

National Human Rights Commission

ANNUAL REPORT

2002

국가인권위원회



EM007138



National Human Rights Commission
The Republic of Korea

CONTENTS

Part 1.

THE ESTABLISHMENT OF THE NATIONAL HUMAN RIGHTS COMMISSION / 1

Chapter 1 History of the Commission3

1. International development of national human rights institutions3
2. Progress in legislation of the National Human Rights Commission Act5
3. Preparatory progress for establishment of National Human Rights Commission8
4. Significance of establishment of the Commission10

Chapter 2 Organization and Functions of the National Human Rights Commission13

1. Organization and Budget of the Commission13
2. The Commission's functions18

Part 2.

MAIN ACTIVITIES OF NATIONAL HUMAN RIGHTS COMMISSION AND EVALUATION THEREOF / 23

Chapter 1 Construction of Systematic Infrastructure for Protection and Enhancement of Human Rights23

1. Overview23
2. Main results of activities24
 - (1) Issuance of recommendations for improvement of statutes relating to human rights24
 - (2) Recommendation of improvement for governmental policies relating to human rights27
 - (3) Recommendation of domestic implementation of international norms for human rights29
 - (4) On-site survey on current conditions of human rights30

(5) Special projects: abandoned children and abused elderly people	33
3. Evaluation	34

Chapter 2 Construction of the Systems for Counselling and Receiving Complaints on Human Rights37

1. Active promotion of counselling and receiving complaints	37
(1) Expansion of counselling service for human rights	37
(2) Complaints and counselling received	38
2. Categorization of complaints and counselling by types	40
(1) Categorization of complaints by types	40
(2) Analysis of the counselled cases	43
3. Active promotion for receiving complaints at interview	53
(1) Receiving and closing complaints	54
(2) Categorization of counselling cases closed	56
4. Evaluation	57

Chapter 3 Investigation and Remedies for Human Rights Violation59

1. Overview	59
(1) Basic direction and major projects	59
(2) Summarized results of complaints handled	60
(3) Major actions taken for the complaints of human rights violation	61
2. Investigation and remedial measures for human rights violation	64
(1) Investigation and remedial measures in connection with prosecutor and police	64
(2) Investigation and remedial measures in connection with detention and protective facilities	65

(3) Investigation and remedial measures in connection with other government organs	65
(4) Recommendation of emergency relief	66
(5) Ex officio investigation	68
(6) Investigation and remedial measures for other complaints	73
3. Evaluation	75

Chapter 4 Investigation and Remedies for Discriminatory Conducts77

1. Overview	77
2. Major actions taken	80
(1) Investigation and remedial measures for gender discrimination	80
(2) Investigation and remedies for discrimination against the persons with disability	81
(3) Investigation and remedies for age discrimination	82
(4) Investigation and remedies for discrimination based on physical condition such as countenance	83
(5) Investigation and remedies for discrimination based on race and skin color	84
(6) Investigation and remedies for discrimination based on social status	85
(7) Investigation and remedies for discrimination based on other grounds	86
3. Evaluation	89

Chapter 5 The Commission's Activities for Raising Awareness of Human Rights through Education and Public Relations91

1. Education of human rights for government officials ..	91
(1) Education of human rights for law enforcement officers	91

(2) Management of human rights instructors team	92
(3) Development of materials for educational programs of human rights	92
2. Educational programs of human rights for schools	93
(1) Development of educational materials of human rights for teachers' use	93
(2) Publication of fairy-tale books and manual for human rights	94
3. Cultural projects of human rights	94
(1) Production of human rights films	94
(2) Production of cartoon books on human rights	95
(3) Production of advertisement of human rights	96
(4) Production of posters and leaflets for guarantee of the right to petition	97
4. Establishment of public relations system for human rights	97
(1) Production of the commission's emblem	97
(2) Production and revision of homepage	97
(3) Public relations via mass media	98
5. Establishment of human rights information service system	98
6. Evaluation	99

Chapter 6 Establishment of Domestic and International Cooperative Systems101

1. Strengthening cooperative relationships with human rights and civil organizations	101
(1) Holding informal talks with major human rights organizations in each sector	101
(2) Opening the facilities to the public for active promotion of discussion about human rights policy	102
(3) production and distribution of "handbook for practical affairs of human rights" for helping efficient practice of human rights	102

(4) meetings held to seek a scheme for mutual cooperation with non-governmental organizations	103
2. Establishment of international exchange and cooperative systems	103
(1) Participation in international conferences	103
(2) Establishment of joint and cooperative system for international human rights movements	105
3. Evaluation	108

FIGURES

〈Figure 1-2-1〉	Organization chart of the Commission and its Secretariat	15
〈Figure 1-2-2〉	Distribution of personnel by gender (as of December 31, 2002)	17
〈Figure 1-2-3〉	Distribution of recruits from outside (person)	17
〈Figure 1-2-4〉	Flow chart for handling petitioned cases	20
〈Figure 2-2-1〉	Monthly handled complaints, counselling and guiding information	40
〈Figure 2-2-2〉	Classification of complaints (Nov. 26, 2001~Dec. 31, 2002)	41
〈Figure 2-2-3〉	Classification by the organs complained against (Nov. 26, 2001~Dec. 31, 2002)	49
〈Figure 2-2-4〉	Graph of monthly applications for filing complaints at interview and cases handled (Nov. 26, 2001~Dec. 31, 2002)	54

TABLES

〈Table 1-2-1〉	Budget 200216
〈Table 1-2-2〉	Status of personnel by job classifications17
〈Table 2-1-1〉	Issuance of recommendation and presentation of opinions for improvement of statutes relating to human rights ..24
〈Table 2-1-2〉	Recommendation issued regarding governmental policies relating to human rights28
〈Table 2-1-3〉	Recommendation of domestic implementation of international norms for human rights30
〈Table 2-1-4〉	Issues dealt with in the on-site surveys31
〈Table 2-2-1〉	Monthly handled complaints, counselling and guiding information (From Nov. 26, 2001 till Dec. 31, 2002) ..38
〈Table 2-2-2〉	Classification of complaints by types (Nov. 26, 2001~Dec. 31, 2002)42
〈Table 2-2-3〉	Results of counselling handled (Nov. 26, 2001~Dec. 31, 2002)45
〈Table 2-2-4〉	Types of counselling case (Nov. 26, 2001~Dec. 31, 2002)48
〈Table 2-2-5〉	Grounds of discrimination counselled (Nov. 26, 2001~Dec. 31, 2002)51
〈Table 2-2-6〉	Sphere of discrimination (Nov. 26, 2001~Dec. 31, 2002)53
〈Table 2-2-7〉	Monthly applications for filing complaints at interview and cases handled in number (Nov. 26, 2001~Dec. 31, 2002)54
〈Table 2-2-8〉	Reasons of withdrawal of application for filing complaint at interview (Nov. 26, 2001~Dec. 31, 2002)55

〈Table 2-2-9〉	Reasons of closing the counselling cases among applications for filing for a complaint at interview (Nov. 26, 2001~Dec. 31, 2002)	56
〈Table 2-3-1〉	Human rights violation cases processed (Nov. 26, 2001~Dec. 31, 2002)	60
〈Table 2-3-2〉	Processed complaints of human rights violations by actions taken (Nov. 26, 2001~Dec. 31, 2002)	61
〈Table 2-3-3〉	Grounds of rejection for the complaints of human rights violation	61
〈Table 2-3-4〉	Major actions taken for the complaints of human rights violation	62
〈Table 2-3-5〉	Other complaints and actions taken	73
〈Table 2-3-6〉	Other complaints rejected by the reasons of rejection ..	74
〈Table 2-4-1〉	Complaints of discriminatory conducts received and processed (Nov. 26, 2001~Dec. 31, 2002)	77
〈Table 2-4-2〉	Received complaints of discrimination categorized by discriminating grounds (Nov. 26, 2001~Dec. 31, 2002) ..	78
〈Table 2-4-3〉	Processed complaints categorized by the reasons of rejection	78
〈Table 2-4-4〉	Main action taken for the complaints of discriminatory conduct	79
〈Table 2-4-5〉	Main causes of complaint of discriminatory conduct ...	88
〈Table 2-5-1〉	Educational programs of human rights provided to law enforcement officers	91
〈Table 2-5-2〉	The number of human rights instructors for each area	92
〈Table 2-5-3〉	Series of instruction materials for education of human rights given to government officials	93
〈Table 2-5-4〉	Human rights films produced	95
〈Table 2-5-5〉	Human rights cartoons produced	96
〈Table 2-6-1〉	Participation in international conferences	104
〈Table 2-6-2〉	Foreign figure's visits to the commission	105

Part 1

THE ESTABLISHMENT OF THE NATIONAL HUMAN RIGHTS COMMISSION

Chapter 1. History of the
Commission

Chapter 2. Organization and
Functions of the National
Human Rights
Commission

History of the Commission

As a result of combined efforts and supported by the fervent hope of the people for democratization and improvement of human rights, the persistent endeavors of human rights organizations, and the determination of the government and the concerns of the international community, the National Human Rights Commission began to carry out its mission in November 2001 to create a systematic framework for the protection and promotion of human rights. This meant the birth of a new kind of national institution to serve as a advocate to accelerate the realization of substantial democracy through an "institution exclusively devoted to human rights," by recommending improvement of statutes, regulations and policies related to human rights, protecting people from all kinds of human rights violations and discriminatory acts, and playing an extremely important role in raising and intensifying awareness of human rights through public education.

As the Republic of Korea undergoes democratization after the previous authoritarianism age of darkness, our country has continued to create systematic devices for eliminating human rights violations in every corner of society, and consequently, the people's concern for human rights has risen drastically. However, human rights abuses are still pervasive in many systems and customary practices in Korea and the average citizen's awareness of human rights needs improvement. Launching its mission at this critical time, the Commission will fully perform its role and responsibility as the watchdog and advocate for human rights.

1. International development of national human rights institutions

Although national human rights institutions are individually established and operated under the domestic law of each country, the blueprint for such institutions is found in international human rights law. This means that the national human rights institutions currently operating in many countries were



not only born because of their respective countries' needs, but also because of developments and accomplishments in international law.

The ombudsman system, which we can call the "mother of national human rights institutions," made its first appearance in Scandinavian countries, including Sweden, in the early nineteenth century. As an institution independent from the administrative, legislative, and judicial branches with the authority to monitor and rectify the abuses of the state, the idea of a national human rights ombudsman was adopted as a way to solve a deficit found in states formed in accordance with the separation of powers concept.

Because the United Nations helped reshape the global order after World War II and pursued the development of international and human rights law, it became a natural place for discussion on the establishment of human rights institutions. In 1946, the UN Economic and Social Council issued a recommendation advising the establishment of an Information Group or a Local Human Rights Committee in each country in order to promote cooperation with other countries during the course of activities of the UN Commission on Human Rights. This recommendation encouraged the international community to discuss publicly the establishment of national human rights institutions.

The UN Commission on Human Rights adopted the Guidelines for the Structure and Functioning of National Institutions in 1976. The adoption of the guidelines was part of the UN project to outline human rights standards, which began in full scale as the international covenants on human rights, namely, "International Covenant on Economic, Social and Cultural Rights" and "International Covenant on Civil and Political Rights," went into effect.

Taking the advantage of this remarkable event in the world history, in which legally binding human rights covenants were created, the UN showed its strong support for the establishment of domestically created and controlled bodies as a mechanism to effectively enforce international human rights standards. The UN efforts helped to increase the number of nations that created national human rights institutions throughout 1970s and 1980s. Particularly in 1980s, the number of nations adopting such a national institution quickly increased as developing countries freed themselves from the bondage of authoritative systems and started promoting democratization and human rights.

The historical trend of establishing national human rights institutions reached a turning point when the "Principles relating to the Status of National Institutions" (or the 'Paris Principles') was adopted during the First International Workshop on National Institutions, held in Paris in 1991. The Principles were endorsed by the UN Commission on Human Rights in 1992 and the World Conference on Human Rights held in Vienna in June 1993. They were consequently approved by the UN General Assembly in December of that year to become the common and basic criteria concerning establishment of national human rights institutions.

On the premise that a national institution must have the power necessary to protect and enhance human rights, the "Paris Principles" stipulate that the organization's authority and power must be vested in it by constitutional law or, at the very least, a statute so that its status independent from another state power can be guaranteed. In other words, the Principles articulate that a national human rights institution must have the status of a constitutional body because it must reflect and realize the spirit of the times in the international human rights law age. Thus, independence and autonomy at a level similar to a constitutional institution is required, even in cases where due to difficulties in amending constitutional law, the institution is founded by statute. The "Paris Principles" present each nation with the framework for the establishment of national human rights institutions by enumerating four specific and basic categories of requirements for national human rights institutions: Power and responsibilities of national human rights institution; guarantee of independence and diversity in organization; operating method including organization of committees; and additional principles regarding the status of the national human rights institution having quasi-judicial power.

2. Progress in legislation of the National Human Rights Commission Act

In Korea, discussion of the establishment of a national human rights institution began when the joint committee, organized by non-governmental organizations, participated in the World Conference on Human Rights held in Vienna in June 1993. The NGOs demanded the legislation of an act that would establish an independent national human rights institution to perform functions



such as study, research, education, training, and public relations for the protection and enhancement of human rights in accordance with the resolution adopted by the UN Commission on Human Rights in 1992 and the Paris Principles adopted in 1991. Subsequently, the Third Workshop for Human Rights in the Asia-Pacific Region in July 1994 and the international symposium under the joint sponsorship of the domestic non-governmental organizations in celebration of the Fiftieth Anniversary of Independence from Japanese occupation in November 1995 were held. In November 1996, non-governmental organizations participated in the Asia-Pacific Human Rights Conference held in New Delhi, making the demands for the establishment of a national human rights institution by the NGO community louder and more persistent.

During his presidential election campaign in December 1997, Kim Dae-jung publicly announced that if elected he was committed to establishing a national human rights institution. After his successful campaign, the "legislation of the Human Rights Commission Act and establishment of the National Human Rights Commission" was adopted as one of "One Hundred Main National Tasks" of the new administration led by President Kim. Discussion of a national human rights institution created a sensation at all levels of society. As the new administration took office, the Ministry of Justice organized the "Preparation Team for Establishment of National Human Rights Commission" in April 1998 and held a public hearing concerning legislation of the human rights act in October of that year to accelerate the establishment of a national human rights institution. It was revealed, however, that the main contents of the draft bill of the human rights act as prepared by the government provided that the Commission would be an affiliate agency of the Ministry of Justice. Non-governmental organizations protested fiercely against the government's draft bill because it fell far below the international standard for national human rights institutions as set forth in the "Paris Principles".

In September 1998, the "Joint Promotional Council of Non-Governmental Organizations for Legislation of Human Rights Act and Establishment of National Human Rights Institution" (hereinafter 'Joint Promotional Council') was organized by 29 human rights organizations. The conflict between the Ministry of Justice and human rights organizations continued in connection with legislation of the

human rights act. In the meantime, the Joint Promotional Council was reformed to become the "Joint Action Council of Non- Governmental Organizations for Proper Materialization of National Human Rights Institution (hereinafter 'Joint Action Council')", and a separate "draft bill on establishment of the national human rights commission" was prepared to actively promote negotiations with the government. However, because the gap in the opinions between the government and the Joint Action Council could not be narrowed, negotiations repeatedly broke off.

It was only in April 2001 when the revised bill brought up by the Millenium Democratic Party, the ruling party at that time, was passed in the National Assembly by a narrow majority. The National Human Rights Commission Act, which finally passed successfully overcoming the attempt of the Ministry of Justice to put the Commission under its control, defines the Commission as an "independent" national institution unaffiliated with a legislative, administrative or judiciary body of the government. There are still many unsatisfactory and insufficient elements in the act: the privilege of exemption from liability for defamation under civil law or criminal law is not given to the Commission or the Commissioners; the procedure of a hearing and consent from the National Assembly is not provided adequately for appointment of Commissioners for Human Rights; independence in personnel management and budget is not sufficiently provided for; the governmental organs and agencies over which the Commission has jurisdiction for investigation are limited; The Commission has no power to order a person to come along for investigation; and an interrogation system for witnesses is not available. Nevertheless, it was the momentum of the persistent struggles of the human rights organizations over three years that ended in a "half victory." The government held the State Council on May 15, 2001 to resolve the promulgation of the Act, and the National Human Rights Commission Act promulgated as the Statute No. 6481 on May 24 and took effect six months later on November 25.



3. Preparatory progress for establishment of National Human Rights Commission

The Commission Act was passed despite many complications and hurdles, but conflict over the specifics of the Commission's mission continued. The government had to deliberate extensively over the creation of the Commission because of its unique standing as an "independent national institution" and its unprecedented status as a national agency. However, the Joint Action Council, which had represented the opinions of non-governmental organizations, criticized the legislation because the Commission's power was substantially curtailed.

On August 1, 2001, it was informally decided to appoint Kim Chang-guk, an accomplished lawyer, to be the First President of the Commission, and the "Preparation & Planning Team for Establishment of National Human Rights Commission (hereinafter 'Planning Team')" was organized under the Prime Minister's Directive No. 420 on August 20, only three months ahead of November 25, the date given for the official launch of the Commission. The Planning Team set out to gather information and prepare draft bills in order to comply with the Enforcement Decree and the Rules for the Commission Act, and began to outline the necessary logistical procedures and proposed organization of the Secretariat. However, progress was not made as planned because of the delay in appointment of Human Rights Commissioners for Human Rights and other difficulties. It was October 9, only 40 days ahead of the launch, when the President officially appointed 11 persons to the Human Rights Commission including 4 Commissioners selected by the National Assembly, 3 Commissioners nominated by Chief Justice of the Supreme Court, and 4 Commissioners nominated by President himself.

The Act became effective on November 25, 2001 in accordance with Paragraph 1 of Addenda of the Commission Act, but the Decree on Staff Organization was not ready for enforcement until that time because of the different view of the ministry responsible for personnel management regarding the number of regular personnel and employment method. Since the Planning Team established under Prime Minister's Directive would be automatically

disbanded on November 24, the Commission organized the "Preparation Team for Secretariat of the National Human Rights Commission" (hereinafter 'Preparation Team') as a temporary secretariat so that it could prepare for the establishment of the Secretariat and assist in running the Commission by making the "Rules on Preparation Team for Secretariat of the National Human Rights Commission."

The Enforcement Decree and the Decree on Staff Organization were finally concluded in early February 2002 due to excessive intervention by the related ministry. Choi Yeong-ae, the Secretary General-nominee, was recommended by a resolution of the plenary committee held on October 11, 2001, and was officially appointed on February 19, 2002, four months after the nomination. The Secretariat was run only with one person, the Secretary General, without other staff. The Secretariat could begin its official service only early April 2002 as it was organized with the staff employed during the period of about six weeks. Fulfilling the Enforcement Decree was no easier than establishing the Decree for Staff Organization. The Enforcement Decree was prepared at that time under the initiative of the Commission, but could not be brought up to the State Council directly. Because of the customary practice that an agenda could not be brought up to the State Council if a related ministry raised an objection against it, it was presented to the State Council only after a compromise with the government was made. The Enforcement Decree mainly included provisions regarding the extent of protective facilities for multiple persons, procedure and the method of on-site inspection of detention and protective facilities, and the measures for assuring detainees and inmates the right to free petition as authorized by the Act to specify in further details as well as other matters necessary for enforcing the Act. However, the clause requiring the government agencies and municipal governments to designate a department to take charge of coordination in connection with human rights could not be enforced due to objections from the ministries. Inadequate cooperation between government agencies caused substantial trouble to the Commission's performance last year. Since cooperation is an essential element for accomplishing the goal of a national human rights policy, it is a task to be solved in the future by all means necessary.



4. Significance of establishment of the Commission

The establishment of the Commission is meaningful not only because it is the birth of a national institution, but is also greatly significant as a institution exclusively devoted to human rights created by a worldwide historical movement. The groundwork for the enhancement of human rights has been laid since the Commission began its service in full force, and the significance of its launching can be summarized as follows:

First, the creation of the Commission means domestic materialization of an international institution for human rights, i.e., the domestic launch of a "quasi-international institution" in connection with human rights. The Commission Act defines the term "human rights" as "human dignity, value, freedom and rights which are guaranteed by the Constitution and laws, and also recognized by international treaties and covenants on human rights acceded to or ratified by the Republic of Korea or international conventions," reflecting constitutional guarantee of human rights and worldwide standards. This indicates that the issue of human rights is not a mere domestic one, but that each nation has a duty to comply with the covenants of human rights internationally approved on the basis of the universality of human rights.

Second, it is significant in that a national institution, independent from legislative, administrative and judiciary bodies of the government, has been created so that it can check and monitor the existing powerful government agencies. Reflection on the fact that the government failed to perform its duty to guarantee people fundamental rights, and even violated those rights, has led not only Korea but other countries in the world to create an institution exclusively devoted to human rights, independent from existing power structures.

Third, the Commission performs its role as the "watch-guard for human rights" that can illuminate the "dead zone of human rights" and take preventative measures against human rights violations. Carried out by this Commission are investigative and remedial services for human rights violations, arising in connection with performance of duties by government agencies, municipal government offices, detention and protective facilities as well as investigative and remedial services for discriminatory conduct in 18 different kinds, arising in

employment contexts and other situations.

Fourth, The Commission carries out its function as an advocate for human rights. While the Commission performs investigative and remedial services for the people whose human rights are violated, it also serves as a place that can provide quick and simple solutions at a lower expense to socially disadvantaged people such as the persons with disabilities, elderly people, sexual minorities and the homeless.

A path is open now through which we can wipe off the dishonor of our country, in which basic human rights violations such as torture have frequently occurred in spite of remarkable economic development, and we can make progress to become an advanced country in the field of human rights. It is necessary to improve laws and systems and also to raise ordinary citizens' sensitivity of human rights in order for us to develop to the level of other advanced countries in human rights. The Commission will have to take the initiative to publicize extensively the importance of human rights and make more efforts to continuously conduct educational and training programs. The Commission is committed to making every effort to execute its historical mission competently, and perform its duty and responsibility completely as a catalyst that accelerates substantial realization of democracy in order to create the "world where people can live humanely."

Organization and Functions of the National Human Rights Commission

1. Organization and Budget of the Commission

The Commission, officially established on November 25, 2001, is comprised of 11 Commissioners including one President of the Commission and three Senior Commissioners. Commissioners are appointed by the President, out of which four persons (including two Senior Commissioners) are selected by the National Assembly, four persons nominated by the President, and three persons nominated by the Chief Justice of the Supreme Court. The President of the Commission is appointed by the President among the commissioners, and it is required that four or more commissioners be female. The President represents the Commission, and has the right to attend the National Assembly to deliver a speech, and the right to attend the State Council to express his/her opinion and to make a proposal on submittal of a draft bill (including a draft bill of Presidential Decree) to the Prime Minister concerning the affairs or matters under his/her jurisdiction.

The Commission has a Plenary Committee, a Standing Committee, and three Subcommittees in order to run the Commission efficiently. In addition, it has a Conciliation Committee for conciliation of petitioned cases and the Special Committee for handling urgent affairs. The three Subcommittees are: Subcommittee 1 deliberates and resolves the matters relating to the affairs under Articles 19(1), 19(8), and 19(9) of the Commission Act; Subcommittee 2 deliberates and resolves matters relating to human rights violation under Articles 19(2) and 30(1); and Subcommittee 3 deliberates and resolves the matters relating to discriminatory conducts amounting to equal right violations under Articles 19(3) and 30(1)(2).

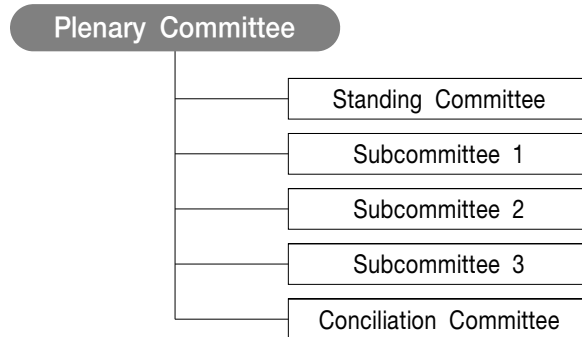
Concerning the organization of the Secretariat, a demand was first made to the ministry responsible for the organization of the government to allow the Commission to have one Office, four Bureaus, Two Director General's Offices



with total 321 regular staffs in service, but as a result of negotiations it was finalized instead to have five Bureaus, 18 Divisions and one attached institution with 180 regular staffs in service (a separate arrangement was made regarding 20 officials dispatched from other ministries and 15 contract-based specialists), with the Office for Human Rights Policy downsized to a Bureau and significant curtailment made to the Commission's demands. The Secretariat consists of the General Affairs Division, the Human Rights Policy Bureau, the Administrative Support Bureau, the Human Rights Violation Investigation Bureau, the Discrimination Investigation Bureau and the Education & Cooperation Bureau. The Public Information Officer, Inspector General, Counselling Center are directly under the control of Secretary General. The Human Rights Library is also attached to the Commission. The "Staff Organization of the Commission and its attached institution" was deliberated and finally decided on by the State Council held on February 4, 2002, and the organization chart is as shown in the (Figure 1-2-1) below.

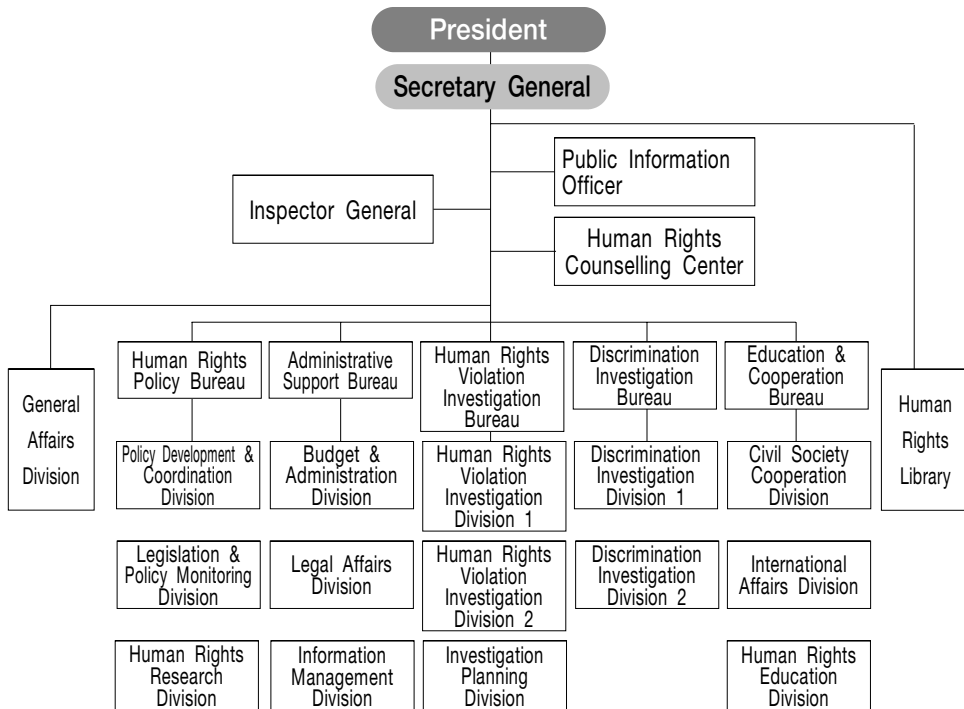
〈Figure 1-2-1〉 Organization chart of the Commission and its Secretariat

Organization of the Commission



* In accordance with the amendment to the "Rules on Management of the National Human Rights Commission" dated January 27, 2003, the Subcommittee for Policy and External Cooperation was changed to Subcommittee 1, the Subcommittee for Investigation of Human Rights Violation to Subcommittee 2, and the Subcommittee for Investigation of Discriminatory Conducts to Subcommittee 3 respectively.

Organization of the Secretariat



Subsequent negotiations with the ministry responsible for budget led to the appropriation of the budget expenditure in 2002 amounting to 19.2 billion Korean Won. As shown in <Table 1-2-1> below, the budget meets ordinary working expenses such as securing an office building and purchasing furniture and equipment, mainly consisting of 5.3 billion Won (27.6%) for payroll expense, 9.4 billion Won (48.9%) for basic operation expenses such as rent and management expenses for the office building, ordinary expenses necessary for carrying out basic services, and 4.5 billion Won (23.5%) for major project cost such as public relations relating to human rights.

<Table 1-2-1> Budget 2002

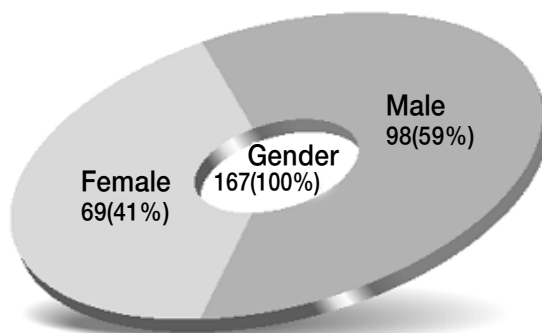
(Unit : 1 million Won)

Total amount	Payroll expense	Working expense			Remarks
		Sub-total	Basic working expense	Major project cost	
19,203 (100%)	5,309 (27.6%)	13,894 (72.4%)	9,372 (48.9%)	4,522 (23.5%)	

Immediately upon establishment of the regulation on the "Staff Organization of the Commission and its Attached Institution," the Commission began preparing for the establishment of the Secretariat to have 31 officials transferred from other ministries for the first time in January 2002, and subsequently to conduct public recruitment of personnel for the Secretariat in February 15 of the year. As shown in <Table 1-2-2>, 167 persons (out of 180 persons of personnel quota) were employed at the Commission as of December 31, 2002.

The staff of the Commission consists of 69 females (41%) and 98 males (59%), showing significant gender parity compared to that of other governmental agencies. By job classifications, it shows diversified distribution with 4 persons for political affairs (2%), 70 persons for ordinary affairs (42%), and 49 persons for special affairs (30%), 31 persons for technical service (18%) and 13 contract-based employees (8%). However, this number of personnel is insufficient to carry out the Commission's services such as inspection of more than 330 detention facilities and about 900 protective facilities throughout the country and investigation into discriminatory conduct.

〈Figure 1-2-2〉 Distribution of personnel by gender (as of December 31, 2002)



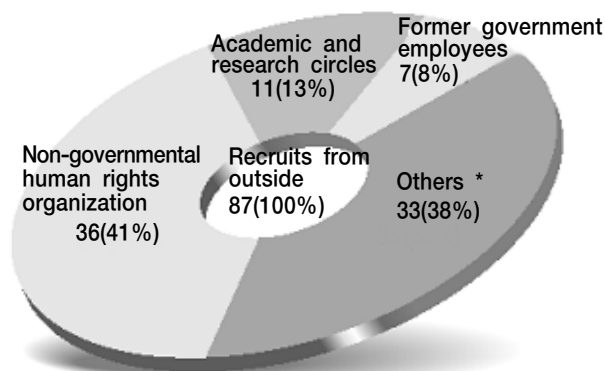
* It is planned to employ 10 persons additionally at the end of March 2003.

〈Table 1-2-2〉 Status of personnel by job classifications

(Unit : person)

Classification	Total number	existing public officials	Recruited from outside
Total number	167(100%)	80(48%)	87(52%)
Political affairs	4(2%)	-	4(5%)
Ordinary affairs	70(42%)	65(81%)	5(6%)
Special affairs	49(30%)	3(3%)	46(53%)
Contract-based	13(8%)	-	13(15%)
Technician	31(18%)	12(16%)	19(21%)

〈Figure 1-2-3〉 Distribution of recruits from outside (person)



* Private business, public corporation, press, political parties, etc.



2. The Commission's functions

The Commission's major functions can be divided into four categories including policy, education and public relations, investigation and remedy, and domestic and international cooperation.

The function of policy includes: research and study on statutes (including bills and pending legislation), systems, policies and customary practices concerning human rights as provided for under Article 19 of the Commission Act and issuance of recommendations or presentation of opinions for as a result of such research and studies (Subparagraph 1 of the aforementioned Article); surveys on current conditions of human rights (Subparagraph 4); presentation and recommendation of guidelines for categories and criteria for judgment of human rights violations, and preventive measures for such violations (Subparagraph 6); and research, issuance of recommendations and presentation of opinions with respect to accession of any international treaty on human rights and the implementation of such treaty (Subparagraph 7). Consultation with government organs (Article 20), presentation of the Commission's opinion in preparing governmental reports (Article 21), submittal of information and inquiry into facts (Article 22), proceeding of hearings (Article 23), on-site inspection of facilities (Article 24), recommendation of improvement or rectification of policies and customary practices (Article 25) and presentation of opinions to courts and the Constitutional Court are also necessary provisions for the Commission to carry out its policy function properly.

The function of education and public relations [Article 19(5)] includes: Consultation with the Minister of Education and Human Resources Development in order to put human rights education into the curriculum of schools provided under Article 23 of the "Elementary and Secondary Education Act" [Article 26(2)], consultation with schoolmasters established under the provision of Article 2 of the "Higher Education Act" [Article 26(3)]; consultation with the heads of related government agencies or municipal government offices in order to put contents concerning human rights into examinations for employment and promotion, and training or educational courses [Article 26(4)]; making a request for study or conducting a joint study on human rights upon consultation with the heads of

research institution or research association [Article 26(5)]; and issuance of recommendations to put human rights education into the educational or training programs conducted by organizations or facilities for social education [Article 26(6)].

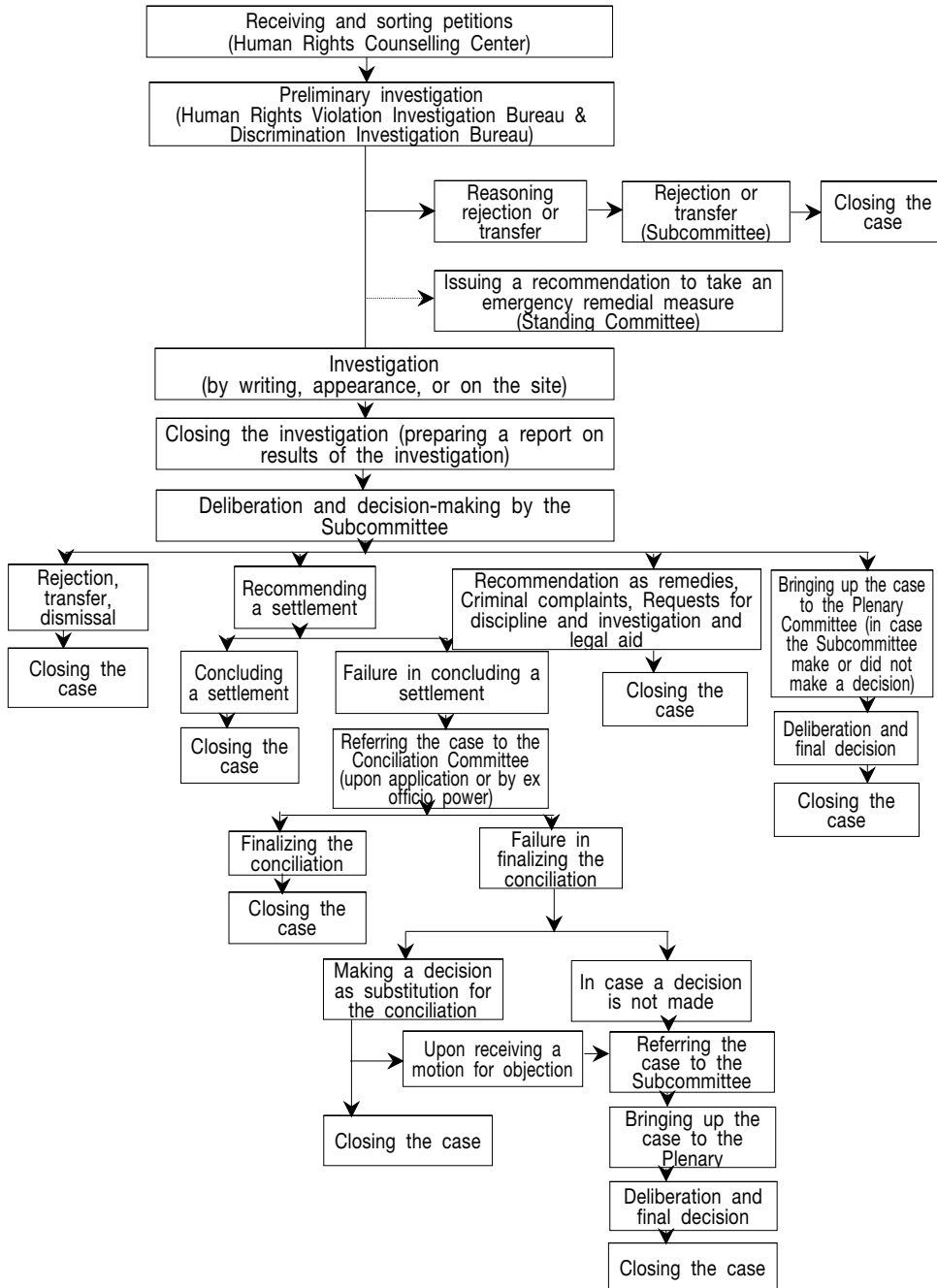
Enumerated in details under the provisions for the function of investigation and remedy [Article 19(2) & (3)] are: Affairs or matters subject to the Commission's investigation (Article 30); guarantee of the petition right of detainees and inmates in detention and protective facilities (Article 31); and investigation method (Article 36). The affairs subject to investigation include human rights violations committed by governmental or public authorities, and also human rights violations committed by private individuals, that is, discriminatory conduct against equal rights. The flow chart for handling the cases petitioned to the Commission is as shown in <Figure 1-2-4>.

The Commission may conduct an investigation by its *ex officio* power if it finds that there is a probable cause to believe a violation against human rights occurred and the degree of such violation is severe enough where there is no petition complaining of such violation (while the Standing Committee may make a decision for commencing *ex officio* investigation in a "emergency case"). Furthermore, it may issue a recommendation to take a emergency remedial measure in a certain case, and the Subcommittee may refer a petitioned case to the Conciliation Committee by its *ex officio* power or upon receiving an application from the party involved to commence the conciliation procedure if it finds that there occurred a human rights violation, but the parties failed to reach a settlement under Article 40 of the Act.

Specified as the function of domestic and international cooperation is cooperation with organizations and individuals who are working for the protection and enhancement of human rights and the affairs or matters relating to exchange and cooperation with international and foreign institutions related to human rights [Article 19(9)].



〈Figure 1-2-4〉 Flow chart for handling petitioned cases



Part 2

MAIN ACTIVITIES OF THE NATIONAL HUMAN RIGHTS COMMISSION AND EVALUATION THEREOF

- Chapter 1. Construction of Systematic Infrastructure for Protection and Enhancement of Human Rights
- Chapter 2. Construction of the Systems for Counselling and Receiving Complaints on Human Rights
- Chapter 3. Investigation and Remedies for Human Rights Violation
- Chapter 4. Investigation and Remedies for Discriminatory Conducts
- Chapter 5. The Commission's Activities for Raising Awareness of Human Rights through Education and Public Relations
- Chapter 6. Establishment of Domestic and International Cooperative Systems

Construction of Systematic Infrastructure for the Protection and Enhancement of Human Rights

1. Overview

The factors adversely affecting human rights, which have subsisted in the policies, systems and customary practices of the government, and have provided the direct and indirect causes of human rights violations are firmly rooted in our society. Therefore, it is required, first of all, to ameliorate and improve statutes, systems, policies and customary practices relating to human rights in order to eliminate the root of the problems and prevent human rights violations.

With this mission in mind from the very beginning of its establishment, the Commission has tried to make improvements in enacting and amending major policies and statutes relating to human rights through scrupulous examination and consultation with related ministries (Article 19). Moreover, the Commission has focused its strength on conducting analyses continuously on the problems caused by existing statutes, policies, systems and customary practices and endeavoring to arrange the related policies, statutes and systems step by step so that they can serve as a platform for protection and enhancement of human rights.

Conducting inspections on current conditions of human rights in detention and custodial facilities such as detention centers and prisons, and protective facilities for multiple persons, and the socially weak people to secure basic information for establishing policies on human rights more accurately, more objectively and more systematically, the Commission has built up a platform necessary for improving human rights conditions on long term basis.

2. Main results of activities

(1) Issuance of recommendations for improvement of statutes relating to human rights

As indicated in <Table 2-1-1>, The Commission, in accordance with Article 19 of the Commission Act, presented its opinions regarding fifteen cases of statutes and systems including presentation of dissenting opinion on legislation of the "Anti-Terrorism Act."

<Table 2-1-1> Issuance of recommendation and presentation of opinions for improvement of statutes relating to human rights

No.	Date	Subject of Recommendation	Contents	Entities concerned	Result
1	Feb. 20, 2002 (Standing Committee)	Presentation of dissenting opinion on legislation of the "Anti-Terrorism Act"	The clauses providing for the definition of terroristic conducts, procedure and restructuring of governmental functions violate the Constitution and the norms under international human rights law, and even the existing statutes and systems can provide sufficient and effective preventive means and countermeasures against terrorism.	National Assembly	Accepted
2	May 8, 2002 (7th Subcommittee Meeting)	Issuance of recommendation regarding the bill draft on amendment to the Enforcement Decree for the Act on Protection and Support by Policy of the North Korean Refugees	To delete the clause regulating overseas travel	Ministry of Unification	Not accepted

No.	Date	Subject of Recommendation	Contents	Entities concerned	Result
3	May 10, 2002 (14th Subcommittee Meeting)	Presentation of an opinion regarding the bill draft on establishment of the Rules on Management of Sorok-do National Hospital	To prevent the controlling power from being concentrated to the head of the hospital and to secure the patients' freedom of residence and autonomous right	Ministry of Health & Welfare	Accepted in part
4	May 13, 2002 (9th Subcommittee Meeting)	Issuance of recommendation on amendment to the "Enforcement Decree for the Act on Prevention of Pneumoconiosis and Protection of the Workers having contracted Pneumoconiosis"	Deliberation on improvement of statutes and systems for supporting the medical institutions specializing in Pneumoconiosis patients	Ministry of Health & Welfare, Ministry of Labor	Accepted
5	June 10, 2002 (Consultation with the Ministry)	Exchange of opinions regarding the bill of amendment to the "Enforcement Rules for the Act on Protection of Secret Communication"	To delete the part providing for 12-hour wiretapping by law enforcement officers	Ministry of Information & Communication	Accepted
6	July 20, 2002 (14th Subcommittee Meeting)	Presentation of an opinion regarding enactment of an ordinance of Gangneung City	To specifically enumerate the causes for termination of commissioning welfare facilities	Gangneung City	Accepted
7	Aug. 13, 2002 (15th Subcommittee Meeting)	Presentation of an opinion regarding the bill draft on amendment to the "Electric Communication Business Act"	It is desirable to set a self-controlling limit on communications	Ministry of Information & Communication	Accepted in part

No.	Date	Subject of Recommendation	Contents	Entities concerned	Result
8	Aug. 13, 2002 (15th Subcommittee Meeting)	Presentation of an opinion regarding the amendment to the plan of institution and management of facilities for the vagrant	To exclude the homeless from the definition of the vagrant. Do not give the heads of the facilities a discretionary power to decide whether to discharge the persons admitted	Ministry of Health & Welfare	Accepted
9	Aug. 27, 2002 (16th Subcommittee Meeting)	Presentation of an opinion regarding the system on renouncement of ideology and the system requiring an oath for compliance with the laws	It cannot be judged definitely that the act of rejecting to renounce his/her ideology does not amount to an act of contributing to enhancement of human rights.	Presidential Truth Commission on Suspicious Deaths	Accepted
10	Sep. 24, 2002 (18th Subcommittee Meeting)	Presentation of an opinion regarding the bill draft on amendment to the Act on Protection of the Youth from Sexual Harassment"	To include the welfare facilities for children under the Children's Welfare Act to the category of institutions subject to limitation on employment	Commission on Youth Protection	Pending legislation process
11	Sep. 27, 2002 (Consultation with the related ministry)	Presentation of an opinion as a result of examination of the bill draft of the "Special Act on Punishment of Anti-Humanity Crime, etc."	To modify compilation of the bill draft and to re-examine the absolute reasons of refusing extradition	Ministry of Justice	Pending legislation process
12	Sep. 25, 2002 (18th Subcommittee Meeting)	Presentation of an opinion regarding Article 165 of the bill draft on amendment to the "Insurance Service Act"	Requested to delete the clause that enabled to request a related institution to release private information in connection with investigation on insurance fraud	Ministry of Finance and Economy	Accepted

No.	Date	Subject of Recommendation	Contents	Entities concerned	Result
13	Oct. 28, 2002 (19th Subcommittee Meeting)	Regarding the provision enforced for a limited period of time in the "Special Act on Discovery of the Truth of Suspicious Deaths"	To amend or abolish the provision limiting the period of time for investigation and to grant an enforcement power for investigation	National Assembly	Accepted in part
14	Nov. 4, 2002 (20th Subcommittee Meeting)	Presentation of an opinion regarding the bill draft on enactment of the "Act on Ethics and Safety of Life"	To complement the clause for protection of females' human rights, and to limit or reduce the extent of participation by the organizations pursuing commercial profit in life affairs and commissioning life affairs to such organizations	Ministry of Health & Welfare	Ministry of Health & Welfare
15	Nov. 25, 2002 (21st Subcommittee Meeting)	Issuance of recommendation of amendment to the Enforcement Decree for the Industrial Accident Compensation Insurance Act	To rectify sexual discrimination in determination of industrial accident	Ministry of Labor	Accepted

* Subcommittee: Subcommittees for Policy and External Cooperation

(2) Recommendation of improvement for governmental policies relating to human rights

Presenting opinions regarding six cases including the "plan for improvement of foreign manpower system" and issuing recommendations of improvement of policies pursuant to Article 19 of the Commission Act, the Commission has helped the government consider human rights as an important value in establishing policies as shown in <Table 2-1-2> below.

〈Table 2-1-2〉 Recommendation issued regarding governmental policies relating to human rights

No.	Date	Subject of Recommendation	Contents of Recommendation	Ministry concerned	Result
1	May 28, 2002 (9th Subcommittee Meeting)	Presentation of an opinion regarding the matters concerning human rights among governmental policies on FIFA World Cup 2002	Protection of freedom of assembly and demonstration, guarantee of exercising fundamental rights to labor, and abstaining from control of illegal stay during the period of the event	Prime Minister's Office, Ministry of Justice, Ministry of Labor, National Police Agency	Not accepted
2	July 23, 2002 (14th Subcommittee Meeting)	Expression of regret for violation of freedom of assembly and demonstration during the period of FIFA World Cup	To guarantee people the freedom of assembly and demonstration not only during ordinary days but also during international events	National Police Agency	Not accepted
3	July 30, 2002 (11th Subcommittee Meeting)	Issuance of recommendation of the policy in connection with occasional aptitude test for driver's license	To amend the Act on Protection of Private Information so that public institutions cannot invade privacy, and to review the cause of illegibility for driver's license under the Road Traffic Act	Ministry of Government Administration and Home Affairs, National Police Agency, Board of Audit and Inspection	Accepted
4	Aug. 13, 2002 (15th Subcommittee Meeting)	Issuance of recommendation to review the plan for improvement of foreign manpower system prepared by the government	To abolish the Industrial Trainee System step by step and to adopt an employment permit system	Prime Minister's Office	Not accepted

No.	Date	Subject of Recommendation	Contents of Recommendation	Ministry concerned	Result
5	Sep. 9, 2002 (17th Subcommittee Meeting)	Issuance of recommendation for the bill draft of the Regulation on School Activities	To amend the Elementary and Secondary Education Act and the Enforcement Decree for the same Act in order to prohibit corporal punishment and to give students an opportunity to participate in School Management Committee	Ministry of Education & Human Resources Development	Not accepted
6	Oct. 28, 2002 (19th Subcommittee Meeting)	Issuance of recommendation to revise by ex officio power the contents of textbooks for the 7th Amendment to Curriculum for elementary, secondary and high schools	To revise the measures that limit enhancement of awareness of human rights, and to revise the contents that encourage discriminatory understanding	Ministry of Education & Human Resources Development	Accepted

* Subcommittee: Subcommittees for Policy and External Cooperation

(3) Recommendation of domestic implementation of international norms for human rights

The Commission has made every effort to meet the level of human rights conforming to the international norms by presenting its opinions regarding governmental reports on major treaties for human rights and by urging the establishment of plans for domestic implementation of the treaties as shown in <Table 2-1-3> below.

〈Table 2-1-3〉 Recommendation of domestic implementation of international norms for human rights

No.	Date	Subject of Recommendation	Contents of Recommendation	Ministry concerned	Result
1	Feb. 1, 2002 (3rd Subcommittee Meeting)	Presentation of an opinion regarding the 11st governmental report on the Covenant on Abolition of Race Discrimination	To complement and reinforce the clauses on which the matters recommended for the 9th and 10th reports were not reflected and the declaratory clauses without a definite plan for implementation	Ministry of Foreign Affairs & Trade	-
2	Feb. 26, 2002 (5th Subcommittee Meeting)	Presentation of an opinion regarding the draft of the 2nd governmental report on the Covenant on Prevention of Torture	To complement the report because of insufficient review on domestic laws and systems currently in force and omission of the performance of the international treaties and the actions for implementation	Ministry of Foreign Affairs & Trade	Under review by Ministry of Justice
3	June 4, 2002 (9th Subcommittee Meeting)	Issuance of Recommendation for accession to the Statute of the International Criminal Court	To ratify promptly the Statute of the International Criminal Court	Ministry of Justice, Ministry of Foreign Affairs & Trade	Accepted
4	July 20, 2002	Presentation of an opinion regarding voting on the draft of Optional Protocol for the Covenant on Prevention of Torture	To cast a vote for the draft of Optional Protocol for the Covenant on Prevention of Torture at ECOSOC	Ministry of Foreign Affairs & Trade	Accepted

* Subcommittee: Subcommittees for Policy and External Cooperation

(4) On-site survey on current conditions of human rights

The Commission conducted on-site surveys on current human rights conditions twice in 2000 in accordance with Article 19(4) of the Commission Act by commissioning them to outside institutions as shown in 〈Table 2-1-4〉 below.

〈Table 2-1-4〉 Issues dealt with in the on-site surveys

Serial No.	Category	Title of Research	Research performed by
1	Children & adolescent	Review on statutes relating to children and adolescent (Domestic Violence Act, Special Exceptional Act)	Law Firm Haeram
		Review on statutes relating to children and adolescent (Youth Protection Act)	Yonsei University
		Review on statutes relating to children and adolescent (acts relating to labor)	Donghae University
		Review on statutes relating to children and adolescent (Children's Welfare Act)	Jeonju University
		Schemes for protection of human rights of children and adolescent under the juvenile laws	Hanyang University
2	Elderly	Survey on current conditions of abuse to the elderly people in communities	Korea Telephone for Elderly
		Survey on current conditions of the elderly's human rights in the facilities for the vagrant	Korea Urbanization Research Institute
		Survey on cases of human rights violation in convalescence facilities for the elderly operated free of charge or at cost	Korea Health & Society Institute
3	Persons with disabilities	Survey on the current status of supportive system in schools after implementation of the examination system for exceptional admission of the persons with disabilities	Korea National College of Rehabilitation & Welfare
		Research on double discrimination on female with disabilities	Asian Center for Women's Studies, Ewha Womans University
		Survey on the current conditions of discrimination on persons with disabilities in employment due to limitation of employment age because of delayed schooling	Dongueui University
		Survey on the current conditions of the persons with disabilities in employment and promotion	Taegu University
		Survey on current conditions of the persons with disabilities in private insurance	Horizon Law Group
		Research on a scheme for improvement of awareness of human rights through analysis of data regarding current conditions of discrimination on the persons with disabilities	Research Institute of the Differently Abled Rights in Korea

Serial No.	Category	Title of Research	Research performed by
4	Military	Grasping the basic information for conducting the survey on current conditions of human rights in military detention facilities and prisons	Sungkonghoe University
		Basic research on current conditions of human rights and a scheme for improvement in the military	Catholic Human Rights Committee
		Positive research on conscientious objection to carrying firearms in Korea	Korea University
5	Foreign workers	Survey on current conditions of foreign workers' human rights	Chonbuk University
6	Discrimination in employment	Research on violation of equal right in employment of government officials	Citizens' Coalition for Better Government
		Survey on current conditions of discrimination in employment of the germ carriers of B-type hepatitis	School of Public Health, Seoul National University
7	Development of Index of Sensitiveness of Human Rights	Survey and research on teachers' awareness of human rights	Pusan Education Research Institute
		Development of index for survey on sensitiveness of human rights	Seoul National University
8	Detention Facilities and Prisons	Survey on environment of facilities and current conditions of human rights in jails	Prison Human Rights Group
		Survey on current condition of medical treatment in detention facilities and prisons and research for guarantee of the right to medical treatment	Human Medical Doctors' Association
		Survey on current conditions of guarantee of petition right in detention facilities and prisons	Wonkwang University
9	Others	Positive research on legislative decision and judicial decision on the statutes relating to the political situations	Konkuk University
		Survey on current conditions of violation of the suspect's human rights under the procedure of criminal investigation	Korean Institute of Criminology
		Survey on cases of human rights violation against the persons under national security observation	Council of Familial Movement for Democratization
		Survey and research on the statutes relating to invasion of privacy by informatization	Coalition for Elimination of Surveillance on Labor

(5) Special projects: abandoned children and abused elderly people

The Commission has conducted surveys of current conditions that dissolution of families has caused to the human rights of children, adolescents and elderly people, and has also promoted special projects in 2002 recognizing that the policy to protect the human rights of children and elderly people in welfare facilities is urgently required.

First analyzing the existing information and the results of research, and making a plan for future surveys based on the results of the analysis, the Commission conducted surveys on current conditions of the target groups and reviewed the related statutes to determine the action plan. The Commission's purpose was to issue a recommendation of policies and to promote civic campaigns by preparing a scheme for protecting human rights of children and elderly people living homeless on the street mainly based on the results of review and surveys of current conditions.

The Commission also assessed the level of human rights of children and elderly people who were residing in welfare facilities and searched for a plan for improvement by conducting a survey on related facilities. The purpose of the survey on the welfare facilities was not to assess each facility, but to examine the hardship that children, adolescent and elderly people had suffered while they were living in those facilities and the issues of law, system and policy in order to find a specific way to protect human rights at the policy level. In order to accomplish this goal, the Commission studied the increase of people in the facilities, the channels by which they came to the facilities, and the social safety network leading to the facilities.

The Commission tried to raise the issue of children and elderly people's human rights to society through these activities, to enhance the level of human rights throughout society by conducting surveys and reviews on human rights issues of those groups, and to spread to ordinary people the awareness that the human rights problem of the children and elderly people is one that occurs pervasively and daily around us.

In spite of this purpose, the special projects had a problem in that they were not carried out in close coordination with the Commission's other activities.



Another problem was that it was not easy for the Commission to lead discussion on the new issue under the circumstances because the issue of elderly people and children's human rights were not usual topics of discussion in society. The problems discovered as a result of the on-site survey conducted by the Commission under such circumstances (total 7 facilities including 4 facilities for children and youth, and 3 facilities for elderly people) show the evaluation of the individual facilities, but it is unsatisfactory because the result could not show the overall current conditions of the welfare facilities for elderly people and children. Moreover, the project for publishing children's books on human rights was not carried out in conjunction with the surveys on the current conditions, and as a result, the special project for 'abandoned children and abused elderly people' that had been promoted during 2002 failed to completely accomplish its goal.

However, the project was the first attempt made at the national level to address the human rights issues of children and elderly people which even non-governmental organizations for human rights had previously ignored, and the project had a positive side because it contributed to raising social concerns about them through publishing the story books for children on human rights and completing surveys on current conditions.

In order to achieve effective results in promoting a special project in the future, the following improvements should be made based on the experience described above.

First, it is necessary to discuss the project with non-governmental organizations to gather their opinions and to operate a special task force team that can promote it in order to select a special project and improve the direction of the project. Secondly, it is necessary to grasp sufficiently the current status and understand the problems clearly before selection of a theme in order to have a definite objective and to implement the special project in a specific direction.

3. Evaluation

In reviewing statutes relating to human rights and carrying out the functions of recommendation during last year, the Commission made great strides by

issuing a recommendation of improvement for the issues of legislation of the Anti-Terrorism Act, the Industrial Trainee System and others overcoming various obstacles and limitations so that the government began considering human rights as an important value in preparing, establishing and executing policies.

In particular, the valuable fruit of the Commission's activities was that an official plan of the national agencies was presented, which had not previously occurred at such a high governmental level, even though the issue had already been raised by civil society.

Furthermore, the Commission secured accessibility to detention facilities, prisons and military prisons, and performed its role as the institution upon which the socially weak people such as foreign workers and the persons with disabilities can rely.

It is also significantly remarkable that the Commission has made information and data available for establishing not only the human rights policy of the Commission but also the policies of the related government organs by grasping the current situation of human rights in our society through the surveys of current conditions of human rights, and that it contributed to forming a social consensus for human rights.

Although the Commission Act requires that the government organs notify the Commission of legislation and amendment of statutes relating to human rights for consultation, and so the Commission dispatched official letters to government agencies to demand compliance with the consultation procedure, the procedure has been sometimes ignored and has not been complied with. It is thought that this non-compliance comes from insufficient publicity by the Commission and lack of awareness by the related ministries.

The Commission plans to promote systematic access to the so-called pending issues of our society such as the National Security Act, liquidation of the past history and abolition of death penalty system.

Construction of the Systems for Counselling and Receiving Complaints on Human Rights

1. Active promotion of counselling and receiving complaints

(1) Expansion of counselling services for human rights

The Commission has constructed various accessible channels and systems so that the people who are willing to file a complaint or want to have counselling regarding human rights violation and discriminatory conduct can have access to the Commission in more convenient ways and can seek the procedure, method and probability for recovering their rights.

The Commission receives complaints through various means and channels including telephone, personal visit, fax and e-mail since its establishment, and has build up the foundation for the field-oriented remedial system for the rights by visiting and counselling detainees and inmates and receiving complaints from them face-to-face.

Thus, the Commission appointed experts who had worked in non-governmental organizations for human rights, specialists with knowledge in specific areas of human rights, and counsellors and legal specialists to assist in counselling by telephone as well as personal interviews. Consequently, the Commission has established the system for counselling and receiving complaints earlier than expected. The Commission secured telephone lines to be used exclusively for human rights counselling service (Telephone No. 1331), and made an arrangement so that the people who wants to file a complaint can have a prompt and adequate counselling from the special counsellors.

Furthermore, the Commission prepared complaint forms in English, Chinese and Russian to enhance and protect foreigners' human rights, and also posted those forms on its homepage so that foreigners who were not familiar with the Korean language can follow up the complaint procedure easily.

(2) Complaints and counselling received

As shown in <Table 2-2-1> below, total 16,259 civil petitions including 3,593 complaints, 3,249 applications for counselling and 9,417 requests for guidance were filed during the period starting from November 26, 2001 when the Commission began receiving petitions till December 31, 2002. The largest number of petitions reaching 2,015 in total for complaints, counselling and guiding information was received during December 2001.

<Table 2-2-1> Monthly handled complaints, counselling and guiding information
(From Nov. 26, 2001 till Dec. 31, 2002)

(Unit : Case)

Petition	Complaint					Counselling				Guiding Information				Grand Total
Channel	Visitation		Tel.	E-mail, Phone, Fax	Total	Visitation		Tel.	Total	Visitation	Tel.	reply of Petition E-mail, Phone, Fax	Total	
Month	Appearance	Interview				Appearance	Interview							
Nov. 2001	118	-	103	72	293	31	-	104	135	21	555	-	576	1,004
Dec. 2001	129	5	101	271	506	97	3	143	243	108	1,158	-	1,266	2,015
Jan. 2002	62	8	34	160	264	50	2	43	95	91	943	4	1,038	1,397
Feb.	33	7	19	89	148	13	-	17	30	103	819	9	931	1,109
Mar.	27	29	31	143	230	39	2	17	58	102	803	19	924	1,212
Apr.	38	36	16	135	225	53	7	71	131	47	789	6	842	1,198
May	35	55	16	135	241	36	9	97	142	52	444	8	504	887
June	19	29	8	101	157	24	11	105	140	47	318	48	413	710
July	26	56	19	153	254	51	31	165	247	44	359	87	490	991
Aug.	34	49	15	134	232	49	25	192	266	45	314	76	435	933
Sep.	48	79	2	102	231	40	47	168	255	35	300	50	385	871
Oct.	29	49	7	100	185	68	38	248	354	47	340	74	461	1,000
Nov.	54	86	11	143	294	137	68	451	656	46	483	92	621	1,571
Dec.	33	68	19	213	333	79	64	354	497	27	445	59	531	1,361
Total	685	556	401	1,951	3,593	767	307	2,175	3,249	815	8,070	532	9,417	16,259

A. Receiving complaints

Complaints are categorized as visitation, telephone, e-mail and fax according to receiving channels, and the complaints received upon visitation are sub-categorized again into "appearance" and "interview." "Appearance" means that the complaints were filed by petitioners who make an appearance in person before the Commission, while "interview" refers to the complaints received by a commissioner or a staff of the Commission while paying a visit to a detainee or inmate in a detention or protective facility to have an interview. The complaint at interview is a unique system designed to guarantee the right to free petition to the detainees and inmates in detention and protective facilities, and the method for receiving complaints as guaranteed under Article 31 of the Commission Act so that the detainees and inmates who are not free or do not have access to transportation can meet a commissioner or a staff member of the Commission to file his/her complaints in person.

Out of the total complaints, written complaints via communications such as e-mail, mail and fax took 54.3% amounting to 1,951 cases, and complaints made by personal appearance were second reaching 19.1% with 685 cases. The complaints received during interview totaled 556 cases taking 15.4% of total number of complaints, while those received by telephone totaled 401 cases reaching 11.2%.

B. Counselling and guiding information

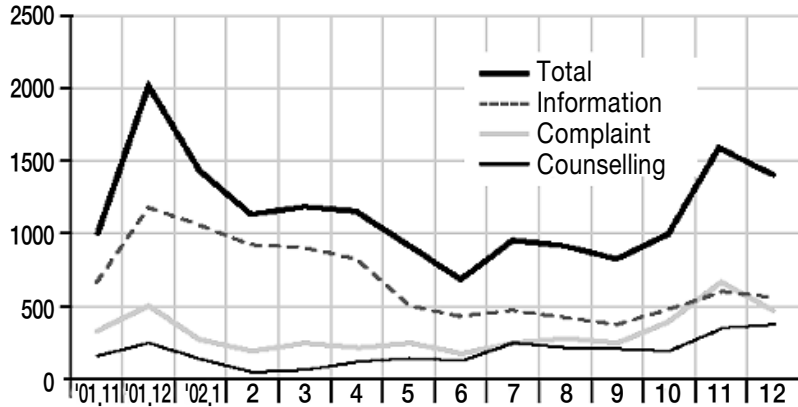
As indicated in <Figure 2-2-1> below, counselling cases by telephone out of total counselling numbered 2,175 occupying 66.9% of total counselling cases, and the counselling cases by appearance for those who visited the Commission were 767 cases or 23.6%. Counselling by interview were 307 cases or 9.5% of total counselling cases, and they consisted of those that could be solved at the scene immediately upon the staffs' visits to the facilities in person to have interviews and those closed because the petitioners wanted only counselling, rather than filling a complaint.

The picture shows that the service for counselling and guiding information for human rights was expanded to broader extent more actively as a wide variety of inquiries with the nature of civil petition had been increasingly filed in

writing via e-mail, mail and fax, and the frequency of guiding information and the cases for which a reply was made had been increased since the second half of the year.

〈Figure 2-2-1〉 Monthly handled complaints, counselling and guiding information

(Unit : case)



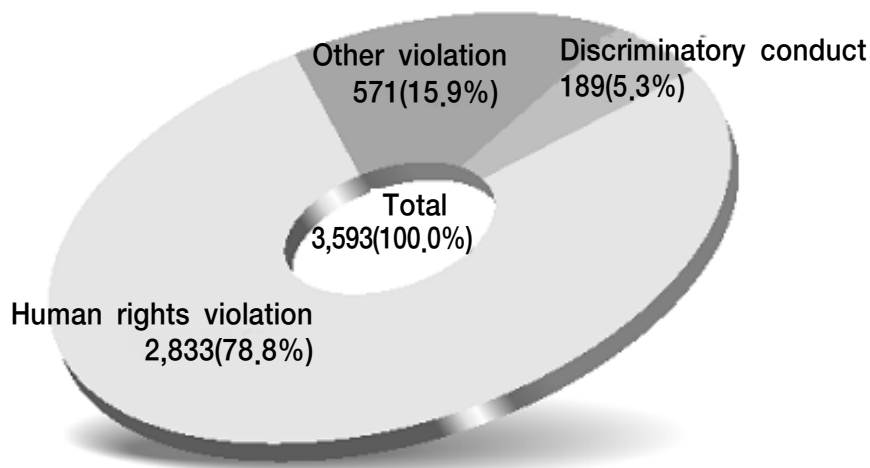
2. Categorization of complaints and counselling by types

(1) Categorization of complaints by types

Complaints are categorized mainly into human rights violations, discriminatory conduct and other violations. While the cases falling into discriminatory conduct were 189 cases or 5.35% of the total number of complaints received, the cases falling into human rights violation out of total 3,593 complaints received were 2,833 cases taking 78.8% of total cases to show that the complaints of human rights violations were far more than those of discriminatory conduct. 71 complaints of violations other than human rights violation or discriminatory conduct were filed to take 15.9% of total number of complaints.

〈Figure 2-2-2〉 Classification of complaints (Nov. 26, 2001~Dec. 31, 2002)

(Unit : case)



As the complaints of human rights violations were concerning violation of human rights, guaranteed under Articles 10 through 22 of the Constitution, committed by government agencies, municipal governments, or detention or protective facilities while executing their duties, they are sub-categorized again into human rights violations by prosecutor, police, the National Intelligence Service, special law enforcement officer, municipal government, judiciary agency, legislative agency, other government agency, detention and protective facility, military prosecutor, military police, Defense Security Command, military prison, military detention center, and other military institutions.

The complaints of discriminatory conducts are categorized into violation of equal rights by government agencies, municipal governments and detention or protective facilities, and discriminatory conducts in (1) employment, (2) supply or use of goods, services, transportation means, commercial facilities, land or residential facilities, and (3) discriminatory conducts by corporations, organizations or private individuals in use of educational facilities or vocational training facilities on the ground of sex, religion, disability, age, social status, birth place, original nationality, native origin, physical conditions such as countenance, marital status, pregnancy or maternity, familial status, race, skin

color, thoughts or political opinion, past criminal record for lapsed sentence, sexual inclination, disease history.

〈Table 2-2-2〉 Classification of complaints by types (Nov. 26, 2001~Dec. 31, 2002)
(Unit : case)

Complaints: 3,593 cases (100.0%)					
Human rights violation: 2,833 cases (78.8%)		Discriminatory conducts: 189 cases (5.3%)		Other violations: 571 cases (15.9%)	
Total	2,833(100.0)	Total	189(100.0)	Total	571(100.0)
Prosecutor	300(10.6)	Equal right violation	38(20.1)	Violation by private individuals	131(23.0)
Police	839(29.6)	Disability	32(16.9)	Corporation	43(7.5)
National Intelligence Service	33(1.2)	Disease history	10(5.3)	Other organizations	8(1.4)
Special law enforcement officer	31(1.1)	Social status	40(21.2)	Infringement of property right	40(7.0)
Municipal government	66(2.4)	Birth place	5(2.6)	Statute or system	137(24.0)
Judiciary organ	70(2.5)	Original nationality	19(0.1)	Legislation or litigation	39(6.8)
Legislative organ	1(0.0)	Native origin	0	Others	173(30.3)
Other government organ	236(8.3)	Race	1(0.5)		
Detention facility	1,113(39.3)	Skin color	1(0.5)		
Protective facility	34(1.2)	Sex	9(4.8)		
Military prosecutor	4(0.1)	Marital status	2(1.1)		
Military police	41(1.4)	Pregnancy & Maternity	0		
Defense Security Command	6(0.2)	Familial status	1(0.5)		
Military detention facility and prison	3(0.1)	Sexual inclination	4(2.1)		
Other military facility	56(2.0)	Age	5(2.6)		
		Countenance, etc.	2(1.1)		
		Religion	6(3.2)		
		Political opinion	4(2.1)		
		Criminal record	7(3.7)		
		Others	3(1.6)		

※ Equal right violation: Violation against equal right by government organs, municipal governments or detention or protective facilities.

1,113 complaints out of total 2,833 complaints of human rights violations were filed against detention facilities including prisons to show the highest rate - 39.3% of total complaints. The complaints against police and prosecutors came next, reaching 839 cases or 29.6%, and 300 cases or 10.6% out of human rights violation respectively.

With regards to discriminatory conducts, a total of 189 complaints were filed, out of which equal rights violations by government agencies, municipal governments, detention, or protective facilities reached 38 cases taking 20.1% of total complaints of discriminatory conducts. Although Article 30(1) of the Commission Act provides for 18 grounds of discrimination and 3 spheres of discrimination concerning discriminatory conducts amounting to equal rights violation committed by corporations, organizations or private individuals, it does not specify the grounds or spheres regarding equal rights violations committed by government agencies, municipal governments, or detention, or protective facilities while executing their duties (under Article 11 of the Constitution), and thus it may be applied broadly. Therefore, discriminatory conduct by such agencies or facilities are classified as 'equal rights violations' without limiting its spheres to 18 grounds, and include prosecutor's unfair non-prosecution decision, discrimination in treatment of detainees or inmates within detention facilities or prisons, discrimination in use of the facilities of government organs. Looking into a total of 571 complaints of other violations, we can find that most of them are cases concerning violence, fraud or disputes between individuals relating to property rights that could be resolved according to other remedial procedures and the cases that raised an issue on a statute or system.

(2) Analysis of the counselled cases

Among the total number of the cases, those closed only by counselling numbered 1,403 or 49.9%, while 501 cases or 17.5% were referred to other agencies. The cases closed by counselling consisted mainly of ones over which the Commission has no subject matter jurisdiction, ones on which investigation by a investigation agency or a trial was pending or closed, ones of which the counsellee's statement was lacking in reality, ones for which the counsellee

wanted only counselling, the ones for which the time limit for investigation already lapsed, or the ones of which only counselling solved the problem.

371 cases (13%), closed as "complaint filing under consideration," include mainly cases for which the counselees expressed their intention that they would think it over again after counselling, or the cases for which the counselees stated that they would file a complaint later by mail or another way with necessary documents prepared.

299 cases (10.5%) for which the counselees wanted to have counselling again were mainly concerning complicated ones in which many events were combined, and most of the counselees said after counselling over the phone that they would prepare the documents relating to the case and would pay a visit to the Commission for counselling.

185 cases (6.5%), categorized into "complaints received," include 82 cases over which the Commission has no subject matter jurisdiction, but in which the petitioners strongly demanded to have their complaints received, 78 cases over which the Commission has subject matter jurisdiction, and 18 cases for which the petitioners desired to have examination and judgement from the Commission regarding their cases regardless of whether or not the Commission has subject matter jurisdiction over their cases. 102 cases falling into others include those for which telephone line was disconnected, and those for which counselling was interrupted due to the counsellee's circumstances.

Out of the counselling cases by appearance, 19.7% filed a complaint, showing higher rate in complaint filing than counselling cases by telephone out of which 2% filed a complaint. The reason seems that most of them had counselling face to face with the staff again after having already had counselling by phone and they came along with necessary documents ready for filing a complaint. On the contrary, among the counselling cases by telephone there are more cases for which the counselees obtained information from other agencies or for which they expressed their intention to file a complaint later than counselling at appearance. It seems that they had no sufficient information about the scope of the Commission's service, and preferred using telephone simplify the somehow complicated visiting process.

A. Results of counselling handled

〈Table 2-2-3〉 Results of counselling handled (Nov. 26, 2001~Dec. 31, 2002)

Conclusion or action made	Reason	Total (%)	Appearance (%)	Telephone (%)
	Total	2,861 (100.0)	719 (100.0)	2,142 (100.0)
Counselling closed	Sub-total	1,403 (49.0)	435 (60.5)	968 (45.2)
	No subject matter jurisdiction	558	197	361
	Investigation or trial pending or completed	157	60	97
	Statement lacking in reality or trustworthiness	126	53	73
	Counselee wants only counselling	124	12	112
	Lapse of time limit for investigation	105	37	68
	Counselling resolved the problem	43	5	38
	The case have already been filed	28	6	22
	Complaint lacking in specific allegation	26	10	16
	Others	236	55	181
Referring to other organ	Sub-total	501 (17.5)	70 (9.7)	431 (20.1)
	Guiding more appropriate organ	488	66	422
	Counselee inquired of other organ	9	2	7
	Others	4	2	2
Complaint filing under consideration	Sub-total	371 (13.0)	26 (3.6)	345 (16.1)
	Planning to file a complaint by mail, fax or other ways,	266	9	257
	Considering it again before filing a complaint	34	5	29
	Planning to file a complaint after thinking it over again	23	7	16
	Counselee wanted to have counselling though the case not within subject matter jurisdiction	13	2	11

Conclusion or action made	Reason	Total (%)	Appearance (%)	Telephone (%)
Complaint filing under consideration	Considering filing a complaint after watching development of the case	9	0	9
	Considering filing a complaint after having another counselling	9	0	9
	Others	17	3	14
Planning another counselling	Sub-total	299 (10.5)	36 (5.0)	263 (12.3)
	Planning to pay a visit for counselling after having a counselling by phone	149	3	146
	Planning to have a counselling after grasping the context of the case precisely	44	8	36
	Considering having another counselling after watching development of the case	36	6	30
	Counselee wanted counselling successively.	32	8	24
	Planning to have another counselling due to insufficient or excessive time for counselling	8	2	6
	Others	30	9	21
Complaint filed※	Sub-total	185(6.5)	142(19.7)	43(2.0)
	Counselee strongly demanded counselling though the case not falling within subject matter jurisdiction	82	64	18
	The case falling within subject matter jurisdiction	78	62	16
	Counselee wanted to have the Commission's judgment though not clear whether falling within subject matter jurisdiction	18	11	7
	Suggesting improvement of system, etc. (Simply wanted to inform the Commission of the case)	5	4	1

Conclusion or action made	Reason	Total (%)	Appearance (%)	Telephone (%)
Others	Others	2	1	1
	Sub-total	102(3.5)	10(1.5)	92(4.3)
	Telephone disconnected while counselling	49	0	49
	Referring to the staff in charge of investigation	8	3	5
	Counsellor left the place while counselling	2	2	0
	Others	43	5	38

※ 307 cases out of total 3249 counselled cases were closed only by counselling during the course of an interview, and they are analyzed separately in the section describing active promotion of receiving complaints during interview. The analysis was made only for 2,861 cases excluding 81 cases of simple counselling for which a record was not entered due to unpreparedness of counselling system at the early stage of the service when the Commission began receiving complaints.

As regards to most complaints filed through telephone and visit (appearance), complaints were officially received after undergoing the course of counselling for a long time, and such cases have been increased as the human rights counselling service was settled. Accordingly, the cases for which a complaint was received after counselling were treated as a "complaint" until September 2002, but from October 2002 the cases for which a complaint was received after counselling were classified into "counselling" and "complaint" concurrently. Therefore, the sub-category "Complaint filed" was added to the results of counselling from October onward.

B. Classification of counselling by types

〈Table 2-2-4〉 Types of counselling case (Nov. 26, 2001~Dec. 31, 2002)
(Unit : case)

Type	Total(%)	Counselling at appearance(%)	Counselling by telephone(%)
Total	2,676(100.0)	577(100.0)	2,099(100.0)
Human rights violation	1,022(38.2)	184(31.9)	838(39.9)
Discriminatory conducts	212(7.9)	53(9.2)	159(7.6)
Other violations	1,442(53.9)	340(58.9)	1,102(52.5)

※ Since 185 cases for which a complaint was filed for an identical case out of total 2,861 cases are treated as included in the counselling cases for the purpose of statistics, only 2,676 cases excluding those 185 cases are classified here in order to analyze the counselling cases separating them from complaint cases.

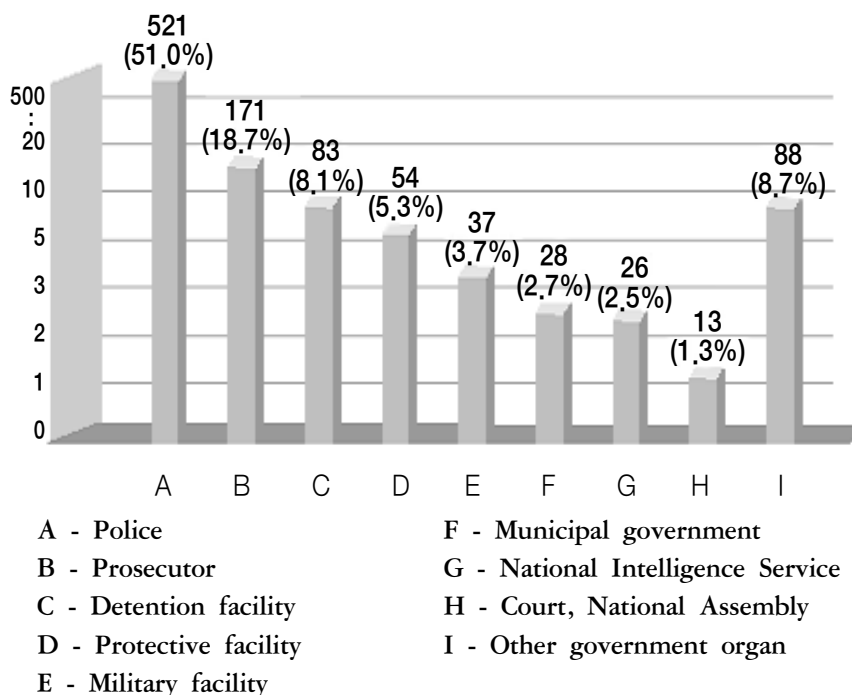
As complaints were not filed for the cases closed only by counselling, there were many cases falling into other violations far from human rights violation or discrimination. The cases falling within human rights violation were 1,022 cases taking 38.2% of total counselled cases, and those falling within discriminatory conducts were 212 cases occupying 7.9%, while other violations were 1,442 cases taking 53.9%.

C. Counselling of human rights violation

1) Classification by organs

〈Figure 2-2-3〉 Classification by the organs complained against
(Nov. 26, 2001~Dec. 31, 2002)

(Unit : case)



2) Classification by causes

Classifying the causes counselled for human rights violations, it is found that many cases complained against prosecutors, police officers and National Intelligence Service of (1) partiality in investigation, manipulation or concealment in investigation, (2) violation of personal liberty such as violence, coercion, cruel conduct, and (3) violation of the right to personal dignity such as abusive language, reproach, insult, and unkindness. As to other government organs and municipal government offices, the cases were mainly regarding (1) fault, delay, rejection in administrative action, (2) invasion of privacy such as wiretapping



and surveillance, and (3) violation of the right to personal dignity such as abusive language, reproach, insult and unkindness. As to counselling in connection with detention facilities, the majority of the cases were concerning (1) declined interview or inappropriate medical treatment, (2) violation of personal liberty such as violence, coercion, cruel conduct, and (3) abandonment or neglect of detainees or inmates facing violence. In terms of protective facilities, counselling was requested mainly concerning (1) forced commitment or declined discharge, and (2) violation of personal liberty such as violence, coercion and cruel conduct. The majority of the cases counselled in connection with military organs were concerning (1) demand on discovery of the truth of suspicious death, and (2) cruel conducts such violence and intimidation inside the military bases.

D. Counselling of discriminatory conducts

The cases of counselling of discrimination by government agencies amounting to violation of equal rights reached 68.4% of total cases, indicating a higher rate than discrimination by corporations, organizations and private individuals, which shows 31.6%. By complaint channels, appealing discriminatory conducts by government agencies during counselling by appearance showed a higher rate than those who appealed during counselling by telephone.

1) Grounds of discrimination

〈Table 2-2-5〉 Grounds of discrimination counselled (Nov. 26, 2001~Dec. 31, 2002)

Ground of discrimination	Total(%)	government organs(%)	corporations, organizations, private individuals(%)
Total	212(100.0)	145(100.0)	67(100.0)
Disability	19(9.0)	6(4.1)	13(19.4)
Social status	19(9.0)	12(8.3)	7(10.4)
Original nationality	13(6.1)	6(4.1)	7(10.4)
Disease history	8(3.8)	5(3.4)	3(4.5)
Gender	8(3.8)	2(1.4)	6(9.0)
Age	6(2.8)	4(2.8)	2(3.0)
Birth place	4(1.9)	1(0.7)	3(4.5)
Past criminal record for lapsed sentence	4(1.9)	3(2.1)	1(1.5)
Physical conditions such as countenance	3(1.4)	1(0.7)	2(3.0)
Marital status	3(1.4)	0	3(4.5)
Thoughts or political opinion	3(1.4)	2(1.4)	1(1.5)
Religion	2(0.9)	1(0.7)	1(1.5)
Familial status	1(0.5)	0	1(1.5)
Sexual inclination	1(0.5)	1(0.7)	0
Native origin	0	0	0
Pregnancy or maternity	0	0	0
Race	0	0	0
Skin color	0	0	0
Others	118(55.6)	101(69.6)	17(25.3)

* Although Article 30 of the Commission Act does not limit the grounds or spheres for discriminatory conducts by government organs, distinctively from the discriminatory conducts by corporations, organizations and private individuals, they are classified with the same standard as that for the discriminatory conducts by corporations, organizations and private individuals for convenience purpose.



Discrimination on the grounds of disability, social status and nation of origin prevailed in counselling for both discrimination by government agencies and discrimination by corporations, organizations and private individuals. In case of counselling for discrimination on the ground of disability, however, discrimination cases by corporations, organizations and private individuals (19.4%) were far more than such cases by government organs (4.1%).

2) Spheres of discrimination

Looking into the spheres of discrimination by each discriminating entity, it is found that violation of equal rights caused by prosecutors' unfair non-prosecution decision took the largest portion showing 62.1% out of discrimination committed by government organs. Next came discrimination in employment and recruitment showing 11.7%, and discrimination in supply of goods and services taking 11.0%.

Out of discrimination cases committed by corporations, organizations, and private individuals, discrimination in employment and recruitment occupied 25.5%, and the counselling for discrimination in promotion and assignment took 19.4%, while discrimination in supply of goods and services was 14.9%. The common factor found while counselling discrimination by government agencies and the private sector is that discrimination mostly occurred in the sphere relating to employment such as appointment, recruitment, promotion, assignment, resignation, discharge and payroll.

Other cases include those for which the sphere of discrimination cannot be specifically categorized such as complaints of bad working environment and personal hardship caused by sense of collective rejection and exclusion.

〈Table 2-2-6〉 Sphere of discrimination (Nov. 26, 2001~Dec. 31, 2002)

(Unit : case)

Sphere of discrimination		Total(%)	Government organs(%)	Corporations, organizations, private individuals(%)
Total		212(100.0)	145(100.0)	67(100.0)
Prosecutors' unfair non-prosecution decision		90(42.6)	90(62.1)	0
Employment	Appointment, Recruitment	34(16.0)	17(11.7)	17(25.5)
	Promotion, assignment	18(8.5)	5(3.4)	13(19.4)
	Resignation, discharge	7(3.3)	1(0.7)	6(8.9)
	Payroll, etc.	9(4.2)	2(1.4)	7(10.4)
Supply of goods and services		26(12.3)	16(11.0)	10(14.9)
Use of educational facilities		5(2.3)	2(1.4)	3(4.5)
Others		23(10.8)	12(8.3)	11(16.4)

3. Active promotion for receiving complaints at interview

The system for receiving complaints by interview under the provision of Article 31 of the Commission Act has been recognized as an innovative system for raising up the level of human rights in our society one step further. Since the Commission received complaints, detainees and inmates in detention and protective facilities have increasingly applied for filing complaints at interview. Because the Commission has received complaints while providing counselling services to those applicants by paying a visit to the facilities one by one, the foundation for field-oriented remedial system for the rights has been firmly established.

(1) Receiving and closing complaints

〈Table 2-2-7〉 Monthly applications for filing complaints at interview and cases handled in number (Nov. 26, 2001~Dec. 31, 2002)

(Unit: case)

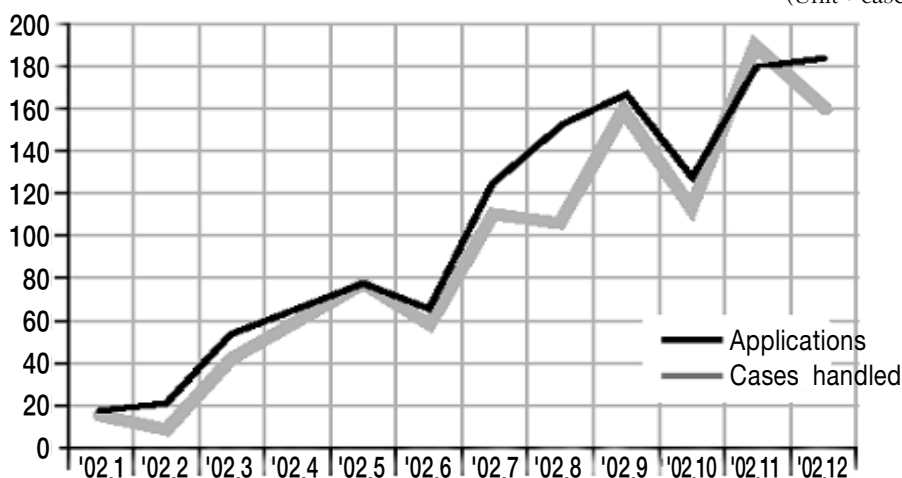
Month	Nov 2001	Dec	Jan 2002	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct	Nov	Dec	Total
Application	-	13	17	21	53	67	77	65	124	151	166	127	179	183	1,243
Cases handled		9	15	9	42	61	76	58	110	105	159	111	189	160	1,104

* Cases handled = Complaints filed + Counselling closed + Cases withdrawn

Subsequently after the Commission began receiving complaints, applications for filing a complaint by interview have been received since December 2001, and the number of such applications have increased from around April 2002, when the Secretariat was organized. In particular, as the rate of increase rapidly rose from July 2002, a total of 1,243 applications for filing complaints by interview were filed, out of which 1,104 cases were processed.

〈Figure 2-2-4〉 Monthly status of applications for filing complaints at interview and cases handled (Nov. 26, 2001~Dec. 31, 2002)

(Unit : case)



Out of a total of 1,243 applications submitted for filing complaints by interview, 556 applications or 44.7% were those received by the Commission's staff who paid a visit to the facilities, and 307 cases or 24.7% were closed only after providing counselling without receiving complaints, while 241 of the applications or 19.4% were withdrawn. Although all staff at the Commission received the applications for filing a complaint by interview in full force because such applications rushed in, 139 applications, 11.2% of total applications, could not be processed due to absolute shortage of manpower.

While the majority of applications for filing complaints by interview came from inmates of correctional centers among detention facilities, the applications from detainees in police station jails and inmates in protective facilities were not more than 9 cases, the reason for this seems to be attributed to insufficient publicity of activities given to such detention or protective facilities and the lack of knowledge about the complaint system compared with those given to correctional centers. The reasons stated in the letters of withdrawal are analyzed in <Table 2-2-8> below.

<Table 2-2-8> Reasons of withdrawal of application for filing complaint at interview
(Nov. 26, 2001~Dec. 31, 2002)

(Unit : case)

Reason of Withdrawal	Number of Cases(%)
Total	241(100.0)
Cause of complaint solved	79(32.8)
State of mind changed	42(17.4)
Automatically withdrawn due to release	15(6.3)
Doubtful effect of complaints	4(1.7)
Changed to a written complaint	3(1.2)
Concerned about disadvantage given after complaint	2(0.8)
For filing a lawsuit	2(0.8)
Not want investigation	1(0.4)
Considering filing a complaint after release	1(0.4)
Reasons unknown	92(38.2)

(2) Categorization of counselling cases closed

Among the cases counselled by visiting applicants in the facilities for interview, 307 cases were closed only after counselling without filing a complaint. The reasons for closing those 307 cases are analyzed as shown in <Table 2-2-9> below.

<Table 2-2-9> Reasons of closing the counselling cases among applications for filing a complaint at interview (Nov. 26, 2001~Dec. 31, 2002)

(Unit : case)

Reason of closing the counselling		Number of cases(%)
Total		307(100.0)
Causes are related to the causes already complained of	Complaint identical with the one already complained of, related facts added, etc.	75(24.5)
Urging investigation for complaint	Demanding prompt investigation, punishment of respondent	49(16.0)
Wanted the Commission to make a proposal for rectification to the facility	Demanding medical treatment, transfer, moving to other cell or room, or committing to a hospital, etc.	45(14.7)
Falling within the ground of rejection under Article 32 of the Commission Act	No falling within subject matter jurisdiction(3)	29(9.4)
	Lapsed time limit for investigation(1)	
	A trial pending in a court or the Constitutional Court, the case under investigation or closed.(19)	
	Contravening with final judgment or decision made by a court or the Constitutional Court(6)	
Suggestion for improvement of statute or system	Demanding improvement of system, etc.	15(4.9)
Wanted to file a complaint later	Filing a complaint to be decided after waiting for change of circumstances	9(2.9)
Wanted to have assistance from the Commission	Referring to an attorney, contacting family, arranging sisterhood relationship, etc.	8(2.6)
The problem to be complained of was solved	Demanding matter solved such as committing to a hospital, application for solitude, outside medical treatment	8(2.6)

Reason of closing the counselling		Number of cases(%)
Wanted only counselling	Wanted to confide in, remove the feeling of uneasiness, or have an interview with someone from outside	7(2.3)
Legal counselling	Inquiry on procedure of litigation, etc.	4(1.3)
Concerned about disadvantage that may be caused by filing a complaint	Concerned about disadvantage caused by targeted inspection of cell or room.	1(0.3)
Others	Expiration of the term of imprisonment, doubt about effectiveness of complaint, or concern about retaliatory act by co-inmate, etc.	57(18.5)

4. Evaluation

The first services the Commission began with immediately when the Commission Act took effect were counselling for human rights violations and receiving complaints. Under the circumstances in which the Secretariat was not organized, the President and the commissioners for human rights by themselves began counselling and receiving complaints. Through such efforts made actively for remedying the rights, more than 16,000 civil petitions including complaints, counselling, and guiding information were received and handled last year.

Furthermore, the Commission promoted the installation and inspection petition boxes in detention and protective facilities in order to implement the Enforcement Decree for the Commission Act, and the Commissioners for human rights and staff paid visits to the facilities to provide counselling, receive complaints and thus establish the field-oriented remedial system by "visiting" the places where their help was needed rather than receiving complaints in the office. In addition, the Commission has inspired the staff of the agency concerned to have consciousness of human rights violations, and has contributed to raising awareness of human rights by assuring that people have their rights remedied by filing a complaint with the Commission if their human rights were violated.



However, there was much hardship in quickly handling the applications for filing a complaint by interview, because such applications rushed in from about 230 police station jails and 44 correctional centers throughout the country. It was found that it was beyond the Commission's capacity to pay a visit to every detention and protective facility all over the country to receive complaints. Although all Commission staff put their full strength to the service for receiving complaints by interview in groups or teams, 139 cases amounting to 11.2% of total applications could not be processed as of the end of December 2002.

Therefore, it is urgently required to provide facilities and systems through which detainees and inmates in detention and protective facilities all over the country can have counselling and file their complaints quickly, and everybody, no matter in which area he/she is living, can have access to the Commission to take the proper procedure for recovering the rights. Because of this, it is required to consider opening local offices by legislating or amending the related statutes. It is also considered necessary to promote the introduction of "on-line visual counselling system" for residents in remote areas and "Internet real-time counselling system" for the people with hearing disability.

Investigation and Remedies for Human Rights Violation

1. Overview

(1) Basic direction and major projects

With the basic direction of concentrating the Commission's strength on the enhancement of practical human rights by dealing promptly and fairly with human rights violations of governmental power and protective facilities for multiple persons and by assuring petitioners of accessibility, it chose the firm establishment of investigation system and the analysis of the current situation of human rights in the area where human rights were susceptible to violations as one of the major core tasks for 2002 on which the Commission put emphasis.

The establishment of an investigation system was urgently required to quickly process the complaints already received before April 1, 2002, the time when the Secretariat began its operation, to help the investigators, who were recruited from diverse sources, to perform their duties efficiently and so to enhance synergic effects. Particularly, in order to cope actively with the complicatedness and diversity of complaint causes and changes in the society, it was constantly required to reinforce the competence of investigation including ability to perform analysis on the status of change in various kinds of statute, system and policy, both domestic and international, as well as development of various techniques for investigation.

The Commission also put its emphasis on searching for ways to improve the systems on medium and long term bases and to enhance basic standard of human rights for the areas where human rights are susceptible to violation such as detention facilities, protective facilities for foreign workers, and military detention facilities by conducting surveys on the current situations of human rights in those areas.

(2) Summarized results of complaints handled

The Commission processed 1,360 cases out of 2,833 complaints of human rights violations from November 26, 2001 until December 31, 2002 as shown in <Table 2-3-1> below. The investigation of the remaining 1,473 cases are still pending, showing the rate of processed cases versus received cases is 48.0%. The Commission conducted *ex officio* investigations into two cases including a homicide case where a suspect was killed by torture in Seoul District Prosecutor's Office and took remedial actions such as filing criminal complaints and issuing a recommendation. The Commission also conducted on-site inspections four times in order to inspect the current conditions of human rights in detention and protective facilities.

<Table 2-3-1> Human rights violation cases processed (Nov. 26, 2001~Dec. 31, 2002)

(Based on number of cases*)

Complained Cases			Ex officio Investigation		
Complaints received	Cases closed	Pending investigation	Investigation conducted	Cases closed	Pending investigation
2,833	1,360	1,473	2	-	2**

* As the number of cases processed is based on the number of the cases filed, a difference may occur in the number of cases for which an action was made because of joinder of similar complaints and other causes of complaint.

** The two cases of *ex officio* investigation were closed as of February 2003.

Categorizing the complaints of human rights violations processed by the Commission by the actions taken, criminal complaints and requests for investigation were made for 3 cases, or 0.2% of handled cases, and issuance of recommendation, recommendation of amicable settlement, or emergency relief was made for 26 cases, or 2.0%, while 135 cases, or 9.9% were dismissed, and 1,196 cases, or 87.9% were either rejected or transferred.

〈Table 2-3-2〉 Processed complaints of human rights violations by actions taken
(Nov. 26, 2001~Dec. 31, 2002)

(Based on the number of cases)

Category	Cases closed									Pending investigation
	Complaints received	Sub-total	Criminal complaints filed or investigation requested	Recommendation issued	Amicable settlement recommended	Dismissed	Rejected	Transferred	Emergency relief	
Number of cases	2,833	1,360	3	21	3	135	1,170	26	2(3)*	1,473
Rate(%)		100	0.2	1.6	0.2	9.9	86.0	1.9	0.2	

* The complaints by an identical petitioner are counted as one case falling within "recommendation issued" category, because an emergency relief and recommendation were made for the complaints.

The rejected complaints out of 1,360 complaints of human rights violations, which were received by the Commission, totaled 1,170 cases or 86.0%. The grounds of rejection decided under the provision of Article 32 of the Commission Act are as shown in 〈Table 2-3-3〉 below.

〈Table 2-3-3〉 Grounds of rejection for the complaints of human rights violation

(Based on the number of cases)

Category	Total	Not within the Commission's subject matter jurisdiction	Obviously false, or no cause of complaint	Not wanted investigation, or voluntarily dismissed the complaint	Complaint filed 1 year after occurrence of event	Remedial proceedings pending or closed	Contravening with judicial judgment or decision by the Constitutional Court	Others
Number of cases	1,170	202	40	402	155	280	88	3
Rate(%)	100.0	17.3	3.4	34.4	13.2	23.9	7.5	0.3

(3) Major actions taken for the complaints of human rights violation

Major actions taken for the complaints upheld by the Commission among the complaints of human rights violations are as shown in 〈Table 2-3-4〉 below.

〈Table 2-3-4〉 Major actions taken for the complaints of human rights violation

No.	Action taken	Case description	Details of action	Date decided	Results of action
1	Recommendation	Medical treatment for a patient of diet negativism	Issued a recommendation to suspend execution of sentence for the diet negativism patient in Cheongsong Prison	June 27, 2002	Accepted
2	"	Invasion of private secret	Issued a recommendation to stop using the information of psychiatric treatment in the occasional aptitude test for driver's license and to take a disciplinary measure to the officers involved	July 25, 2002	Accepted in part (Discontinued the occasional aptitude test)
3	"	Interference with filing complaint with the Commission	Issued a recommendation to take a disciplinary measure to the head of Jinju Prison and the officers involved concerning interference with filing a complaint at an interview with an AIDS patient in the prison	August 26, 2002	Prosecutor's investigation pending as a separate case
4	"	Violation of personal liberty committed by naked physical examination in a police station	Issued a recommendation to conduct educational program on human rights to the officers involved in naked physical examination in the jail of Guro Police Station	October 14, 2002	Accepted
5	"	Death of a person with disability caused by falling from the lift	Issued a recommendation to compensate the victim for the damages inflicted by falling from the lift for use of the persons with disability in Balsan Station and to establish preventive measures	Nov. 18, 2002	Accepted in part

No.	Action taken	Case description	Details of action	Date decided	Results of action
6	Recommendation	Amendment to the statutes due to abuse of disciplinary power	Issuing a recommendation to amend the clause providing for the limitation in excessive exercise of disciplinary power by the suspected abuser in the prison	Dec. 9, 2002	Under examination
7	"	Temporary release of Korean-Chinese from custody in connection with mandatory deportation	Issued a recommendation to release the petitioner temporarily from custodial measure	Dec. 9, 2002	Accepted
8	Settlement recommended	Allowing replay-only cassette tape player for study of religious doctrines	Recommended an amicable settlement to allow use of replay-only cassette tape player for study of religious doctrines inside a prison	October 10, 2002	Accepted an alternative
9	"	Violation of right to freedom passage	Recommended an amicable settlement to make an apology for violation of right of way around the Presidential Office and to assure of preventive measures against re-occurrence	October 17, 2002	Accepted
10	"	Unfair personnel order	Recommended an amicable settlement for unfair personnel order by the head of Bupyeong-gu District Office	Nov. 27, 2002	Accepted
11	Investigation requested	Death in the prison	Requested police to investigate the death of a inmate of Ulsan Detention Center	Dec. 27, 2001	Accepted
12	"	Cruel conducts by police	Requested prosecutor's office to investigate the cruel conducts committed during interrogation in Siheung Police Station	October 28, 2002	Pending investigation (suspended due to unavailable witness)

No.	Action taken	Case description	Details of action	Date decided	Results of action
13	Criminal complaint filed	Death of a patient neglected in a prison	Filed a criminal complaint of the death of an inmate caused by improper medical treatment in Suwon Detention Center and requested legal aid	October 28, 2002	Pending investigation
14	Emergency relief	Medical treatment for a patient in a prison	Suggested to suspend execution of sentence for an AIDS patient in Jinju Prison and recommended to give emergency relief by transferring him to a hospital outside.	April 23, 2002	Accepted
15	"	Suspension of mandatory deportation order for Korean-Chinese	Recommended to give emergency relief by suspending execution of mandatory deportation order to Korean-Chinese	August 9, 2002	Accepted
16	"	Suspension of mandatory deportation order for a Russian	Recommended to give emergency relief by suspending mandatory deportation order to a Russian worker	Sep. 12, 2002	Accepted

※ Acceptance or Rejection as of February 2003.

2. Investigation and remedial measures for human rights violation

(1) Investigation and remedial measures in connection with prosecutors and police

As of the end of 2002, the complaints filed with the Commission in connection with prosecutors were 300 in total, out of which 189 cases or 63.0% were processed, while those filed in connection with police were 839 in total, out of which 376 cases were processed.

Looking into the complaints in connection with prosecutors by the actions or measures taken for, an emergency relief was given to 2 cases taking 1.1% of

the complaints processed, 8 cases or 4.2% were dismissed, 179 cases or 94.7% were either rejected or transferred. In case of the complaints in connection with police, a criminal complaint, request for investigation or recommendation was made for 18 cases or 4.8% out of the complaints processed, and 54 cases or 14.4% were dismissed, while 304 cases or 80.8% were rejected or transferred.

The main causes of the complaints filed in connection with prosecutors and police were violence or cruel conduct during the course of arrest or investigation, violation of duty to notify of Miranda rights, coercion to make self-incriminating statement, unlawful eavesdropping or wiretapping, interference with the right to interview or right of way, overnight interrogation, and unfair non-prosecution decision.

(2) Investigation and remedial measures in connection with detention and protective facilities

The complaints filed with the Commission in connection with detention facilities were 1,113 cases in total, and 397 cases amounting to 35.7% of them were processed, while the complaints in connection with protective facilities were 34 cases, and 14 cases or 41.2% out of them were processed.

Among the processed complaints in connection with detention facilities, a criminal complaint, request for investigation or recommendation was made for 6 cases or 1.5% out of them, 51 cases or 12.9% were dismissed, and 340 cases or 85.6% were rejected or transferred. Among the processed complaints in connection with protective facilities, 3 cases were dismissed, and 11 cases were rejected.

(3) Investigation and remedial measures in connection with other government organs

As to the complaints in connection with the military, 43 cases or 39.1% out of total 110 cases were processed, while the complaints filed in connection with other government agencies and municipal government offices were 437 cases in total, out of which 341 cases or 78.0% were processed.



Among the complaints in connection with the military, 3 cases or 7.0% out of the complaints were dismissed, and 40 cases or 93.0% were rejected. In the meantime, among the complaints in connection with other government agencies and municipal government offices, either a recommendation was issued or an amicable settlement was recommended for 3 cases or 0.9% of the complaints, 16 cases or 4.7% were dismissed, and 332 cases or 94.4% were transferred.

(4) Recommendation of emergency relief

In case that it is found highly probable that conduct violating human rights continues after receiving a complaint, and if it is found likely that the damages may not be recoverable if a proper measure is not taken immediately, the Commission may issue a recommendation, upon receiving a request from the petitioner or victim or by the Commission's *ex officio* power under the provision of Article 48 of the Commission Act, to the respondent or the head of the agency or entity against whom a complaint is filed to give an emergency relief prior to making a decision on the complaint. Accordingly, the Commission issued recommendations of emergency relief for three cases including (1) a recommendation to make a suggestion for suspending the sentence of an inmate with AIDS in Jinju Prison, (2) a recommendation to suspend the mandatory deportation order for Korean-Chinese immigrants, and (3) a recommendation to suspend the mandatory deportation order for a Russian expatriate worker as of the end of December 2002.

A. Recommendation to make a suggestion for suspending execution of sentence for an inmate with AIDS in Jinju Prison

The petitioner was a patient who contracted AIDS and tuberculosis and was committed in the tuberculosis ward in the prison. Because proper medical treatment was not given, the petitioner filed a complaint against the prison demanding to provide him with a proper medical treatment.

Upon receiving the complaint, the Commission found that the petitioner was a patient suffering from AIDS and tuberculosis; it was probable that the petitioner might cause chance infection if he was committed continuously in the

detention facility; and an emergency relief was required because he was suffering from fatal diarrhea, with more than 20 bowel movements a day.

Accordingly, in April 2002 the Commission issued a recommendation to the head of Jinju Prison to give the petitioner emergency relief by taking action to transfer the petitioner to an outside hospital for proper treatment, and by suggesting the relevant Prosecutors' Office suspend the sentence for the petitioner so that he could have the treatment continuously outside the prison. Upon receiving the Commission's recommendation of emergency relief, the prison transferred the petitioner to an outside hospital for medical treatment, and suggested the Jinju Branch Office of Changwon District Prosecutor's Office to suspend the sentence for the petitioner.

B. Recommendation to suspend execution of the mandatory deportation order for Korean-Chinese

The victims were Korean-Chinese who committed the offense of grabbing a Korean butcher by the collar while drunk early morning one day in August 2002. They were charged with violation of the "Act on Punishment of Violent Conduct, etc.", and were transferred to Seoul Immigration Office. Subsequently in August 2002, a mandatory deportation order was issued to the victims, upon which they filed a petition for relief.

As a result of the Commission's investigation, it was found that the victims were on the condition of exit suspension until March 2003 as they reported themselves during the period for voluntary report of illegal stay; it was hard to believe that the conducts of grabbing by the collar and pushing the other party and speaking some abusive languages committed by the victims of such old age would harm interest or public order of the Republic of Korea, or harm economic order, social order or public morals; and the victims would sustain irrecoverable damages if the mandatory deportation order was executed.

Therefore, in August 2002 the Commission issued a recommendation to the head of Seoul Immigration Office to give emergency relief by suspending the mandatory deportation order until the proceedings for application for objection against the mandatory deportation order and the administrative litigation was finalized. The relevant agency accepted the recommendation of emergency relief.



C. Recommendation to suspend execution of the mandatory deportation order for a Russian expatriate worker

In June 2002, the victim tried to defend his wife from a Korean who was sexually assaulting her, and sustained bodily injury, which required three-month medical treatment. Nevertheless, Seoul Immigration Office issued a mandatory deportation order to him in August 2002, and so the petitioner filed a petition requesting to take a remedial measure.

As a result of the Commission's investigation, it was found that the victim reported himself during the period for voluntary report of illegal stay and thus was on the condition of exit suspension until March 2003; he had a regular job and fixed abode; he sustained bodily injury, which required three-month treatment while defending his wife from sexual assault; and he would sustain irrecoverable damages if the mandatory deportation order was carried out.

Accordingly, in September 2002 the Commission issued a recommendation to the immigration office to give him emergency relief and suspend the mandatory deportation order until the proceedings of application for objection and administrative litigation were finalized, and the office accepted the Commission's recommendation of emergency relief.

(5) *Ex officio* investigation

Under the provision of Article 30(3) of the Commission Act, the Commission may conduct *ex officio* investigation with the Subcommittee's decision if there is a probable cause to believe that human rights are violated and the nature and degree of violation are so serious even where it has not received any petition or complaint thereof, while the Standing Committee may decide on commencement of *ex officio* investigation into an emergency case. During one year in 2002, the Commission conducted *ex officio* investigations into two instances including (1) the *ex officio* investigation into the homicide case of a suspect killed by torture in Seoul District Prosecutor's Office, and (2) the complaint against, and *ex officio* investigation into Mandeok Bogeum Hospital.

A. *Ex officio* investigation into the homicide case of a suspect killed by torture in Seoul district prosecutor's office.

(a) Background of Investigation

In the course of processing the complaints, the Commission paid special attention to the facts that the investigation agencies, even prosecutors, often executed unlawful emergency arrests, did not comply with the proper procedure such as duty to notify those arrested of Miranda rights, and occasionally committed cruel conducts. On October 26, 2002, a suspect, whose name was Jo, was killed while he was interrogated for a murder case in the special interrogation room in Seoul District Prosecutor's Office, and suspicions were aroused that there were cruel conducts inflicted on other suspects who were also under emergency arrest as accomplices with Jo. Upon hearing this information, the Commission called an emergency meeting of the Subcommittee for Investigation of Human Rights Violations and decided to investigate this case with its *ex officio* power.

At the same time, the three suspects, who were under emergency arrest as accomplices of the dead suspect to be interrogated in Seoul District Prosecutor's Office, filed a complaint with the Commission alleging that three of them were assaulted by investigators.

(b) Outcome of the Investigation

The Commission conducted investigation for 6 victims and 14 respondents, examined the materials submitted by the Supreme Public Prosecutors' Office, Seoul District Prosecutor's Office and Seoul District Court, and conducted on-site investigation into the special interrogation room in Seoul District Court. As a result, the Commission discovered that Prosecutor Hong and investigators (hereinafter referred to as "Respondents" collectively) put the victims under emergency arrest even though the victims did not fall within the requirements for emergency arrest; the respondents did not notify the victims of the cause of arrest and the right to an attorney; they forced the victims to make a confession and committed violence and cruel conducts against the victims after they brought them to the special interrogation room in Seoul District Prosecutor's Office; and thus they violated substantially the victims' right to have an



attorney's help, the right to apply for a hearing for legality of arrest and the right to keep silent.

The respondents put the victims under emergency arrest merely based on the victims' confession, which they obtained by applying violent force and cruel conducts to the victims, without notifying them of the facts of the crime, cause of arrest, the right to an attorney, although they could find the victims' whereabouts before making arrest because most of them had a fixed address and a regular job. In short, the respondents did not satisfy the requirements for emergency arrest such as probability of the suspected crime, necessity and emergency of arrest, and they made the emergency arrest in violation of due process during the course of arrest to bring them to the special interrogation room in Seoul District Prosecutor's Office.

While the respondents interrogated the victims in the special interrogation room, they also forced them to make confession, applied violent force and cruel conducts isolating them from outside, and so prevented them entirely from having an attorney's help or applying for a hearing for legality of arrest, Although most of the victims denied the murder charge against them, application of violent force and cruel conducts made them confess false admission, and eventually Jo was killed because of the respondents' cruel conducts.

The respondents' such conducts amounted to unlawful arrest, false imprisonment, and abuse of *ex officio* power under the relevant criminal laws. Since the respondents applied violent force and cruel conducts to the victims inflicting them bodily injury or death, they violated the "Act on Aggravated Punishment against Specific Crimes."

(c) Conclusion

Based on the result of the investigation as above, the Commission decided on February 24, 2003 to file a criminal complaint with Prosecutor General against the 10 respondents, who arrested and interrogated the victims, on the charges of unlawful arrest, false imprisonment, and abuse of *ex officio* power, and also made a request to Prosecutor General to investigate the other 4 respondents, who prepared the interrogatory for the victims, on the charge of abuse of *ex officio* power.

Moreover, the Commission made a recommendation to the Minister of Justice to prepare an improvement plan for reinforcing the requirements for emergency arrest and adopting the system for issuing a post-arrest warrant after arrest in order to eliminate unlawful investigation practices under which investigators have abused emergency arrest. At the same time, the Commission decided to request that the Korea Bar Association give legal aid to the victims so that they could recover their damages in a proper way.

As of the date when the Commission made a decision, a trial was pending against 9 respondents, who were prosecuted on the charges of violence and cruel conducts under the "Act on Aggravated Punishment against Specific Crimes," and so the Commission filed a criminal complaint and a request for investigation only on the charges of unlawful arrest, false imprisonment and abuse of *ex officio* power.

B. Complaints against, and *ex officio* investigation into Mandeok Bogeum Hospital

(a) Background of investigation

A complaint against the respondent, whose name was Social Welfare Corporation Hanseo Christian Foundation Mandeok Bogeum Hospital (hereinafter referred to as "Mandeok Bogeum Hospital"), alleging that the Hospital committed patients having no relatives to the closed ward with the purpose of taking medical treatment fee unfairly from the government, even though it was not necessary to commit them there. Upon obtaining this information, the Subcommittee for Investigation of Human Rights Violation decided on May 9, 2003 to investigate *ex officio* all patients admitted to the Hospital on whether there was any violation of human rights. According to the decision above, the Commission conducted inquiries into all patients admitted to the Hospital during a period of four months regarding whether they were committed by force and whether there was any violation of human rights during the period they were admitted. The Commission also conducted research in connection with the commitment of patients having no relative to a mental hospital regarding whether there was any statute, system or customary practice that possibly violated human rights.



(b) Outcome of Investigation

The Commission discovered that there was violation of fundamental rights such as violation of freedom of physical activity and violation of freedom of communication, and that there were problems in statutes, system and customary practice such the necessity of amendment to the "Mental Health Act, the local judgment committees for mental health operated only for formality's sake, and wrongful customary practice of the police in transferring the patients having no relative.

Main examples of fundamental rights violation were (1) the case where a patient with no relatives was admitted to a hospital, but his custodian appeared later and demanded to discharge the patient. However, the custodian's demand was denied and the patient was committed to the hospital; (2) the case where a patient was transferred to another mental institution against the patient's desire; (3) the case where nurses listened in to the conversations patients had over the phone and made and kept a record of the contents of telephone conversations; (4) the case where freedom of communication was violated by limitation in calling, inspection of letters, prohibition of possessing stationary; (5) the case where an admitted patient was dealt with by his alias only for administrative convenience purpose, even though he informed them of his real name; and (6) the cases where the patients' dignity as human being and the right to pursue happiness were violated by violation of standard for facilities and manpower as prescribed under the "Mental Health Act."

Among wrong statutes, systems and customary practices, there were (1) the customary practice by which police officers transferred patients having no relative to a mental institution by making a discretionary judgment on whether a patient suffered a mental disease in taking a protective measure; (2) the problem that the local judgment committees for mental health, which were established as the institutions for human rights protection for mental patients, were run only for formality's sake due to shortage of manpower and other reasons; and (3) the problem that the complaint boxes were not installed, although the Commission Act required them to install the boxes for filing complaints with the Commission.

(c) Outcome of Decision

Upon discovering the facts as above, the Commission filed criminal complaints with the Prosecutor General against the former head of Mandeok Bogeum Hospital on the charges of false imprisonment and violation of Articles 55(2), 24(6), 56(4) and 45 of the Mental Health Act, and against the staff who was accountable for administrative affairs in connection with admission and discharge of the patients having no relative on the charges of violation of Article 55(2) and 24(6) of the Mental Health Act.

The Commission also issued a recommendation to the respondent Mandeok Bogeum Hospital, the Minister of Health and Welfare and the Mayor of Busan Metropolitan City as the administrative entities responsible for supervision of the respondent and the head of National Police Agency as the government agency concerned.

(6) Investigation and remedial measures for other complaints

The category "Other complaints" include complaints of human right violations between private individuals, demands for improvement of statutes and systems, and human rights violations in a corporation. Categorized into actions taken as shown in <Table 2-3-5>, recommendations were issued for 2 cases or 0.5% out of the processed cases, 5 cases or 1.3% were dismissed, and 380 cases or 98.2% were rejected.

<Table 2-3-5> Other complaints and actions taken

(Unit : case)

Category	Complaints received	Actions taken				Pending investigation
		Sub-total	Recommendation*	Dismissed	Rejected	
Number of cases	571	387	2	5	380	18,4
Rate(%)		100.0	0.5	1.3	98.2	

* One case among the cases in the category "recommendation" (Opinion regarding amendment to the Special Act on Discovery of the Truth of Suspicious Deaths) was the one for which recommendation of policy was made as described above.

Among the 387 cases of other complaints processed by the Commission, 380 cases were rejected. The reasons of rejection can be classified as shown in <Table 2-3-6>: The cases over which the Commission had no subject matter jurisdiction (74.7%), the cases for which a trial in a court or the Constitutional Court, or investigation or other remedial measures under other statutes was pending or closed at the time the complaint was filed (9.5%), or where it was found that the facts in the complaints were obviously false or there was no cause of complaint (3.4%).

<Table 2-3-6> Other complaints rejected by the reasons of rejection

(Unit : case)

Category	Total	No subject matter jurisdiction	Obviously false, or no cause of complaint	Not wanted investigation or voluntarily dismissed complaint	One year lapsed after occurrence of violation	Remedial measures pending or closed	Contravening with a judicial judgment or a decision by the Constitutional Court	Others
Number of cases	380	284	13	31	11	36	3	2
Rate(%)	100.0	74.7	3.4	8.2	2.9	9.5	0.8	0.5

The reason why many of the other complaints were rejected is that the causes of complaints did not fall within either the case where human rights guaranteed under Articles 10 through 22 of the Constitution were violated in connection with the execution of duties by a government organ, municipal government, or detention or protective facility (excluding legislation by the National Assembly, or judgment by a court or the Constitutional Court) or the case where discriminatory conduct was made by a corporation, an organization or a private individual violating equal rights. Most of those cases rejected were concerning a dispute or property right violation between private individuals over which the Commission had no jurisdiction, or concerning the matters regarding statutes.

3. Evaluation

Handling the complaints in connection with investigation agencies and detention or protective facilities even under the difficult circumstances, the Commission has apparently contributed to providing an atmosphere in which investigation agencies and detention or protective facilities made efforts to control human rights violations such as conducting educational programs for their own staff, and also contributed to form a consensus of public opinion that reform was required for customary practices in investigation such as protection of suspects' human rights.

Conducting investigations and taking remedial measures for each complaint, the Commission also produced the effect of preventing human rights violations against suspects as made inquiries to the relevant agencies and the officers with responsibility for liabilities of human rights violation committed by public power such as excessive physical examination, languages and conducts insulting suspect's human dignity, abuse of emergency arrest, violence and cruel conducts in the course of investigation, which had been taken as granted.

Furthermore, the Commission has created the opportunity to encourage attention and concern for the human rights of neglected people as it issued a recommendation to reinforce the requirements for close physical examination at the time of a detainee's commitment, a recommendation to make improvements in the case of death where a person with disability fell from a lift in Balsan Station, and a recommendation to suspend the mandatory deportation order for foreigners, and conducted investigation and took remedial measures for the complaints, presenting a scheme for improvement of policy, and raising the issue of necessity of improvement.

Particularly, by making *ex officio* investigation into the homicide case where the suspect was killed by torture inside Seoul District Prosecutor's Office, the Commission contributed not only to the enhancement of protection of suspects' human rights but also raised social awareness of the importance of due process in the course of arrest and investigation made by investigation agencies. In addition, through *ex officio* investigation for Mandeok Bogeum Hospital, the Commission formed a social consensus in the necessity of systematic improvement



for mental patients including vagrant patients, who were previously out of social concern. However, it was inevitable that the processing of complaints, which increased daily, has been delayed due to lack of precedents and experience, limitation in power authorized for investigation, and shortage of manpower for investigation.

Furthermore, prophylactic measures to prevent human rights violations were not satisfactory as a systematic inspection could not be made of the current situation in the areas where the causes of human rights violations always exist such as protective facilities. On the other hand, it is pointed out as an urgent task to develop methods for investigation and remedial measures for each type of violation with which complaints of human rights violations can be processed efficiently, and to prepare a management system for the current status of processing complaints.

Investigation and Remedies for Discriminatory Conducts

1. Overview

Since the Commission was established on November 25, 2001, a total of 189 complaints of discrimination were filed until December 31, 2002, out of which 102 cases were processed, and 87 cases are still pending on investigation or examination. In order to promote active processing of the complaints, the Commission treated the cases where victims were multiple or where remedial measures for the victims were urgently required as important so that they can be processed quickly prior to ordinary cases. There were many cases for which the Commission itself actively prepared a proposal for settlement to satisfy the petitioner and induce an amicable settlement. Among those cases, there are cases of "discrimination against a person with disability in appointment as a professor," where the parties reached a settlement during the course of investigation, and the case of "age discrimination in admission to Catholic University of Daegu," where recommendations of rectification were made. The cases which were either solved through an amicable settlement between the parties during the course of investigation or remedied through a recommendation of rectification totaled about 10 cases.

〈Table 2-4-1〉 Complaints of discriminatory conducts received and processed (Nov. 26, 2001~Dec. 31, 2002)

Category	Received	Under processing	Completed					
			Sub-total	Recommendation issued	Amicably settled	Dismissed	Rejected	Transferred
Discriminatory conduct	189	87	102	6	2	17	76	1

The complaints filed for discriminatory conducts, the ones dismissed, and main actions taken are as shown in 〈Table 2-4-2〉, 〈Table 2-4-3〉 and 〈Table 2-4-4〉 respectively below.

〈Table 2-4-2〉 Received complaints of discrimination categorized by discriminating grounds(Nov. 26, 2001~Dec. 31, 2002)

(Unit : case)

Category	Cases received	Rate(%)
	189(87)	100.0
Social status	40(14)	21.1
Disability	32(10)	16.9
Original nationality	19(5)	10.1
Gender	9(2)	4.8
Disease history	10(3)	5.3
Thoughts, political opinion	4(1)	2.1
Age	5(1)	2.6
Criminal record	7(3)	3.7
Religion	6(2)	3.2
Birth place	5(2)	2.6
Sexual inclination	4(2)	2.1
Race, skin color	2(-)	1.1
Physical condition	2(1)	1.0
Familial status	1(-)	0.5
Other grounds	43(41)	22.8

Other grounds : Discrimination by a newspaper in sponsoring an advertisement, exclusion of participant in democratization movement from compensation, unreasonable evaluation of academic credits, other violation of equal right, etc.

The figures in the parenthesis show the cases under processing as of December 31, 2002.

〈Table 2-4-3〉 Processed complaints categorized by the reasons of rejection

(Unit : case)

Category	Total	Not within subject matter jurisdiction	Voluntarily dismissed	Remedial measures pending or closed	Filed after lapse of one year	No cause of complaint	Contravening with affirmed final judgment	Others
Discriminatory conduct	76	28	34	8	5	-	1	-

〈Table 2-4-4〉 Main action taken for the complaints of discriminatory conduct

No.	Case name	Action taken	Date decided	Results
1	Discrimination against the person with disability in promotion	Issued a recommendation to rectify the system and policy discriminating the persons with disability and to prohibit discriminatory conducts	April 11, 2002	The decision including recommendation accepted (special employment of the person with disability and other measures)
2	Discrimination against the person with disability	Induced to reach a settlement to appoint the petitioner to the professor	April 30, 2002	Made an agreement to accept the petitioner's demand and to appoint him to the professor
3	Age discrimination at the time of admission to the university	Issued a recommendation to give a remedial measure (to admit for enrollment) to the petitioner and to improve the system and customary practice discriminating on the ground of age	May 23, 2002	The recommendation of remedial measure (enrollment) and improvement accepted
4	Discrimination against the person who finished the remote-studies college course	Issued a recommendation to amend the Enforcement Decree for the Social Welfare Service Act so that the persons who finish two-year course of remote-studies college can be included in the category of persons eligible for acquiring the certificate of qualification	July 11, 2002	The decision including recommendation accepted (Amendment to the Enforcement Decree)
5	Discrimination based on skin color by crayon manufacturers	Issued a recommendation to Korean Agency for Technology and Standards to change the color name "skin"	July 25, 2002	Changed the color name "skin" to "light reddish yellow" in Korean Industrial Standard
6	Denied hospitalization of the person under medical protection	Induced the respondent to make an apology and to make an amicable settlement with a commitment to prevent re-occurrence	July 25, 2002	Settled with the respondent's apology and commitment to prevent re-occurrence.

No.	Case name	Action taken	Date decided	Results
7	Improvement for discriminatory conduct against the detained conscientious rejectors of military service	Issued a recommendation to allow the detained Jehovah's Witnesses to assemble for the religious service	October 14, 2002	Not accepted
8	Age discrimination in recruitment of the staffs in a university	Issued a recommendation to delete the clauses providing for age limit eligible for application for employment as a teaching staff of the university and to abolish the age limit eligible for application	November 22, 2002	Recommendation of deletion of the restrictive clauses accepted

2. Major actions taken

(1) Investigation and remedial measures for gender discrimination

As the role of the Ministry of Gender Equality and that of the Commission overlap, there were not many complaints filed with the Commission. Among the complaints filed, two cases including complaints of "gender discrimination in acquiring citizenship" were voluntarily dismissed by the petitioners because the relevant regulation was amended while the Commission conducted an investigation. Two cases were dismissed because the causes were not true, one case was voluntarily dismissed by the petitioner, and two cases were also dismissed because the relevant remedial measures had already been taken. Hence, seven cases were closed, and the remaining two cases are under examination.

It is important to note that there was a case of "gender discrimination in determination of disability." The petitioner filed the complaint arguing that it constituted gender discrimination to discriminate against males in favor of females in determining disability caused by an industrial accident. The petition was rejected because the remedial measure for the same cause was completed under another statute. However, the Commission found that the "conduct of treating female preferentially to male without a reasonable ground in

determining disability" constituted discriminatory conduct in violation of equal rights, and thus issued a recommendation of rectification to the Ministry of Labor to amend the relevant statutes. Accordingly, the Ministry of Labor put a preliminary notification of legislation in order to amend the "Enforcement Decree for the Industrial Accident Compensation Insurance Act."

(2) Investigation and remedies for discrimination against the persons with disability

During one year in 2002, 32 complaints of discriminatory conduct based on disability were filed, out of which 22 cases were processed, while the remaining 10 cases are still pending on investigation. Looking into the actions taken for the 22 cases, the most prevailing cases were those either voluntarily dismissed or rejected because of lack of subject matter jurisdiction. One case was dismissed, a recommendation of rectification was issued for another case, and still another case was closed by an amicable settlement between the parties while an investigation was in progress.

The first case filed with the Commission was the complaint of "discrimination against a person with disability in appointment to the head of the Public Health Center run by Jecheon City, for which the Commission issued a recommendation of rectification. Although the Commission found that it amounted to "discriminatory conduct based on disability," it could not take any remedial measure for the petitioner because a third party had been already appointed to the head of the Public Health Center, and the Commission had no authority to cancel the appointment. However, the Commission conducted an investigation into the system and customary practice of Jecheon City to determine whether they were discriminatory and to issue a recommendation of rectification. Regretfully the Commission could only make a "recommendation not to commit any discriminatory conduct based on physical disabilities."

Among the cases amicably settled by an agreement between the parties are the case of "discriminatory conduct against the person with disability in employment of a professor in Inje University." The petitioner was a patient of renal failure suffering from kidney disorder and so had to have hemodialysis



twice a week. He passed the examination for employment of a professor in Inje University. However, he was left out of the final appointment because of the disability on the ground that the disability would impede his performing duties, and eventually he filed the complaint with the Commission. While an investigation was conducted by the Commission, the university announced its intention to appoint the petitioner to the professorship. As the petitioner accepted the proposal, the case was closed by an agreement between the parties under the Commission's mediation.

In addition to those activities, the Commission held a "public forum of specialists relating to driver's licenses for the persons with disabilities" in order to hear the opinions from the related specialists for preparing an improvement plan for the driver's license system for the persons with disability, and to gather public opinions to make reference to the results in processing the complaints. The Commission also made requests to the National Election Commission to make access to the polling places more convenient for the persons with disability during the presidential election on December 19 and the municipal election on June 13, and to place social workers who could help the persons with disability in order to cope with the current events in a timely manner as discrimination would appear during such events.

(3) Investigation and remedies for age discrimination

As regards age discrimination, 5 complaints were filed with the Commission during 2002, while there was one case in which the Commission itself discovered discriminatory conduct and so conducted *ex officio* investigation. Out of 6 cases in total, 5 cases were processed, and one case is still under examination.

Among the actions taken for the cases, voluntary dismissals were made by the petitioners for 2 cases, and one case was rejected because it was not within the Commission's subject matter jurisdiction. The Commission found that equal rights were violated in two cases including the case of "age discrimination in employment of a professor," into which the Commission conducted an *ex officio* investigation, and resolved it by recommending the respondent give

proper relief to the petitioner.

More specifically, the complaints asserted that the petitioner, whose name was Jeong, submitted an application for the examination for special admission of the outstanding students in each category of learning capability in order to apply for the preparatory medical department at Catholic University of Daegu. According to the complaint, however, the petitioner could not pass the examination because of the regulation of the university, which provided "the younger applicant shall be admitted among those who obtain same points." The Commission held that the respondent's conduct amounted to discriminatory conduct violating equal rights under the provision of Article 11 of the Constitution, and issued a recommendation to the respondent to give proper relief to the petitioner, which the respondent accepted to allow the petitioner to enroll in the school.

On the other hand, the Commission received a report from a citizen that Kang Nung National University set an age limit for eligible applicants for employment of teaching staff in the department of history to 45 years when it recruited full-time teaching staffs in the second half of 2002. Considering it as violation equal rights, the Commission decided at the 23rd Plenary Committee meeting to make a broad investigation and examination over the "age discrimination cases in recruitment of teaching staff," and conducted an investigation expanding the scope of investigation to national and public universities in the country. As a result, it was discovered that 14 universities set an age limit in recruitment of teaching staff, and so the Commission issued a recommendation to rectify such violation.

With the momentum from this case, it is expected that the customary practice limiting the age in employment of teaching staffs without a reasonable ground will be rectified, and that it will have a widening impact on private universities, national companies and private companies at the same time.

(4) Investigation and remedies for discrimination based on physical condition such as countenance

While prevailing trend in our society is to consider countenance important, the society rarely consider it as a kind of discrimination, and so there were few

complaints of "discriminatory conduct based on physical conditions such as countenance." Especially, it is presumed that there is a prevailing tendency to undergo plastic surgery or a weight loss program by assuming economic burdens even where disadvantage is imposed on the ground of countenance.

There were two complaints filed in connection with this ground of discrimination, out of which the complaint of "discrimination based on countenance at the time of recruitment of Women's Army cadets" was voluntarily dismissed because the respondent amended the relevant regulations while the Commission's investigation was in progress, and the remedial measure was taken as the petitioner was enlisted. The remaining case is still pending on investigation.

In the complaint of "discrimination based on countenance at the time of recruitment of Women's Army cadets," the petitioner, whose name was Kwon, applied for recruitment to the Women's Army cadets, but was excluded because she was tall (174 cm). The complaint asserted that, although the Army did not set any height limit in its advertisement for recruitment, the Second Army Command set a maximum height limit to 173 cm and excluded her. As a remedy, the complaint sought a rectification of such discrimination since it constituted "discriminatory conduct based on physical condition" violating the her fundamental rights. Although the complaint was voluntarily dismissed and consequently rejected after such remedial measures were taken, this case helped to raise the awareness of the seriousness of discriminatory conducts imposing disadvantages based on physical conditions such as countenance.

(5) Investigation and remedies for discrimination based on race and skin color

The Constitution of the Republic of Korea provides "the status of a foreigner is guaranteed in accordance with the provisions of international law and treaties," and also provides that the legal status of a foreigner may be regulated in accordance with a separate relevant statute. Therefore, it is inevitable that a foreigner's political rights, social fundamental rights, and the freedom of entry are restricted to a certain extent. However, the conduct of imposing disadvantages on a foreigner in employment context can be considered discrimination such as denial of employment opportunity on the ground of original nationality or place of birth.

The Commission once conducted an on-site inspection during the period set up for voluntary report of illegally overstaying foreigners in order to prevent any violation of human rights against foreign workers, which would occur in the voluntary report center for foreign workers of Seoul Immigration Office.

The two complaints of "discriminatory conduct based race or skin color" were filed with the Commission. One case of them was found as discriminatory conduct amounting to violation of equal rights, and the Commission issued a recommendation of rectification. As to the other case, the petitioner filed a criminal complaint with an investigation agency after filing the complaint with the Commission, and so the case was transferred to the competent agency pursuant to the provision of Article 33(2) of the Commission Act.

With respect to a description of "skin color" in crayons, a foreigner who resided in Korean filed a complaint alleging that the color name "skin" under Korean Industrial Standard amounted to discrimination based on skin color. The Commission held that the term "skin color" corresponded only to the race who had the specific color and thus it discriminated against other races without any reasonable ground, and therefore issued a recommendation to Korean Agency for Technology and Standards to change the color name. The Agency accepted the recommendation and changed the color name to "light reddish yellow."

(6) Investigation and remedies for discrimination based on social status

With respect to the complaints filed with the Commission in 2002 because of "discriminatory conduct based on social status," 40 complaints were received, out of which 26 cases were completely processed, and the remaining 14 cases are still pending on investigation.

As regards the actions taken for the 26 cases closed, 18 cases were voluntarily dismissed or did not fall within the subject matter jurisdiction, the facts of 5 cases were far from the truth, while one case was closed by mutual agreement between the parties, and a recommendation of rectification was issued for one case.

The case for which the Commission issued a recommendation of rectification was the complaint "of discrimination against the person who finished the

remote-studies college course in acquiring a qualification certificate for social welfare specialist." A student, who majored in social welfare studies at a two-year remote studies college filed this complaint asserting that it was discrimination not to allow the graduates from remote-studies colleges to acquire the certification of social welfare specialist, while the graduates from regular colleges were allowed to acquire the certification. According to the complaint, in case of four-year college courses, any graduate, whether from regular colleges or from remote studies colleges, were allowed to acquire the qualification. The Commission examined the opinion from the Ministry of Education and Human Resources Development, the responsible ministry, and the materials submitted for reference by the related colleges, and held that such conduct amounted to "discriminatory conduct in violation of the equal right guaranteed under Article 11 of the Constitution."

With such findings, the Commission concluded that the qualification standard for the second grade social welfare specialist as provided for under Appendix 1 attached to the "Enforcement Decree for the Social Welfare Service Act," under which the graduates from the departments relating to social welfare in two-year remote studies college course were excluded from the category of persons eligible for qualification of social welfare specialist, was the discriminatory clause violating equal rights as guaranteed under Article 11 of the Constitution, and so the Commission issued a recommendation to amend the Enforcement Decree for the Social Welfare Service Act by December 31, 2002 so as to include the graduates from social welfare departments of two-year remote studies college course. The Ministry of Health and Welfare put a preliminary notification of the bill draft of the "Enforcement Decree for the Social Welfare Service Act" in accordance with the Commission's recommendation of rectification.

(7) Investigation and remedies for discrimination based on other grounds

Among the complaints filed with the Commission during 2002 other than those described above, there were 99 cases filed in total including 6 cases of discriminatory conduct based on religion, 19 cases based on medical history, 7 cases based on past criminal record with lapsed validity of sentence, 5 cases

based on place of birth, 4 cases based on sexual orientation, one case based on familial status, 2 cases based on marital status, and 41 cases based on other grounds.

As regards the actions taken for the complaints, 40 cases were completely processed including 30 cases rejected, 8 cases dismissed, and 2 cases closed with recommendation of rectification issued, while 59 cases are still waiting for the investigation or deliberation. With respect to the action taken for 30 cases rejected, 15 cases at the top of the list were voluntarily dismissed, 11 cases were not within the subject matter jurisdiction, 5 cases were rejected on the other grounds, while most of 8 cases dismissed were found to be not true.

On the other hand, there were three cases, for which the Commission recommended a remedial measure to recover the damages, including the cases of "discrimination based on past criminal record with lapsed validity of sentence in employment of teaching staff," "discrimination against detained conscientious rejectors of military service in religious assembly," and "improvement of the foreign industrial trainee system."

First, the case of "discrimination based on past criminal record with lapsed validity of sentence" was filed with the Commission on April 24, 2002. The petitioner, whose name was Lee, applied for and passed the examination for employment of teaching staff in a high school in Jinju, Gyeongsangnam-do. However, he was informed that he was excluded from employment as teaching staff because the school was notified of his past criminal record, for which a pardon was granted and his civic rights was restored, as a result of inquiry of personal antecedents. The petitioner asserted in the complaint that it violated human rights to notify the potential employer of his criminal record, pardoned and for which civic rights were restored, in replying an inquiry of personal antecedents.

The Commission upheld that the conduct of not recommending him for employment as teaching staff on the ground of the past crime, pardoned and for which civic rights were restored, amounted to the "conduct violating equal rights as guaranteed under Article 11 of the Constitution," and issued a "recommendation to employ the petitioner as a teaching staff." In addition, the Commission concluded that it constituted "conduct violating the right to pursue

happiness as guaranteed under Article 10 of the Constitution" to notify of the past criminal record, pardoned and for which civic rights were restored, in responding the inquiry of personal antecedents, and issued a recommendation to improve and not to continue the customary practice of notifying of criminal record, pardoned and for which civic rights were restored, in conducting investigation into personal antecedents.

In the meantime, with respect to the complaint filed asserting that the detained conscientious objectors of military service (faithfuls of Jehova's Witness) were not allowed to have religious service while the faithfuls of Christianity, Buddhism, and Catholic were allowed to assemble for religious service inside the detention facilities, the Commission issued a recommendation to the Ministry of Justice to allow them to assemble for religious service too.

〈Table 2-4-5〉 Main causes of complaint of discriminatory conduct

Ground of discrimination	Main causes of complaint	Remarks
Gender	<ul style="list-style-type: none"> -Not allowing woman researchers to renew their contract -Gender discrimination in employment -Discrimination based on marital status in employment -Denial of boarding an airplane against trans-gender -Gender discrimination in acquiring citizenship -Gender discrimination in determination of disability -Sexual harassment to woman 	
Disabilities	<ul style="list-style-type: none"> -Discrimination based on disabilities in issuing driver's license for large vehicles -No application of the industrial accident compensation to the person disabled from a traffic accident -Discrimination based on disabilities in use of housing facilities -Discrimination based on disabilities in employment -Discrimination against the persons with disability in extension of repayment term of loan. -Discrimination against the persons with disability in private insurance -Discrimination against the persons with disability in purchasing insurance -Discrimination based on disabilities in use of educational facilities -Discrimination against the persons with disability in examination for employment of government officers. 	

Ground of discrimination	Main causes of complaint	Remarks
Age	<ul style="list-style-type: none"> -Forcing the aged person to resign -Age discrimination in admission to college 	
Physical conditions such as countenance	<ul style="list-style-type: none"> -Discrimination based on physical conditions such as countenance in employment -Discrimination based on countenance in recruitment of Women's Army cadets 	
Race or skin color	<ul style="list-style-type: none"> -Discrimination against skin color by crayon manufacturers -Race discrimination in employment 	
Social status	<ul style="list-style-type: none"> -Discrimination against a junior school teacher in assignment to a class teacher -Discrimination against a union worker in filing a criminal complaint -Discrimination against irregular teachers in employment -Discrimination in acquiring qualification of social welfare specialist -Denied hospitalization of the person under medical protection 	
Others	<ul style="list-style-type: none"> -Discrimination in employment as teaching staff based on criminal record with lapsed validity of sentence -Discrimination in religious assembly against the detained conscientious rejectors of military service 	

3. Evaluation

The main concerns of human rights issues were concentrated on violations of human rights, and thus relatively less attention was paid to discrimination issues until now. However, making improvement in discrimination issues such as discrimination against the persons with disability in promotion and employment, age discrimination in employment of professor, discrimination based on skin color by naming a color "skin," an advance was made a step further in social awareness of discrimination issue. Furthermore, substantial achievement was made as remedial measures were taken for discrimination against the person with disability in employment of professor and age discrimination in admission to college.

The Commission conducted the "research on discriminatory conducts and operation of discussion sessions" in order to enhance competent abilities of investigators, and as a result, provided an opportunity to reestablish the types,



concept, and standard for judgment of discrimination. The Commission also conducted educational and training programs for learning the investigation techniques of one another to help each investigator secure expertise. Moreover, forums of specialists and public hearings sponsored by the Commission were evaluated to have contributed to enhancing the sensitivity for discrimination and the ability to make good judgments on discrimination cases.

The Commission also made efforts to raise the people's awareness of human rights by producing and distributing posters and brochures related to discriminatory conduct in administrative agencies and schools, but the result was not satisfactory in spreading the awareness to all areas of society.

Although the government has conducted investigations and remedial measures for discriminatory conducts so far, the Commission is only one institution that carries out investigations and remedial service comprehensively for the "discriminatory conducts in violation of the equal right" on a wide variety of grounds. Considering that human rights institutions in advanced countries have been dealing mainly with the complaints of discriminatory conduct, the Commission, too, has to prepare strategies and countermeasures on long term basis.

The Commission's Activities for Raising Awareness of Human Rights through Education and Public Relations

1. Human rights education for government officials

(1) Human rights education for law enforcement officers

During 2002, the Commission provided educational programs on human rights to 4,420 government officials who were working in the investigation agencies and detention and protective facilities, including police officers, public prosecutors and correctional officers at the Police Investigation & Security Training Center, the Policy Comprehensive Academy, the National Central Police Academy, police stations and the Legal Research & Training Institute for 30 times in total (Refer to Table 2-5-1).

〈Table 2-5-1〉 Educational programs of human rights provided to law enforcement officers

Agency	Participating officers	Contents of instruction	Frequency of instruction	Total hours of instruction	Total number of participants
Prosecutors, Correctional Officers (Ministry of Justice)	-7th & 9th Grade Prosecution Clerical Officers -5th, 6th & 7th Grade Correctional Officers -9th Grade Probation Officers, etc.	-The current situation of human rights in our country -The National Human Rights Commission Act and Human Rights -Correction and Human Rights, etc.	5 times	9 hours	453 persons
Police officers (National Police Agency)	Police officers	-Investigation and Human Rights -The Police and Human Rights -The National Human Rights Commission Act and Human Rights, etc.	25 times	57 hours	3,967 persons

(2) Management of human rights instructors team

The Commission organized a Human Rights Instructors Team with specialists from legal and academic circles as well as from human rights organizations, who had kept their minds on human rights, and has enhanced the efficiency in managing the human rights instructors team through meetings held twice. Furthermore, the Commission made efforts to bring educational programs on human rights to a higher level through an evaluation of instruction given by the instructors team. The number of instructors for each area is as shown in <Table 2-5-2> below.

<Table 2-5-2> The number of human rights instructors for each area

(Unit : person)

Category	Police section	Correctional section	Prosecution section	Military section	Total
Legal circle	17	6	8	8	39
Academic circle	27	14	16	3	60
Non-governmental organization	1	1	1	0	3
Total	45	21	25	11	102

(3) Development of materials for educational programs of human rights

Since there was no material available for systematic human rights education in Korea, it was not possible to conduct effective human rights education or to secure uniformity in human rights education. Under such circumstances, the Commission has promoted the project for development of educational materials with these purposes: First, to systemize the educational materials and conduct effective human rights education for raising human rights awareness of police officers, prosecutors, correctional officers, military personnel and teachers; secondly, to establish the base for management of educational courses on human rights in training institutions at every level; and finally, to utilize them extensively as materials for educational programs on human rights for the

general public. The series of instruction materials for human rights education given to government officials are as shown in <Table 2-5-3> below.

<Table 2-5-3> Series of instruction materials for education of human rights given to government officials

Category	Text name	Written by	Main contents
Introduction to the study of human rights		Cho Hyo-je	Definition and history of human rights Background of appearance of national human rights institutions
The particulars of human rights	The police and human rights	Shin Eui-gi Son Dong-kwun Pyo Chang-won	Human rights issues relating to investigation, detention, security and intelligence activities, application of police equipments, summary judgment, etc.
	Correction and human rights	Lee Seung-ho Han Young-soo Lee Sang-heui (Han-gyeol)	Human rights issues relating to the areas of application of physical force, discipline, health, external communications and remedies, discrimination and other issues
	Prosecution and human rights	Sim Hui-gi Chun Jin-ho Choi Seog-youn	Human rights issues arising from the areas of investigation at discretion, interrogation of suspects, forced disposition of property such as seizure, and forced disposition of person such as emergency arrest
	The military and human rights	Pang Doo-won Lee Sang-hee (YBL)	Awareness of human rights inside the military, actual conditions of human rights violation inside the military categorized by the types of fundamental right and violating entities, proposal for guarantee of human rights in the military, etc.

2. Educational human rights programs for schools

(1) Development of educational materials on human rights for teachers' use

As one of the project activities for human rights education, the Commission produced the "guide to human rights education for teachers" as a basic book for teachers's human rights education. Taking into consideration the current

situation under which the human rights educational programs were not sufficiently provided to teachers, the book was designed to present the goal and definition of human rights education to the teachers who would take charge of human rights education at schools by selecting major 15 issues relating to human rights such as correlation between ruling power and human rights.

(2) Publication of fairy-tale books and manual for human rights

The Commission established a plan to publish story books for children regarding minorities and other disadvantaged groups in the society including children, elderly persons, foreign workers and irregular workers in order to raise people's awareness of human rights. Accordingly, the Commission selected two human rights themes for special projects in 2002 - an abandoned child and an abused elderly person - and published two story books for children on human rights: one under the title of "Grandmother of Heuin-dung-i's family" with the theme of the abused elderly person's human rights; and the other under the title of "Mommy, Mommy" with the theme of the abandoned child's human rights. Along with those story books for children, two volumes of a manual were published. The two volumes of the manual contained the actual conditions of human rights of children and elderly people, alternatives in policy for the protection of human rights, and practical tasks in order to promote human rights education actively utilizing those fairy-tale books.

3. Cultural projects of human rights

(1) Production of human rights films

As one of the projects for raising awareness of human rights, the Commission produced human rights films. These films paid close attention to the theme of discrimination violating equal rights and discrimination issues, which prevail in our society, against the persons with disability, foreign workers, on the grounds of countenance, educational background and social status among 18 grounds of discrimination.

〈Table 2-5-4〉 Human rights films produced

Director	Title	Story	Running time
Park Kwang-su	Face Value	The movie points out how seriously prevailing the inferiority complex about countenance is in our society.	13 minutes
Park Chan-wook	Never Ending Peace and Love	The movie prosecutes discrimination against foreign workers, telling the case of Chandra Gurung, a Nepalese woman worker who was confined to a mental hospital for 6 years and 4 months	28 minutes
Jeong Jae-eun	The man with an Affair	This movie depicts metaphorically the critical mind on how far human rights are extended with argument regarding public disclosure of the identification of sexual offenders on its background.	19 minutes
Park Jin-pyo	Tongue Tie	The film discloses abuse and discrimination committed against children without awareness of the problems, telling the story about the children who are forced to have an operation in their tongue for betterment of their English pronunciation	12 minutes
Yeo Kyun-dong	Crossing the Continent	The movie is composed of several episodes about discrimination against the persons with disability mainly concerning the right to travel. A disabled person who actually suffers from the first degree cerebral palsy plays a character in this movie	15 minutes
Yim Soon-rye	The 'weight' of Her	Through an affair that happens to the students in a graduating class of a commercial school before their advancing into the workplace, the movies shows the discrimination based on countenance, which is prevailing in our society	23 minutes

(2) Production of cartoon books on human rights

In addition to the production of human rights films, cartoon books with the themes of 18 grounds of discrimination as enumerated under the Commission

Act were produced in various forms such as cartoon storybooks and gossip cartoons

〈Table 2-5-5〉 Human rights cartoons produced

Author	Form	Volume	Contents
Park Jae-dong	Gossip	7 cuts	Discrimination against the youth at school and against foreign workers
Rew Seung-ha	Storybook	30 pages	Discrimination based on marital status, disability and against women
Jang Gyeong-seob	"	8 pages	Discrimination against sexual minority
Cho Nam-jun	"	40 pages	Discrimination based on age, countenance, sexual inclination, and social status
Choi Ho-chul	"	20 pages	Discrimination against foreign workers and so on
Hong Yun-pyo	Conte	20 pages	Gender discrimination, discrimination against foreign workers and based on educational background, etc.
Lee Heui-jae	Storybook	20 pages	Discrimination against a disabled child
Hong Seung-woo	Conte	12 pages	Gender discrimination
Lee Woo-il	Conte	10 pages	Discrimination based on disability, educational background and skin color
Son Moon-sang	Gossip	8 cuts	Discrimination based on class, indigence, geographical area and educational background

(3) Production of advertisement of human rights

On the occasion of the 54th anniversary of the Universal Declaration of Human Rights, the Commission produced a TV advertisement in 2002. It was designed to make people feel human rights more familiar through TV advertisement, which covers broader area with faster speed of transmission. Its contents put an emphasis on human rights of people with disabilities, foreign workers, children and elderly people. The advertisement was televised on MBC, KBS, SBS and YTN from December 6 through December 31, 2002, and also was put on inside the trains of Subway lines No. 1 to 8.

(4) Production of posters and leaflets for guarantee of the right to petition

In order to publicize the guaranteed right to petition and human rights, the Commission produced posters and leaflets for guiding information about complaint filing system, and distributed them to government offices and public institutions all over the country to raise awareness of the human rights of ordinary people and the government officials in charge of civil affairs and publicize the Commission's role and activities. At first, 16,730 posters and 456,830 leaflets were distributed to Seoul Metropolitan City Office, its 25 District Offices and 522 Dong (local community) offices, 6 other metropolitan city offices including Busan and their cities, counties, districts and local community offices, 10 municipal government offices including Gyeonggi-do and their counties, cities, districts and local community offices and branch offices, the National Police Agency and its 14 regional police agencies, 231 police stations and 2,930 police boxes. Again in September, the posters and leaflets were distributed to a total of 1,568 places including 186 detention and protective facilities, 354 social welfare centers, 346 related civil organizations, 426 universities and colleges, 256 public bulletin boards in underground railroad and urban subway.

4. Establishment of public relations system for human rights

(1) Production of the commission's emblem

The goal of the Commission's CI (Corporate Identity) project is to heighten the image of the Commission and plant the idea of human rights in the mind of the public. Subsequently, after deliberating the diverse aspects of the project, the Commission selected Professor An Sang-su to be the designer for CI and promoted the production of a logo and symbol mark.

(2) Production and revision of homepage

Beginning on November 25, 2001, the Commission's homepage, serving as "On-line Human Rights Commission," has introduced the Commission's policies



and activities, and improved its public accessibility by adding the function for receiving complaints. It also has provided free writing boards to enable the general public to write opinions freely and to share information about human rights. The homepage was revised and complemented in July 2002.

(3) Public relations via mass media

Since its establishment on November 25, 2001, the Commission prepared and distributed a total of 112 new release items until December 31, 2002. They were distributed to the social departments of 64 newspaper companies, 19 editorialist's offices, 215 non-governmental organizations, and were also distributed to the standing committees of the National Assembly and the ministries, if necessary, case by case. The Commission's activities were reported 738 times in total by the press: 551 items by daily newspapers; 142 items by Yonhap News; and 45 items by other mass media (Internet, magazines, etc). On the other hand, the Commission published 1,000 copies of the collection of newspaper articles by gathering the reported articles concerning the Commission's activities for one year since its foundation, and distributed them to the National Assembly, mass media, non-governmental organizations and governmental agencies. This collection of articles contains the outstanding human rights issues and the Commission's activities reported through mass media during last one year in 2002.

5. Establishment of human rights information service system

Throughout 2002, the Human Rights Library carried out foundation work for collecting basic books and literature, which contain special knowledge of human rights, and providing an efficient information service. First of all, the Commission established a master plan for development of books and literature to collect information and data relating to the field of human rights in various forms, introduced the information management system, and built up a basic framework for management of the Human Rights Library by establishing guidelines and arranging basic facilities in order. In the future, it plans to

organize a sustainable and active cooperation system with non-governmental organizations and human rights specialists in gathering and utilizing information and data in order to collect the opinions regarding management of the Library and share such information. Furthermore, the Commission will make a database of original human rights data mainly with the materials published by the Commission, and seek a development plan so that the Library can serve as a library specializing in the field of human rights under the circumstances where the demands on original information are rapidly changing.

6. Evaluation

The Commission provided the general public with an opportunity to pay attention to the socially vulnerable by producing and publishing story books for children with the theme of human rights of children and elderly people. It also raised human rights awareness in the government officials in the areas of prosecution, police, correctional facilities and the military and to prevent human rights violations by conducting human rights educational programs to them as they are the ones who exercise the government power.

In the meantime, it was also a significant achievement that the Commission produced, published, and distributed human rights education materials for prosecutors, police officers and correctional officers, and developed and distributed visual aids for human rights education of prison officers.

However, the Commission was unable to reflect the opinions from broader areas on publication of the fairy-tale books of human rights because of time constraint in production. Therefore, the Commission now plans to change the project into a public writing contest and scout out diverse works so that all interested authors can participate in the project, and thus outstanding works can be selected.

With respect to public relations for raising awareness of human rights, the Commission raised concern about human rights through many mediums such as production of films and cartoons with the theme of human rights and TV advertisements. On the other hand, a positive evaluation can be made in that the Commission has contributed to production of human rights content.



Nevertheless, the Commission had to spend more time establishing a foundation for public relations because the year 2002 was the first year of operation, and the achievement was not satisfactory in many aspects of production of various cultural contents of human rights. The insufficiency in experience of human rights throughout society also served as an obstacle. In conclusion, it is considered important to establish and implement a strategy for public relations to make an approach to diverse classes of people in the future.

Establishment of Domestic and International Cooperative Systems

1. Strengthening cooperative relationships with human rights and civil organizations

(1) Holding informal talks with major human rights organizations in each sector

Since the Preparation & Planning Team for the National Human Rights Commission began its operation in August, informal talks were arranged 15 times until the end of 2002.

Among the organizations present at the informal talks hosted by the Preparation Team were the representatives from the Joint Action Council (11 persons from 9 organizations), the Solidarity of Human Rights Organizations (11 persons from 10 organizations), the Solidarity of Civil Organizations (12 persons from 10 organizations), the Catholic organizations (10 persons from 8 organizations), Buddhists' organizations (7 persons from 2 organizations). Among the persons present at the informal talks for policy section were foreign workers (25 persons from 16 organizations), Korean-Chinese (10 persons from 9 organizations), children and the youth (16 persons from 12 organizations), elder citizens (12 persons from 10 organizations), detainees and inmates (13 persons from 7 organizations), and the persons with disability (15 persons from 14 organizations). Present at the informal talk, hosted by the President of the Commission, were general human rights organizations (13 persons from 6 organizations), legal organizations (9 persons from 2 organizations), the Solidarity of Civil and Social Organizations (14 persons from 10 organizations), and the organizations of people with disabilities (14 persons from 14 organizations).

(2) Opening the facilities to the public for active promotion of discussion about human rights policy

The Commission opened the facility within the Commission, named "Bae-Um-Teo (which means 'place for study' in Korean) to the general public free of charge for use of academic events, seminars, public hearings, and public forums, held by civil and social organizations, to contribute to forming public opinions in the civil society and active promotion of human rights movements. From May 2002 onward, public forums in various fields were held by non-governmental organizations 144 times during 8 months including the "forum for improvement of statutes and systems concerning support of NGO" hosted by the Solidarity of Civil Organizations, the "forum concerning the bill draft of the Act on Prohibition of Discrimination against the Persons with Disability" held by the Korean Differently Abled Federation, "Korean-Japan NGO Workshop for Solutions of Foreign Worker Issue" held by the Foreign Workers Action Council, and the "Forum for Improvement of Transparency in Finance of Municipal Governments" arranged by Citizens' Action Network, and so the Commission has emerged as a main place for discussion of policies in civil society.

(3) Production and distribution of "handbook for practical affairs of human rights" for helping create efficient practice of human rights

The "Handbook for Practice of Human Rights" contains basic information such as the contact information of about 300 domestic non-governmental organizations in each field as well as the current status of major overseas NGOs, guiding information about international human rights institutions including the UN Commission on Human Rights and countermeasures. It also includes counselling guidelines for examples of human rights violations against laborers, women, foreign expatriate workers and sexual minorities so that it can be utilized instantly for practical affairs.

Furthermore, compiling the information for about 2,000 non-governmental organizations such as contact information into a database in addition to this book, the Commission expects that this data will help provide the base for

carrying out collaborative projects together with non-governmental organizations in the future and will also be helpful for smooth communications.

(4) Meetings held to seek a plan for mutual cooperation with non-governmental organizations

The executive members of the Commission paid a visit to each of the major non-governmental organizations including People's Solidarity for Participatory Democracy, Citizens' Coalition for Economic Justice, Korea Women's Associations United, Citizens' Action Network, and the Seoul YMCA in order to hear the voices of the non-governmental organizations conveying the reality of society and so to exchange the opinions regarding the collaborative projects jointly promoted. On those occasions, the Commission gave explanations on the purpose of establishing the Commission and the direction of the human rights projects to be promoted, and asked them to cooperate with the Commission to build up a foundation on which the Commission could work together with the non-governmental organizations for enhancement of human rights in the future. Through such visits to the organizations, the Commission had an opportunity to comprehend the current issues of the civil society and the current status of their activities in more detail while those organizations could broaden their understandings of the Commission's role and service.

2. Establishment of international exchange and cooperative systems

(1) Participation in international conferences

During the First year of the Commission, it enthusiastically participated in international conferences relating to human rights (9 persons on 4 occasions), workshops for protection and improvement of human rights (6 persons on 3 occasion), visits to foreign national human rights institutions (9 persons on 3 occasion) and international educational programs for training specialists.

〈Table 2-6-1〉 Participation in international conferences

Sponsor	Conference or institution	Purpose of participation or visit	Duration	Country
UN	10th Workshop for protection and improvement of human rights	The representatives from governments, national human rights institutions and non-governmental organizations participated in this Asia-Pacific Region government-level conference	March 3 ~ 6	Lebanon
	Education sponsored by UN and RWI	Education of international human rights given to the staffs of national human rights institutions in Asia-Pacific region	October 20 ~ November 3	Thailand
APF	APF Workshop	Discussion of education, public relations and media for human rights between national human rights institutions in Asia-Pacific region	July 14 ~ 17	Australia
	APF Education of research of human rights	Education of research of international human rights given to the staffs of national human rights institutions in Asia-Pacific region	November 8 ~ 30	Australia
	APF 7th Annual Conference	Admittance to APF and discussion of main issues of human rights	November 7 ~ 15	India
NGO	Correction Conference in Netherlands	Discussion of international correction policy	October 18 ~ 26	Netherlands
	Symposium of Japan Bar Association	Discussion of the bill draft for protection of human rights in Japan	October 27 ~ 30	Japan
	Human Rights 21 in Japan	Discussion of the bill draft for protection of human rights in Japan	October 29 ~ 31	Japan
	Ceremony of Japan Human Rights Day	Discussion of the bill draft for protection of human rights in Japan	December 8 ~ 12	Japan
	Asia Civil Society Forum	Seeking cooperative relationship with UN and NGOs	December 9 ~ 13	Thailand

Sponsor	Conference or institution	Purpose of participation or visit	Duration	Country
National human rights institutions	National human rights institutions of Australia and New Zealand and APF	Research on advanced systems and policies of human rights	June 2 ~ 8	Australia and New Zealand
	Visits to national human rights institutions of U.K. and France and to international NGOs	Comprehending the public relations activities of human rights institutions and international NGOs	September 15 ~ 22	U.K., France
	National Human Rights Institution of Canada	research of advanced systems and policies of human rights, and comprehending the status of management of correctional facilities	September 22 ~ 30	Canada
	World Conference for National Human Rights Institutions	Forming network between national human rights institutions	April 10 ~ 15	Demark

(2) Establishment of joint and cooperative system for international human rights movements

Establishment of the National Human Rights Commission in Korea has drawn much attention from abroad, and more than 70 foreign important figures in the field of human rights have visited the Commission. They have comprehended the progress of the Commission's establishment, the current status and activities of the Commission, and had discussions of plans for sustainable cooperation in the future, explaining about main international human rights issues they have dealt with and exchanging opinions.

〈Table 2-6-2〉 Foreign figure's visits to the commission

Organization name	Time	Purpose of visit	Visitor	Remarks
Asian Legal Resource Center (ALRC)	May 10, 2002, 10:30~12:00	To comprehend the power and functions of the Commission	8 persons including Shen Liang, Senior Justice of the Supreme Court of China	Sponsored by Lawyers for Democratic Society

Organization name	Time	Purpose of visit	Visitor	Remarks
Asia NGO Public Relations Delegation	May 11, 2002, 15:00~16:30	To urge to participate in International Criminal Court (ICC)	5 persons including Rial Sunga, the head of Hong Kong Human Rights Law Center	Sponsored by Lawyers for Democratic Society
Australian Embassy	May 21, 2002, 14:30~15:30	To comprehend the functions and activities of the Commission	2 persons including Mary- Jane Liddicoat, the first secretary at Australian Embassy in Korea	
Human Rights Forum 21 of Japan	May 24, 2002, 14:00~16:00	Comparative analysis between the Human Rights Protection Act of Japan and the National Human Rights Commission Act of Korea	5 persons including Maekawa Minoru, Forum chief researcher	
Japan Bar Association	June 3, 2002, 14:00~16:00	To comprehend the legislative history of the National Human Rights Commission Act of Korea and its main services in connection with legislation of the human rights protection act of Japan	12 persons including Hujiwara Seigo, attorney at law	
Ministry of Foreign Affairs of New Zealand	June 21, 2002, 14:00~15:40	To reinforce the joint relationship in the area of international human rights between Korea and New Zealand	2 persons including Ian Hill, the head of Human Rights Bureau of the Ministry of Foreign Affairs of New Zealand	
Ministry of Justice of Japan	August 7, 2002, 14:00~17:45	To comprehend the National Human Rights Commission Act and the Commission's activities in connection with legislation of the human rights protection act in Japan	3 persons including Nakao Akira, Prosecutor at Human Rights Bureau	
Kobe University in Japan (Criminal Jurisprudence Society)	August 23, 2002, 09:30~11:30	To comprehend the National Human Rights Commission Act of Korea and the Commission's activities	Professor Mitsui Makoto (President of the Criminal Jurisprudence Society)	

Organization name	Time	Purpose of visit	Visitor	Remarks
UN Commission on Human Rights	August 9, 2002, 14:30~16:00	To comprehend the Commission's activities	2 persons including Lee Wan-heui, the advisor for international human rights in Mongol Office of UNDP.	
Chiwalis natives in Canada	September 26, 2002	Matter concerning ethnics	9 persons including the chieftain of Chiwalis natives	Under cooperation of Korea Women Link
The Constitution Research Society of Japanese House of Representatives	October 4, 2002 15:10~16:30	To comprehend the Commission's activities and the current status of human rights protection in Korea	11 persons including Nakayama Taro, President of the Society	Sponsored by Japanese Embassy in Korea
Swedish Vice-Ambassador	October 25, 2002, 11:00~12:00	To comprehend the Commission's activities and the current status of human rights protection in Korea	Ms. Fredrik Obrant, Swedish Vice-Ambassador	
Visit by Chief Commissioner and the delegation of the National Human Rights Commission of Mongolia /	October 29~December 1, 2002	To comprehend the Commission's activities and the current status of human rights protection in Korea	5 persons including Cherendorf, the Chief Commissioner	Sponsored by UN
Visit by U.K. delegation of the Community of Democracy	November 12, 2002	To exchange opinions concerning the current issues of human rights such as foreign worker issue	4 persons including the representative of British delegation to UN Commission on Human Rights	Accompanied by British Ambassador to Korea
Vietnamese Human Rights Research Institute	December 2, 2002, 13:30~17:30	To exchange opinions concerning the current issues of human rights such as foreign worker issue	7 persons including Kao Duk Tai, the head of the institute	Sponsored by Asia NGO Information Center of Sungkonghoe University



3. Evaluation

The points of view of non-governmental human rights organizations were not same when they watched the Commission Act passing in the National Assembly and going into effect and consequently the Commission launching its operation. The difference in viewpoints of the non-governmental human rights organizations made it difficult to establish smooth cooperative relationships with the Commission at an early stage of the Commission's operations.

Delays in the personnel organization of the Commission and arrangement of organizational structure laid an obstacle to promoting improvement of relationships with non-governmental organizations and strengthening the cooperative relations. It is necessary in the future to prepare and operate a systematic device for smooth communications with non-governmental organizations, and it is also necessary to create a system of special human resources for expanding the projects for support of the non-governmental organizations and reflecting diverse opinions from those organizations on establishment of policy for human rights in order to improve expertise of the non-governmental organizations, and therefore activate the field of human rights movements. In addition, it is certain that the improvement of the relationships between the non-governmental organizations for enhancement and protection of human rights through more stable and sustainable joint collaborating projects and continuous expansion of the fields, where the Commission can collaborate with them, will make the degree of mutual trust solid.

However, it is regretful that the Commission could not build up mutually supportive relationships through close cooperative relationships with domestic NGOs in connection with the international issues raised at major international conferences.

The Commission will have to cope efficiently with the main issues raised in international conferences by working together with domestic NGOs in all matters such as common strategy of countermeasures for international conferences at the time of attending various international conferences. In this regard, it is necessary to participate actively in international NGO meetings and to build up cooperative systems for establishing joint relationships with international NGOs in every aspect.

National Human Rights Commission ANNUAL REPORT 2002



16 Euljiro 1-ga, Jung-gu, Seoul
Republic of Korea

Tel : 82-2-2125-9700

Fax : 82-2-2125-9666

E-mail : nhrc@humanrights.go.kr

[http : //www.humanrights.go.kr](http://www.humanrights.go.kr)