cases can be found throughout Asia. In China, workers in factories that manufacture toys and automobile parts have become victim to occupational illnesses due to prolonged exposure to hazardous substances. China is the “world’s factory” and people around the world could suffer from the consequences of mismanagement of hazardous substances. In electronics factories in Taiwan, numerous workers were exposed to carcinogenic chemicals and died from cancer, and the local water supply was contaminated by chemical wastes produced by the factories. In the Republic of Korea (ROK), countless people have lost their lives and are suffering from disabilities caused by humidifier disinfectants, and the number of victims is still on the rise. Also, despite high rates of cancer, leukemia, etc. and resulting deaths among workers in semiconductor plants, appropriate measures for compensation and remedies have been non-existent.

We would like to introduce the main cases of human rights violations caused by the use of hazardous substances and flaws in the legal system in the ROK. One of the main actors responsible for the humidifier disinfectant related illnesses and deaths was Oxy Reckitt Benckiser (Oxy RB). As Oxy RB is based in the United Kingdom, a member of the European Union (EU) that is bound by REACH, they were well aware that they could not sell products containing hazardous substances such as PHMG within the EU. However, they sold these products in the ROK where regulations on hazardous substances are far weaker. Even after the issue was brought to light, there were no sincere apologies or concrete plans to prevent recurrence, and the company announced a compensation plan that completely neglected victims in relatively less severe conditions. As of August 2016, there are over 4000 identified victims, more than 800 of which have lost their lives.

In the semiconductor plants of businesses such as Samsung, workers have died or fallen ill from exposure to hazardous substances, namely benzene. Samsung has made investigations extremely difficult by using “trade secrets” as a reason to not disclose information on the chemicals that have been used in its plants. Even though it has been nearly 10 years since the first victims were identified, Samsung has yet to issue a sincere apology and attempted to provide compensations without clear standards or consideration of the victims. Also, Samsung has recently used the media to claim that all compensations have been completed and the case has been closed, and also to slander organizations supporting victims.

There are many other cases in which the health and lives of workers and local residents have been put at risk due to hazardous substances used in or produced by power plants and factories.¹ These issues have a lot in common; states and

¹ Issues raised during the visit of the Special Rapporteur on hazardous substances and wastes to the Republic of Korea:

- ① High concentrations of tritium were detected in the bodies of residents near Wolseong Nuclear Power Plant, but there have been no talks on relocation despite residents’ requests.
- ② Residents near Dangjin Coal Power Plant continue to suffer from asthma, pneumonia, and dermatitis, yet additional plants are to be constructed despite the lack of plans to address these issues.
- ③ Although many residents of Danyang and Jecheon are experiencing lung disease caused by hazardous wastes emitted from nearby cement factories, the businesses involved have denied the relationship between the disease and their activities. While the victims have initiated lawsuits, they have given up on appeals in lost cases for reasons of economic burdens.
- ④ Subcontracted, dispatched, and irregular workers are most vulnerable in chemical accidents. In factories that supply cell phone components to Samsung and LG, five workers in their 20s lost their eyesight due to methanol poisoning, because the businesses used methanol, a cheaper substitute to ethanol.
- ⑤ In 2015, 20 workers in Gwangju Namyong Lighting Co. suffered from mercury poisoning. The victims were subcontracted, special-employment workers.
- ⑥ High levels of heavy metals have been detected in the bodies of residents near Gimpo due to deregulation on the installation of metal foundries. The standardized rates for the occurrence of and deaths from cancer among residents are higher than average.

corporations failed to prevent adverse human rights impacts and to provide measures for compensation, remedies, and prevention of recurrence after the violations occurred.

Under the Act on the Registration and Evaluation, Etc. of Chemical Substances, it is necessary to re-evaluate the harmfulness of substances, even in cases when they have already been designated as harmful substances by entities such as the EU. However, the list of hazardous substances has not been expanded due to opposition from the Korea Employers Federation (KEF) and Federation of Korean Industries (FKI). In addition, after a bill was passed to strengthen the responsibility of prime contractors in chemicals management and to impose fines on businesses in proportion to their sales in case of related violations, additional steps and regulations on punishment were added in the process of enacting the enforcement decree because of opposition from the KEF and FKI, which has resulted in the weakening of the law.

The Chemical Controls Act requires corporations to disclose information on the chemical substances they handle, but excessive claims to “trade secrets” are still being made by corporations as a result of their strong opposition and the efforts of the Regulatory Reform Committee in the process of enacting the enforcement decree. Despite many attempts to revise the Industrial Accident Compensation Insurance Act, which has been frequently used to put the burden of proof on victims, these efforts have been unsuccessful due to objection from corporations and the ruling party.

According to the Guiding Principles on Business and Human Rights endorsed by the Human Rights Council in 2011, states must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises, and business enterprises must avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur. However, in many countries where these kinds of violations have occurred, including the ROK, there is a lack of adequate legislation to regulate the activities of corporations and ensure the safety of workers and the public. Even when such legal safeguards exist, laws are often rendered ineffective due to opposition from corporations. Corporations made no efforts to prevent adverse effects on human rights that could arise from the use of hazardous substances in the production and sale of their products, and governments engaged in deregulation under the pretext of economic growth, rather than regulating the activities of corporations. The issue of double standards has been mentioned by the Special Rapporteur on hazardous substances and wastes, and all states and international organizations, such as the UN, should hold accountable the corporations responsible for human rights violations and also prevent recurrence by standardizing upward the regulations on chemical substances in all countries.

Safety should not be subject to deregulation, and economic growth and profits should not be prioritized over health and safety. Workers and the public should be informed of and protected from the dangers that may arise from the handling of hazardous substances by corporations. Moreover, the protection of trade secrets should not be prioritized over the safety and right to information of the public.

We would like to recommend to all Member States to:

- Implement immediately SAICM, which aims to minimize adverse impacts on human health and the environment from the use and production of chemicals by 2020.
- Strengthen domestic legal systems to ensure full implementation of the Guiding Principles on Business and Human Rights.
- Enact legislation that specifies primary measures for the elimination and substitution of hazardous substances used or produced by corporations. If this is deemed difficult under current circumstances, enact legislation to minimize the exposure to hazardous substances.
- Establish preventive measures against adverse human rights impacts caused by corporations within their territory and/or jurisdiction.
- Ensure that victims are not subject to retaliation for taking action against human rights violations by corporations.

⑦ There is a high incidence of cancer among residents of Boryeong. Residents are suffering from noise pollution, water contamination, sea pollution, etc. from the nearby air force shooting range.