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Dear Party Leaders of the 21st National Assembly,

OPEN LETTER: NATIONAL ASSEMBLY MUST PASS COMPREHENSIVE ANTI-DISCRIMINATION ACT

On behalf of Amnesty International, I welcome the submission of bills banning discrimination and urge you to ensure a comprehensive Anti-Discrimination Act is passed into law without further delay. This law should address discrimination based on a broad spectrum of grounds and provide much needed protection from discrimination for all members of South Korean society.

Discrimination strikes at the very heart of being human. It is harming someone's rights simply because of who they are or what they believe. Discrimination is harmful and perpetuates inequality.

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 for belonging to a "different" group from those in positions of privilege or power. The Covid-19 pandemic has brought the effects of unchecked discrimination into stark relief, exacerbating existing inequalities, disproportionately affecting already disadvantaged groups such as migrant workers, refugees and people living in poverty, and worsening discrimination against minorities and women. For example, Amnesty International found that governments around the world failed to protect women health and care workers who were particularly affected by the pandemic as they comprised 70% of the global workforce in the health and social sector, where they already experienced a significant gender pay gap.¹ A comprehensive Anti-Discrimination Act offers an opportunity to unite the country in the name of equality and combatting discrimination.

The South Korean Constitution prohibits discrimination, as do international human rights treaties that South Korea has ratified. While there are also multiple other domestic laws banning discrimination on specific grounds, Amnesty International along with United Nations human rights bodies and the international community has long called on the National Assembly to adopt a comprehensive and enforceable anti-discrimination act. Doing so would also be consistent with South Korea repeatedly voting in favour of UN Human Rights Council resolutions calling for an end to discrimination and other expressions of support for such international statements of intent.

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. Therefore, it is important that the law includes a broad list of explicitly protected grounds on which discrimination is banned, but also that it 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 National Assembly has failed to adopt multiple bills that have been proposed over the last 14 years, including recommendations by the government and the National Human Rights Commission of Korea. Therefore, it will take principled leadership to build the needed support within the National Assembly. It is our hope that you are willing to demonstrate this commitment to human rights for all people in South Korea.

¹ Amnesty International, Amnesty International Report 2020/21: State of the World's Human Rights (Index: POL 10/3202/2021), p. 14

A law to effectively protect everybody from discrimination would make South Korea a pioneer in Asia. Such a law would not in and of itself eradicate discrimination, prejudice, stigmatization and social marginalization overnight, but it would give hope and safety to many and publicly demonstrate 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.

Yours sincerely

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CC

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