

Access to Justice during the COVID-19 Pandemic

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In Korea, in terms of lockdown measures, we have been very cautious and have tried to introduce less restrictive measures with no official general lockdown adopted in this country. Fortunately there is no serious problem with the operation of judicial system right now, even though there have been some delays in court hearings and some test cases of virtual hearings. Courts and public prosecutors' offices have adopted very strict social distancing measures and we hope these will work to maintain the judicial system as it is now.

Talking about access to justice in a broader sense, I think I have to mention the most vulnerable people in pandemic situations, that is people infected, isolated or quarantined. In some countries, due process and proper treatment are in place relating to isolation and quarantine. But it is not the case with some other countries like Korea. There is lack of substantial right to habeas corpus, right to counsel, or right to appeal. In Korea, there have been at least hundreds of thousands of people quarantined but it's been almost impossible to hear their voices because of social phobia and stigma against them.

People say that Korea has been relatively successful in the fight against the COVID-19 but we have this issue of high degree of state surveillance, contact tracing closely following the movement of people through their cell phones and credit cards. The right to privacy and personal information has been seriously encroached upon but it's been very hard to raise the issue because of the general public's fear of the pandemic. Electronic wristbands were introduced without legal grounds to indentify whereabouts of those who violated self-quarantine rules. They say wearing these wristbands is a voluntary process requiring the consent of people wearing these but if you don't agree to wear, you will be detained and fined. I think this is a typical way of shaking the foundation of, and destroying the rule of law.

Vulnerable people become more vulnerable in pandemic situations,

discriminated, stigmatized and excluded. There have been cases of: inappropriate group isolation of people with mental disabilities in a crowded facility, rejection of providing shelters and disaster allowances to the homeless, exclusion of most migrants and refugees from public masks and municipal and central government disaster allowances and so on. Workers, especially precarious workers, have been forced lay-offs, unpaid leaves and work in danger of infection.

Like in many other countries, in Korea bar associations, legal professionals, human rights NGOs, the National Human Rights Commission, and the civil society as a whole raised the issues just mentioned trying to achieve the balance between containing the pandemic, protecting human rights and facilitating access to justice. Throughout this process we have realized that we desperately need a very close transnational, cross-border collaboration among human rights legal Professionals in order to make human rights and access to justice prevail in the time of COVID-19 and post-COVID-19.

Thank you.