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**National Human Rights Commission of the  
Republic of Korea Annual Report 2009**

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First published July 2010

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**National Human Rights Commission  
of the Republic of Korea**

16 Eulgiro 1-ga, Jung-gu, Seoul, Korea, 100-842

Tel. +82-2-2125-9700

Fax. +82-2-2125-9811

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

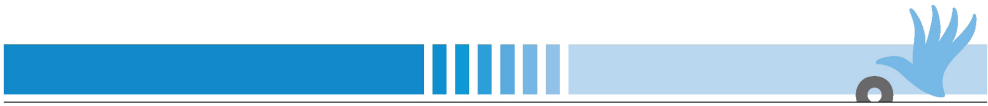


**National Human  
Rights Commission of  
the Republic of Korea**

## National Human Rights Commission Annual Report 2009

The National Human Rights Commission publishes and distributes this Annual Report on its activities during the calendar year of 2009 to be submitted to the President and the National Assembly of the Republic of Korea, pursuant to Paragraph 1, Article 29 of the National Human Rights Commission Act.





## Chairperson's Foreword

Human rights breathe a life of its own as dynamic as its beholders. The long and treacherous journey it took to be embraced as a universal value of humankind and acknowledged as cherished value in Korea is an irrefutable testament to the vibrant spirit of human rights, which continues to generate diverse discussions. This vibrant spirit was the very force that not only brought about the establishment of the National Human Rights Commission of Korea(NHRCK) dedicated to serving the nation's human rights needs but also is leading the public in need to seek support from the NHRCK.

It is obvious that human rights continues to cover more grounds thanks to relentless battles fought by the minorities and the underprivileged, but these hard-earned benefits of human rights are generously extended to every member of our society as an universal right. After all, human rights activities are a living history of endless marches toward a better world for all mankind, and the NHRCK is proud to have been a part of that journey.

2009 was a truly tumultuous year for the NHRCK, set off by major controversies surrounding downsizing, posing us significant challenges and hardships. It was our determination, however, to rise above those challenges because we refused to let the public down by veering off of our mission that was to advocate human rights in Korea. We have struggled to maintain the independence of the NHRCK and our commitment to serve the underprivileged first and foremost while pursuing the public good never faltered.

The year also marked a new start for the Commission in certain aspects. It launched the Action Plan for Promoting Human Rights (2009 to 2011) built based on diverse

expert opinions. The initiative was a follow-up measure to the three-year mid-term strategic plan developed first in 2006. It encompasses the entire implementation system including guidelines and operating principles required for the NHRCK to perform its duties, as well as major policy directions in consideration of the missions and visions specified in its charter.

This annual report is a summary of the Commission's activities for the past year, providing readers a guide to where Korea stands in terms of human rights. Releasing the 8th annual report of the NHRCK, I recollect a phrase: "Yesterday is the mirror of today". Because we came from yesterday, we can stand where we are now and have tomorrows to look forward to. This report will serve as effective grounds to assess the activities of the NHRCK from an objective standpoint and identify common challenges we should address together. In conclusion, I expect this will be a good opportunity for the public to better understand the Commission and raise their voices to push us harder.

Thank you.

Hyun Byung-Chul

Chairperson

National Human Rights Commission of the Republic of Korea



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# Part I

## Introduction





## Introduction

### Overview

The National Human Rights Commission (hereafter "the Commission") was established on November 25, 2001 as an independent national institution with a mission to 'contribute to the establishment of democratic social foundations and fulfillment of dignity and value of mankind by upholding and promoting sacred basic human rights of all individuals'. Marking its 8th anniversary in 2009, the Commission overcame challenges and hardships tougher than any it had been faced with in previous years. On April 6th, 2009, its organization was scaled down with a loss of 44 members followed by massive organizational changes as the Presidential Decree on the restructuring was entered into force. However, the Commission stayed firm in its commitment to attaining its goals amid challenges and changes brought on by external and internal environments. The number of complaints rose by 5%, but the Commission successfully administered the increased workload with less resources. Number of complaints accepted by the Commission increased by 23.9% year on year, and it is an indication of continuing hard work of the Commission in pursuant of promoting and protecting human rights of the public.

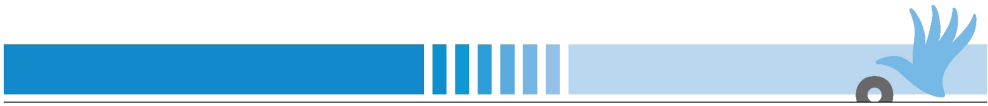
### Internal and External Environments in 2009

The reorganization led by the government became a key issue in the human rights communities in and out of Korea and posed the Commission the biggest crisis since its establishment. In addition to controversy over the independence of the Commission and

the challenges posed by reduction of the organization, works of the Commission were also significantly challenged by overwhelmingly less corporate environment that was widespread across government agencies. Human rights groups cried for deterioration of the Korean citizens' right to freedom and social rights, which resulted in increased demand for more active involvement of the Commission. An unprecedented number of human rights issues were brought to the attention of the Commission in 2009, which only highlighted crucial roles and challenges the Commission should deal with in response. With the 4th Chairperson stepping down before the end of his term due to issues concerning the organizational reduction, the incumbent 5th Chairperson took office and sought to reaffirm its roles. The Commission was determined to lay the foundation of the new Commission which meets the expectations at home and abroad and reinforces its roles and independence as a national human rights advocate, in order to address human rights issues and challenges such as heightened interests in Korean human rights issues shown by the UN and the international community as a whole, expanded roles of the right to freedom, and growing demand for social rights.

## Projects for 2009

With conclusion of the 1st Action Plan for Promoting Human Rights from 2006 to 2008, the Commission organized the Council for Future and Vision, consisting of various internal and external experts and implemented the Action Plan for Promoting Human Rights (2009 to 2011), a new mid-term strategic plan, aiming to review past 3 years under the 1st Plan and set new goals to pursue for next 3 years. The Action Plan for Promoting Human Rights was designed on the premise of "selection and concentration" by setting strategic objectives that included projects requiring concentrated resources of the Committee in addition to general and recurring duties, so that the Commission can fulfill its vision of 'Creating a better place to live for all mankind' and the mission of 'Establishing an advanced society upholding human rights and meeting global human



rights standards’.

The Commission laid down five strategic objectives to specifically guide the ‘the Action Plan for Promoting Human Rights’, which are i) ensuring basic civil rights in practice , ii) improving human rights of children and senior citizens, iii) enhancing human rights of the financially underprivileged, iv) securing human rights of multi-cultural communities, and v) fighting discrimination against the underprivileged. To effectively pursue these strategic objectives, the Commission also put in place supplementary goals outlining specific actions and management tasks. The Commission also chose two special projects: improving human rights in North Korea and developing the National Report on the Persons with Mental Disabilities (continued from 2008).

### **Projects As Part of Basic Tasks To Reinforce Pro-Human Rights Policy Environment**

Faced with fundamental challenges to human rights policy environment in 2009, the Commission endeavored to make productive improvements to existing practices as well as shed new directions. It stepped up systematic monitoring efforts on enactment and enforcement of human rights-related laws and government policies. It also made strides to consolidate policy grounds by actively interacting with policy makers, human rights activist groups, scholars and researchers, stakeholders, victims, and others. To that end, it focused on adopting international standards for human rights, enhancing monitoring on legislation, actively submitting opinions on human rights-related trials, and stepping up promotional efforts toward the public.

The Commission operated the Expert Committee on Economic, Social, and Cultural Rights, the Expert Committee on the Human Rights of Children, and the Expert Committee on International Human Rights in order to seek expert advice on ongoing issues. It also examined progress of 5 human rights issues to provide more substantial and effective policy recommendations. It held 2 symposiums and 15 panel discussions and meetings, based on which it delivered a total of 28 recommendations and opinions to

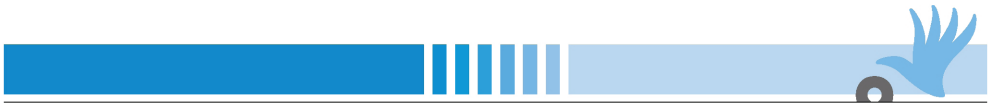
improve human right laws and policies in the year of 2009. Major decisions made in 2009 include the opinion submitted to courts regarding Article 48 (1) of Telecommunications Business Act ( "Minerva Case(rumer monger case)"); the opinion to the Constitutional Court on Article 47 (2) of Military Service Act ("Prohibition of banned books in the military"); and the opinion to the Minister of Public Administration and Security Concerning Revision to Public Official Service Act.

In terms of government policies, the Commission continued to conduct its basic tasks such as consulting external bodies for advice, while sparing no time to raise its voice over controversial issues. Especially, under the circumstances where human rights of minority groups and the underprivileged keep deteriorating due to prolonged financial crisis at home and abroad, the Commission did its utmost to create pro-human rights policy environment by submitting diverse recommendations and opinions to protect human rights of socially and financially vulnerable people in labor market (temporary workers and part-time workers), health sector (HIV patients, etc.), and others (forcefully evicted tenants).

### **Improving the Effectiveness of Remedies**

The Commission received and resolved almost 52,000 cases of complaints, counseling sessions, and inquiries and civil applications in 2009 alone, a similar level as the previous year. By type, there were 6,985 complaints, 18,765 counseling sessions, and 26,634 inquiries and civil applications. Number of complaints rose by 676 (about 11%) from 6,309 in 2008, and counseling sessions rose by 2,464 (about 15.1%) from 16,301 in 2008. Number of inquires and civil applications dropped by 3,409 (11.3%) from past year, which is attributable to the fact that simple inquiries such as directory assistance were excluded from the count from 2009. Complaints are divided into civil rights violation by state authorities and discrimination. With civil rights violation and discrimination accounting for 76% (5,282) and 24% (1,685) respectively while others taking up 0.3%





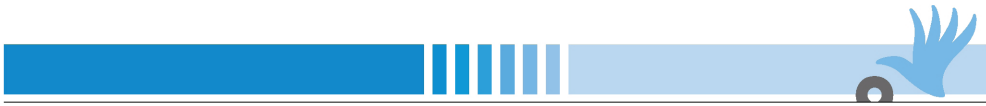
(18), complaints of human rights violation was found to significantly outnumber complaints of discrimination.

Out of 5,107 complaints processed in 2009, 365 were approved, 1,637 dismissed, 78 transferred, 2,973 rejected, and 54 investigation suspended. Number of approvals increased by 18.5% from 308 in 2008. Among the approved cases, the number of cases that parties reached a settlement during course of the Commission's investigation pursuant to Article 26 of Rules on Investigation of Human Rights Violation and Discriminatory Acts soared by almost 145% from 48 in 2008 to 118. Among organizations subject to complaints that were approved, detention facilities and law enforcement topped the list with 38.3% and 23.0% respectively. The Commission carried on its efforts that started last year to take proactive measures to prevent human rights violations before they occur. It visited 30 detention facilities and shelters in 7 regions to examine their conditions. It continued efforts to monitor establishment and management of proper grievance process systems at welfare facilities by examining complaint boxes set up at 88 mental health institutions and directing changes when necessary. The Commission also hosted a series of counseling sessions customized with specific themes and needs as it visited senior citizens living alone, persons with disabilities, students, adolescents, the elderly, migrant workers, and industrial accident victims, while actively utilizing cultural programs tailored to local needs. By hosting discussion sessions over specific issues in cooperation with local communities and organizations which worked together on the counseling tours, the Commission laid the foundation to build a nation-wide network powered by counseling. Major decisions made in terms of human rights violations include the recommendation to offer emergency intervention over human rights violation by riot police involving demonstrators of Ssangyoung Motors; the recommendation to develop preventive measures with regard to insufficient protection for pregnant detainees in police detention centers and the recommendation to revise a popular school policy of forcing students to wear name tags, which results in disclosure of

personal information.

As for discriminatory actions, out of 1,660 complaints processed, the Commission resolved 78 through recommendation, 1 through arbitration, and 85 through mutual settlement, while dismissing 589, transferring 9, suspending 18, and suspending investigation of 880 cases. In particular, after the enforcement of Anti-Discrimination against and Remedies for Persons with Disabilities Act ("Anti-Discrimination against Persons with Disabilities Act") in 2008, the number of disability discrimination complaints soared to 711. With Age Discrimination Act taking effect in 2009 on recruiting and employment, related cases increased by 125% year on year (from 63 to 142). The number of resolved cases also went up by over 22% from 2008, and the cases resolved by settlement or mid-investigation increased by a great extent, indicating the Commission's contribution to enhancing the effectiveness of guarding civil rights. The Commission coordinated the Expert Committee on Employment Discrimination, the Expert Committee on Sexual Discrimination, and the Expert Committee on Human Rights for Persons with Disabilities as well as hosting 12 discussion sessions and workshops. In 2009, its major decisions on discrimination include the recommendation to take actions against credit card companies that reject applications from stay-at-home fathers; the recommendation to take actions against discriminatory business practice of unfairly treating migrant industrial trainees regarding retirement allowances; and the recommendation to take actions against high school administrators who force pregnant students to drop out of school.

Overall, the number of complaints received in 2009 grew in quantity, and their contents got more diverse and complicated than before. Under the challenging environment of reorganization and scale-down, the Commission resolved 6,787 complaints, up by 4.9% from the previous year, and approved cases numbered at 529, up by 23.9% from 427 in 2008, indicating its contribution to enhancing the effectiveness of guarding civil rights.



However, it is recommended that the Commission should make vigilant efforts in monitoring and following-up resolutions and recommendations to ensure their effectiveness of its implementation, in addition to maintaining strong communication and partnership with organizations, including government agencies, cited for violations.

## **Human Rights Education**

The Commission set out to improve the effectiveness of human rights education by laying the foundation to offer specialized and professional education by developing educational contents designed for growing demand and strengthening capabilities of human rights community. As a follow-up to the working-level workshop of public official training administrator held in 2008, the Commission opened a "Course on Promoting Human Rights Sensitivity" in 2009 at public official training centers of Jeju Special Self-Governing Province and North Chungcheong Province. The result of providing extensive support such as course program, speaker selection, and training materials was fostering an administrative environment where human rights take precedence. \

In addition, in order to reinforce support and cooperation in terms of human rights education and policies in the armed forces, four departments of the Committee(Human Rights Education, Human Rights Policy, Civil Rights Violation Investigation, and Discrimination Investigation) formed the "Council on Human Rights Education in the Military" consisting of Human Rights Officers of the Ministry of Defense and human rights promotion units of the army, the navy, and the air force, contributing to raising awareness of human rights in the armed forces.

The Commission had been conducting its educational programs in a number of different locations but finally secured a dedicated and independent human rights education center in Construction Management Institute in Chungju, North Chungcheong Province that allowed the Committee to guarantee programs that are highly professional and well-developed in addition to being consistent and effective. The Human Rights Education Center offered a

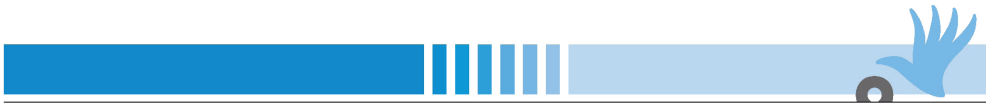
total of 300 sessions to 23,672 participants on its own or in cooperation with other organizations. In addition to off-line education, 13,573 participants took 60 training sessions comprising 4 courses of introduction to human rights, advanced understanding of human rights, prevention of disability discrimination, and prevention of sexual discrimination that were offered with the help of cyber learning management system.

The Commission also launched the "Visit NHRCK" Program to help the public better understand its operation and activities. Total of 3,043 visitors from elementary schools, junior high schools, high schools, universities, police, and communities took part of the successful program. Moreover, the Commission offered a variety of human rights education programs including staff training in mental health care facilities and homeless shelters, cultural diversity education, human rights sensitivity training for teachers, training for journalists and corporate employees, and public discussion on human rights issues projected in films, which were all designed to promote human rights education into every corner of society. Particularly, the Commission provided education to NHRCK beat reporters and facilitated efforts to raise awareness of human rights issues by selecting "Top 10 Articles on Human Rights".

The Commission also fully utilized cultural contents on human rights developed with a specifically cultural aspect and distributed the contents at the request of diverse sectors in need of effort to raise awareness and education. The contents were well-received as outstanding achievement, as they were published in 5 textbook publications (160,056 copies) approved by the government.

## **Domestic and International Cooperation**

The Commission continued its cooperation with diverse human rights groups at home and abroad despite challenging environments. It collected opinions from human rights groups in policy consultations in the process of developing its task plans and met with diverse human rights activists and the public to reflect their voices into its decision



making process. It received 132 proposals in 2009 for funding projects for human rights groups, and 33 were selected to receive contribution totaling KRW 275 million in total to benefit people with disabilities, multicultural communities, refugees, immigrants, children, adolescents, North Korean defectors, part-time works, and women. It contributed in particular to boosting activities of regional human rights groups and promoting human rights-oriented culture into broader regions by giving more opportunities to regional groups which face comparatively challenging situations.

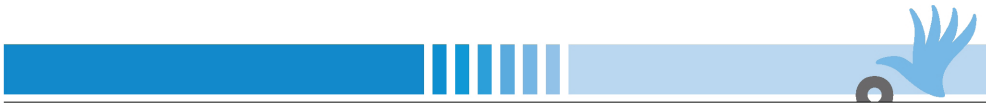
It also exchanged a variety of support and assistance through on-going collaboration with human rights groups. The Chairperson and standing members paid 10 visits to fields to listen to vulnerable groups and minorities, so that their hardships and demands could be fairly reflected in the Commission's policies and projects.

Solidifying its leadership in international human rights community and resolving local human rights issues were top priorities of the Commission in 2009 that resulted in strengthened engagement with international mechanisms such as UPR, United Nations Human Rights Council, etc. It has served since 2006 as a representative of the Asian-Pacific Region in the Accreditation Sub-Committee of International Coordinating Committee of National Human Rights Institutions (ICC) and was re-elected to the position through 2012 at the 14th Asia Pacific Forum of National Human Rights Institutions held in Amman, Jordan in 2009. At the APF Meeting, the "UPR Implementation Guidelines for National Human Rights Institutions" proposed by the Commission was adopted. It also proposed a framework for joint cooperation to deal with human rights of migrants, an issue commonly faced by countries in the region, which resulted in creation of "APF Working Group on Migration".

As for its 2009 Annual Partnership Program for Human Rights Officers of National Human Rights Institutions in the Asia Pacific region, the Commission conducted a program targeting migrants-sending countries. It invited officials (middle manager and working-level) from seven national human rights institutions of Mongolia, the

Philippines, Nepal, Indonesia, East Timor, Thailand, and Afghanistan and held sessions that introduced the Commission's activities of promoting and protecting human rights. It was a good opportunity for the participants to present on their own organization, system, major projects, and best practices in human rights protection and investigation and to share common issues of concern. The Commission also conducted the "Course on Iraqi Human Rights Policy Development" for 1 month in June 2009 for 16 participants from the Ministry of Human Rights of Iraq and officials in charge of human rights protection from Iraq as a part of Training Program for ODA Recipient Countries offered by Korea International Cooperation Agency. The course was prepared to support establishing a human rights commission in Iraq and covered introduction to concepts and history of human rights protection, focusing on domestic and international development and functions of national human rights institutions. The program was highly appreciated by the international community in that South Korea provided technical assistance to developing countries that was part of the pledges of the Korean Government for council membership of the UN Human Rights Council.

The Commission has continuously expanded its leadership in the international human rights society by serving as APF Chair in 2004 and 2007 and ICC Vice-Chair from 2007 to 2009. With its rising status at home and abroad, there are more and more visitors from outside the country seeking more information on its establishment, roles, and activities. In 2009, particularly, the Commission saw a remarkable increase in visits by legal, foreign affairs, and welfare officials from abroad who wanted to benchmark human rights protection and education system of NHRCK. Delegates of the Ministry of Foreign Affairs of Vietnam, senior delegates of the Judicial and Legislative Reform Committee of Cambodia, delegates of the National Assembly of Mongolia, and Director of Human Rights of the Foreign Affairs and Commonwealth Office of UK visited the Commission to learn about the NHRCK and share information on various advanced and forward-looking activities.



One drawback of the Commission's global effort, however, was that the Commission failed to meet expectations at home and abroad as it had to withdraw from seeking the Chairmanship of the ICC, a decision painfully reached in order to focus on domestic issues and address the organizational reduction in 2009.

The Commission remained active in raising human rights awareness with effective promotional campaigns. It distributed 152 press releases on its major policies, recommendations, and accomplishments. Feature stories on major newspapers and broadcasting networks contributed to promoting and protecting human rights by presenting in-depth analysis on current status and issues and seeking solutions. Specifically, a 16 episode documentary (A Rainbow of Hope on MBC) was broadcasted in addition to weekly briefings on human rights (Jan 1 to Apr 25) on radio stations. The Commission also published in cooperation with major newspapers several feature articles such as One Year after Enforcement of Disability Discrimination Act (5 issues in Segye Daily), Five Years after Enforcement of Employment Permission System (3 issues in Segye Daily), and Survey on Vulnerable Residents (4 issues in Hankook Ilbo). The reports effectively brought the public's focus to human rights issues and eventually contributed to improvement of such issues.

The biweekly "Human Letter" was another channel for the Commission to communicate news of its projects and issues with 38,000 opinion leaders around the country. It also published 12 issues of English newsletter on domestic human rights issues for the international community. Six issues of bimonthly magazine "Human Rights" were published in 2009. Especially, the Commission focused on helping the public feel interesting and comfortable with human rights issues while covering major aspects of human rights issues at home and abroad.

## **Enhancing Organizational Capacities of the Commission**

The Commission sought to reinforce its organizational capacities and those of

individual members to effectively perform its responsibilities. To that end, it provided advanced training to staff, developed guidelines for systematic work performance, upgraded the complaint resolution system for better counseling and investigation, and operated an academy for investigators. To equip its staff with stronger capabilities as human rights expert, it adopted a policy that required members to complete 100 hours of training sessions a year as a way to motivate staff to obtain proper knowledge and skills not just for their own jobs but also on a wide range of issues handled by the Commission.

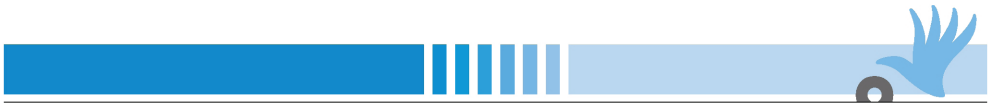
Relationship between the Commission and the government (Ministry of Public Administration and Security) got off on a rocky start in 2009 with the Commission faced with tough challenge of reorganization that threatened to undermine its autonomy. With a unilateral revision led by the government of the Office Regulation with no regard to opinions of the Commission, its total manpower was reduced by 21%, which rendered the Commission to face the biggest challenge since its establishment. Under the organizational change from a team-based structure to a larger-scale department-based one, the Commission dealt well with the changes such as job integration and division, reassignment, and unassigned tasks left by retiring staff and did its utmost to stabilize the organization and carry on with its responsibilities.

With revision of its Office Regulation, the Commission streamlined related laws including rules, directives, and established rules for the sake of stable operation. It also introduced an evaluation tool for performance appraisal system designed to improve its performance and increased the number of performance appraisal from 1 to 2 per annum to monitor progress and encourage better performance, leading its staff to deliver expeditions and more productive results.

### **Effective Operation of Regional Offices**

Reorganization of April 2009 assigned the authority to investigate complaints related to mass care facilities to relevant regional offices in addition to increased investigative





manpower, which put more weight on the responsibility of regional offices to enhance accessibility of the local public to remedies and resolve complaints promptly. Three regional offices built a network to improve counseling service, conducted counseling tours, and investigated complaints concerning detention facilities and mass care facilities promptly and effectively, while developing diverse programs involving the public and conducting specialized education, promotion and cooperation with regional organizations.

The Busan Regional Office concluded with Busan Transport Corporation the Agreement on Promoting Human Rights and Building a Human Rights Theme Station. It opened the "Human Rights Space" at a subway station in Busan, held a contest for human rights films, examined the status of migrant workers in Busan, and invited special speakers to offer education on labor-related human rights issues to students, contributing to raising human rights awareness of the local public. The Gwangju Regional Office committed itself to creating an environment where the Gwangju Metropolitan City could be actively involved in formulating ordinances governing human rights issues. As a result of its efforts to host hearings and policy consultations and hold sessions on best cases, it contributed to enacting the Human Rights Ordinance of Gwangju Metropolitan City and the Ordinance to Develop a City of Democracy, Human Rights, and Peace in Gwangju for the first time in the country. The Daegu Regional Office made extra effort to keep up with the IT development by offering an on-line venue for communication. On its blog, appointed human rights reporters posted everyday human rights issues, and visitor could watch videos produced by 'Human Rights NGOs'. It also hosted a photography contest on human rights of children and adolescents.

## **Five Strategic Goals**

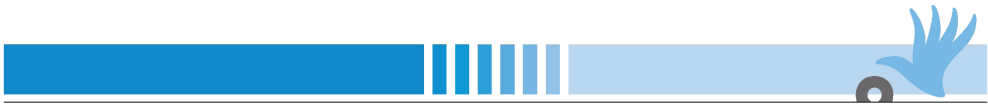
### **Assuring the Basic Freedom in Practice**

To guarantee the basic freedom is the starting point of universal human rights

protection and the basis of the Constitution of Korea and the international human rights law, as well as an integral requirement for the South Korean government to join the ranks of advanced countries in human rights protection. As such, the Commission decided 'Assuring the Freedom in Practice' as a strategic goal and set performance objectives of defending physical freedom and freedom from unlawful detention, ensuring freedom of expression, tightening enforcement of international human rights laws, and promoting human rights and privacy in advancing toward information society.

The Commission made strides to ensure accessibility of vulnerable groups and further promote their human rights by conducting field surveys and special investigations into police detention facilities, military prisons, military mental hospitals, and detention facilities to ensure that the physical integrity and freedom from unlawful detention are upheld. In particular, it contributed to improving human rights conditions in the armed forces by examining military mental hospitals for the first time and raising awareness on human rights of soldiers suffering from problems arising from difficulty to adapt.

The Commission effectively and promptly addressed developing human rights issues involving freedom of assembly, Communications Privacy Act, and Framework Act on Telecommunications ("Minerva (Rumor Monger) Case") and campaigned for implementation of key UN recommendations including abolishment of capital punishment. It also hosted an international symposium to facilitate Korea's ratification of the Optional Protocol to the Convention against Torture which provided a chance to reaffirm the necessity and implications of signing of the treaty and unified efforts of international human rights institutions. However, follow-up measures such as further convincing related Ministries on the ratification are still required as there have been no tangible results produced yet. The Commission also hosted another international symposium on the Roles and Status of Privacy Authorities to promote information privacy which is closely related with everyday life of the public and developed the Status Survey on Camera Surveillance-related Legislations, the Status Survey on Private



Information Distribution, and the draft Special Report on Human Rights to Privacy. Given its reduced manpower, it seems necessary to design more efficient and effective collaboration structure in terms of policy formulation and special survey.

### **Improving Human Rights of Children and the Elderly**

To address issues of human rights of Korea's children and youth that had been repeatedly discussed by the Convention on the Rights of the Child as well as senior citizens who often fall through cracks of highly competitive society, the Commission selected a strategic goal of improving human rights of children and the elderly by laying out concrete performance objectives of improving student human rights, promoting human rights of the youth from vulnerable families, protecting human rights of athletes, and safeguarding human rights of the elderly.

It referred to domestic and international legislations implemented to promote and protect rights of students, and conducted a special survey of school policies by sampling 120 (1% of the total number of schools) elementary, junior high, and high schools. Then it identified best practices of improving code of conducts, and distributed "Guidelines on Human Rights-Focused School Culture" based on expert advice and consultation with the Council on Human Rights Education at School. As a part of special program to promote human rights contents in textbooks, it set up a "textbook monitoring group by students and teachers" and carried out a campaign called "Human Rights Promotion in Textbooks" to identify best examples and violations illustrated in textbooks for elementary, junior high, and high schools. The Commission selected with the help of experts 25 cases of significant violation of human rights standards depicted in textbooks and recommended the Minister of Education, Science, and Technology to revise or remove contents that could generate social prejudices.

The Commission's activities for protecting rights of the youth from disadvantaged class included conducting discussion sessions with topics such as children's rights index,

school meals, and youth labor, as well as expressing its opinions on revision to the Missing Child Act and revision to the Civil Code to advance regulations on parental right and custody.

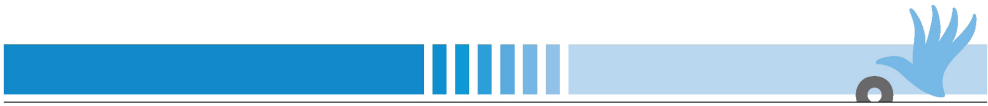
To improve rights of athletes, the Commission formed the "Sports Human Rights Policy Forum" in collaboration with experts, the public, and related Ministries, conducted "Status Survey on Human Rights Conditions of Student Athletes Dropping Out of School", and built a system to support athlete victims of human rights violations (YMCA, Sexual Assault Counseling Center, etc.). In particular, it developed "Guidelines on Human Rights in Sports" as well as interesting and useful programs, laying the foundation to raise awareness of the particular issue. But with the committee failing to promptly respond to diverse violations, a need for close cooperation with law enforcement agencies is imperative.

Furthermore, the Commission organized the "Advisory Group on Policies for the Rights of the Elderly", held periodic seminars, and operated the "Guardian of the Rights of the Elderly" in the Seoul metropolitan areas, Busan, Gwangju, and Daegu, producing meaningful results with a new paradigm for the right of the elderly.

## **Protecting Human Rights of People Suffering From Financial Challenges**

With expansion of neo-liberalist economic policies and global financial crisis, an urgent need was raised to watch out for people suffering from financial difficulties and struggling to rise above the widening gap of wealth. In response, the Commission set a strategic goal to pay special attention on ensuring that human rights are not violated or overlooked in the face of financial and economic challenges. Detailed performance objectives were building world-class infrastructure for economic and social rights, ensuring human rights of the impoverished, and protecting human rights of part-time workers.

Its activities for economic and social rights in 2009 were largely focused on protecting



the rights to minimum living standards for people in poverty who were forced to face hardships resulting from financial crisis and preventing their rights from being further deteriorated by financial crisis. As such, the Commission was committed to seeking measures to improve regulations and policies to protect the vulnerable groups in terms of their rights to labor, housing, and welfare. In cooperation with "Association of Critical Social Studies", it organized the "Symposium on Economic and Social Rights" on the theme of "Financial Crisis and Social Rights" to review aggravating human rights conditions of the underprivileged including employment insecurity and polarization of society. The symposium was productive in strengthening a network with members of the UN Committee on Economic, Social, and Cultural Rights who participated in the symposium.

The Commission conducted the "Status Survey on Human Rights of People Residing in Sub-standard Housing Units" and paid field visits to rehabilitation facilities assisting adjustment of released inmates. It also made great efforts to enhance human rights of the financially disadvantaged groups by submitting opinions on revision to the Fixed-Term Employment Act and recommendations on guaranteeing access to medical services of households failing to pay national health insurance premium, protecting tenants who were forcefully evicted following redevelopment projects, preventing crimes committed by the homeless, and improving human rights for subcontracted workers.

### **Promoting Human Rights of Members of Multi-cultural Communities**

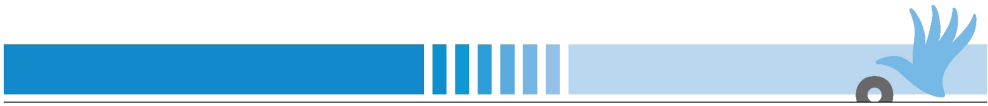
Despite rapid increase of ethnic and cultural diversity in Korea as evidenced by increase in multi-cultural families and influx of migrant workers, Korea's lack of both understanding and government policies in support of cultural diversity had been a source of worry of the international community particularly on incidents of human rights violations committed against migrant workers. Understanding the importance of building a solid foundation of a new and diverse-faceted Korean society that fully respects rights of

members from any culture and ethnic background, the Committee has put much effort to ensure that included ensuring that multi-cultural policies of government reflect a human rights aspect, protecting rights of migrant workers, promoting rights of female immigrants, and assuring rights of children from multi-cultural families.

The Commission also pursued diverse multi-cultural projects which are yet to produce as much tangible result as other strategic goals because of lack of human resources. It set up Project Team for Rights of Migrant Workers and concluded the MOU with the National Human Rights Commission of Mongolia to reinforce implementation of the Seoul Process that was laid out to promote and protect human rights of migrants in multi-cultural societies. It also developed the Framework on Human Rights Education for Multi-cultural Society including North Korean defectors, which established a solid groundwork for systematic human rights education. In particular, its cooperation with the Ministry of Unification and other related Ministries resulting in human rights education being adopted as a regular curriculum of Hanawon, a Korean government's settlement aid center for North Korean defectors. There were other activities initiated by the Commission, such as surveying on the right to education of unregistered migrant children, hosting conferences of Five Years after Employment Approval System and Major Issues of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and holding a Hearing on Racial Discrimination in Multi-Cultural Society. It also monitored and submitted its opinions on legal issues such as Act on Managing International Marriage Brokerage Agencies, Employment Approval System, Revision to Immigration Control Act, and ensuring the right to education of children of undocumented migrant workers.

### **Addressing Discrimination against the Socially Disadvantaged**

Supporting the socially disadvantaged and addressing discrimination against them is a core mission of the Commission and one of its vital responsibilities. To deal with diverse



discrimination issues plaguing Korean society, the Commission selected a strategic goal of "addressing discrimination against the socially disadvantaged" and performance objectives of formulating the Anti-Discrimination Act, correcting discriminatory practices in employment, addressing discrimination against persons with disabilities, and protecting human rights of women.

The objective to formulate Anti-Discrimination Act did not progress further than monitoring and discussions in consideration of internal and external conditions, yielding in no visible accomplishment. To enhance its status and specialty as an authority fighting against discrimination, the Commission specifically focused its resources on its battle against discrimination in employment, which resulted in publication of books on preventing discrimination in employment. In time for and support of enactment of Age Discrimination Act, it conducted promotion, counseling, review, and development of survey manuals as well as successfully stopping, in cooperation with other relevant agencies, attempts to put temporary delay of the enactment.

In order to facilitate effective implementation of the Disability Discrimination Act, the Commission conducted a research on establishing standards on providing special treatments for persons with disabilities and published the Implementation Guidelines on Disability Discrimination Act. Other proactive activities include conducting a status survey on the right to education of persons with disability and accessibility to the Internet, holding relevant conferences, and hosting the Korea-Japan Symposium for Korea's Accession to the Convention on the Rights and Dignities of Persons with Disabilities.

Furthermore, it conducted a special survey on human rights of female entertainers as a part of the project to ensure rights of women, marking the first such survey in Korea as a meaningful effort made under challenging conditions where it is hard to build cooperative network with experts and related parties.

## Special Projects

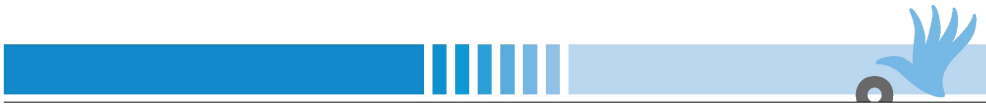
### North Korean Human Rights

The Commission selected "Improving North Korean Human Rights" as a special project in order to seek measures to promote human rights in North Korea. It conducted surveys on human rights conditions in North Korea, the rights of North Korean defectors living abroad, South Korean prisoners of war in North Korean captivity, dislocated families, and North Korean defectors living in South Korea. It expanded its work scope and policy consultations with regard to North Korean human rights issues by operating the Policy Advisory Committee on North Korean Human Rights in conjunction with the National Intelligence Service, the Ministry of Unification, and the Ministry of Foreign Affairs and Trade. In addition, it sought to design cohesive policies by facilitating communications on major issues and enhancing capabilities of related policies by actively operating the Forum on North Korean Human Rights and the Special Committee on Human Rights in North Korea and hosting related discussions, meetings, and international symposiums.

With regard to human rights issues in North Korea, it urged for reopening the investigation into the case of Mr. X who was a South Korean citizen accused of defecting to North Korea. The Commission also commented on the demand to release South Korean personnel detained in the Gaesong Industrial Complex and floods damages along the Imjin River.

In particular, the Commission conducted the Survey on Status of Political Prisoners' Camps, Repatriation, and Missing Persons in North Korea, and the Survey on Human Rights Violations in the Process of Defection and Settlement of North Korean Female Defectors. It also strengthened close partnership with the international community and deepened understanding on major issues in and out of the country.





## **National Report on the Human Rights of the Persons with Mental Disabilities (Continued since 2008)**

Since 2008, the Commission has begun to pay special attention on protecting the rights of persons with mental disabilities. Korea in particular has an array of issues that needed to be addressed including controversy of mental health patients being admitted to or released from mental health care facilities without securing proper consent, limiting patient's right to know during treatment, human rights violations committed by medical facilities, deep-rooted prejudices and discrimination of society, and higher rates of non-voluntary and long-term hospitalization. In continuation of its work from 2008, the Committee worked on developing the National Report on the Human Rights on the Persons with Mental Disabilities.

The Commission offered opportunities for diverse discussions and opinions by holding Promotion Committee meetings (7 times), Research Committee meetings (13 times), discussions (4 times), and expert meetings (20 times) in cooperation with mental health, legal, and medical experts, managers from mental hospitals, mental health care facilities, rehabilitation facilities, and officials from the Ministry of Court Administration and the Ministry of Health and Welfare.

Key action plans identified by the report included setting up appropriate procedures for hospitalization and discharge of mental health patients, protecting the rights of patients in mental health care facilities and improving treatment conditions, promoting community-based patient treatment, and addressing prejudice and discrimination against persons with mental disabilities. The Commission delivered a policy recommendation to the Prime Minister and the Minister of Health and Welfare for formulation and implementation of government policies designed to promote and protect rights of persons with mental disabilities also based on the National Report. It organized information sessions for the press and the public, as well as workshops in Busan, Gwangju, and Daegu

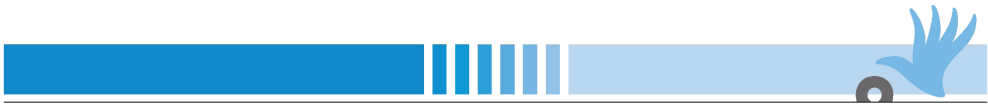
to present the National Report. Particularly during the final stage of the report's development, the Commission collaborated with related Ministries including the Office of the Prime Minister and sent official recommendations to the Presidential Office.

## Lessons Learned and Future Outlook

In 2009, the Commission established the Action Plan for the Promotion and Protection of Human Rights (from 2009 to 2011), a new mid-term strategic plan to fulfill its roles as an independent national human rights institution despite changed environments at home and abroad. However, organizational reduction of early 2009 was just one of challenges thrown on the Commission's path that were tougher than any other year, not to mention diverse lessons learned and issues to address.

With the Action Plans kicking off in 2009, the Commission worked hard to implement the plans despite changes and challenges, producing satisfactory results in some parts, while some, although not satisfactory, were meaningful in taking steps toward accomplishment. It is also meaningful for the Commission that it identified its challenges such as weak public awareness of human rights values and its status as an independent human rights institution in terms of actively communicating and cooperating with civic organizations; verifying the effectiveness of recommendations by following up with refusals to accept recommendations and monitoring progress; immediately responding to human rights violation committed by state authority; expressing active opinions on NAP recommendations lack of efforts to promote human rights of migrants; and actively responding to freedom of expression, which all require the Commission to make further efforts.

To overcome such challenges the Commission should do its utmost to achieve its strategic goal of raising its status as a human rights institution and promoting human



rights by taking stock of its accomplishments for past 8 years.

International human rights mechanisms emphasize independence as an essential element of national human rights institutions. In order to properly carry out mandated functions and roles of national human rights institutions whose mission is to check and balance state powers and uphold the value of human rights, the independence of the Commission must be assured. The Commission itself also needs to make ceaseless efforts to reinforce collaboration with government organizations, the National Assembly, political parties, the press, the public and the international community, and to focus on conducting researches, education, promotion, and cooperation projects to raise public awareness on human rights, ultimately realizing a society where human rights are securely protected. In mid to long-term, it should also seek enhanced independence in terms of organizational and finance management and seek to obtain the status of a constitutional body.

Since the establishment of the Commission, the Korean society has become more aware of human rights issues, but there are still some corners in our society where human rights are not properly upheld while demands from human rights groups and the international community for improvement are stronger than ever. Accusations by human rights groups at home and abroad of deteriorating basic freedoms in Korea along with a number of concerns over economic and social rights are the voices demanding the Commission to step up its commitment. Furthermore, with reduced resources at its disposal, it is imperative for the Commission to significantly raise its operational effectiveness if it is to successfully manage increased work volume and scope, particularly as the Disability Discrimination Act and the Age Discrimination Act now cover a wider range of issues.

The Commission needs to pay more attention to human rights issues that are closely related with everyday lives to win the minds and trust of the public and commit itself to operating the organization efficiently and providing quality service to increase customer

satisfaction. The Commission will play its roles effectively as an institution dedicated to human rights protection to advance Korea as a nation where the rights and dignity of all members as human beings are well respected.

# Part II

## Major Activities of the Commission

**Chapter 1 Improvement of Laws, Regulations, Policies and Practices**

**Chapter 2 Human Rights Counseling and Complaint Processing**

**Chapter 3 Investigations and Remedies: Civil Rights Violations**

**Chapter 4 Investigations and Remedies: Discriminatory Acts**

**Chapter 5 Human Rights Education**

**Chapter 6 Cooperation with Human Rights Organizations and Public Relations Issues**

**Chapter 7 Activities of Regional Offices**





## Chapter 1

# Improvement of Laws, Regulations, Policies and Practices

## Section 1. Overview

The Commission has provided remedies for human rights violations and discrimination through case-by-case investigation and suo moto investigation. However, as its investigative power is limited to violations of basic rights provided in Article 10 to 22 of the Constitution, the Commission's ability to review all types of human rights violations committed in Korea is restricted. Having restricted investigative power, however, should not mean restriction of the Commission's involvement, and it has made great strides to improve human rights conditions pursuant to Article 19.1, 4, 7, and 25 of the National Human Rights Commission Act by conducting surveys on human rights conditions, submitting recommendations and opinions on related laws, regulations, policies, and practices, as well as facilitating accession to and implementation of international human right treaties.

At its disposal, the Commission is given the power to summon cooperation of government agencies, local governments, and other public and private organizations (Article 20), hold hearings (Article 23), and conduct on-site investigations, if necessary, or suo moto investigations of detention and care facilities (Article 24). In addition, the Commission may submit its opinions on trials that may have a big impact on protection or improvement of human rights to the competent court or the Constitutional Court (Article 28). Furthermore, it is mandated that the Commission submit an annual report on its activities in the preceding year and a report on the current human rights conditions and improvement measures to the President of the Republic of Korea and the National Assembly (Article 29). The Commission may also establish expert committees on certain

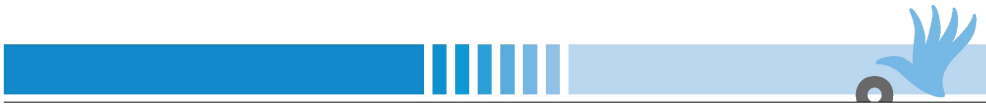
human rights issues (Article 12) and advisory organs (Article 15).

In 2009, the Commission was dedicated to improving laws, policies, regulations, and practices in every aspect including economic, social, cultural, civil, and political rights and paid extra attention to resolving human rights issues of the disadvantaged. To that end, it conducted status surveys and researches, gathered opinions from experts through diverse discussions and meetings, and took measures to improve laws and policies protecting the rights of the underprivileged.

Particularly in 2009, the Commission decided to take full advantage of its power to submit opinions to courts and the Constitutional Court by expressing its comments on the so-called Minerva (rumor monger) case (Article 47.1 of the Framework Act on Telecommunications), existence of capital punishment, and military policy to prohibit books on its banned list (a case which resulted in a decision to find Article 47.2 of the Military Service Act unconstitutional).

It also took a comprehensive approach to improve human rights conditions in sports and North Korea, selecting them as strategic objectives to be addressed. With regard to human rights in North Korea, the Commission collected necessary information in a systematic manner, carried out professional investigations and researches, and cooperated with international organizations, experts, related Ministries and governmental organizations, and other bodies working for the issue, all aimed to understand current status and come up with measures to improve human rights conditions there. In commemoration of the 3rd year since launching a project to improve human rights in sports, the Commission launched the Policy Forum for Human Rights in Sports driven by public participation to present policy ideas based on professional and practical perspectives. It also continued its efforts to study model cases of other countries, formulated the Guidelines on Human Rights in Sports (Draft), conducted a survey into human rights conditions of student athletes, and developed education sessions and programs for sports managers and athletes, for the purpose of raising awareness of the sports community and building regulatory and cultural infrastructure to formulate the National Strategy for Sports and Human Rights.





Fully utilizing the powers granted to national human rights institutions by the UN Human Rights Mechanisms, the Commission released independent reports and made other active responses to get involved in the deliberation of the State Report on the Republic of Korea to the UN Committee on Economic, Social, and Cultural Rights.

## **Section 2. Major Activities**

### **1. Recommendations and Opinions on Improvement of Human Rights-Related Laws and Policies**

#### **1) Opinion on Amendment to the Assembly and Demonstration Act to the National Assembly**

In June 2009, the Commission submitted its opinion to the Speaker of the National Assembly and the Chairman of the Public Administration and Security Committee that 6 bills on partial amendment to the Assembly and Demonstration Act submitted to the National Assembly contained clauses that are deemed to be highly plausible to violate human rights. It specifically requested removal of the following clauses that are deemed to excessively restrain the freedom of assembly and protest: imposing aggravated punishment for manufacturing, storing, and shipping of equipments that are deemed deadly or to be posing bodily harm; prohibiting protestors from wearing identify-concealing devices such as masks; allowing the police to video-tape protestors without consent but only with notice; tightening of noise regulations; and reinforcing strenuous punishment.

#### **2) Opinion on Amendment to the Rules on Civil Servant Service to the Minister of Public Administration and Security**

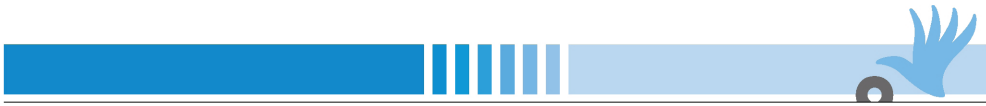
In November 2009, the Commission recommended to the Minister of Public Administration and Security that the bill on amendment to the Rules on Civil Servant

Service, announced in October 2009, contained clauses that not only infringe upon the rights of civil servants but also unconstitutional with their ambiguity and openness for arbitrary interpretation and execution. The clauses in question which the Commission asked for removal are prohibiting civil servants from expressing support or dissent for certain policies or interfering with policy decisions and enforcement of government organizations for political purposes unrelated to duties as civil servants, including acting individually, collectively, jointly, or in their capacity as executives in the name of public bodies they work for (Article 3.2) and prohibiting civil servants from wearing clothes imprinted with political statement that are deemed to cause inconveniences to the public or deteriorate working environment (latter part of Article 8.2.1).

### **3) Opinion on Bills on Amendment to the Act on Lapse of Criminal Sentencing to the National Assembly**

In December 2009, the Commission delivered its opinion regarding clauses included in the bills on amendment to the Act on Lapse of Criminal Sentencing, Article 2.10 which defines "a public safety offender to be a person who poses a threat to national security and creates social disorder by planning and executing rebellion, revolt, or civil war by the Presidential Decrees" to be unacceptable. Other amendments the Committee argued against were Article 5.3.1 which states that "The Minister of Justice shall be granted the power to manage, utilize, and share information of said public safety offenders" and Article 5.3.2 which provides that "Other necessary matters shall be decided by the Presidential Decree." These amendments were found to be not only unclear and ambiguous in their wording and give undue amount of discretion to the Presidential Decree but also impose excessive restrictions on basic rights that may result in possible abuse of the Public's right to self-determination on private information and the right to equality guaranteed by the Constitution .

### **4) Opinion on Amendment to Acts on Non-Regular Workers to the National Assembly**



The Commission concluded that clauses among the partial amendment to the Act on Fixed-term and Part-time Employees and the Act on the Protection of Temporary Agency Workers discussing contract extension of fixed-term employees and temporary agency workers to be ineffective solutions to protect employment of non-regular employees, negate positive results produced by the current laws, and are expected to fail to serve fundamental purposes of the current acts that were legislated based on in-depth discussion and consultation. As such, it believed, policy measures more effective than extending contracts of fixed-term and temporary agency workers must be implemented in order to achieve employment security of non-regular employees. Accordingly, in May 2009, with regard to partial amendment to the Act on Fixed-term and Part-time Employees and the Act on the Protection of Temporary Agency Workers submitted by the Ministry of Labor to the National Assembly on April 1st, 2009, the Commission recommended that extending contracts of fixed-term and temporary agency workers does not serve the purpose of the legislation which is to prevent abuse of non-regular workers and promote employers to offer regular employment status to workers performing regular duties. It further expressed its concern that the amendments may inadvertently induce an increase in non-regular workers.

### **5) Recommendation to Amend Laws and Policies to Improve Rights of In-house Subcontracted Workers**

In-house subcontracting, a type of indirect employment refers to subcontracting employments within the site of employment. It is a practice used by employers to outsource parts of work to contractors (agreement to provide service in exchange of compensation) as provided in Article 664 of the Civil Code, but the significance of this practice is that the contractors are required to follow the direct supervision of the employers and work at the site. Such type of employment has been abused as a mean to evade specific labor laws designed to protect workers with non-regular status by allowing employers to exploit their vulnerable status. Therefore, the existing labor laws needed to be

amended to tackle the misuse and exploitation of outsourcing workers.

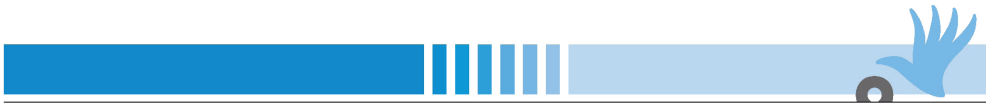
In September 2009, the Commission recommended to the Minister of Labor that it should amend the laws to clearly define ‘employer’ as an entity that exercises actual supervision of working conditions even if it is not explicitly defined as an employer in the employment contract; prevent abuse of outsourcing labor by explicitly stating the principle of direct employment for regular jobs; and prohibit discrimination against in-house subcontracted workers and their right to file grievance.

#### **6) Opinion on Amendment to the Act on Protection and Support for Missing Children, etc.**

In May 2009, the Commission reviewed at the request of the Ministry of Health and Welfare the partial amendment to the Act on Protection and Support for Missing Children, etc. and found a clause that grants the Commissioner General of the National Police Agency the power to collect fingerprints for cases of missing children is excessive and may lead to abuse of private information. In addition, even if it legitimizes collection of bio information such as fingerprints to locate missing people including senior citizens suffering dementia, the law should specify the criteria of individuals and other matters in order to collect fingerprint data. Accordingly, the Commission expressed its opinion that the amendment was undesirable.

#### **7) Opinion on Amendment to the Civil Code**

The Commission reviewed the partial amendment to the Civil Code, announced in July 2009 by the Minister of Justice, with special focus on parental rights as they have a significant impact on the rights of children. Based on its belief that minors have rights as individuals that should demand equal respect as those of adults’, it found that the clauses on the parental right to decide residence (Article 914) and the right to discipline (Article 915) to be granting more power on parental rights over rights of children. It found that considering that it is not feasible to apply the clause on appointing a court-appointed



guardian or by request of a minor's relative or the prosecutor if not supported by complementary measures to enhance the effectiveness of suo moto intervention of the court, there should be complementary measures in place such as a system alerting the expiration of a specified period. In addition, it recommended including a clause on reflecting the will of minors in the law; lowering the age of minors whose opinions should be heard from the current 15 and establishing procedures to deliver via professionals the opinions of minors who cannot properly communicate; revising the existing system of allowing only parental right holders to appoint a special proxy; and strengthen the powers of court in supervising guardianship or adopting a 3rd party guardian, instead of relatives, who can represent the children's best interests from an objective perspective to ensure that no child is neglected due to loopholes of the existing guardianship system.

## **8) Recommendation to Protect the Rights of Forcefully Evicted Tenants**

Forceful eviction is a dire social issue, entailing particularly severe violations of human rights in the field of right to housing. International standards on human rights ban authorities from using excessive force to evict tenants. Even though countries have adopted strict procedures and guidelines to process eviction of tenants in preparation of urban redevelopment projects, Korea is yet to follow the suit and has experienced social unrest caused by violent confrontations between tenants and authorities.

While maintaining its principal belief that forceful eviction and demolition should not be allowed, the Committee sought practical and absolute minimum guideline for processing eviction and demolition that consisted of 5 parts: establishment of an underlying principle that demolition can be approved only after all tenants agree to vacate the building and tenants are entitled to fair compensation for; ample opportunities to negotiate their demands, and advanced notification of eviction and demolition schedule; strict monitoring of the demolition process by having government officials (or their representative) present in the demolition; prohibiting forceful demolition in aggravated

times and conditions such as winter or night; and offering proper and effective remedies to victims of forceful demolition.

The Commission recommended the Ministers of Land, Transport, and Maritime Affairs, and Public Administration and Security, and the Commissioner General of the Police to amend related laws and reinforce supervision of forceful demolition.

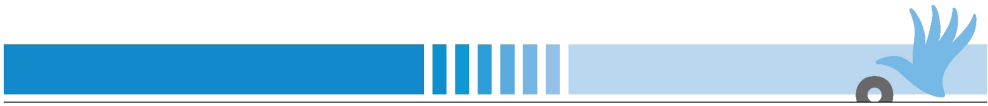
### **9) Opinion on Amendment to the Act on Promotion of Information and Communication Network Utilization and Information Protection**

As for the partial amendment to the Act on Promotion of Information and Communication Network Utilization and Information Protection proposed by Congresswoman Kyungwon Na, the Commission reviewed the bill whose main purposes were to criminalize online defamation, slandering, and libel, grant temporary relief for people alleging their rights were violated on Internet, and improve the Resolution Process for Internet Conflicts, considering that it is an important bill concerning human rights in close relationship to the freedom of expression and right to bodily integrity.

Based on the review, on February 5th, 2009, the Commission delivered its opinion to the Speaker of the National Assembly and the Chairman of the Culture, Sports, Tourism, Broadcasting, and Communication Committee that a careful approach should be taken to minimize direct involvement when including the online libel which could adversely affect freedom of expression and democratic consensus building on the Internet. The clause allowing offences to be prosecuted by authorities without formal complaints of the victim leaves room for subjective judgment of investigating authorities and should be adopted.

### **10) Opinion on Amendment to the Criminal Code with regard to Online Libel**

The Commission delivered its opinion to the Speaker of the National Assembly and the Chairman of the Legislation and Judicial Committee that new clauses encompassing defamation, slandering, and libel on the Internet for partial amendment to the Criminal



Code proposed by Congressman Yoonsuk Jang should not be adopted because said offenses were better be regulated by the Act on Promotion of Information and Communication Network Utilization and Information Protection dedicated to handle such disputes rather than the Criminal Code.

### **11) Opinion on Amendment to the Act on National Intelligence Service (NIS)**

The Commission submitted its opinion on February 19th, 2009 to the Speaker of the National Assembly and the Chairman of the Information Committee that the job scope of intelligence agencies must be clearly defined in order to minimize potential violations of human rights resulting from abuse and misuse of NIS.

As for the bill proposed by Congressman Chulwoo Lee, it concluded that ambiguities such as "collecting intelligence necessary to develop national policies that may have a significant impact on national interests" and "collecting intelligence necessary to prevent and manage national crisis and disasters" may result in abuse of the agency's surveillance and political intervention leading to arbitrary expansion of job scopes and potential violation of basic rights of the public including privacy and freedom.

In addition, it also determined that the job scope of the NIS included in the amendment proposed by Congresswoman Youngsun Song may lead to interpreting the job scope in a wider sense, and that it should be specified in detail to limit the scope as is the case with the existing law.

### **12) Recommendation to Improve Policies on Operation Standards of Promotional UCC for Election Campaign**

The Commission reviewed whether the Operation Standards of Promotional UCC for Election Campaign which went into effect in January 2007 and allows the National Election Commission to regulate use of UCC (user created contents) on Internet. Despite the NEC's claim that the policy was to prevent misuse and manipulation of UCC by

campaigners, protest against the policy arguing that it restricts the freedom of expression and reasonable campaign activities.

The review concluded with a recommendation in October 2009 submitted to the Head of the National Election Commission that interpreted prohibition of multiple uploads of identical contents and creating and releasing political satire may restrict the freedom of expression and the freedom of election campaign guaranteed by the Public Official Election Act. The Commission further recommended revision of the Operation Standards to guarantee the freedom to express political opinions and the freedom of election campaign within the boundary of the Public Official Election Act.

### **13) Opinion on Bill of Privacy Act with regard to CCTV**

The Commission delivered its opinion in December 2009 to the Speaker of the National Assembly and the Chairman of the Public Administration and Security to raise concerns of violation of the public's right to privacy and freedom in an address to a proposed Privacy Act including clauses regarding use of video image information processing equipments such as CCTV.

First recommendation of the Commission was to ban installment and operation of video image processing equipments in locations that pose significant threat to privacy. It also recommended installation of such equipments in detection and protective facilities must be kept at bare necessity. Secondly, the Commission called on the government to implement regulations that specify measures such as requiring notification signs to be posted intended to minimize privacy infringement. Thirdly, it requested the government to prohibit outsourcing of operation and management, technical support excluded of video image processing equipments used for public security purposes. Finally, the Commission advised the government to establish preventive measures such as careful monitoring and requiring registration of said equipments.





#### **14) Recommendation to Revise a Policy to Ensure the Right to Secondary Education of Undocumented Children of Migrant Workers**

In August 22, 2008, the Korean government decreed in the amendment to Article 19.1 of the Enforcement Decree of Elementary and Secondary Education Act that documents confirming Korean residence such as lease agreement and personal guaranty would be acknowledged as legitimate proof of residence to process admission or transfer of undocumented children of migrant workers. But with the said amendment did not extend to secondary education.

To alleviate the situation, the Commission recommended to the Minister of Education, Science and Technology pursuant to the Convention on the Rights of the Child to apply the Article 19.1 of the Enforcement Decree of Elementary and Secondary Education Act to secondary education as well and to formulate related guidelines.

#### **15) Opinion on Amendment to Immigration Control Act**

With regard to the partial amendment to Immigration Control Act proposed by the government, the Commission delivered its opinion in November 2009 that the new clause on legal definition of "protection", although welcoming, was deemed insufficient. Foreign nationals should not be excluded from the protection of universal right to bodily integrity, and executing administrative actions of detaining foreign citizens must be accompanied by court-issued warrants. The Criminal Code that requires warrants to be secured even after an emergency arrest was made must be also extended to foreign nationals. The power to search and question foreign citizens given to immigrant officials are similar to the power bestowed to law enforcement officers, which makes the immigrant officials to be required to abide by personal protection protocol comparative to a protocol prescribed in Article 3 of the Act on Performance of Duties by Police Officers. Plan to implement border control inspection measures using electronic devices should be abandoned because biometric information the government intended to collect was the most private, sensitive, and

permanent kind of personal information that needed to be vigilantly protected. Misuse of such information would directly lead to violation of privacy and physical integrity that are guaranteed in the Constitution. The Commission also called for termination of a similar plan to require foreign nationals to provide biometric information including fingerprints to when entering the border and registering for residence in Korea. The government effort to prevent crimes such as illegal entry using forged passport is better accomplished by improving existing border control measures and investigative efforts.

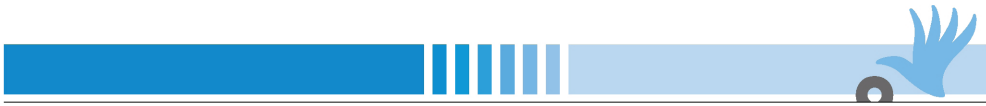
## 2. Opinions Submitted to Courts

### 1) Opinion to Courts on Article 47.1 of the Framework Act on Telecommunications

The Commission submitted its opinion on June 8th, 2009 to the Constitutional Court and the Seoul Central District Court calling for strict application of the clause punishing the offence of "conducting falsified communications via telecommunication equipments with the intention of threatening public interest" as prescribed in the Article 47.1 of the Framework Act on Telecommunications, because the clause did not meet clarity requirement and had potential to violate freedom of expression by imposing unusual and cruel punishment.

### 2) Opinion to the Constitutional Court on Constitutionality of Capital Punishment

The Commission delivered its opinion to the Constitutional Court on July 29th, 2009 for a petition to review constitutionality of death penalty (2008HunMa23) that sided with the petitioner's claim that death penalty was unconstitutional. The Commission went on to urge abolishment of death penalty in accordance with the Korean Constitution and international human rights treaties. As long as the government upholds death penalty, it cannot be freed from moral and ethical dilemma of practicing what it prohibits. Punishing offenders with death penalty in the name of justice directly contradicts with the



government's duty to protect lives of its citizens.

### **3) Opinion to the Constitutional Court on Constitutionality of Article 47.2 of Military Service Act (2008HunMa638)**

On September 14, 2009, the Commission delivered its opinion to the Constitutional Court for a petition requesting the court to review the constitutionality of the military's decree in July 2008 to ban servicemen from owning books that are listed in the military's banned-book list. The Commission concurred with the petitioner's claim that the order violated basic rights and had a high potential to infringe the freedom of conscience protected by Article 19 of the Constitution and the freedom to receive information or actively gather information from generally accessible sources guaranteed by Article 21 of the Constitution by, and requested the Court to apply strict judgment.

## **3. Recommendations and Opinions on Adopting and Implementing International Human Rights Treaties**

### **□ Opinion on the 7th State Report on Implementation of the Convention on the Elimination of All Forms of Discrimination against Women**

On December 12th, 2009, the Commission expressed its opinion on the 7th State Report on Implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women ("the Report") drafted by the Ministry of Gender Equality and Family.

First, the Report did not sufficiently describe effects, weaknesses, and required budgets to implement needed legal systems and policies. Second, because the Report did not have sufficient descriptions to address concerns and recommendations raised in 2007, it needs to be complemented to include progress of complying with the recommendations. Third, the

Report did not present diagnosis and solutions to problems of increasing non-regular female workforce and growing females in low-income class affected by financial crisis. Fourth, the Report failed to provide credible statistics on gender awareness and disadvantaged females. Fifth, it did not sufficiently identify and address vulnerable female groups including women with disabilities. Finally, the Report needed to further mention specific incidents of cooperation with human rights groups in advocating rights of women and suggest future plans for such cooperation.



## Chapter 2

# Human Rights Counseling and Complaint Processing

### Section 1. Overview

In 2009, the Commission made diverse efforts to fulfill its responsibility as a channel for the public to submit complaints of human rights violation and enhance customer satisfaction.

In the 1st half, it hired sign language translators, placed video telephones, and set up ARS counseling system to enhance the accessibility, while it innovated its approach to counseling service by extending service hours to nighttime, surveying customer satisfaction by channel, gate-keeping when accepting complaints, and improving complaint response process.

The Commission also continued to ensure the right to complaint of individuals staying at mass care facilities which are known to be a grey area of human right protection. In 2009, it inspected ‘complaint boxes’ installed at 88 hospitals that had restricted-access wards and took actions to resolve insufficiencies.

The on-site counseling tour was designed to help the underprivileged by making personal approaches and was conducted by theme-based programs customized for senior citizens living alone, persons with disabilities, the youth, senior citizens, migrant workers, and industrial accident victims. Cultural programs customized to local needs were



also actively utilized. Working closely with local organizations and relevant government agencies in conducting the counseling tour, it hosted discussions by issue and built the foundation to forming a nationwide network dedicated to preservation of human rights.

In addition, by year-end, it published the "Human Rights Counseling Cases from 2008 to 2009", a report categorizing cases throughout the year in reflection of strategic goals of the Commission. The case book was prepared to better understand human rights conditions of Korea and urgent tasks at a glance, by linking them with major performance objectives on the mid to long-term Action Plan for Promoting Human Rights.

## Section 2. Major Activities

In the year of 2009, the Commission received 6,985 complaints and handled 18,765 counseling cases and 26,634 inquiries and civil applications. Complaints and counseling cases went up by 676 (10.7%) and 2,464 (15.1%) respectively. Inquiries and civil applications decreased by 3,409 (11.3%), as simple inquiries such as directory assistance were excluded from the count from 2009.

**[Table 2-2-1] Number of Complaints, Counseling Cases, and Inquiries and Civil Applications by Year (number of cases)**

Year	Complaints	Counseling	Inquiries/ civil applications	Total
2009	6,985	18,765	26,634	52,384
2008	6,309	16,301	30,043	52,653
2007	6,274	13,388	20,780	40,442
2006	4,187	10,737	19,558	34,482
Cumulative Total	42,148	82,654	148,605	273,407

\* November 2001 to December 2009, including in-person sessions

### 1. Counseling on Human Rights

The total number of counseling cases resolved since its establishment recorded 72,273 as of 2009, and the annual figure has increased every year from 8,311 in 2006, 10,684 in 2007, 13,042 in 2008, and 17,433 in 2009. By issue, civil rights violations accounted for 41.3%, while discriminations and others took up 11.0% and 47.7% respectively. Others



included violations of property rights or those between individuals, legislation, legal proceedings, and legal inquiries.

**[Table 2-2-2] Counseling Cases by Year** (number of cases, %)

Category Year	Cumulative Total	%	Civil Rights Violations	%	Discrimin ation	%	Others	%
Cumulative Total	72,273	100.0	29,860	41.3	7,914	11.0	34,499	47.7
2009	17,433	100.0	6,738	38.7	1,974	11.3	8,721	50.0
2008	13,042	100.0	4,865	37.4	1,414	10.8	6,763	51.8
2007	10,684	100.0	4,428	41.4	1,041	9.7	5,215	48.8
2006	8,311	100.0	3,400	40.9	894	10.8	4,017	48.3

\*Resolved complaints which were submitted in person are not counted.

\*The figure of 2009 includes complaints received after counseling.

## 2. Complaints Received

The total number of complaints received stands at 42,148 since the establishment of the Commission in November 2001, and 33,276 or 79% are related with civil rights violations, 7,065 or 16.8% with discrimination, and 1,807 or 4.3% with others. Number of civil rights violations dropped from 5,067 or 80.8% in 2007, 4,892 or 77.5% in 2008, to 5,282 or 75.6% in 2009. The number went up in 2009 by 390 or 8% compared with 2008. Discrimination increased from 1,159 or 18.5% in 2007, 1,380 or 21.9% in 2008, and 1,685 or 22% in 2009, up by 305 year on year.

**[Table 2-2-3] Complaints by Year** (number of cases, %)

Category Year	Cumulative Total	%	Civil Rights Violations	%	Discrimination	%	Others	%
Cumulative Total	42,148	100.0	33,276	79.0	7,065	16.8	1,807	4.3
2009	6,985	100.0	5,282	75.6	1,685	24.1	18	0.3
2008	6,309	100.0	4,892	77.5	1,380	21.9	37	0.6
2007	6,274	100.0	5,067	80.8	1,159	18.5	48	0.8
2006	4,187	100.0	3,334	79.6	824	19.7	29	0.7

\*November 2001 to December 2009

### 3. Processing Inquiries and Civil Applications

The Commission does not neglect issues because they are not prescribed in the National Human Rights Commission Act or beyond the Commission's investigative scope. Addressing needs of the public is the Commission's duty in a wider sense as a national agency dedicated to human rights issues. The Commission also endeavors to help the public by offering solutions prescribed by other laws by referring cases to relevant agencies or institutions. It also provides general legal advice and simple counseling, even though they do not lead to investigation pursuant to the National Human Rights Commission Act. Human rights violations committed by one citizen against the other, abuse of language on the Internet, human rights violations committed by private enterprises, complaints of debt collection, and people seeking help against administrative penalties all received proper attention. By channel, the Internet topped the list with 66.4%, followed by mail/fax with 26.8% and online complaints portals with 5.9%.

**[Table 2-2-4] Status of Complaint Resolution by Channel and Year**

(number of cases, %)

Category Year	Total	%	Mail/ Fax	%	Internet	%	Visit	%	Complaints	%	Others	%
Cumulative Total	51,129	100.0	13,715	26.8	33,924	66.4	335	0.7	3,029	5.9	126	0.3
2009	9,615	100.0	2,707	28.2	5,769	60.0	30	0.3	1,077	11.2	32	0.3
2008	8,931	100.0	2,310	25.9	5,415	60.6	66	0.7	1,111	12.4	29	0.3
2007	8,843	100.0	2,057	23.3	6,199	70.1	25	0.3	550	6.2	10	0.1
2006	8,151	100.0	2,296	28.2	5,648	69.3	68	0.8	127	1.6	12	0.1

\* November 2001 to December 2009





## Chapter 3

# Investigations and Remedies: Civil Rights Violations

## Section 1. Overview

Pursuant to Article 19.2 of the National Human Rights Commission Act, the Commission conducts investigation into allegations of human rights violations and offer recommendations, and the Act 30.1.1 of the Act stipulates that victims, etc. may file complaints in case their human rights guaranteed by Article 10 to 22 of the Constitution are infringed with regard to duties performed by government organizations, municipalities or detention/protection facilities.

Article 30.2 of the Act provides that even when there is no complaint filed, the Commission may initiate investigation when there are reasonable grounds to deem that human rights were violated or discrimination was committed and the degree of such offense is significant. Article 48 of the Act stipulates emergency intervention by the Commission, according to which the Commission may make recommendations to take emergency remedies including provision of medical service, meals, and clothes; on-site investigation and assessment, or participation in verification and assessment of location, facility, and documents; transfer to other detention center or facility; suspension of human rights violation or discriminatory acts; removal of persons including government officials suspected of committing violation or discrimination from the job; and any other measures necessary to protect personal safety and life of victims. And if deemed necessary, it may take required measures to protect personal safety, life, and reputation of the victim or related parties, obtain evidence or prevent destruction of evidence, or recommend relevant parties or the head of organizations to take such measures.

The Commission dismisses or rejects issues that do not fall under its investigative scope

or are found to be not of human rights nature. On the contrary, as for cases acknowledged as violations, it takes necessary measures to prevent reoccurrence and compensate damages by making recommendations to the accused or its supervising body.

Complaints concerning civil rights violation submitted to the Commission are mostly about abuse of the state authorities, but they are getting increasingly complicated with increase in cases arising from conflicts of diverse rights and interests. Violations resulting from structural and institutional factors are also on the rise.

From 2002 to 2006, 3,400 cases were received on average per year, and the number rose to 5,000 from 2007 to 2008. But in 2009, the Commission received 5,282 complaints concerning civil rights violations. By type of organization, detention centers and police-related cases topped the list with 38.3% and 23.0% respectively.

The Commission also did its utmost to protect rights of vulnerable groups by paying on-site visits to detention/protection facilities to promote human rights in vulnerable sectors. It also reinforced cooperation with relevant Ministries, organizations, and NGOs by holding discussion sessions all aimed to make its recommendations and protective measures more effective.

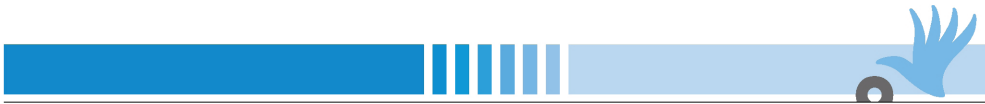
## **Section 2. Major Activities**

### **1. Resolved Complaints of Civil Rights Violations**

A total of 5,282 complaints were received alleging civil rights violations in 2009 as shown in Table 2-3-1, up by 390 or 8% from the previous year. Complaints received kept increasing every year until late 2004, went down in 2005 and 2006, soared in 2007, slightly went down in 2008, and rose again in 2009. The number of closed cases in 2009 was 5,107, up by 181 or 3.4% from the previous year.

#### **1) By Resolution Type**

With amendment to the Rules on Organization of the National Human Rights



Commission and Its Affiliations on April 6th, 2009, the manpower of the Commission was scaled back by 21%, which led to the number of resolved complaints of civil rights violations decreased by 191 (3.4%) from 5,288 in 2008 to 5,107 in 2009. In 2009, it approved 365 cases, referred 5 cases to law enforcement agencies, recommended disciplinary actions for 5 cases, made recommendations to 235 cases, resolved 118 cases by mutual settlement, offered emergency remedy for 1 case, and arbitrated 1 case. Others include 1,637 rejected cases, 2,973 dismissed cases, 78 transferred cases, and 54 investigation suspended cases.

**[Table 2-3-1] Complaints on Civil Rights Violations Handled by Type**

(Unit: Number of cases, %)

Year	Filed	Closed	Cases Affirmed								Cases Denied			
			Total	Accusation and Investigation Request	Recommendation of Disciplinary Actions	Emergency Relief	Recommendation of Settlement	Settlement	Legal Aid Request	Mediation	Dismissed	Transferred	Refused	Suspended
2002 or Before	2,833	1,365	29	3	16	2	8	0	0	0	136	26	1,174	0
2003	3,041	3,137	94	9	3	2	57	23	0	0	717	116	2,210	0
2004	4,627	4,931	145	6	2	0	79	54	4	0	1,280	148	3,306	52
2005	4,199	4,132	244	6	6	1	156	73	2	0	1,318	147	2,378	45
2006	3,334	3,250	207	17	2	0	164	23	1	0	932	70	2,020	21
2007	5,067	4,757	239	13	16	0	147	61	2	0	1,215	116	3,152	35
2008	4,892	5,288	308	12	30	2	213	48	1	2	1,644	99	3,177	60
2009	5,282	5,107	365	5	5	1	235	118	0	1	1,637	78	2,973	54
Total	33,276	31,967	1,631	71	80	8	1,059	400	10	3	8,879	800	20,390	267

\*Closed Cases: Closed cases among those received in the year and closed cases among outstanding cases

As shown in [Table 2-3-1], what is remarkable with the investigation and resolutions for human rights violations in 2009 is the increase of approvals and soaring number of resolution through mutual settlement, up 145.8% compared with 2008. The number of complaints approved by the Commission including those earning recommendations also

went up to 365 by 57 or 18.5% from the previous year. Mutual settlement means a complaint resolved when the victim and the accused reach a settlement before the conclusion of investigation pursuant to Article 26 of the Rules on Investigation and Remedies on Human Rights Violation and Discrimination. In 2009, out of 2,973 dismissed cases, 2,163 were withdrawn (72.8%), 285 did not qualify for investigation (9.6%), 188 complaints were already being processed by other agencies (6.3%), 101 complaints ran out of its statute of investigative limitation(3.4%), and 236 cases failed to provide grounds or necessity for investigation(7.9%). But out of withdrawn complaints which account for a large share, many were withdrawn as allegations were resolved or complainants were satisfied with the outcome.

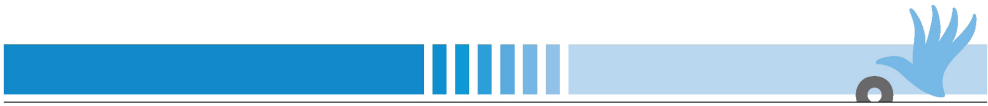
By organization cited in the complaints, the total number of complaints received since its establishment in 2001 was 13,957 (42%) for detention facilities, 7,415 for the police (22.3%), 3,995 for other government bodies (12.0%), 2,558 for mass care facilities (7.7%), and 1,619 for municipalities (4.9%) out of 33,276.

## 2. Cases in Highlight

### 1) **Suo Moto Investigation: death of a suspect by excessive police force**

At a police station in early morning of April 21st, 2009, a suspect in police custody was gagged by an officer who was on duty, resulting in the suspect's death on May 2nd. The Commission decided to launch suo moto investigation immediately on April 23rd following the incident, and confirmed the following findings.

Since his arrest, the suspect continued to ask to use restroom and be released of handcuffs complaining pain. After being released from his handcuffs and were offered water, the suspect did not exhibit any signs of violence by falling asleep. The officer's claim that the suspect threatened to bite his tongue to commit suicide did not have strong grounds as the suspect did not have any injuries in his oral cavities to support his claims. It should have been more probable that the threats were made in the suspect's attempt to gain



physical freedom so that he may release himself.

Review of CCTV footage showed excessiveness of police force that had one officer pushing the suspect to the ground while two other officers restrain the suspect by placing two towels (75cm x 30 cm and 80cm x 40 cm) over the suspect's mouth for 3 minutes and 37 seconds. The towels were big enough to cover extended areas of the suspect's face including nostrils, and placing such object on the suspect's face should be deemed highly dangerous, especially considering the suspect's level of intoxication.

There was no denying that the officers failed to follow appropriate emergency protocol despite clear signs of unusual symptoms exhibited by the suspect who stopped resisting arrest even before he was loaded into a patrol car where he urinated. Even when they suspected possible excretion in the car, the officers failed to heed to the warning signs. Instead of being rushed to a hospital too late and be pronounced to be brain dead, it was very plausible that the suspect's life could be saved if the officers took proper actions such as administering CPR immediately upon noticing the suspect's condition. The officers were guilty of negligence as their failure to uphold their responsibilities as law enforcement officers resulted in a loss of civilian life.

Accordingly, the Commission considered that the action of the officers was committed outside of the scope of usual duties expected by the public of the police and was a violation of Article 268 of the Criminal Code (professional negligence, gross negligence resulting in manslaughter). It requested the Prosecutor's Office to indict the accused officers and called the Commissioner General of the Police to develop preventive measures including training, as well as reprimanding the head of police station for failing to prevent the accident by issuing a written warning, which were partially accepted.

## **2) Excessive Force Used to Disperse Protestors at Ssangyong Motors**

The Commission investigated 55 complaints alleging that the police violated human rights in its attempt to disperse labor union members of Ssangyong Motors from extended demonstration that lasted from May 1st to August 6th, 2009.

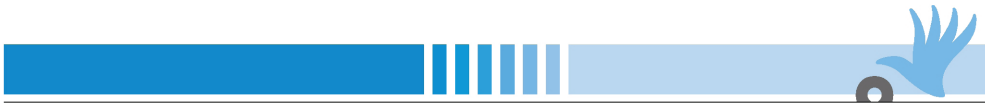
It found that even considering that the labor union was illegally occupying the property, the police violated the right to life and the right to physical integrity by cutting off supply of essential items including food, water, medicine, and medical attention refusing to address the problem of fire hydrants that lost its water supply. The police was also found to have failed to fulfill its duty to prevent and stop harmful events and crimes as provided in the Act on Performance of Duties by Police Officers as they purposely failed to intervene even when they were witnessing employees and security guards hired by the company were assaulting drivers and caregivers transporting patients from the demonstration site.

In its attempt to disperse the rioters, police used excessive amount of tear gas that could have caused undisclosed side effects and health problems. Not only did the police use electric shockers whose usage worries the Amnesty International, they fired the devices toward faces of union members. In addition, they used powerful multi-purpose shooters that rendered people unconscious. The Commissions determined that it was a violation of personal freedom, as it cannot be seen as appropriate use of police force necessary to perform their duties or meet objectives. In particular, use of equipments that are controversial in their potential harm to bodily safety should be verified immediately and prohibited from use until the safety is confirmed.

Lastly, the Commission decided that the force used after their demonstration on union members who were suppressed and lost all powers to resist was unwarranted and in excessive of approved scope of self-defense and effectively violated the union members' right to physical integrity. Review of video footage of police activities failed to identify individual officers to allege their wrongdoings, so only a recommendation to the Public Prosecutor General to investigate the case was made some of which were accepted.

### **3) Violation of Human Rights by Excessive Use of Police Equipments**

The police were also accused of torturously binding a suspect in custody with ropes and handcuffs and forcing the suspect to wear a motorcycle helmet from 7:30 pm to 10:31 pm in August 2009 on charges of willful obstruction of justice and resisting arrest.



The suspect was arrested for obstruction of justice in the act of hurling abusive languages at police officers responding to a complaint of assault. After entering the custody of the police station, the suspect began to behave erratically by resisting control, breaking a window by throwing a trash can, and flooding the floor by running water. Police is bound to exercise measures necessary to subdue behaviors of suspects that may harm the suspect as well as others in the police custody by using restraining equipment including handcuffs and ropes.

However, the decision to force the suspect to wear the helmet for 43 minutes and restrain his movement by tightly binding his arms and legs for 2 hours and 27 minutes even after isolating the suspect in a detention room specially designed to prevent bodily harm was found to be excessive and in violation of complainant's rights as a person granted by Article 10 of the Constitution as well as right to physical integrity granted by Article 12 of the Constitution.

Accordingly, the Commission recommended the head of the police station to offer internal human rights education to officers in an attempt to prevent violations of human rights when using equipment.

#### **4) On-site Survey on Police Lockup Facilities**

Pursuant to Article 24 of the National Human Rights Commission Act (on-site survey of facilities), the Commission visited to examine 3 lockup facilities located inside police stations (xx, xx, xx) to monitor human rights conditions. It reviewed amenities provided in the facilities as well as inmate treatment to come up with improvement measures. It made thorough preparation in advance by clarifying investigative scope based on pattern analysis of existing complaint cases and attempted to minimize a grey area by selecting regions from which few complaints originated. The investigation was designed to identify fundamental causes of complaints, prevent them in advance, and seek effective solutions, by looking at whether past recommendations were properly implemented. The investigation group was consisted of diverse experts from academia and judiciary communities, as well as professional investigators. The on-site investigation was a good opportunity to have

in-person interviews with managers and inmates, as well as reviewing documents, and hear about what needed to be improved. The Commission also tried to raise awareness of related parties and organizations and help them become more sensitive to human rights issues.



<Lockup 1>



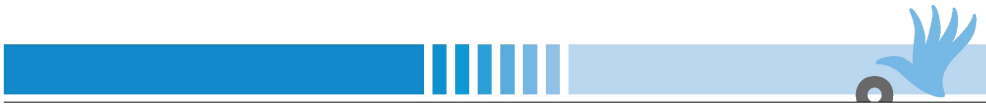
<Lockup 2>

As a result of the investigations, the Committee on Civil Rights Violation Resolution decided in December 2009 that guidelines should be implemented to address possible infringement of human rights of people in police custody which included allowing proper change of clothes to female suspects; monitoring the establishment of legal counsel interview rooms to ensure the right to counsel; adjusting CCTV angles to not record a lower part of body when inmates are using toilet; and setting up a system to provide appropriate services (facilities and amenities) for inmates with disabilities.

### **5) Suo Moto Investigations on Suicides in Detention Facilities**

Despite dignity of human life, suicide rate has gone up nationwide, and the number of suicides committed in correctional facilities amongst detention facilities kept rising since 2003 to reach as many as 16 deaths a year lately. The Commission made several recommendations for individual complaints concerning suicides, but the alarming trend continued. Furthermore, given the significance of the right to life, the Commission felt the need to conduct suo moto investigations to conduct an overall review to find measures to improve current practices on prevention and responses.





Written survey included questions on current status, suicide prevention education and program, facilities/equipments/medical staff for prevention, detection and control of suspected suicides, responses to suicides, etc. 30 inmates and staff each of 6 facilities (360 in total: 180 inmates and staff each) were subjected to on-site survey including questionnaire on preventive equipments and facilities, interview etc. In conclusion, current systems were not adequate to ensure the right to life provided in Article 10 of the Constitution, and the Commission recommended following improvement measures to the Minister of Justice.

- Developing and implementing plans to hire more professionals including psychiatrists and counselors
- Establishing an early warning system including suicide risk assessment for all inmates, involving psychiatrists, counselors, and correction authorities as a team, and systematically overseeing high-risk inmates by monitoring them with surveillance equipments (CCTV, etc.) and enhancing person-to-person supervision if necessary
- Offering suicide prevention programs tailored to each detention center and providing them to inmates and staff in a steady and organized manner
- Conducting appropriate examinations (psychological autopsy, etc.) and identify causes of suicide when establishing countermeasures.

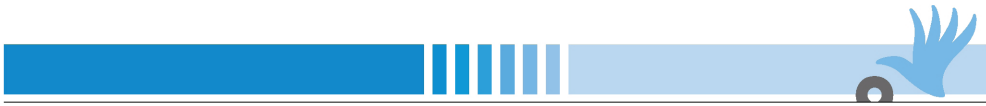
## **6) On-site Survey on Improving Human Rights Conditions in Aged Care Facilities**

Korea has become a rapidly aging society faced with an increasing number of senior citizens needing long-term care in facilities. But the public awareness on rights of the elderly citizens is still relatively low.

The Commission visited the facilities subjected to Article 31 of the Elderly Welfare Act to review their operation and contributed to preventing violations and promoting human rights.

The survey was conducted on 2 nursing care facilities and 1 aged care facility in Gyeonggi area in consideration of scopes of each facility and survey schedules, and the Commission recommended as follows.

- To the Mayor of XX City
  - : enhance administrative supervision of facilities to comply with the Standards on Facilities and Manpower Assignment at Aged Care Facilities described in the Enforcement Rules on Aged Care Facilities, particularly regarding bedroom space per guest and the total number of guests in one bedroom
- To the Head of XXX Nursing Home
  - : use bigger-sized exit signs, remove furniture placed in the middle of handrail in the 2nd floor hallway that are obstructing movement of the elderly, post a notification explaining the purpose of CCTV on each device, fix the problem of odor from restrooms in 4-bed units, and modify the structure of inclined escape chute installed on 2nd and 3rd floors to be more easily accessible by elderly guests
  - : involve nursing home experts in the facility operation committee and keep record of regularly scheduled counseling sessions with the elderly guests
  - : offer diverse activities for elderly guests, come up with measures to support diverse religious practices, design plans to improve satisfaction with medical services in cooperation with neighboring medical facilities, and find ways to further utilize public bath facilities.
- To the Head of 000 Nursing Home
  - : replace electrical outlets in restrooms and kitchen with a type that has covers, install hand rails across the whole facility, replace the floor of Gwanum Hall, set up emergency call buttons in rooms for bedridden or dementia patients, restrooms, and shower rooms, install washing basins in men's restrooms, replace serving containers in the kitchen with ones with covers, improve the overall condition of kitchen including proper storing of cooking utensils, and post a notification explaining the purpose of CCTV on each device
  - : repair or reinforce worn-out equipments in small physical treatment room, educate caregivers to record specific and detailed patient information they observe, require cooks to wear sanitary caps while serving meals, and help patients to better manage their finances by balancing their check books
  - : develop diverse programs for dementia patients, keep periodic record of changes identified



after treatment or prescription, partner with more hospitals, take an open-minded stance on religious practices other than the Buddhism, relocate the complaint box of the National Human Rights Commission to enhance accessibility, and ensure cleanliness of bedding

### **7) On-site Investigation on Human Rights Conditions of Patients Admitted to Military Mental Health Clinic**

In June 2009, the Committee on Civil Rights Violation Resolution decided that the Commission should conduct on-site investigations in order to improve human rights conditions in military medical facilities as there had not been sufficient data on conditions of mental health clinics of military hospitals since the establishment of the Commission. It examined 3 out of the whole 11 military hospitals that had mental health clinic from September 28th and November 18th, 2009.

The investigation mainly consisted of questionnaire and interview of related personnel, and the result found patients were given high quality of pharmaceuticals in par with civilian facilities and the ratio of medical staff to patients to be adequately managed with 10 psychiatrists caring for 36 patients on average.

Further findings of the investigation are as follows.

- When a serviceman is admitted to the △△mental health clinic and diagnosed with a mental illness, he is processed to be medically discharged. Short-term hospitalization patients who receive treatments and whose conditions are stabilized are discharged to their units within 2 weeks. The average number of hospitalization days of 11 mental health clinics was 45, and there was no long-term patient. All clinics had never used straightjackets for the past 3 years, and they do not even have any.

- 19.3% of servicemen admitted in 2009 were medically discharged. Most servicemen were ordered to return to duty but were reluctant to do so.

- Privates and private first class accounted for 73.8% with privates taking up 42.7%, which indicated that many servicemen seek intensive mental health care in early stages of

military service.

- Somatoform disorder was exhibited in 34.9% of patients, and 73 or 9% of patients were actually diagnosed with mental retardation as of October 2009. These servicemen who shouldn't been drafted in the first place call for the military official to scrutinize its draft policy including physical examination, and the Commission is poised to make following recommendations.

Admission of servicemen to mental health clinics is subject to the same regulation and policy of the Mental Health Act and must be properly supervised. For emergency admission of servicemen, consents of unit commander and doctor must be secured in lieu of consent of a police officer. Military should supply much needed nurse officers in psychiatry wards and screen during physical examination for mental disorders or conditions that present extraordinarily difficult to complete military service that puts undue burden on commanding officers. Needs of female servicemen must be addressed by establishing a special facility, and the military is also advised to educate all servicemen on knowledge of mental illnesses and disabilities and protecting rights of people suffering from mental disabilities. Military should consider offering continuing assistance to veterans who suffered mental illnesses while in service, improving working conditions of psychiatric medics working in 24-hour care wards, promoting rehabilitation programs for patients. Greatly extending outdoor time allowed to hospitalized patients from 20 minutes is just one of many recommendations the Commission will continue to develop with experts and relevant institutions.

## **8) On-site Investigation on Human Rights Conditions at Military Prison**

The Commission visited OO prison to examine human rights conditions including military detention environment, inmate treatment, and violation prevention practices. The Commission isolated this particular prison to make sure that patient's right to file complaints to the Commission was not violated because an average of 0 to 6 complaints



originated from the facility.

The Commission found the facility to provide adequate protection of the inmate's right to complain after making the following observations.

- Education on the inmates' right to complain is given by means of posting on bulletin boards (14:00 to 16:00) by correctional officers who also provided information on relevant regulations and procedures for appealing to the Chief of Staff.

- A total of 8 complaint boxes approved by the Commission are placed at easily accessible locations accompanied by notifications and complain filing forms, and the collected complaints from the boxes were being properly transferred to the Commission by a correctional officer in charge.

- The total number of complaints originated from the OO prison was 25 or 3.1% on average per year before the investigation. Given the low number, the Commission conducted a survey of all inmates (97 persons) through on-site investigation, focusing on issue of the right to complain and confirmed that the conditions and system was being adequately managed at the Army OO prison.



Installing and Maintaining Complaint Boxes



Field Investigation

As for amenities provided for inmates,

- Dimmers are installed in every living quarter to enable inmates to adjust light at night. One-bedroom units are equipped with a toilet and washing basin, and the average space per

inmate was 4m<sup>2</sup>, which is 3.3m<sup>2</sup> bigger than the guidelines of OO headquarters.

- Make-shift toilet is in each living quarter, but convicted inmates use restroom outside the living quarter during daytime that is minimizing conflicts among inmates.

- Warm baths are offered twice a week, and there's a post exchange for procurement in the detention building. Barber shop is open all the time, and there are other facilities including library (6,000 books including newly published books), cafeteria shared by correctional officers and inmates, religious institutions (Christianity, Buddhism, and Catholic), small and large playgrounds, and computer rooms (16 computers), all of which contribute to above-average conditions of OO prison.

- Inmates are served the same meal as active duty soldiers, and the cafeteria is shared by correctional officers, which protects inmates' dignity by not serving the meals through cell doors.

- Regarding medical assistance, 83 inmates responded that they were given medical examinations. Of 1,835 inmates who received medical assistance in 2009, 306 were referred as out patients, and their visits to OO Hospital were verified, indicating a guaranteed access to medical service.

- However, it was found that the OO prison should develop measures to raise inmate's satisfaction with visiting doctor system and attitudes of caregivers and promptly deliver correspondences of inmates.

In addition, it identified an issue requiring expert discussion on following prison operation agenda.

- There are no consistent rules or guidelines that consider the status of inmates or ensure convicted inmates are properly treated as civilians.

- Since it is not effective to control and monitor inmates with soldiers of similar ranks and ages, operation should be reorganized to assign officers to directly oversee inmates leaving non-commissioned officers to guard and secure the prison.

The Commission's survey credited the head of prison for making steady effort to improve rights of inmates and conditions of detention facilities, as evidenced by the fact that he visits the detention building every day. With regard to findings from the



investigation, some were accepted following discussions, and all findings were notified to the OO prison to improve their operation.

### **9) Human Rights Violation by Restricting Phone Use at Mental Health Clinic**

Mr. Kim was a patient of a mental health clinic and filed a complaint against the clinic alleging that "it is unfair for the hospital to limit phone use during hospitalization to after 18:30 pm only on Tuesdays and Saturdays."

The clinic argued that "the restriction was temporarily imposed in order to aid the patient's recovery and that he could have gained open access through consent of his family members or doctors."

The Commission found that the only way for patients to access telephone was to request and be granted coins by hospital administrators only after 18:30 pm of Tuesdays and Saturdays as was the petitioner's complaint. Interview with 8 other patients confirmed that use of telephones was strictly prohibited in all other times. Restricting access to telephone use by patients was deemed to be a clear violation of Article 45 of the Mental Health Act, the right to freedom to act granted by Article 10 of the Constitution, as well as the freedom to communicate provided in the Article 18 of the Constitution. Therefore, the Commission instructed the clinic to abolish the restriction, develop policies not to repeat such practices, and educate its staff on human rights. It also recommended the mayor of OO City to take appropriate administrative sanctions against the clinic for the violation and thoroughly supervise to prevent reoccurrences of similar violations.

### **10) Suo Moto Investigation on Hospitalization and Discharge by Mental Health Clinic**

Mr. Choi (age 42) filed a complaint against the Chairman of B Mental Health Clinic operated by A Foundation alleging how "the clinic had failed to submit his request for discharge review." Upon investigation, the Commission found a number of violations of Mr. Choi's human rights committed by the clinic. Not only was Mr. Choi's admission to B Clinic processed unlawfully, but the hospital tried to cover up their offense by forging

patient records. Due to the severity of such offense, suo moto investigation was warranted and launched in September of 2009.

The A Foundation that operated the B Mental Health Clinic and also operated C Mental Health Clinic, and D Aged Care Hospital. The C and D are medical corporations contracted by OO Privonce. The Commission investigated for human rights violations with regard to hospitalization, discharge, and long-term hospitalization using records dating back to January 2008 summoned from B and C hospitals, and the results are as follows.

#### **Infringement of Patient's Right to Medical Treatment by Violating Medical Staffing Requirement**

Even though the Mental Health Act clearly restricts the number of in-house patients per psychiatrist at mental health institutions to not exceed 60, the B clinic let its psychiatrist to treat 200 to 250 patients for over a period of 1 year and 4 months. For one whole month, the hospital even failed to secure a full-time psychiatrist, which was a clear violation of the right to medical treatment and protection.

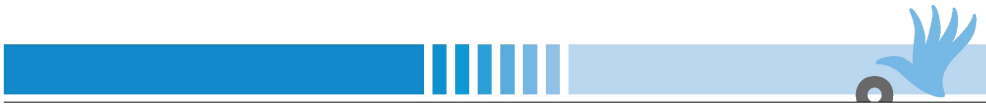
#### **Infringement of Patient's Right to Physical Integrity by Violating Admission Procedure**

Citing administrative discretion such as closing of treatment facilities, the A foundation transferred 19 patients of the B clinic to the C hospital without following necessary protocol. 30 patients from C clinic also were transferred without proper consent. Admission into mental health institutions must be processed according to strict guidelines that require explicit consent from patients or family members, and failure to do so results in violation of the Mental Health Act and right to physical integrity as guaranteed by the Article 12 of the Constitution.

#### **Forgery of Medical Records**

In order to cover up the fact that there was no certified psychiatrist working for B clinic, the A Foundation created false medical documents to fraudulently represent 116 patients of the B clinic as patients of the C clinic and the D aged care hospital and committed





insurance fraud by making fraudulent claims. Such actions clearly violated the Criminal Code, the Medical Service Act, and the Medical Care Assistance Act.

### **Infringing Personal Freedom by Violating Procedures to Prolong Admission**

For 455 patients (681 cases) admitted to the B and C clinics, the A Foundation obtained consent of guardians only after submitting Request to Review Long-term Hospitalization and Treatment, entirely failed to obtain written consent of guardians on the Request to Review Long-term Hospitalization and Treatment, or requested the review without obtaining the Request on Review Long-term Hospitalization and Treatment. In the case of 24 patients, it was confirmed the foundation administrators delayed making the request or failed to conduct the review. The review is to decide whether to prolong admission or discharge patients based on progress review conducted every 6 months against hospitalization requested by guardians. Failure to comply with the procedures corresponds to violating Article 24.3 of the Mental Health Act and personal freedom stated in Article 12 of the Constitution.

Accordingly, the Commission confirmed that the A Foundation, B clinic, and C clinic all conspired to commit violations of medical service staffing requirement and procedures of hospitalization and prolonging hospitalization, as well as forging medical records. The Commission issued following recommendations.

- To the Prosecutor-General
  - Indict the chairman of the A Foundation, and the chief directors of B Mental Health Clinic and C Mental Health Clinic for violation of the Mental Health Act
- To the Minister of Health and Welfare
  - Develop effective measures to prevent such grave violations of the Mental Health Act of medical corporations transferring patients among their subsidiaries citing excuses as manpower shortage. Also demand retrieving from the A Foundation for the amount of insurance fraud
- To Governor of OOO Province
  - Take appropriate administrative sanctions against the C Mental Health Clinic

including but not limited to contract rescission

□To Mayor of OO City

- Take appropriate administrative sanctions against the B and C Mental Health Clinics for their violation of medical staffing requirement

- Reinforce supervision on the two clinics to comply with procedures for hospitalization and prolonged hospitalization as stipulated in the Mental Health Act and prevent them from rejecting submission of the Request to Review Discharge

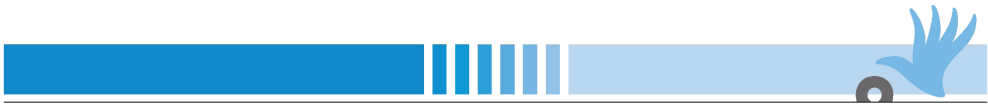
- Stop the practice of reviewing requests to prolong hospitalization simply going through patient lists

### **11) Human Rights Violations in the Process of Arresting Undocumented Migrant Workers**

Mr. Lee working for an advocacy group for migrant workers filed a complaint to the Commission alleging that "the enforcement authorities stormed the residence of undocumented migrant workers without due process and forcefully arrested migrant workers dressed only in their under garments exposing them to utter humiliation" following a sting operation by immigration control officers targeting undocumented migrant workers living in OO City, Gyeonggi-do, in July 2009.

The Immigration Control Office admitted that drivers employed by the agency, not enforcement officers, carried out the arrest, but they also insisted that no significant violations of rights of migrant workers were committed in the process. On the contrary, the Commission's investigations found that the agency broke into the residence illegally without proper cause, informed the migrant workers of a right to emergency protection only after they were arrested and secured inside vehicles and not immediately before or after exercising the legal force, failed to present proper identification, involved civilians (drivers) who did not have the proper authority to take part of the arrest, publically conducted the arrest by handcuffing migrant workers who were improperly dressed, and caused bodily injuries.

The Commission concluded its investigation by recommending to the Minister of Justice



to stop using excessive force when conducting sting operations, refrain from making forceful and illegal entry into locations, discontinue the practice of using its civilian workforce in sting operations, and develop preventive policies. It also recommended to the head of the Immigration Control Office reprimand officers involved in the incident by issuing warnings and hosting human rights education to its investigative officers.

## **12) Forced Haircut at Junior High School**

Eight students from OO Junior High School filed a complaint to the Commission in December 2009 alleging that "the school's strict hair policy that restricts to the length of bang to 5 cm and require students to sport 'appropriate' hair style is unconstitutional." They further alleged that teachers are cutting off hair of students who they deemed to have violated the policy.

The school administration defended its actions by claiming that they have stronger motivation to protect its students who are exposed to less-than-desirable environment around the school that is located in industrial complex. It went on to claim that imposing strict hair style and dress codes is imperative to promote healthy and sound student culture. It was inevitable to use excessive force of cutting off the students' hair because it was the students who defied the policy.

Upon investigation, the Commission concurred with the school administration that the freedom of hairstyle may be restricted for the purpose of protecting the best interests of students to certain extent when it is based on mutual consensus of all relevant parties even though students are entitled to constitutional rights such as right to personal expression, self-determination, and privacy. However, the Commission recommended that forcing haircuts against the will of students is deemed excessive even considering the intrinsic purpose of such actions. Teachers and administrators should exhaust alternative measures (green mileage system, etc.) before exhorting to such extreme measure. Accordingly, the school should take actions to stop the practice of forcing haircut, as the action violates personal freedom stated in Article 12 of the Constitution and the right to human dignity in

Article 10 of the Constitution.

### **13) Human Rights Violation Committed by a Judge who Scolded a Plaintiff for Rudeness**

In April 2009, a complainant who was present at OO District Court as a plaintiff filed a complaint to the Commission alleging that the presiding judge violated his rights to human dignity. As the complainant attempted to object a defense attorney's claim in the middle of a trial, the judge publicly scorned the petitioner by saying "Don't you have any manners or common sense not to interrupt?" in an insulting manner. The 69-year-old complainant claimed that his only offense was to not have sufficient understanding of court proceedings and he suffered profound and irrevocable humiliation at being so publically scorned by a young judge in his 40s.

At the interview with the Commission, the attorney who represented the complainant and witnessed the incident admitted that "I was extremely startled and embarrassed by the judge's remark, which also affected me on a personal level since I was an old man myself well into my 70s. I couldn't continue with the case and forced myself to resign from the petitioner's counsel the next day." The allegation was considered to be substantial given the fact that the complainant submitted the same complaint to a newspaper with his proper identification before he came to the Commission as well as the judge was not vehemently denying the allegation.

Even though presiding judges do exert complete power to govern court proceedings, the judge's remark was deemed to be inappropriate and humiliating when made against the complainant from the perspective of commonly accepted social norms. As long as the complainant claims overwhelming humiliation, his claim that the judge violated his basic rights should be validated. Accordingly, the Commission recommended the Court to reprimand the judge by issuing a warning and establish preventive measure, which were accepted.



## Chapter 4

# Investigations and Remedies: Discriminatory Acts

### Section 1. Overview

The Commission conducts investigations into complaints of discriminatory acts and seeks relief for victims pursuant to Article 19(3) of the National Human Rights Commission Act. In accordance with Article 30(1)1 and 30(1)2 of the Act, the Commission may launch investigations into complaints of violation of equal rights by government agencies, municipalities, or detention/protection facilities as well as complaints of discriminatory acts allegedly committed by legal entities, organizations, or individuals. Also by the powers vested by Article 30(3) of the Act, it may initiate investigation even in the absence of formal filing of a complaint when it suspects reasonable grounds for investigation and gravity of violation.

Violation of equal rights subject to the Commission's investigation includes an act of offering of advantageous, disadvantageous, differentiated, or discriminated treatment to a person or persons in employment (recruiting, hiring, training, assigning, promoting, compensating, retiring, etc.); supply or use of goods, services, transportation, commercial facilities, property, and residential facilities; or use of education or vocational training facilities without reasonable grounds but based on gender, religion, disability, age, social status, region or nation of origin, ethnicity, physical conditions including appearance, marital status such as legally married, single, separated, divorced, bereaved, remarried, or common-law marriage, pregnancy or childbirth, family structure or situation, race, skin color, idea or political affiliation, criminal record of spent conviction, sexual orientation, education, or medical history. However, actions which offer potential advantages to

specific persons (including a group of specific persons) in addition to legislation, revision of laws, and formulation and execution of policies specifically designed to provide such advantages to redress current inequality is not deemed as discriminatory.

In 2009, the Commission imparted investigation and relief measures against a total of 1,685 complaints of discriminatory acts, among which 78 were recommended for rectification, 85 were closed by mutual settlement, and 278 were resolved during investigation. In particular, since the Anti-Discrimination against and Reliefs for Persons with Disabilities Act (hereafter “Disability Discrimination Act”) taking effect in 2008, the number of related complaints received in 2009 rose dramatically to 711. In addition, there was also an increase in resolved cases by 20% compared with 2008, as well as particularly big increases in cases resolved through mutual settlement and during investigation, which indicate that reliefs for discrimination against disability have become more effective. The Commission communicated its major and notable recommendations to the public through media and other channels to raise nationwide awareness on equal rights. It also relentlessly monitored implementation of its recommendations while convincing the accused to accept the recommendations.

The Commission initiated an investigation against credit card companies’ practice of rejecting applications from stay-at-home fathers and reviewed policies to secure the right to education of teenage mothers. As the nation’s representative authority in rectifying violations of equal rights including investigation and recommendation for a wide range of wage discrimination, the Commission conducted a status survey on wage discrimination to develop formal survey manual and guidelines to support its activities. As for discrimination against persons with disabilities, it examined the current status of services and support provided for students with disabilities by universities in accordance with the requirements of the Disability Discrimination Act and the Special Education Act as well as current conditions and necessary improvements regarding the right to education of university students with disabilities. In addition, the Commission also looked into the accessibility of persons with disabilities to public organizations’ websites via the Internet.



## Section 2 Major Activities

### 1. Complaints of Discrimination

Empirical data from its inception until the end of 2009 shows the Commission accepted a total of 7,065 complaints of discrimination, which included 2,843 cases or 40.2% regarding employment, 2,060 cases or 29.2% regarding supply or use of goods, etc., and 522 cases or 7.4% regarding use of educational facilities, etc. The year of 2009 proved to be no exception as the three most frequent complaints among a total of 1,685 complaints it received were for employment (531 or 31.5%), for use or supply of goods, etc. (660 or 39.1%) and for use of educational facilities, etc. (122 or 7.2%). Employment discrimination had been topping the list of the Commission's major activities until 2007, but the complaints for use or supply of goods, etc. was 6% and 7% ahead of it in 2008 and 2009. The complaints for discrimination in use or supply of goods, etc. became the most common complaints because the enforcement of the Disability Discrimination Act opened doors to many complaints of discrimination against persons with disabilities, particularly for use and supply of goods, etc.

[Table 2-4-1] Complaints of Discrimination by Reason

(Unit: number of cases, %)

Classification	Received															Others						
	Gender	Sexual Harassment	Religion	Disability	Age	Social Status	Region of Origin	Country of Origin	Nationality	Appearance	Marital Status	Pregnancy/Childbirth	Family Makeup	Race	Skin Color		Political Affiliation	Criminal Record	Sexual Orientation	Medical History	Education	
02	189	11	2	6	33	7	48	5	20	.	2	2	.	1	1	1	4	7	4	10	.	25
03	358	34	1	5	18	24	75	2	19	1	4	4	15	2	.	.	7	3	2	16	28	98
04	389	25	.	8	54	57	64	6	10	.	6	7	4	4	.	.	7	1	7	12	117	
05	1,081	55	62	11	121	87	297	23	19	.	45	9	5	15	1	1	5	23	5	21	48	228
06	824	44	104	8	115	69	208	9	28	0	10	22	9	8	1	0	2	12	4	30	24	117
07	1,159	75	163	12	246	107	117	8	37	1	20	3	16	13	4	1	2	17	3	31	27	256
08	1,380	61	152	12	635	63	99	4	28	2	15	5	14	10	7	.	3	16	3	15	23	213
09	1,685	83	170	15	711	142	92	5	16	3	25	7	17	14	22	0	3	10	2	39	77	232
Total	7,065	388	654	77	1,933	556	1,000	62	177	7	127	59	80	67	36	3	26	95	24	169	239	1,286
(%)	100.0	5.5	9.3	1.1	27.4	7.9	14.2	0.9	2.5	0.1	1.8	0.8	1.1	0.9	0.5	0.0	0.4	1.3	0.3	2.4	3.4	18.2

\* November 26, 2001 to December 31, 2002

Further study of the complaints received in 2009 reveals that the numbers for all categories across the table grew. Complaints for age discrimination stand out with an increase of 2.3 times (from 63 to 142), which seems to be due to heightened interest in the issue with the enforcement of the Act on Prohibition of Age Discrimination Employment and Aged Employment Promotion (hereafter “Age Discrimination Act”). With the Act being expanded into a wider scope in 2010, the number is expected to go up to a great extent in 2010. Discrimination against persons with disabilities accounted for the largest share with 42.1% or 711 out of 1,685, which is considered to be caused by persons with disabilities being more enlightened of their rights since the enforcement of the Disability Discrimination Act.

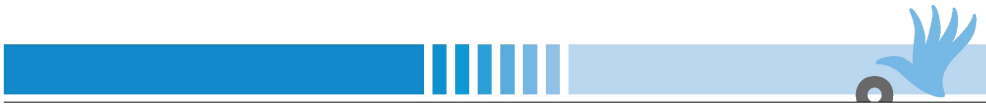
## 2. Resolution of Complaints of Discrimination

In 2009, the Commission received 1,685 complaints against discriminatory acts, 1.2 times higher than 1,380 received in the previous year. As of the end of December 2009, 6,558 out of 7,065 (92.8%) complaints the Commission received since its establishment were closed while 507 are under investigation or review.

Of the 6558 closed cases of complaints, 509 or 7.7% were resolved with the Commission issuing recommendations for policy improvement, human rights education, or disciplinary actions for violation of equal rights; 188 or 2.8% with mutual settlement during the process of investigation; 1,444 or 22% were rejected as they were proven to be unsubstantiated or did not fall under the scope of the Commission’s investigation; and 4,299 or 65.6% were dismissed as they were not subject to the Commission’s investigation or withdrawn by complainant. Number of complaints that were resolved during the course of investigation as a result of active efforts of the Commission to negotiate with the accused or search for proper relief steadily increased from 7 in 2002, to 16 in 2003, 46 in 2004, 116 in 2005, 1652 in 2006, and 264 in 2007, scaled back to 257 in 2008, and then picked up again to 278 in 2009

In 2009 both the number of complaints received and resolved followed a growing trend by 305 and 517 respectively, from the year before. 78 complaints were resolved when the





Commission issued recommendation for specific rectification of violation, 85 were resolved by mutual settlement, and 278 complaints that were subject to rejection or dismissal but were successfully resolved during the course of investigation through active efforts of investigators, rejection, or dismissal.

Of the recommendations the Commission issued for system and practice improvement, human rights education, damage compensation, and facility modification, 19 were against age discrimination, 9 for disability discrimination, 19 for social status and other discrimination, 10 for sexual harassment, 2 for gender discrimination, and 3 were against discrimination against pregnancy and childbirth. The number of recommendations dropped from the previous year despite increase in sexual harassment complaints (from 152 to 170), because more cases were resolved through mutual settlement (31 cases) in the best interest of victims.

### **3. Sex Discrimination Cases**

Discrimination based on gender refers to an act of offering advantages to, excluding, distinguishing, or unfairly treating a person or a group of persons without just cause on the grounds of his/her or their gender in all aspects of social activities including employment. Sexual discrimination includes unfair treatment including direct discrimination deliberately committed against a person or persons of specific gender without just cause. The intention to discriminate can be both explicit and implicit in order for the act to be considered as discriminatory. Indirect discrimination that occurs when applying apparently unbiased standards imposes unintentional disadvantages on a person or persons of one particular gender and the standards cannot be justified is also considered to be discrimination based on gender.

#### **□ Rejecting Credit Card Applications of Stay-at-Home Fathers**

Mr. Baek, a stay-at-home father, inquired OO Bank to apply for a credit card under his own name, but was told that he was not eligible because he didn't have a proof of employment and income. He filed a complaint to the Commission that it was unfair for financial institutions to reject applications from stay-at-home fathers even without

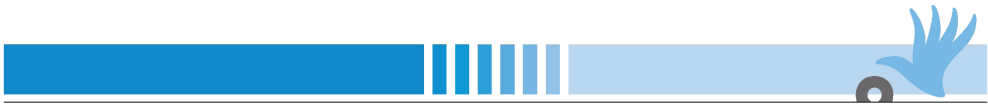
reviewing credit of their spouses while stay-at-home mothers can have their credit approved based on consent, occupation, and income of their husbands.

The OO Bank argued that while it was reasonable to assume that stay-at-home fathers perform duties of homemaker, it couldn't be positively asserted whether stay-at-home fathers engage in productive activities or simply are unemployed. Argument continued that the distinction was a crucial component in assessing an applicant's credit on which the bank based its credit approval, and the bank reserved its right to reject applications from stay-at-home fathers because they failed to provide credible proof of employment, income, or asset.

The Commission concluded that financial institutions reserved the right to restrict credit card approval based on applicants' ability to pay back, because the decision was not only directly correlated with profitability of credit card business model but also understood as to serve the best interest of the public by supporting transparency of economic activities. It was also deemed just to determine the credit of stay-at-home mothers based on husbands' income and asset, because it was a commonly accepted knowledge that women, by marriage, are entitled to legitimately share economic activities with spouses.

Nevertheless, the Commission acknowledged that the act of not extending the credit to stay-at-home fathers as legitimate homemakers while doing so to stay-at-home mothers was solely based on prejudice on gender roles and discriminatory. With increasingly expanding social and economic activities of women following growing flexibility and diversity in employment, it is no longer acceptable to disregard that roles of spouses can be differently assigned depending relative income and employment status. As long as stay-at-home fathers can provide legitimate proof of credit and cosign agreement from their working spouses, financial institutions may no longer apply the status of homemaker as an employment status required for credit card approval. Since it was also unreasonable to judge that having wives as consignees would increase the risk of credit default, the bank discriminated against men by applying credit approval standard different from one applied to women.

Accordingly, the Commission recommended the president of the OO Bank to amend its credit approval criteria and practices that prohibited issuing credit cards to stay-at-home fathers, and the bank accepted it.



## 4. Sexual Harassment Cases

Sexual harassment refers to unwelcome verbal, visual, or physical conduct of a sexual nature, committed by a government official, an employer, or an employee against a person whom they work with, employ, or are employed by when they have the effect of causing hostile and hateful reaction or refusal to submit to such conduct resulting in vengeful retribution. Sexual harassment is not limited to workplace; it also includes diverse social hierarchies such as schools and military, all of which are considered as sexual harassment according to the National Human Rights Commission Act.

### □ Sexual Harassment by Supervisor

Ms. Park filed a complaint to the Commission that Mr. X, her supervisor at work, persistently harassed her by touching her body parts including caressing her palms, and the harassment she could not endure even led her to quit her job as a receptionist.

The Commission deemed the accused of having supervisory power at workplace over the complainant considering his job title, experiences, and age and the accused abused his power by repeatedly subjecting the complainant to unwanted physical contacts. His particular behavior of caressing the palms is not an explicit but commonly understood indication of proposing sexual intercourse, and the complainant's complaint of suffering humiliation and revulsion was accepted to be reasonable. Furthermore, the company not only failed to provide proper protection for the complainant despite prolonged exposure to the harassment but furthered the suffering of the complainant by transferring her to work in the same office with the accused, which is deemed to have caused the complainant to do nothing else but to leave the employment. For the accused, the Commission recommended to pay KRW 2 million in damage compensation and complete a special education on human rights provided by the Commission. The company was recommended to take disciplinary actions against the accused and implement preventive measures, and both the accused and the company accepted the Commission's recommendations.

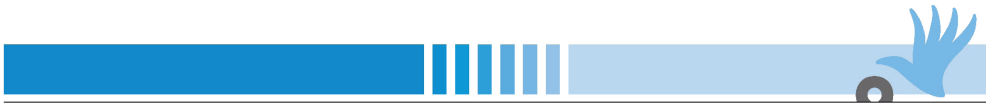
## 5. Discrimination Cases Based on Age

Age discrimination refers to acts of offering advantages to, excluding, distinguishing, or unfairly treating a person or a group of persons without just cause on the ground of age in all aspects of social activities including employment. Definition of “age” is not limited to a certain band of age such as “younger than 32”, “24 to 35”, or “in 20s” but extended to all terms that specify a person’s age such as “juniors” or “seniors” and any reference to age as in “college graduates of class of XXXX”. Indirect discrimination against age, which results in disadvantages for a specific age group, is also deemed as such discrimination. With the enactment of the Age Discrimination Act in March 2008 and its enforcement in March 2009, the Commission conducts investigation into such violations and makes recommendations for remedy, which are notified to the Ministry of Labor. For failing to execute the recommendations without good reason, the Ministry may order corrective measures and fines are imposed if the measures are not taken either.

### **1) Age Restriction in Open Competition for Recruiting Police Officer**

The Commissioner General of Police lowered the age of candidates eligible to enter open competitions held to recruit police officers and police cadets to 30 years of age or younger, arguing that candidates in their 20s who are guaranteed to have the most supreme physical conditions than any other age groups as objectively proven by a Status Survey of National Physical Fitness by Age Group are best fit for law enforcement jobs that require exerting great physical strength to pursue and apprehend suspects and subdue protests. Since lifting of the age restriction would accelerate the aging and weakening of police force that is expected to perform important civic duties and repercussion, and its price would be borne by the public, he insisted that maintaining age restriction of police officer candidates was a decision imperative to the very existence of the police whose purpose was to serve the public.

In response to a previous complaint filed for the same violation, the Commission decided that the age restriction for police officer candidates needed to be substantiated with more in-depth medical and sociological researches on the correlation between age and physical strength. It could not be justified to bar opportunities to citizens aspiring to become police officers based on an unsubstantiated assumption that “high quality police work force is



physically strong and young”. Furthermore, the claim that people of 30 years or older does not have the physical strength and capability required to perform duties of police officers could not be validated by objective data, and it was possible to implement a measure to assess physical fitness and capability of individual candidate during the course of open competition. The survey of Status of National Physical Fitness by Age Group was only a representation of average levels of fitness per age groups and not sufficient to explain a vast disparity of individual conditions and could not objectively support the claim that a person of 31 years or older does not possess outstanding capabilities and physical strength required to perform duties of police officers and police administrators. Rather than ruling out candidates based on age, the reasonable course of action was for the police agency to develop more sophisticated recruiting standards and procedures to verify qualification.

The Commission recommended the Commissioner General of Police to revise Article 39(1) and 39(2) of the Decree on Appointment of Police Officers which impose age limit on candidacy for police officer and police cadet candidate as 30 years of age or younger.

## **2) Age Discrimination in Offering Minimum Payment Plan**

Mr. Kim filed a complaint that it was discriminatory of OO Bank to offer minimum payment plans to customers aged between 25 and 55 only.

The OO Bank defended its decision by claiming that the plan was an additional service it provided to its credit card holders with high credit rating and only could be offered to people in the said age group due to difficulty of tracking changes in credit ratings after card issuance. In addition, the behavior analysis and simulation module used by the bank that only takes into account past transaction patterns and payment amounts was limited in its ability to provide accurate assessment of the latest income levels and financial conditions of cardholders while data clearly showed dramatic increase of delinquency rate to 3.5% among cardholders aged 56 or older compared to an average level of 2% among cardholders younger than 55.

The Commission concluded its investigation by determining that even financial

institutions reserved the right to impose guidelines for credit transaction restriction to ensure business performance, it was an excessive restriction to completely exclude 96.5% of potentially non-delinquent cardholders from their right to the minimum payment plan in order to regulate 3.5% of high-risk cardholders belonging in a specific age band. Since there were people whose career was not subject to forced retirement age and a growing number of people in the disputed age group maintained a stable level of income, it was not reasonable for the bank to deny the minimum payment plan service solely based on cardholder's age. Instead, the bank should base its decision on objective credit data of cardholder using information such as income, occupation, late payment history, and net worth.

The Commission recommended the Bank to revise or remove Article 163(1)2(b) of Credit Card Business Guidelines of OO Bank which imposed age limits on eligibility for the minimum payment plan, and the Bank accepted the recommendation.

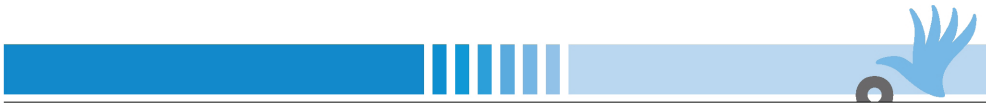
## **6. Discrimination Cases Based on Disability**

Disability discrimination refers an act of restricting, excluding, distinguishing, or unfairly treating a person or a group of persons without just cause on the ground of their being, having been, or being expected to be disabled in all aspects of social activities including employment. Collectively persecuting persons with disabilities and related persons at schools, facilities, workplaces, or local communities on the ground of disability as well as insulting or committing verbal or physical abuse are behaviors deemed to be discriminatory.

The National Human Rights Commission Act defines "disability" as "imposition of significant restriction to a person's ability to perform daily and/or social activities over an extended period of time caused by physical, psychological, or social impairment", and the Disability Discrimination Act upholds the same definition.

### **1) Discrimination against a Person with Visual Impairment in Job Training**

A person with visual impairment filed a complaint alleging that "the distance learning program center failed to provide learning materials in Braille or soft files when some



classes began to use paper materials and didn't offer adequate assistance to a person with visual impairment when he was required to use computer to access classes.”

The point of dispute was whether the victim was discriminated based on disability for education and training and the digital training contents offered by the center ensured the accessibility of persons with disabilities.

The Commission found that although e-learning education, by definition, was supposed to be designed to include visual images such as video clips, animation, pictures, and graphics to provide more interesting and effective learning, the center failed to provide alternate texts that could be recognized by a screen reader, an assisting tool for persons with visual impairment, in addition to visual contents. When it was obvious that access to learning contents using keyboards would be hindered for persons with visual impairment, the center was obligated to supply complementary materials in Braille or soft files as a mean to ensure the right of persons with visual impairment to education or training service.

Consequently, the Commission recommended the center to complement its e-learning contents to ensure accessibility of persons with visual impairment in accordance with the Korea Web Contents Accessibility Guideline (KWCAG) and supply complementary materials in Braille or soft files. The Commission extended its recommendations to the Ministry of Education, Science, and Technology, the center's supervising body, to revise its E-Learning Quality Management Guidelines to ensure accessibility of persons with disabilities as prescribed by the KWCAG.

## **2) Rejecting Insurance Application based on Disability**

An organization for persons with disabilities named B filed a complaint to the Commission alleging that “when the organization applied to purchase a travel insurance policy for its 2-night and 3-day membership training, the A insurance agency offered a high-premium policy with less coverage for persons with disabilities while offering low-premium policy with more coverage to those without disabilities. ”

The Commission confirmed by its investigation that the A agency not only differentiated

its customers based on disabilities when soliciting travel insurance policies but also intentionally solicited policies that were disadvantageous to persons with disabilities based on an unsubstantiated probability that they were more likely to have accidents.

It determined that the practice was a violation of Article 15 and 17 of the Disability Discrimination Act which states that “ providers of financial products and services shall not restrict, exclude, isolate, or reject persons with disabilities without just cause in offering any types of financial products and services including insurance”, and that offering products that are unfavorable to persons with disabilities was deemed as discrimination based on disability unless it could be validated by positive correlation between disability and risk of loss.

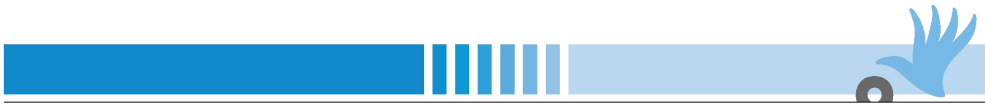
Accordingly, the Commission recommended the Chairman of the Financial Services Commission to supervise insurance agencies and develop preventive measures. To the A insurance agency, the Commission recommended to take human rights education.

## **7. Discrimination Cases Based on Country of Origin**

Discrimination based on country of origin refers to an act of offering advantages to, excluding, distinguishing, or unfairly treating a person or a group of persons without just cause on the ground of country of origin in all aspects of social activities including employment. The definition of “country of origin” refers to a person’s nationality in the past, i.e. a nationality before one is legally entitled a Korean citizenship, and current nationality in some cases. When a person legally obtained Korean citizenship through methods including but not limited to marriage and naturalization, he or she cannot be discriminated based on country of origin. It is also deemed discrimination based on country of origin when a person with foreign nationality is discriminated from exercising certain basic rights against native Koreans or persons with other nationalities.

### **□ Discrimination Against Foreign Nationals in terms of Payment Option for Internet Phone Bill**





Mr. Alxxx subscribed internet phone service provided by 00, a telecommunications service provider, in April 2009, but his request for automatic payment was rejected by 00, because 00 had a policy that only accepts credit card as a form of payment for customers with foreign nationalities.

The company claimed that accepting credit card as the only form of payment was not discrimination, because it was difficult to contact foreigner customers when they miss payments and many of them did not provide accurate residency information.

However, the Commission decided that it was not reasonable for the company to restrict payment options for foreigners, because it inadvertently discriminated those foreigners who had secure residency with extended permission to stay and maintained secure job and steady income very much like Korean citizens in terms of their ability to pay bills.

Accordingly, the Commission recommended the company to rescind its practice of refusing automatic payment options to foreign customers.

## **8. Discrimination Cases Based on Appearance and Physical Attributes**

Discrimination based on appearance and physical attributes refers to unjustified unfair treatment without just cause based on physical attributes, conditions, capacities, etc. such as facial appearance, external appearance, physical strength, height, weight, agility, and cardio-vascular capacity.

### **□ Discriminating Candidates with Color Vision Deficiency Applying for Police and Coast Guard**

Mr. Kim and others filed a complaint against the Commissioner Generals of Police and Marine Police that it was unfair to restrict persons with color vision deficiency with an exception of minor conditions from applying for police officers and coast guards.

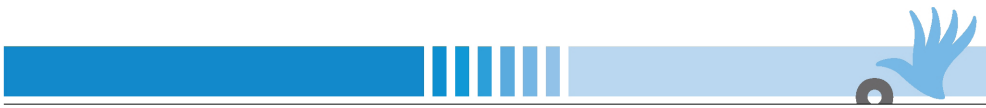
The Commissioner General of Police defended the policy arguing that officers are required to perform strenuous duties such as pursuing and apprehending suspects, containing demonstrators, or conducting intelligence operations that are deemed dangerous enough to grant the legal use of firearms, and completion of such duty to satisfaction

requires officers to maintain a specific level of physical fitness. The policy to exclude candidates with color vision deficiency with an exception of those with minor color weakness was put in place, because the ability to distinguish colors is essential in performing specific duties such as recognizing traffic signals, locating and pursuing stolen vehicles, and confirming identify of suspects before making an arrest, and lack of such ability would seriously impede job performance.

The Commissioner General of Coast Guard insisted that the department required candidates to have unobstructed vision with an exception of minor color vision deficiency, because coast guards perform most of their duties at sea which include maritime traffic control, maritime security, maritime environmental preservation, and maritime pollution prevention, and the said vision impairment would render officers unable to recognize navigation aids, lights or signals and might cause major accidents.

Even though the Commission acknowledged that it could be acceptable for the two departments to require its officers to meet certain requirements of physical fitness, considering the direct implications their duties had on preserving people's lives, physical security, and public order, with such gravity vesting them with the power to use lethal weapons as firearms, it still found the policy to be an act of discrimination as it excluded those with color vision deficiency. Without clear guidelines that defined the levels of deficiency as minor, moderate, and severe according to the distinctions applied to the policy as well as objective and scientific proof of correlation between color vision deficiency and performance of specific duties, denying citizens of an opportunity to pursue employment with police and coast guard based on a predetermined degree of color deficiency was not deemed justified.

Accordingly, the Commission recommended both the departments to rescind Appendix 5 of Article 34(7) of the Enforcement Decree of Appointment of Police Officer and Appendix 5 of Article 34(6) of the Enforcement Decree of Appointment of Police Officer Assigned under Coast Guard which imposed restriction on persons with color vision deficiency of a predetermined level or higher regardless of specific job functions.



## 9. Discrimination Cases Based on Pregnancy or Childbirth

Discrimination based on pregnancy or childbirth refers to an act of offering advantages to, excluding, distinguishing, or persecuting a person or a group of persons without just cause on the ground of past or probable pregnancy or childbirth in all aspects of social activities including employment. The National Human Rights Commission Act defines “pregnancy or childbirth” as a basis of discrimination separated from discrimination based on “gender”, because distinction between women who perform pregnancy and childbirth and men who are not capable of pregnancy and childbirth as well as that between women who do and do not perform pregnancy and childbirth are both deemed violation of equal rights.

### □ Discrimination Based on Pregnancy in the Use of Educational Facility

A man filed a complaint that administrators of the high school his daughter attended pressured her to drop out of school when she got pregnant, even though his daughter and the father of baby (“her boyfriend”) were planning to legally marry upon graduation with both parents’ consent.

The administrators refuted the accusation that they pressured her to drop out by claiming that they only recommended her to take time off in the best interest of the girl as well as other students whose right to education should also be protected from disturbances. Regardless of parental consent, the very fact that a school-age girl was sexually active and became impregnated represented “disgrace” and “moral corruption” in stark contradiction to behaviors expected of students, and it might not be in the best interest of the health of mother as well as the baby for her to keep attending the school.

The Commission concurred with Article 3 of the Framework Act on Education and Article 7 of the Convention on the Rights of the Child that prescribe a child’s right to education as an indispensable basic right ensuring education necessary for growth, development, and character building of a child and acknowledged that being forced to discontinue education because of pregnancy would seriously obstruct the child’s development and force her to suffer a life-long poverty due to actual or latent

unemployment in a vicious cycle of poverty.

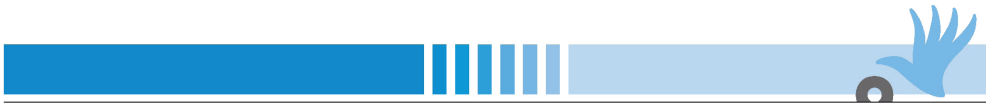
Teen pregnancy was not to be condoned, but it should never be used as a mean to punish the students by seizing them of their right to education and opportunity to grow as a productive member of the society. Rather, schools must aggressively protect their right to education because they need it more than other students to stand on their own and in pursuit of personal aspirations. The administrators who pressured the complainant's daughter to take time off or drop out of school because she was pregnant were deemed to have violated the girl's right to education.

Furthermore, it was not reasonable to ask her to drop out of school based on an unsubstantiated ground that her pregnancy might have a negative impact on fellow students and obstruct their academic performance, because she did not cause disruptions at the school or in society with her relationship with her boyfriend or subsequent pregnancy. In addition, the school should not have hastily applied moral preconceptions to determine whether her dating and pregnancy fell under the categories of "disgraceful behavior" and "morally corrupt relationship" subject to expulsion as defined in the school's student disciplinary guidelines. Even if the school found the behaviors of the complainant's daughter to be inappropriate, it was also its role and responsibility to teach the student the importance of free will and responsibility through proper sex education, and therefore, depriving the student of her right to education could not be justified.

Accordingly, the Commission recommended the principal of OO High School to re-admit the complainant's daughter so she may complete her education. It also recommended the Education Commissioner of OO City to issue a warning to the administrators of the school and implement measures to assist pregnant students to continue their education, all which were accepted.

## **10. Discrimination Cases Based on Family Structure or Family Situation**

Family situation refers to a condition where members of a family are placed in, including being cared for or dependent on others, and family structure means a type of



family classified by types of their relationships giving or receiving care. Family can be formed not just by blood ties but also by marriage or adoption. Discrimination based on family condition or situation refers to persecuting a person or persons based on “family structure, family members, and circumstances concerning responsibilities for the family.”

#### **□ Restriction on Family Mileage Pooling Based on Family Structure**

A complaint was filed against OO Airlines for its policy of allowing its customers to pool frequent flier miles of immediate family members (“Family Mileage Pooling Plan”) including grandparents and grandchildren only on paternal side, claiming that excluding maternal grandparents and grandchildren from the benefit was an unreasonable discrimination against family with strong maternal ties.

The airline defended its policy by arguing that the Family Mileage Pooling Plan was a business strategy the company had an explicit discretion to execute as it saw fit to attract more customers by offering differentiated service to frequent fliers, and it was not an inherent right the consumer was titled to or to be subjected to judgment of discrimination. The company was acting on internationally accepted standard of identifying family relationships based on paternal heritage, and extending the program to maternal family members would force the company to apply different standards for foreign and domestic customers. Although maternal grandparents and grandchildren were not allowed to pool their frequent flier miles, actual damage they suffered was insubstantial as they were eligible to enjoy other types of benefits from accumulated miles. Most importantly, the company argued that expanding the scope of eligible family members would enable less frequent fliers to take advantage of the program they couldn’t qualify, which would destroy the program’s original purpose of rewarding frequent fliers, not to mention aggravating financial burden of the company.

The Commission did not argue that airline companies had the discretion to make a strategic decision of determining the extent of family members eligible for the family mileage pooling program. However, it did not accept the added financial burden as a

reasonable ground for the policy as the risk was inherent for a program such as the Family Mileage Pooling Plan. Airline companies had put in place measures to protect its interests against such risk including automatic expiration of miles unused before expiration date and exercising discretionary right to restrict mileage benefits. The company's argument that they allowed maternal grandparents and grandchildren to be eligible recipients of benefits from already accumulated frequent flier miles was a totally separate issue not related to the complainant's claim. Maternal grandparents and grandchildren are legitimate members that constitute a family who are entitled to the legal and regulatory status equal to paternal grandparents and grandchildren by the Korean government, and it was an abuse of the company's discretionary authority to discriminate the maternal family members.

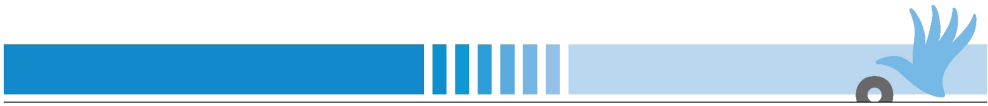
Accordingly, the Commission recommended the company to remove its policy that excluded maternal grandparents and grandchildren from the company's Family Mileage Pooling Plan, and the company accepted it.

## **11. Discrimination Cases Based on Ideas and Political Affiliation**

Discrimination based on ideas or political affiliation refers to persecution of a person or a group of persons without just cause based on ideas or political affiliation, or apparently unbiased regulations or practices that inadvertently but unjustifiably inflict disadvantages on a person or a group of persons with specific ideas or political affiliation. Ideas are defined as a strong personal conviction regarding values, and political affiliation means personal opinion on political issues. Since political opinion can be expressed in diverse forms, the form of expression does not have any implication on determining discrimination based on political affiliation.

### **□ Disqualifying Candidacy for Student Government Presidency Based on Ideas**

A junior of OO High School filed a complaint that he was prohibited from registering as a candidate for the student government president election in July 2009, because he led a campaign to demand school policy revision and participated in the nationwide candlelight



rally. A teacher who was in charge of managing the student government body and whose recommendation was required to register as a candidate refused to sign the recommendation citing the complainant's activities.

In response, the school cited that the student participated in 5 to 6 candlelight rallies from May and June of 2008. In October of 2008 when the school explained reasons of restricting the use of the school property's rear gate in a reply to his demand, he refused to accept the reasons and vigilantly protested for opening of the gate. In November of the same year, he produced a badge with a negative message that said "Exam is Hell" and incited students to wear them. Finally, the student organized a group titled "Committee for School Policy Revision" without the school's knowledge in March or April of 2009, campaigned for signatures, and posted a rather exaggerated and provocative claim on the school's official website alleging that "I had been labeled as a rebel against the school authority and was forced to endure intense internal and external persecutions." The school claimed that his request for recommendation was rejected because these behaviors constituted reasonable ground to deem the complainant to be ill qualified for the candidacy of student government presidency.

Although the complainant attended the candlelight rallies, the Commission found that he attended peaceful assembly of the public free of violence after school hours on his own time, which rendered his behavior a legitimate exercise of the freedom of assembly guaranteed by the Constitution and the Convention on the Rights of the Child and should not be construed as delinquent or reprehensible student conduct prescribed in the school's policy of disqualification reasons. Similar assessment was made of the complainant's activity of campaigning for school policy revision. School policies established to govern student conducts must reflect the will of students before being implemented or revised in order to gain legitimacy and authority to command compliance, so the complainant was deemed to be exercising the freedom of expression provided in Article 12 of the Convention on the Rights of the Child and General Comment and Youth Welfare Support Act in the same Article in order to protect his interests. Also, using of the term, "rebel", in the message the complainant posted on the school's website was done so only as he was

quoting a remark made by one of teachers. His campaign to demand the school to allow students to use the rear gate and posting relevant messages on the school's website was a part of his jobs as a member of the student body aimed to benefit all the students. The school's claim that the "Exam is Hell" badge the complainant handed out as a part of "Student Day" activity was a language too extreme and unacceptable for a student to use was without a sound ground since the said phrase was a commonly used expression in Korean society to refer to "excessively competitive educational environment." In conclusion, all of the reasons cited by the school as evidence of ill qualification of the complainant were deemed unjustified.

Accordingly, the Commission recommended the principal of OO High School to issue a warning to the teacher who personally rejected the complainant's request for recommendation and implement measures to prevent occurrence of the same or similar infringement of student right.

## **12. Discrimination Cases Based on Education**

Discrimination based on education refers to an act of offering differentiated treatment depending on years of education or educational backgrounds or applying apparently unbiased standards that inadvertently resulted in causing significant disadvantages to a person or a group of persons with certain educational backgrounds. Differences in wage, income level, job opportunities, or promotion according to capitalistic economic principles which reward more compensation to those with stronger capabilities could be acceptable in society to some extent, but putting excessive or unjustified weights on educational backgrounds to determine a person's overall capabilities corresponds to discrimination without just cause.

### **□ Discrimination in Recruiting Contract Teacher based on Education Background**

After the complainant failed to get a chance for an interview for a position of a contract teacher at OO Junior High School in January 2009, she filed a complaint claiming that the school discriminated against her by applying different calculations of factoring in





applicants' high school GPA based on locations of the high schools.

The school defended its practice arguing that levels of academic achievement showed clear differences between standardized and non-standardized school districts, and not taking such difference into consideration by applying one GPA factoring ratio could lead to discrimination of applicants who graduated from schools in standardized districts and ultimately hinder the school's ability to hire the best teachers.

However, the Commission cautioned that grades from undergraduate or graduate course of education during which prospective teachers actually acquire the knowledge and skills that make them outstanding teachers along with the teacher's certificate should be sufficient enough to conduct preliminary screening of applicants. If needed, applicants could be further evaluated through interviews or open classes. Quality of teachers not only takes into account the level of relevant knowledge but also reflect individual character and moral philosophy that cannot be assessed by grades, let alone their high school GPA. Even if the Commission were to accept the claim that schools had the discretionary authority to adopting specific criteria in recruiting contract teachers, applying applicants' high school GPA as the most important criteria in screening written applications was considered to be unwarranted. Furthermore, differences in academic achievement could exist for students even though they were from non-standardized districts, and the school's recruiting policy discriminated applicants who graduated from top schools in non-standardized school districts against applicants who graduated from standardized districts even with higher GPA.

Accordingly, the Commission recommended the principal of OO Junior High School to rectify its discriminatory practice of screening applicants for contract teaching position based on standardization of school district where the applicants graduated, and the school accepted the recommendation.

### **13. Discrimination Cases Based on Medical Record**

Discrimination based on medical record refers to an act of offering advantages to, excluding, distinguishing, or unfairly treating a person or a group of persons based on medical history without just cause in all aspects of social activities.

### □ Refusal to Recruit a Person Infected with Hepatitis B Virus

A man filed a complaint claiming that a company retracted its offer of employment in July 2009 even after he completed and passed its recruiting process only because it was revealed that he was infected with hepatitis B virus during the course of medical checkup.

The Commission responded that using medical history as a reasonable ground to determine employment can only be accepted when medical conditions in dispute clearly impair a person's ability to reasonably perform his or her duties or are explicitly prohibited by laws and regulations from entering certain employment. Although recruiting is a basic managerial discretion allowed to employers who carefully consider factors such as expertise, experience, and physical and mental health required to perform a given job, the discretion should be exercised only within the limitations set forth by regulation and conform to objective and reasonable guidelines.

Hepatitis B virus is categorized as a Class 2 Epidemic that can be controlled and prevented by vaccination under Article 2(2) and Article 30(1) of the Act on Prevention of Epidemics and Article 17 of the Enforcement Decree of the Act, which is not one of regulated physical conditions that prompt temporary restriction on performing jobs. The Korean Association for the Study of the Liver submitted their opinion to the Commission saying that a person is most commonly infected with hepatitis B virus through blood or sexual contact and rarely by just cohabiting with a carrier. It was undeniable that the employer retracted its offer of employment only because the complainant was infected with hepatitis B virus, without verifying his eligibility to perform his job based on objective and reasonable guidelines, and the consequence of the action was discrimination based on medical record without just cause.

Accordingly, the Commission recommended the employer to pay KRW 5 million to the complainant in compensation of his suffering as well as the cost of medical checkup for employment in addition to demanding not to repeat the same or similar discriminatory acts, which were accepted.



## Chapter 5

# Human Rights Education

### Section 1. Overview

The Committee on the Covenant on Civil and Political Rights (CCRP) under the United Nations Human Rights Committee reviewed the implementation of mandatory clauses of CCRP in Korea in 2006 and stated that “the Committee noted the efforts of the country to promote public awareness on human rights provided in the Covenant but was concerned that such efforts were limited” with a recommendation that “the country should reflect (integrate) human rights in elementary, middle, and high school education, vocational courses, and especially in training programs for law enforcement officers.”

The Commission has been stressing the fact that for Korea to fulfill its role as a responsible member of the international community, the ultimate objective of education in every sector should be to promote and advance civil rights, and has made steady efforts to include internationally universal human rights education in every educational and training course in order to strengthen the nation’s respect, sensitivity, and capabilities for human rights.

To command institutionalization and infrastructure establishment of human rights education, the Commission has maintained a channel of cooperation with schools, national defense sector, and training centers for government officials through committees that also included government organizations and municipalities. In furthering its effort to create an educational environment built on the foundation of human rights, it also opened a pilot research academy to implement human rights education at elementary, middle, and high schools; conducted researches on human rights in cooperation with leading universities in the field; reviewed textbooks for elementary and middle school curriculum; and developed a manual for promotion of pro-human rights school environment.

Completion of the main building and annex of the Human Rights Education Center enabled the Commission to jump-start its plan to enhance the operation of education programs in a more systematic manner in full gear. It developed and offered diverse human rights education programs including online and offline courses for mental health facilities, multi-cultural communities, educators, corporate employees, staff of homeless shelters, and the general public that demands commitment to human rights, in line with its strategic goals and independently or jointly with other organizations and institutions.

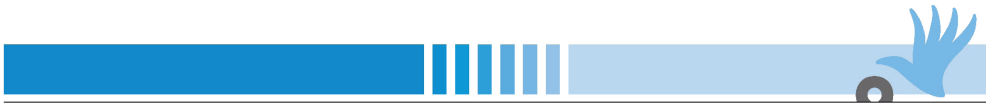
Furthermore, in order to prevent civil rights violation and discrimination and build a culture of promoting human rights, the Commission released “Fly, Penguin”, the first feature film on human rights and provided related contents to educational institutions. It also continued to work on developing cultural contents on human rights and extending the culture of promoting human rights through diverse projects such publishing thesis and essays and hosting a contest to collect best cases of civil rights protection. The achievements are described in detail below.

## **Section 2. Major Activities**

### **1. Institutionalization and Establishment of Human Rights Education**

#### **1) Operation of Human Rights Education Council**

The Council of Human Rights Education at School was created to integrate human rights into school curriculum and education policies as a result of a meeting of officials from the Ministry of Education and Human Resources Development and 16 municipal education offices held by the Commission in 2007. Since then, it has dedicated to sharing information including progress and reinforcing partnership and cooperation among diverse parties. At the 2 meetings the Council convened in 2009, members reviewed the Commission’s various projects and confirmed their support, exchanged ideas for progressing human rights education, identified obstacles and challenges in expanding and



applying the philosophy of human rights at schools, and discussed future plans.

The Commission collected and analyzed data on the latest status of human rights education in other countries to promote human rights education. In contribution to the tentatively titled “Declaration on International Human Rights Education and Training” that was being drawn up led by the Advisory Committee to the United Nations Human Rights Committee for the purpose of emphasizing the role of the state in human rights education, the Commission submitted its opinion to reflect Korea’s commitment to human rights education in the declaration. It also attended a meeting of the Advisory Committee on August 4th, 2009 where it presented the Commission’s activities.

To advance implementation of human rights philosophy in the military, the Commission organized the Council of Human Rights Education in Military to serve as an organization discussing and mediating various issues on human rights education and policies as well as supporting and coordinating cooperative efforts.

The Council consists of 4 divisions: human rights education, human rights policy, violation investigation and discrimination investigation; Human Rights Officer of the Ministry of National Defense; and each human rights division of the army, the navy, and the air force. Future agenda the Council resolved to undertake include framework plan on human rights education in the military, training expert development on human rights in the military, development, supply, and utilization of human rights education programs and contents for the military, human rights policies in the military, investigation and relief for human rights violation and discrimination, and any other matters necessary to promote and protect human rights in the military.

## **2) Offering Human Rights Education Course at Education/Training Institutes for Government Officials**

In 2008, the Commission offered a series of human rights education programs to administrative officials from the central and local governments designed to address misunderstandings and preconceptions of human rights. Also, it invited working-level

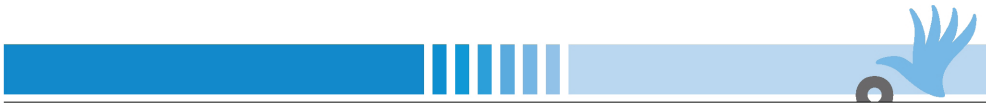
officials from education and training institutions for government officials to a workshop under a theme of development of pro-human rights administrative culture. Partnership with the education and training institutes continued in 2009, and the Human Resources Development Institute of Jeju Special Autonomous Province and the Municipal Development Center of North Chungcheong-do became the first institutions to implement a curriculum specifically designed for human rights sensitivity training.

### **3) Promoting Human Rights Culture at Schools**

#### **(1) Developing and Distributing Guidelines on Promoting Human Rights at Schools**

The United Nations Convention on the Right of the Child (“UNCRC”) is the most fundamental convention on international human rights mechanisms to advocate the rights of children and youth. Despite having the power to hold nations that ratified it to be legally accountable, in practice however, the UNCRC has limitations in its enforcement as it does not impose specific guidelines for punishment as often is the case with international laws. The UN Committee of Economic, Social and Cultural Rights in 2001 recommended Korea to formulate a separate set of local laws to complement the enforcement, to which the government complied by revising the Act on Elementary and Secondary Education (Article 18(4)) in 2007 to be conformed to the UNCRC. With lack of specific action plans in support of the revision, however, schools are yet regulated for civil rights violations.

The Commission has developed guidelines to create pro-human rights culture at schools based on international and local regulatory policies in order to promote and protect the rights of students in all schools in a convincing and effective way. The guidelines are mainly directed at fostering schools that regard students as individuals with sacred rights, respect decisions and involvement of students, teach accountability accompanied by exercise of rights, respect and not discriminate diversity, pursue student-oriented education, provide holistic care for students, have a disciplinary policy and relief measures for violation of student rights, and have respect for teachers as professionals and commit themselves to enhancement of their competency.



Given its significance, the Commission exhausted vast resources in 2009 to develop the guidelines. In addition to conducting an analysis of school policies by sampling 120 or 1% of all schools in Korea (June to July, by city and county, by elementary, junior high, and high), it hosted an international workshop to seek alternatives to corporal punishment against students (June 10 in Chungju, 70 teachers) and researched best school cases that made improvements to school policies (August 27, North Chungcheong Education Office). It also conducted field surveys and advisory sessions (August 27 to 28, North Chungcheong Education Office, National Education Association, Chungju Daewon High School, North Chungcheong Female Development Center) before presenting a draft on November 9. Feedbacks on the draft were collected from each division of the Commission (November 12 to 17) as well as 8 experts (November 19 to 30). 5 experts then conducted a special review session to provide in-depth insights for enhancement of the guidelines (December 4 to 5 in Chungju). In December the final draft of the Council of Human Rights Education at Schools was distributed to 11 of 16 Education Offices, which was further reviewed and discussed by relevant organizations at a meeting of the Council of Human Rights Education at Schools (December 15, Ministry of Education and Human Resources Development, Ministry of Health and Welfare, and 16 city and provincial Education Offices). With a few minor modifications expected, the final guidelines will be distributed to all schools nationwide.

## **(2) Operating Pilot Human Rights Education Schools**

The Commission has conducted a pilot school program for human rights education since 2004 and supported schools designated by cities and provinces for human rights education and research. The purpose of the pilot schools was to offer a chance to its members to learn concepts, knowledge, and sensitivity on human rights and work together to develop detailed programs to be executed as a part of regular or extra curriculum, so that all members have mutual respect for others' human rights and ultimately proliferate the transformation to neighboring schools and communities.

Round 3 of the pilot school program with 8 schools that began in 2008 completed in

2009, during which the Commission held a workshop for program administrators (April 9 and 10) and provided support including programs and contents, curriculum development, and technological and financial assistance. During the final year of the two-year program in 2009, the pilot schools invited principals and teachers from neighboring schools and local education officials to deliver a final presentation on the operation results, and the Commission toured the country to attend the presentations and provide support.

On December 8 and 9, 2009, in commemoration of the 61st anniversary of the Universal Declaration of Human Rights, the Commission held a Convention on the Final Results of the 3rd Round of Pilot Schools for Human Rights Promotion, sponsored by the Ministry of Education, Science, and Technology. The convention was attended by a total of 11 pilot schools including 8 sponsored by the Commission and 3 designated by cities and provinces, along with teachers from pilot schools from two previous rounds, education commissioners and vice-commissioners, researchers, and others. Convention programs included exhibition of achievements and award ceremony for outstanding schools and student UCC presented by the Minister of Education, Science, and Technology and the Chairperson of the National Human Rights Commission. Schools and teachers were also recognized and awarded for their contribution at the convention, which was concluded with presentation and evaluation of an overall result of the 2-year program followed by a discussion on future direction.

Overall, the 3rd round of the program was a resounding success resulting in profound recognition of human rights and contributed significantly to the promotion of human rights education in communities. Actually, the pilot schools accepted many recommendations of the Commission and revised their school policies such as hairstyle and corporal punishment in cooperation with students. Some organized review committees to oversee human rights educations in their communities while others supported student groups promoting human rights and held a seminar on human rights UCCs.

#### **4) Revising Textbooks To Reflect Human Rights**

With the scheduled textbook revision to be carried out from 2009 to 2011 under the





Inauguration of 1st Round of Textbook Monitoring Group

newly revised national curriculum inaugurated in 2009, the Commission has campaigned for “pro-human rights textbooks” as one of its activities in pursuit of pro-human rights school environment. In its first year in 2009, the Pro-Human Rights Textbook Project organized a special group consisting of

students and teachers to minor textbook contents for misrepresentations of civil rights, which raised the public’s interest and awareness on the importance of representing civil rights in textbooks.

The textbook monitoring group, launched in June 2009, scoured all published elementary, middle, and high school textbooks and uncovered 23 pro and 171 anti-civil rights contents. After two rounds of expert review sessions, the cases were presented at the “Workshop Establishment of Pro-Human Rights Guideline of Textbook Publication: Textbooks Reviewed by The Monitoring Group” held on October 7, and it was recommended to the Minister of Education, Science, and Technology to revise or delete 25 of the 171 contents that fell far short of meeting the guidelines.

The contents recommended for revision or removal include those that were likely to generate discrimination based on gender, family structure, ethnicity (nationality), and disability and restrict civil rights including dignity, right to rest, and rightful demand for more facilities; and use cruel and non-educational expressions, all of which may lead students, if exposed to without critical supervision, to openly tolerate civil rights violation or discrimination or become indifferent to civil rights issues. Consequences of such failure would be detrimental because the effect would last through students’ adulthood. In addition, workshop participants recommended that textbooks must conform to the “Pro-Human Rights Guideline of Textbook Publication” to exclude damaging contents and

have textbooks reviewed by a board of experts including human rights experts during its development and verification stage.

## 2. Human Rights Education Center

Rather than operating its education programs at different locations by curriculum as it had been, the Commission decided that a facility devoted to education was imperative to achieve its plan to provide specialized and systematic education in an integrated and effective manner. After a year of operating the Human Rights Education Center in 2008 on a pilot basis, the Commission officially designated the Construction Management Training Institute (located in Noeun-myeon, Chungju, North Chungcheong-do with irregular availability depending on training schedule) as the main facility of the Human Rights Education Center while transforming the former Learning Center located on the 10th floor of the Commission Headquarter into the annex facility. As a result, the Commission ensured stability, continuity, and competency of its education program as well as efficient use of human resources and cost cutting.

Aspiring to develop into a full-fledged institution of human rights education in the future, the Center offered 300 sessions of human rights education independently or jointly with other institutions both on-line and off-line to 23,672 persons in 2009. 13,573 took part in the 60 on-line sessions while 10,099 completed 240 off-line sessions, which was a dramatic increase by 40%, from 16,886 in 2008 (12,394 for on-line and 4,492 off-line). Backed by the success of the Center and setting up a basis of partnership with the Cyber Human Rights Education Center, the Commission effectively established a solid foundation for comprehensive and systematic human rights education.

**[Table 2-5-1] Record of Human Rights Education Conducted in 2009**

Category	On-line	Off-line		Total
		Visit Program	Lecture	
No of Sessions	60	109	131	300
Participants	13,573	3,043	7,056	23,672

### 3. Educational and Cultural Contents on Human Rights

#### 1) Cultural Contents such as Human Rights Films

The Commission distributed cultural contents on human rights developed from a cultural perspective for educational and promotional purposes in order to raise awareness, facilitate human rights education, and diversify education. Setting its sight on enhancing human rights sensitivity efficiently and readily through a cultural approach, the Commission adopted a general distribution channel including the Internet and bookstores that could persistently expose the general public to cultural contents. With expanded partnership with an additional value-creating market on the Internet such as IPTV, cable TV, and SK Broadband through which the Commission released human rights films, the Commission helped bridge the gap between the general public and human rights issues. It also facilitated human rights education by directly supplying contents at the request of schools to be integrated in extracurricular classes or introduce them in liberal arts classes at university. The contents were also reviewed for development of government-authorized textbooks, and 5 editions of textbooks (160,056 copies) adopted the proposed contents in remarkable achievement in diversifying educational contents.



5 short omnibus films <Perspective 1318>



Feature Film <Fly, Penguin>

## 2) Contest for Best Human Rights Practices, Thesis, and Essay

The Commission has hosted a contest for theses on human rights since 2002 to facilitate researches on human rights promotion and protection, expand the parameter of human rights studies, and consolidate the knowledge base on human rights in Korea. To recognize hardworking and dedicated educators and human rights activists for their commitment to the enforcement and education of human rights causes despite adversities and discover best cases of innovative and distinct practices and human rights education that can be benchmarked in the field, it has also opened a contest for best human rights practices since 2003. Following the reorganization in 2009, the two contests that were administered independently (thesis contest by Human Rights Research Team and best practice contest by School Education Team) were integrated to enhance efficiency of operation and budget spending.

In addition to the two contests, the Commission launched an additional contest in 2009 to create pro-human rights culture among students and improve their sensitivity to civil rights issues by drawing together essays written to inspire appreciation and support for human rights in the daily lives of the youth including elementary, middle, and high school students.

For the three contests held in 2009 that received 12 best practice examples, 44 theses, and 195 essays, the Commission recognized and awarded 6 best practices, 11 theses, and 34 essays at an award ceremony held on December 1st.



Award Ceremony and Presentation of Best Human Rights Practices, Thesis, and Essay, (Winners of Best Human Rights Thesis Award on December 1st)



## Chapter 6

# Cooperation with Human Rights Organizations and Public Relations Issues

## Section 1. Overview

Undeterred by challenging circumstances that included controversy over its autonomy and reorganization, the Commission continued with vigorous pursuit of cooperation with human rights organizations and authorities at home and abroad in 2009. It collected opinions through policy consultation with human rights institutes in developing its task plans and sustained coalition and partnership with them by interacting and assisting them with their requests. In addition, it selected 33 organizations among 132 project proposals to support them with a total of KRW 275 million to raise public awareness and spread pro-human rights culture nationwide.

2009 also saw the Commission taking great strides in networking and cooperating with international human rights authorities and national human rights organization of other countries. It attended the ICC and APF meeting where it presented its activities and its proposal on human rights of migrants and UPR implementation being adopted as global agenda was a recognition of the Commission's leadership by the international community.

The Commission invited Iraqi officials to Korea to deliver knowhow on establishing a national human rights agency and held a workshop for officials of national human rights agencies from 8 countries in the Asia-Pacific region to strengthen mutual understanding and cooperation network.

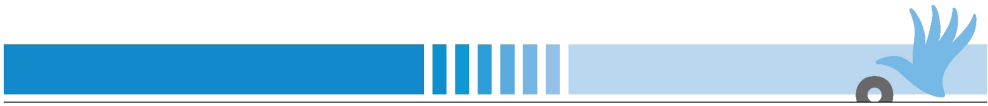
The Commission also aggressively approached the public with its PR activities in order to heighten human rights awareness. It issued a total of 152 press releases to the media to communicate its major policies, recommendations, and activities. Working closely with major media that published feature articles on overall civil rights issues including

advancing rights of migrants and persons with disabilities, the Commission targeted to subject human right issues to social discourse and collective efforts for improvement. The enforcement of the Disability Discrimination Act and the Age Discrimination Act and publication of the N National Report on the Human Rights on the Persons with Mental Disabilities were issues the Commission promoted with added passion to bring forth a social consensus on improving civil rights conditions of the disadvantaged and minorities. Communicating major civil rights issues and activities of the Commission with the public was also done through diverse channels and methods such as opening a blog titled “Story You Need to Know”(byul byul iyagi), comics on human rights, and advertisement on screen doors in subway stations. In addition, the Commission published a bi-weekly on-line newsletter titled “Human Letter” that featured activities and news of the Commission to 38,000 influential opinion leaders. The Commission also published 12 editions of English newsletters to share local issues and its activities with the international community.

Six editions of the magazine, “Human Rights”, first launched in August 2003 as a monthly magazine and then bi-monthly since 2006, were published in 2009. The “Human Rights” is a highly specialized publication dedicated to human rights and contributed to raising the public’s awareness and sensitivity. A total of 22,000 copies were published and distributed to government offices, organizations, and interested individuals. The Commission also made the magazine available on its website to be accessed by Internet users. To make sure that persons with disabilities could also share important information, the Commission made it mandatory in 2008 for all contents of the “Human Rights” to include voice-eye barcodes and published books in Braille and silent letters.

## **Section 2. Major Activities**

### **1. Cooperation with Domestic Human Rights Organizations**



Since its establishment, the Commission has regarded reinforcing cohesive cooperation with other human rights organizations as one of its key missions in line with its determination to work with the public and society in tackling civil rights challenges. The Commission turned the controversies that enveloped itself such as the issue of autonomy and reorganization into a golden opportunity to further strengthen its ties with fellow human rights organizations.

In 2009, the Commission hosted a policy review session with human rights organizations to canvass and adopt diverse opinions and suggestions before formulating its annual plans. It also endeavored to foster a closely-knitted net of partnership and cooperation that constantly interacted and assisted the organizations. Considering organizations, business scopes, and regions, the Commission selected 33 partnership projects with human rights organizations to receive government funding. As a whole, 2009 marked the year that the Commission made diverse efforts to steadily cooperate and maintain its partnership with human rights organizations notwithstanding internal and external challenges.

The policy review session in preparation of formulating annual business plans for 2009 as mentioned above was held on January 20th, and delegates imparted their valuable suggestions and opinions for the Commission's annual business plan and sought out more cooperation with other human rights organizations. 73 delegates from 62 organizations participated in the session, making it a highly coveted occasion.



Policy Consultation with Human Rights Institutions (January 20)

## 2. Field Visits

In 2009, the Chairperson and the Standing Committee Members of the Commission paid 10 visits to the field. The field visit is to listen to voices of the disadvantages or minorities in the field and reflect them in its policies and projects. The Commission sought to integrate their requests or proposals in its policies and projects by sharing what they heard in the field with their visit reports.



Chairperson's Field Visit (Kyonam House of Hope, September 17)

## 3. Interactions with International Human Rights Organizations

### 1) ICC and APF

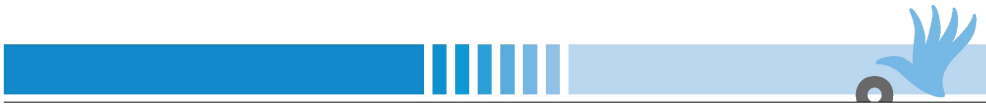
#### (1) International Coordinating Committee of National Institutions for the promotion and protection of Human Rights (ICC)

As of October 2009, of 110 national human rights institutions worldwide, 66 institutions including the NHRCK had received “A-Status” accreditation by complying with the Principles relating to the Status of Human Rights Institutions (“Paris Principles”). ICC is a representing body of national human rights institutions founded to establish and enhance national human rights institutions in compliance with the Paris Principles.

The Commission served as its Vice Chair from 2007 to 2009, played a leading role in ICC annual meetings (held in Geneva in every March), and represented the Asia-Pacific region in the Accreditation Sub-Committee (typically twice a year in Geneva) as it expanded its influence within the organization.

In accordance with the ICC Statute adopted at the 8th International Conference for





National Human Rights Institutions (Nairobi, Kenya) in October 2008, the ICC was incorporated under the Civil Code of Switzerland where the United Nations is located. Serving as the Vice-Chair, the Commission actively performed discussion and implementation of diverse international processes required for the incorporation of the ICC. Still in its formative period as a relatively new international organization, the ICC has been keen on strengthening its system and organization by steadily improving and supplementing its statute. The Commission played a leading role during that process, eagerly expressing its opinions and taking part in exposing and discussing agenda. In addition, it has met diverse expectations of the international community by submitting statements and comments on international human rights issues and reporting the Commission's activities through a solid communication channel with the OHCHR NI Unit and Katharina Rose, ICC Representative in Geneva.

The Commission has been serving as Representative of the Asia-Pacific in the Accreditation Sub-Committee since 2007 and was re-elected to continue its service until 2012 at the 14th Asia-Pacific Forum of National Human Rights Institutions held in Amman, Jordan in 2009. The Commission has contributed to facilitating the accreditation process and led the international human rights network with its efforts to represent the interests of Asia in the committee.

## **(2) Asia-Pacific Forum of National Human Rights Institutions (APF)**

The APF was established in 1996 with a mission to promote and protect human rights by exchanges and cooperation among national human rights institutions of Asia-Pacific region, and the APF Secretariat in Australia supports its members with their efforts to promote international human rights. Every year, all full members of the APF convene to resolve operational issues and discuss regional issues at its annual meeting. The APF consists of 15 full members (Korea, Australia, Malaysia, Afghanistan, India, Jordan, Mongolia, Nepal, New Zealand, the Philippines, Palestine, Thailand, East Timor, and Qatar) and 2 associate members (Sri Lanka and the Maldives). The Commission served as

Chair in 2004 and 2007 and Vice-Chair in 2006 and 2008, playing a leading and influential role in the regional cooperation mechanism of the APF.

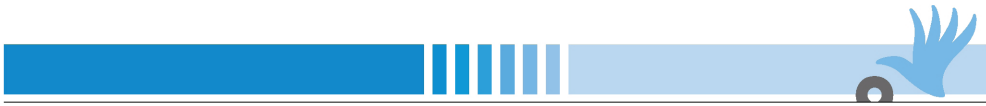
The 14th APF Annual Meeting held in Amman, Jordan in August 2009 included the Forum Council Meeting, a private meeting for full members only; the General Meeting, a public meeting; and the Senior Executive Officers Meeting. Jennifer Lynch, the Chair of



Korean Delegates to 14th APF Annual Conference held in August 2009, in Amman, Jordan

the ICC, and an officer of OHCHR attended as observers, and the General Meeting was attended by delegates from 43 NGOs and 5 governments (Australia, NewZealand, Nauru, Samoa, and the Commonwealth Secretariat). At the Forum Council Meeting, members elected Chair and Vice-Chair countries, reported on annual activities of the APF Secretariat, adopted its financial report, revised review standards for APF full membership, amended procedures of holding annual conferences, and selected a member to represent Asia-Pacific region as a candidate for ICC Chair. The General Meeting included annual activity reports from full members and a panel discussion on “human rights and corruption” and “human rights and religion”. The Forum Council Meeting decided to adopt the ICC Accreditation Sub-Committee procedures to review APF membership.

The Commission contributed to the decision-making processes of the APF by effectively delivering opinions and presentations at the Forum Council Meeting and furthered its cooperation with other national human rights institutions and the international community. Most notably, the “Guidelines on UPR Implementation for National Human Rights Institutions” proposed by the Commission and adopted by the members was a great testimony of its leadership and policy-making capabilities. In addition, the proposed framework was based on cohesive cooperation of members to



protect human rights of migrants, a common issue of the region, which resulted in the creation of the APF Working Group on Migration.

In addition to the APF Annual Meeting, the Commission also participated in workshops on human rights held by the APF to share information on human rights promotion practices with other members and promote its activities. It supports the APF with an annual contribution of KRW 100 million which is used for diverse APF projects including education, cooperation, capacity building, and support for establishment of national human rights institutions.

## 2) Cooperation and Exchanges among NIs

### (1) Training Human Rights Officers of NIs from the Asia-Pacific

In 2009, the Commission focused its Annual Partnership Program for Human Rights Officers of NIs on Asia-Pacific countries from where many workers and women migrate to Korea for jobs and marriage. It invited one officer (middle manager and working level) from each NIs in Mongolia, the Philippines, Nepal, Indonesia, East Timor, Thailand, and Afghanistan to showcase the Commission's activities on human rights promotion and protection, share information on local organization, system, projects, and best practices, and discuss common challenges. The 5-day program started on October 26, 2009 included field trips including the Migrant Support Center in Ansan to provide an opportunity for participants to meet with migrants from their own countries and better understand Korea's migrant support system.

The program succeeded in building consensus for the need for projects



Training for NHRIs of 8 Asia Pacific Countries (October 26 to 31)

intending to promote human rights of migrants. It was also a good chance for officers of the Commission to enhance understanding of other NIs and international civil rights issues.

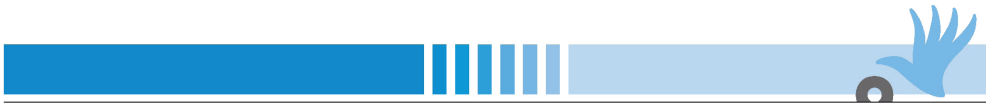
## **(2) Cooperation and Exchanges with Individual NIs**

Exchanges with individual NIs are mainly conducted through international NI network including the ICC annual conference, APF annual meeting, and workshops in formats of officer exchange, technical assistance, and on-site training.

To help its officers build international experiences, develop expertise, and study advanced policies and systems, the Commission designated 4 officer-exchange teams in 2009 to complete specific training assignments: “Human Rights Education Programs for Migrants and their 3rd Generation (USA)”, “Case Studies of Human Rights Policy Development and Improvement from a Gender Perspective (Sweden)”, “Promotion System and Methodology to Prevent Discrimination against the Disadvantaged in Canada (Canada)”, and “Policy Responses of the Government and the NHRCK to Migrant Issues (Malaysia and Thailand). Each team visited responsible organizations of the subject country, conducted researches, and networked with local officers. In December 2009, participants of the program presented and shared the results of their year-long project.

Meanwhile, the Commission attended the 6th Annual Meeting of ASEAN NHRI Forum held in Indonesia in November 2009 to present and lead a discussion on “Support and Cooperative Measures for Asian NIs: Thailand, Malaysia, Indonesia, and the Philippines”. In addition, based on the ASEAN Charter adopted at the 2007 ASEAN Summit and the Implementing Agreement adopted in the ASEAN Ministerial Meeting in July 2009, the Commission took part in a discussion to identify progress of institutionalizing the ASEAN Intergovernmental Commission on Human Rights and its effectiveness.

Furthermore, it visited the Indonesia National Commission on Violence against Women and shared information on Korea’s investigative and relief measures for discrimination against women and sexual harassment. It also delivered a video message from the



Chairperson to the National Human Rights Commission of Scotland as they commemorated the International Human Rights Day.

### **3) Cooperation with UN Bodies and Other HRIs**

#### **(1) Cooperation with UN Bodies**

With expanding responsibilities and contribution called for by the international community, national human rights institutions as a whole were granted the right to speak and represent themselves independently from governments and NGOs at the UN Human Rights Council in accordance with the resolution of the UNCHR in 2006. HRIs have steadily solidified its status within the international human rights mechanisms while supporting human rights promotion efforts of the United Nations.

HRIs accredited with “A-Status” by the ICC including the Commission are granted full access to all official agenda of the UN Human Rights Council through submitting written statements or delivering verbal address. They are also invited to attend working-level meetings on UPR review, submit independent reports, and speak out for adoption of UPR recommendations. Due to logistical limitations that make it unfeasible for all 70 A-Status NIs to participate in every session of UNHRCK meeting, Katharina Rose, the ICC Representative in Geneva, attends the meetings on their behalf. In commemoration of the 20th anniversary of the Convention of the Rights of the Child, Ms. Rose addressed the delegates of the 10th UNHRCK annual conference in March 2009 on behalf of the Commission urging for participation and support from NIs in developing a draft optional protocol for the Convention of the Rights of the Child to adopt an individual notification system.

However, the UN Commission on the Status of Women under the UN ECOSOC does not grant NIs such privileges as the UNHRCK does. The ICC has made a series of efforts to expand involvement of NIs in the UN Commission on the Status of Women, and the Commission has joined the efforts by participating in the 53rd UN Commission Meeting

on the Status of Women in 2009.

In addition, it has maintained an on-going consultation channel with the National Institutions Unit, Asia-Pacific Region Team, and Special Procedures Team of UN OHCHR. The Commission, as the Asia-Pacific Representative to the ICC Accreditation Sub-Committee, has closely consulted the NI Unit which serves as the ICC Secretariat in the process of preparing NI status review, and actively cooperated with survey on NI establishment trend worldwide conducted by OHCHR.

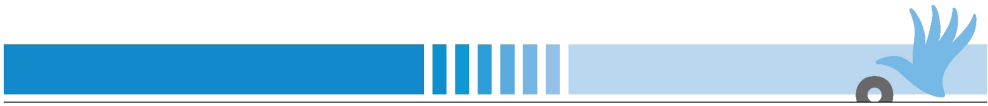
## **(2) Operation of Course on Iraqi Human Rights Policy Development(Sponsored by ODA)**

The Commission conducted the "Course on Iraqi Human Rights Policy Development" for 1 month in June 2009 for 16 participants from the Ministry of Human Rights of Iraq including officials in charge of human rights protection as a part of Training Program for ODA Recipient Countries offered by Korea International Cooperation Agency. The course was prepared to support establishing a human rights commission in Iraq and covered introduction to concepts and history of human rights protection, focusing on domestic and international development and functions of national human rights institutions. The participants also visited related organizations including the National Assembly, the Constitutional Court, the Anti-Corruption and Civil Rights Commission, and the Ministry of Gender Equality to observe the cooperation of agencies in their commitment for human rights promotion.



Launch of Course on Iraqi Human Rights Policy Development (June 8)

The program was meaningful in that the Commission established itself as a leading NI supporting establishment of NIs overseas and contributed to “Human Rights-based Approach to Development” as emphasized by the UN and the OECD. The efforts were



greatly applauded by the international community recognizing Korea's commitment to fulfill its campaign agenda as it ran for council membership of the UNHRCK.

### **(3) Cooperation with Other Organizations**

The Commission has played a leading role in the international human rights community by serving as APF Chair in 2004 and 2008, APF Vice-Chair in 2006 and 2008, and ICC Vice-Chair from 2007 to 2009. With growing recognition of the Commission at home and abroad, more and more guests are visiting the Commission to access information on its establishment, roles and responsibilities, and activities and form partnership. In 2009, the Commission welcomed around 260 guests including Secretary General Irene Khan of Amnesty International.

In 2009, particularly, the Commission saw a remarkable increase of foreign visitors who were legal, foreign affairs, and welfare officials wanting to benchmark human rights protection and education system of Korea. Delegates of the Ministry of Foreign Affairs of Vietnam (July), senior delegates of the Judicial and Legislative Reform Committee of Cambodia (July), delegates of the National Assembly of Mongolia (September), and Director of Human Rights of the Foreign Affairs and Commonwealth Office of UK (December) visited the Commission to study the Commission and share information on its various advanced and forward-looking activities. For delegates of officials from Fiji, Senegal, Uzbekistan, Peru, and Egypt who were in Korea to take part in a gender equality training at the Korea Institute for Gender Equality Promotion and Education in August 2009, the Commission provided detailed



Chairperson Hyun Byung-Chul Meeting with Secretary General Irene Khan of Amnesty International (Nov 24)

introduction to its efforts for fighting gender discrimination.

Additionally, it organized an open lecture when US Ambassador Melanne Verwee for Global Women's Issues, German Lawmaker Herta Daeubler-Gmelin, Honorary Professor Michael Hass of the University of Hawaii, and Eric Sirotkin, an international human rights lawyer from the US visited the Commission. A week-long training program on human rights offered annually for American law school students concluded successfully in 2009 as was in 2007 and 2008.

## **4. Human Rights Awareness-Raising**

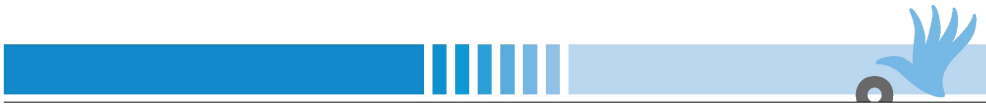
### **1) Promotion through Media**

The Commission issued 152 press releases in 2009 in an effort to share with the public its policies and activities including results of investigations and recommendations. They contributed to raising public's awareness and understanding, promoting the Commission's initiatives and roles to a wider public. In particular, the Commission endeavored to put human rights issues on table as a chief social agenda by illustrating patterns of human rights violations and discrimination by government organizations and updating policies to improve human rights conditions of the disadvantaged and minorities.

The Commission promoted its activities and projects in more depth through media briefings and meetings. A total of 6 briefings and meetings contributed to delivering correct information to the public as well as raising diverse human rights issues as a main social agenda. The attitude was extended to the Commission's handling of media requests and support. The Commission focused on efficiency of its media relations by conducting 77 interviews and report assistance, which expanded its promotional effort using the media.

Feature articles in major newspapers and TV networks made great contributions to promoting and protecting civil rights in society by carefully analyzing relevant issues and seeking solutions. A 16-episode documentary series was aired on MBC (A Rainbow of





Hope) in addition to weekly briefings on human rights on radio stations (January 1 to April 25). The Chairperson made an appearance on a popular TV charity program on KBS (Request for Love). The Commission also published in cooperation with major newspapers several feature articles such as One Year after Enforcement of Disability Discrimination Act (5 articles in Segye Daily), Five Years after Enforcement of Employment Permission System (3 articles in Segye Daily), and Survey on Vulnerable Residents (4 articles in Hankook Ilbo). The reports effectively brought the public's focus to human rights issues and eventually contributed to improvement.

## **2) Promotion through Diverse PR Channels**

The Commission diversified PR channels by agenda to approach the public more easily and introduce its policies and achievements effectively, with a view to enhance public awareness and obtain maximum results. It expanded its PR channels from conventional media of newspapers and network TVs to blogs, cartoons, video clips, sign boards, and subway screen doors.

“Human Letter” is an on-line newsletter being published every week and emailed to 38,000 opinion leaders aimed at communicating the Commission's various activities as well as general human rights issues. In addition to the Human Letter, the Commission provided information on as-needed basis about major events, human rights data, and policy agenda to continue its communication with opinion leaders. Internet has become an important communication channel, and the Commission supplied a variety of contents on human rights to Internet users through its blog titled “Story You Need to Know (byul byul iyagi), which has become a popular communication channel for Internet users by presenting human rights issues in casual and easy-to-access contents. The blog includes 153 contents on human rights promotion such as “Common Human Rights Issues”, “Human Rights and Law in Everyday Life”, “Letter from Counselor”, “Media and Human Rights”, and “Human Rights Cartoon”. The Commission, interestingly, teamed up with Korea's leading cartoonists in commemoration of the centennial celebration of Korean

comics and published 28 comic stories on human rights on the blog to provide easy and accessible introduction to human rights issues.

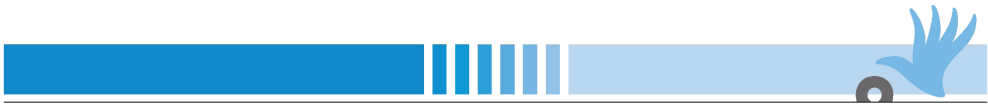
The National Report on the Human Rights on the Persons with Mental Disabilities published in 2009 was one of the Commission's key promotion agenda. In addition to media promotion, it took diverse approaches to raise awareness on human rights promotion of the people with mental disabilities. The Commission posted messages of human rights issues and publication of the National Report on screen doors of 4 subway stations in Seoul (Jongno 3-ga, Seoul Station, City Hall, and Gunkuk University), as well as on 120 electronic billboards nationwide assigned to public use.

Furthermore, it distributed various promotional materials including leaflets and brochures. The Commission developed a comprehensive guidebook on its status and roles and distributed leaflets written in 7 languages (English, Chinese, Russian, Mongolian, Thai, Indonesian, and Vietnamese) to introduce its operation including complaint handling and counseling to give particular support to migrant workers and multi-cultural communities. The multi-language leaflets were also sent to Mongolia and Indonesia through local national human rights commissions and embassies to support Korea's MOU with the two countries on promoting human rights of migrant workers.

The Commission also made efforts to promote Korea's human rights issues globally. It sent out 12 English newsletters on its major issues and recommendations made in 2009 to human rights personnel and institutions overseas, promoting its activities in the international community and expanding the basis for international cooperation and exchange.

### **3) Promotion through "Human Rights"**

The Commission published 6 editions of the "Human Rights" in 2009 with its 59th issue being released in December 2009. The magazine was published monthly since its inception in August 2003 but later became bi-monthly publication from 2007.



The “Human Rights” is designed to help the public to understand that no one is free from human rights issues and successfully promoted human rights sensitivity and awareness. The magazine is made available to readers representing all compartments of our society with its circulation of 22,000 copies that are mailed to government institutions, local governments, the National Assembly, offices of prosecutors and police, education offices, mass care facilities, libraries, health-care institutions, human rights institutions, schools, and anyone who are interested in the cause.



Magazine "Human Rights" Issued in 2009

Furthermore, the Commission made the magazine available on its website as “Human Rights Webzine” for people who may not have access to hard copy. Beginning 2008, voice-eye barcodes (text to voice conversion tool) are included in all contents of the web-version of the Human Rights to help readers with visual impairment enjoy the contents. In addition, it converted and published interesting contents of the magazine into Braille or silent letters.

In 2009, the Commission appointed 98 youth honorary reporters to ensure readers’ involvement and expand its contents. The youth honorary reporters contributed to the Human Rights with monitoring, feature report ideas, and articles.





## Chapter 7

# Activities of Regional Human Rights Offices

## Section 1. Busan Human Rights Office

### 1. Human Rights Counseling and Complaints Handling

The Busan Human Rights Office concentrated on enhancing accessibility by promoting its counseling and complaints handling services to the public, which included promoting “1331 Service”, a human rights counseling telephone hotline (March and April), with the help of the Busan Subway. As a result of its various efforts, the number of complaints received rose from 426 to 659 from the previous year. In addition, with the efforts to review complaint box operation and monitor restrictions on phone use at mass care facilities prompted by their relatively low number of complaints and counseling sessions, as well as to help the public filing and resolving in-person complaints by educating personnel in the mental health-care facilities, more voices of persons with mental disabilities could be heard by the Commission.

**[Table 2-7-1] Complaints, Counseling, and Inquiries and Petitions Filed to the Busan Human Rights Office (number of cases)**

Year	Complaints	Counseling Sessions	Inquiries/Petitions	Total
2009	659	1,776	1,729	4,164
2008	426	2,224	1,808	4,458
2007	322	1,961	1,690	3,973
2006	266	1,648	1,552	3,466
Cumulative Total	1,727	7,735	6,949	16,411

\* October 11, 2005 to December 31, 2009

## 2. Major Activities

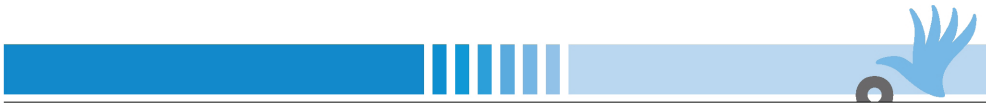
In 2009, the Busan Human Rights Office ran its operation more stably and effectively than in any other year in terms of providing reliefs. Adopting exclusive investigator system, adjusting counseling hours, and case discussion sessions all led to enhancement of the quality of investigations, and the number of closed cases grew by over 300% from 128 in 2008 to 529 in 2009. Even though the transfer of investigation of complaints from mass-care facilities to local offices according to an organization change in April 2009 forecasted increased workload, the number of processing days actually went down dramatically. In addition, it delivered effective reliefs to victims by closing majority of complaints through approving, mutual settlement or during investigation.

In the areas of education, promotion, and cooperation as preventive measures, the office executed projects in line with the Commission's priority projects or on its own. For example, to promote human rights of the elderly, it operated a human rights policy promotion booth at the convention and aired promotional campaign on Busan MBC Radio during the Silver EXPO held in Busan, which



Human Rights Festival Joined by Local Community  
(December 10)

successfully broke grounds for the foundation of protection of human rights of the elderly. Its research on improving living standards for migrant workers prompted the Busan Metropolitan City to express its intention to reflect contents of the research in its policies. The same research was featured in more than 10 media reports, which elevated the status of the Office significantly. The Office took advantage of the city's most popular event, Pusan International Film Festival, to promote human rights of people with disabilities by monitoring availability of necessary facilities and amenities provided by the organizer. It



also sponsored a panel discussion on the status survey on human rights conditions of young workers and improvement measures, making great progress in protecting human rights of relatively more vulnerable groups.

In order to complete its strategic human rights projects, in particular, the Busan Human Rights Office expanded its partnership for human rights protection and enhancement to encompass government, civic, and local organizations; it consulted with heads of correction facilities, collaborated with national universities the Office signed MOU with, supported human rights education organized by municipalities, and concluded MOU with the Busan Transportation Corporation.

On a somber note, however, the Office became aware of the need to make further efforts to work more closely with municipalities for not just its strategic projects but also other projects that can have more tangible impacts on the lives of local residents.

Given that 2010 marks the 5th year anniversary of establishment of the Busan Human Rights Office, it should also keep up its efforts to establish itself as a human rights institution effectively serving local needs by reviewing its mid to long-term plans for human rights promotion.

## **Section 2. Gwangju Human Rights Office**

### **1. Human Rights Counseling and Complaints Handling**

The Gwangju Human Rights Office received 14,300 complaints and counseling requests in 2009 in its 4th anniversary, which was a reduced number compared with the previous year. The number of complaints and counseling went down by 3% to 421 and by 11% to 1,486 respectively. The total number dropped by 17% year on year.

**[Table 2-7-2] Complaints, Counseling, and Inquiries and Petitions Filed to the Gwangju Human Rights Office** (number of cases)

Year	Complaints	Counseling Sessions	Inquiries/Petitions	Total
2005	77	104	107	288
2006	182	896	1,261	2,339
2007	373	1,282	1,305	2,960
2008	433	1,674	2,694	4,801
2009	421	1,486	2,087	3,994
Cumulative Total	1,486	5,442	7,454	14,382

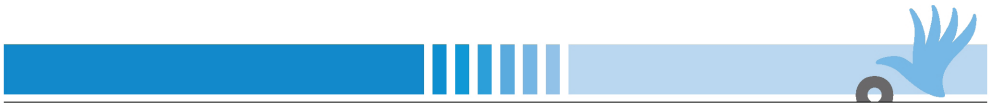
\* October 12, 2005 to December 31, 2009

## 2. Major Activities

-Great advancement of investigation into mass care facilities, enactment of human rights ordinance, and contributing to nationwide strategic projects of the Commission-is the summary of achievements accomplished in 2009 by the Gwangju Human Rights Office which celebrated its 4th anniversary in October 2009.

In a way, the Commission's reorganization that completed in April jump-started Gwangju Human Rights Office's activities of 2009, which got kicked-off by changing its official name from the "Gwangju Regional Office" to the "Gwangju Human Rights Office". In terms of work scope, the authority to investigate mass care facilities in the region was transferred from the Commission. Overall, the Office produced tangible results in some areas and was dedicated to making meaningful achievements in its operation. Its achievements in 2009 are as follows by field.





While the number of counseling and complaints it received slightly went down from the previous year, the number against mass care facilities grew. The number of processing days went up along with increased workload from investigating mass care facilities without manpower increase, but the percentage of approved cases offering practical relief increased dramatically.

The efforts for education, promotion, and cooperation were made in line with strategic projects of the Commission to enhance their effectiveness. As a result, the Office concentrated its capabilities for education, promotion, and cooperation in promoting human rights of multi-cultural communities and people with disabilities.



Gwangju Human Rights Office committed to creating an environment where municipalities could be actively engaged in formulating the human rights ordinance (May 16).

Secretariat of the Commission was instrumental in expanding Gwangju Human Rights Office's strategic projects to become nationwide by proving comprehensive support. The project to create an environment for formulation of human rights ordinance delivered a particularly tangible result; the Gwangju Metropolitan City has become the first municipality to enact the ordinance on human rights promotion, which was thanks to efficient collaboration with related municipalities and local assemblies, civil rights groups, and expert associations. By jointly conducting a project to operate human rights-themed train services with Gangjin Province, the Office provided new cultural contents on human rights to the public along with human rights-themed train station. Furthermore, it promoted public awareness with regular appearance on a radio program and article contributions to newspapers and organized a human rights film festival for film producers in the region who had keen interest on human rights issues.

## Section 3. Daegu Human Rights Office

### 1. Human Rights Counseling and Complaints Handling

The number of complaints, counseling sessions, and inquiries the Office received showed a solid increase from the previous year in clear reflection of the community's growing interest and expectations. As the Office paid special focus on monitoring the right to complain by people in custody of detention or protection facilities, counseling regarding mass care facilities accounted for 41% of all counseling cases, and the number of related complaints more than doubled. Its data reflects the unique environment of Daegu where a significant number of mass care facilities and detention facilities (10 in total) are concentrated. Office staff has made great efforts to enhance their counseling expertise and capabilities through conducting case studies and taking English counseling lessons.

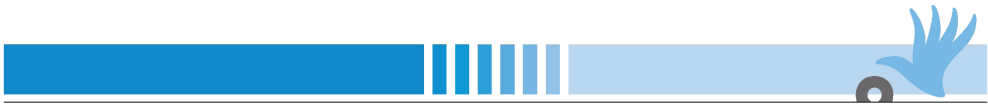
**[Table 2-7-3] Complaints, Counseling, and Inquiries and Petitions Filed to the Daegu Human Rights Office**  
(number of cases)

Year	Complaints	Counseling Sessions	Inquiries/ Civil Applications	Total
2007	158	297	236	691
2008	388	773	1,207	2,368
2009	410	900	1,679	2,989
Cumulative Total	956	1,970	3,122	6,048

\* July 2, 2007 to December 31, 2009

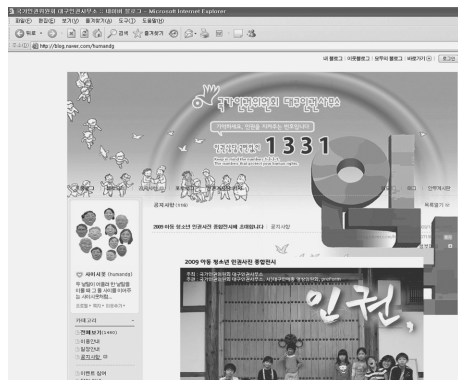
### 2. Major Activities

Established in January 1, 2007, the Daegu Human Rights Office has worked hard with a focus on building the foundation to enhance the sensitivity of local residents to human



rights issues, by offering human rights education, promotion, and cooperation, as well as being committed to executing the Commission’s various initiatives in the region including counseling, accepting complaints and resolving in-person complaints in respectful of its role as an advocate of human rights in the region.

The Office was especially focused on advocating and protecting human rights of local residents as well s improving the resident’s perception of human rights by first identifying special interest groups including children, people with disabilities, senior citizens, and migrants and then working with relevant organizations in education, promotion, and campaigning. Human rights education can be improved by improving the process of integrating efforts for promotion and cooperation for each particular special interest group. Further improvements are expected in terms of strengthening the Office’s promotion efforts that invite more participation of the public, which can incorporate websites or blogs, human rights reporter group and a human rights film producer group, and web-based public participation projects. For the areas of exchange and cooperation, the Office is recommended to strengthen its cooperation and exchange with public sector such as municipalities and local government agencies, and local political community.



Daegu Human Rights Office Blog



# Part III

## Special Projects

**Chapter 1. North Korean Human Rights**

**Chapter 2. National Report on Persons with Mental Disabilities**





## Chapter 1

# North Korean Human Rights

## 1. Background

Prompted to conduct a project for human rights promotion in North Korea by the Legislation and Judicial Committee at an extraordinary session of the National Assembly in April 2003, the Commission's Committee of the Whole during its 40th meeting in 2003 set up a non-standing body named "North Korean Human Rights Research Team" which has researched various causes related to human rights in North Korea in addition to hosting international conferences through 2008. Besides proclaiming "the opinion of the National Human Rights Commission on human rights conditions in North Korea" in December 2006, it selected "North Korean Human Rights Issues" as one of the 10 priority projects of the year 2007. "Reinforcing Policy Efforts to Improve Human Rights Issues in North Korea" was singled out as one of 6 priority projects in 2008, which has been designated as a special project of the Commission of 2009.

## 2. Policy Recommendations and Opinions

Based on emergency incidents, complaints, legal review, status survey, and policy studies, the Commission delivered policy recommendations and opinions in regard to human rights status in North Korea. Major recommendations and opinions are summarized as follows.

### 1) Opinion to the Jeju Maritime Police Agency regarding a North Korean Abductee (April 22)

The Commission urged to open re-investigation into the case of OOO who was classified as having defected to North Korea.

## **2) Demanded Release of Detainees from Gaesong Industrial Complex (April 23)**

The Commission issued a statement in the name of its Chairperson (at the decision of the Committee of the Whole) to demand the release of South Korean citizens detained at the Gaesong Industrial Complex.

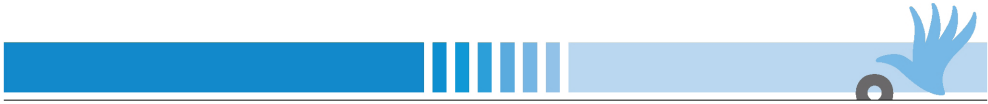
## **3) Remarks of the Chairperson on Flooding of the Imjin River (September 14)**

The Commission remarked on the devastating flooding that took lives of innocent citizens and caused massive financial damages brought upon by North Korea urging South Korean government to confront North Korea to demand explanation, compensation, as well as preventive measures.

# **3. Major Activities and Evaluation**

Human rights in North Korea was a focal point of the Commission's special project of 2009. The Commission held 30 expert seminars and discussion sessions and 3 international symposiums in addition to the North Korean Human Rights Forum. It also convened the Special Committee on North Korean Human Rights Issues as well as the Policy Consultation Council among ministries. On three separate occasions, delegates conducted field surveys to sites including the Washington DC. It also examined conditions of female North Korean defectors and political prison camps in North Korea and managed an English website. All these activities were specifically designed to bring forth a consensus on North Korean human rights issues and carry out practical, efficient, and sound status survey and policy efforts. In addition, it responded in a systematic





manner to latest development by expressing opinions on South Korean abductees, demanding release of detainees at the Gaesong Industrial Complex, and making remarks on the Imjin River flood. The project and supportive efforts eased concerns that the South Korean government was passive and indifferent to North Korean issues and had a positive impact on its status as an authority of human rights with flexible and extensive actions.



## Chapter 2



# National Report on Persons with Mental Disabilities

## 1. Major Findings

The National Report on Persons with Mental Disabilities consists of 5 chapters: Chapter 1 highlights the importance of human rights of persons with mental disability in an overview and clarifies the necessity, objectives, expected results, and implementation process of the report. While Chapter 2 examines international rules and principles as a part of global trends and overseas cases concerning human rights of persons with mental disabilities and illustrates global trends of mental health sector and human rights report of other countries, Chapter 3 presents 5 major principles to protect human rights of persons with mental disabilities including appropriate procedures and respect for self-determination, basic rights and minimum restrictions, professional mental health service and optimal treatment environment, treatment environment created by local communities, discrimination and equal rights of persons with mental disabilities. Chapter 4 is the key component of the report as it prescribes the latest status and issues Korea faces and present policy directions and future tasks for improvement. Chapter 5 concludes the report by calling for public's understanding and active cooperation and support from the legislative, the judicial, and the administrative bodies to promote and protect human rights of persons with mental disabilities.

Key future tasks proposed by the National Report are as below.

### 1) Develop Proper Guideline to Process Admission and Discharge

The biggest problem with processing admission of patients to mental health-care facilities is an issue of non-voluntary hospitalization, and the severity of consequences demand for stipulation of ‘Principle of Voluntary Hospitalization’ in the Mental Health Act to ensure the right to self-determination of persons with mental illnesses is not violated. Clearly differentiating “hospitalization for diagnosis” and “hospitalization for treatment” should also be implemented, and stricter requirements should be applied for hospitalization initiated by legal guardians. Meanwhile, the review period should be shortened in the clause on long-term hospitalization for treatment and the review standards should be revised to be stricter.

A large number of mental health patients who were appointed by the court to be subjected to guardianship of mayors, governors, or county chiefs are neglected after being hospitalized. They are especially vulnerable for abuse and discrimination, and mandatory protection plan must be stipulated in related regulations. A public transport system and emergency intervention service should be put in place to provide assistance from police officers and emergency rescue crews in safe transporting of patients being admitted non-voluntarily. In addition, a court-appointed guardian system should be made available to make sure that people with mental disabilities can be properly represented and their rights can be protected.

## **2) Preserve Rights of Patients in Mental Health Institutions and Improve Treatment Environment**

Although the Constitution grants the right to know, most persons with mental disabilities are not provided with sufficient information when they undergo treatment. Therefore, a new clause on information provision should be stipulated to the Mental Health Act to ensure that patients at mental health institutions can be properly informed of their treatment process and environment as well as basic rights. In addition, the standards on privacy protection under the Mental Health Act should be reinforced; the restrictions on access to communication including letters and visitation imposed by hospital



administrators should be revised; and there should be stricter standards for isolation and compulsion.

As with any other patients, persons with mental disabilities are entitled to receive the best treatment available. Therefore, the quality of manpower of mental health institutions should be upgraded to the level of advanced countries, and medical insurance fee should be increased to an appropriate level. In addition, treatment environment should be improved with local communities playing a key role by taking actions such as reviewing facility status and collaboration with local communities when evaluating scores for differentiated medical cost systems.

Without a clear separation of duties between mental health institutions and mental health care facilities, cases have been reported when patients requiring treatment were admitted to mental health care facilities instead of mental health institution or patients remain in the custody of mental health institutions long after completing treatment. Accordingly, the function of mental health care facilities should be redefined as ‘residential and rehabilitation facility for local community’, and proper transfer of functions should occur between two organizations gradually. Finally, by linking the Health Insurance Review and Assessment Service, the Ministry of Health and Welfare, and local public health centers, unwarranted repetition of hospitalization and trans-institutionalization should be prevented and periodic examination and monitoring should be conducted to identify non-registered facilities.

### **3) Offer Treatment for Persons with Mental Disabilities under the Leadership of Local Communities**

Although chances are extremely high for persons with mental disabilities to be neglected or re-hospitalized if not properly assimilated into local communities, there are few facilities in Korea where recovering patients and non-institutionalized patients can feel the sense of community. To address this issue, several tasks should be performed including reinforcing connectivity with local communities by re-defining roles of public

mental health centers, expanding assimilation facilities for persons with mental disabilities, increasing and efficiently operating welfare budget, and assisting support groups of family and patient gatherings.

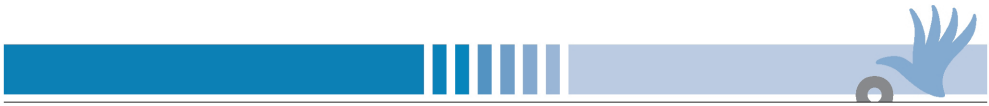
#### **4) Eradicate Discrimination and Prejudice against Persons with Mental Disabilities**

To eradicate prejudice and discrimination against persons with mental disabilities, steps toward revising negative medical references such as ‘schizophrenia’ as well as terminologies that breed prejudice such as ‘psycho’, ‘insane’, and ‘retarded’ should first be taken. Laws discriminating people with mental disabilities should be absolutely amended too. According to status survey, media plays a key role in feeding the public’s prejudice against people with mental disabilities, and therefore eradication of the public’s prejudice and discrimination fall into the hands of the media with the help of the Commission’s constant recommendation and promotion.

Even though the Mental Health Act clearly stipulates that people who set up, operate, or work for mental health facilities are required to take human rights education every year, the very education institutions appointed to provide such human rights education include institutions that do not have proper understand of the Mental Health Act or have a history of human rights violations themselves and were subject to the Commission’s recommendation. To guarantee the integrity of human rights education, it should be regulated to allow only institutions that completed the Commission’s human rights education and are authorized to provide it should be appointed as special education facility. Police officers and emergency rescue crews who serve people with mental disabilities at the frontline should be assigned to specific cases and required to undergo education on human rights of people with mental disabilities

## **2. Publication**

In October 26, 2009, the Commission’s Committee of the Whole published the



National Report on the Human Rights on the Persons with Mental Disabilities and decided to recommend to the Prime Minister and the Minister of Health and Welfare to develop and implement policies designed to promote and protect human rights of persons with mental disabilities as presented in the Report. For full implementation of the Report, cooperation and collaboration across ministries are required in designing and implementing policies. The Prime Minister's support is essential in coordinating related ministries to ensure that appropriate policies are put in place and taken into effect and the Minister of Health and Welfare, department governing issues related to people with mental disabilities, has the obligation to enhance related laws, develop specific policies and implement them in phrases. In such regard, the Commission made the recommendation as above.

### 3. Future Challenges

The National Report on the Human Rights on the Persons with Mental Disabilities brought about immediate changes shortly after its publication. In December 2009, the Ministry of Health and Welfare proposed a bill to amend the entire Mental Health Act. The bill was deemed as a very positive movement as it reflected significant ideas and suggestions included in the Report. After conducting a review of the proposed bill and discovering amendments that were in contradiction to the its recommendations, the Commission identified 8 specifics and submitted its official opinion to the Ministry of Health and Welfare. The Ministry, then, accepted three and modified particular



Presentation in Seoul on the National Report on People with Mental Disabilities (November 5)

amendments in the final draft of the bill for legislation announcement. As for the other five, the Commission and the Ministry decided maintain dialogue, and the bill is expected to mark a turning point for Korea's commitment to promotion and protection of human rights of people with mental disabilities.

In 2010, the Commission will further evaluate implementation progress of the Report and conduct a status survey on transport of people of mental disabilities, in demonstration of its commitment to promoting and protecting human rights of people with mental disabilities. In the process, it will make utmost efforts to improve current systems through close collaboration with related ministries and institutions.



# Appendix





- 1. Commissioners and Senior Executive Officers**
- 2. Organization**
- 3. Budget**









## 1. Commissioners and Senior Executive Officers

### □ Chairperson & Standing Commissioners

Position/Name	Profile	Remarks
 <p>Chairperson <b>Hyun, Byung-Chul</b></p>	<ul style="list-style-type: none"> <li>· Dean, Hanyang Cyber University</li> <li>· Dean, College of Law, Hanyang University</li> <li>· Dean, Graduate School of Public Administration, Hanyang University</li> <li>· President, The Korea Association of Comparative Private Law</li> <li>· Vice President &amp; Secretary-General, The Korea Law Professors Association</li> </ul>	<p>Appointed by the President (July 17, 2009 ~ July 16, 2012)</p>
 <p>Standing Commissioner <b>Choi, Kyung-sook</b></p>	<ul style="list-style-type: none"> <li>· Head, Sexual Violence Counseling Center, Busan Differently Abled Women Solidarity</li> <li>· Representative, Busan Disabled Women Solidarity</li> <li>· Co-representative, Korean Disabled Women United</li> <li>· Deputy Representative, Busan Women's Association United</li> <li>· Expert Member in Non-Discrimination, Presidential Committee on Social Inclusion</li> </ul>	<p>Appointed by the National Assembly (September 21, 2007~ September 20, 2010)</p>
 <p>Standing Commissioner <b>Yoo, Nam-young</b></p>	<ul style="list-style-type: none"> <li>· Director, Finance, Korean Bar Association</li> <li>· Member, Education Informatization Committee under the Prime Minister</li> <li>· Vice-Chairman, Lawyers for a Democratic Society</li> </ul>	<p>Appointed by the President (December 24, 2007.~ December 23, 2010)</p>
 <p>Standing Commissioner <b>Mun, Kyung-ran</b></p>	<ul style="list-style-type: none"> <li>· Editorial writer, journalist in women's issues, Joongang Daily</li> <li>· Member, Steering Committee, Forum on Women in the 21st Century</li> <li>· Adviser, Women Policy, Ministry of Gender Equality</li> <li>· Vice President, Korea Women Journalist Association</li> <li>· Member, Committee on Women, and Women Development Fund Operation Committee, Seoul metropolitan government,</li> </ul>	<p>Appointed by the National Assembly (February 4, 2008 ~ February 3, 2011)</p>

## □ Non-Standing Commissioners

Position/Name	Profile	Remarks
 <p>Commissioner <b>Kim, Tae-hoon</b></p>	<ul style="list-style-type: none"> <li>• Judge, Seoul High Court, Supreme Court</li> <li>• Head Judge, Busan, Incheon, Seoul District Court</li> <li>• Arbitrator, Korean Commercial Arbitration Board</li> <li>• Vice Chairman, Investigation Committee, Korean Bar Association</li> </ul>	<p>Appointed by the Chief Justice of the Supreme Court (August 10, 2006 ~ August 9, 2009)</p>
 <p>Commissioner <b>Chung, Jae-guen</b></p>	<ul style="list-style-type: none"> <li>• Planning Director, Administration Office, Jogye Order of Korean Buddhism</li> <li>• Buddhist priest, Bukhan Mountain Kumsonsa, Jogye Order of Korean Buddhism</li> <li>• Member, 11th to 13th Central Committee, Jogye Order of Korean Buddhism</li> <li>• Member, Ombudsman of Korea</li> <li>• Commissioner, Truth and Reconciliation Commission</li> </ul>	<p>Appointed by the President (February 8, 2007~ February 7, 2010)</p>
 <p>Commissioner <b>Hwang, Deok-nam</b></p>	<ul style="list-style-type: none"> <li>• Judge, Seoul District Court</li> <li>• Member, Administrative Appeals Commission under the Prime Minister</li> <li>• Director, Legal System, Seoul Bar Association</li> <li>• Lawyer, Sekye Legal Corporation</li> <li>• Public Interest Commissioner in charge of rulings, National Labor Relations Commission</li> </ul>	<p>Appointed by the Chief Justice of the Supreme Court (December 24, 2007 ~December 23, 2010)</p>
 <p>Commissioner <b>Cho, Kuk</b></p>	<ul style="list-style-type: none"> <li>• Director, Korea Association of Comparative Criminal Law and Korean Association of Criminology</li> <li>• Vice Director, Office of International Affairs, Seoul National University</li> <li>• Member, Committees on Judge Appointment Improvement, and Research on Sentencing System, Supreme Court</li> <li>• Member, Advisory Committee on Prosecution Policy, Supreme Prosecutors' Office</li> <li>• Associate Professor, College of Law, Seoul National University</li> </ul>	<p>Appointed by the Chief Justice of the Supreme Court (December 24, 2007~ December 23, 2010)</p>



Name/Position	Profile	Remarks
 <p>Commissioner <b>Choi, Yun-hee</b></p>	<ul style="list-style-type: none"> <li>· Prosecutor, Seoul District Public Prosecutor's Office, Busan District Public Prosecutor's Office, and Office of International Legal Affairs of the Ministry of Justice</li> <li>· Professor and Judge, Judicial Research and Training Institute</li> <li>· Judge, National Labor Relations Commission</li> <li>· Member, Industrial Accident Compensation Review Board, Office of the President</li> <li>· Dean, College of Law, Konkuk University, President, Konkuk University Law School</li> </ul>	<p>Appointed by the National Assembly (September 4, 2008 ~ September 3, 2011)</p>
 <p>Commissioner <b>Kim, Yang-won</b></p>	<ul style="list-style-type: none"> <li>· Director, Atomic Bomb of Love Movement</li> <li>· Chairman, Committee on the Disabled, Christian Council of Korea</li> <li>· President, Korea Disabled Bowling Association</li> <li>· Co-president, Korean Christian Society Welfare</li> <li>· Founder, Shinmangae Welfare Foundation and Love and Peace Welfare Foundation</li> </ul>	<p>Appointed by the President (September 10, 2008 ~ September 9, 2011)</p>
 <p>Commissioner <b>Jang, Ju-young</b></p>	<ul style="list-style-type: none"> <li>· Member, Human Rights, Korea Bar Association</li> <li>· Executive Committee, Judicial Reform Committee, Supreme Court</li> <li>· Member, Committee of KBS Viewers</li> <li>· Vice-Chairman, Lawyers for a Democratic Society</li> <li>· Director, Center for Journalism and Human Rights</li> </ul>	<p>Appointed by the National Assembly (December 29, 2009 ~ December 28, 2012)</p>

## □ Former Chairpersons

Name	Profile	Term
 <p>1st Chairperson <b>Kim, Chang-guk</b></p>	<ul style="list-style-type: none"> <li>· Senior Judge, Jeonju District Court and Gwangju District Court</li> <li>· 82nd President, Seoul Bar Association</li> <li>· 40th President, Korean Bar Association</li> <li>· Co-President, People's Solidarity for Participatory Democracy</li> <li>· Chairperson, Investigative Commission on Pro-Japanese Collaborators' Property</li> </ul>	<p>November 25, 2001 ~December 23, 2004.</p>
 <p>2nd Chairperson <b>Choi, Young-do</b></p>	<ul style="list-style-type: none"> <li>· Judge, Daejeon District Court, Seoul Criminal District Court</li> <li>· Director and Chairperson, Human Rights Commission, Korean Bar Association</li> <li>· Chairman, Lawyers for Democratic Society</li> <li>· Standing Co-President, Korean Human Rights Organization's Council</li> <li>· Co-President, People's Solidarity for Participatory Democracy</li> </ul>	<p>December 24, 2004 ~ March 23, 2005</p>
 <p>3rd Chairperson <b>Cho, Young-hwang</b></p>	<ul style="list-style-type: none"> <li>· Standing Director, Seoul Bar Association</li> <li>· Lawyer in charge of the institution and support of a public action against the Sexual Torture in the Bucheon Police Station</li> <li>· Director, Anti-corruption Campaign, Citizens' Coalition for Economic Justice</li> <li>· Judge, Goehung-gun Court, Suncheon Branch Court, Gwangju District Court</li> <li>· Chairperson, Ombudsman of Korea</li> </ul>	<p>April 4, 2005 ~ October 2, 2006</p>
 <p>4th Chairperson <b>Ahn, Kyong-whan</b></p>	<ul style="list-style-type: none"> <li>· Professor of Law, Seoul National University</li> <li>· Distinguished Visiting Professor of Law, University of Illinois</li> <li>· 8th President, Korean Constitutional Law Association</li> <li>· Deputy Chairman, Asia-Pacific Forum of the National Human Rights Institution</li> <li>· Deputy Chairman, International Coordinating Committee of National Human Rights Institutions</li> </ul>	<p>October 10, 2006~ July 6, 2009</p>



## □ Former Commissioners

Position	Name	Profile	Term
Standing Commissioner	Park, Kyung-seo	· First Human Rights Ambassador of Korea	Nov 25, 2001 to Dec 23, 2004
Standing Commissioner	Yu, Hyun	· Senior Judge, Seoul High Court	Nov 25, 2001~Jul 21, 2004
Standing Commissioner	Yu, Si-chun	· Standing Director, Council of National Literature Writers	Nov 25, 2001 ~ Mar 13, 2004
Commissioner	Lee, Jin-kang	· Chairman, Korean Bar Association	Nov 25, 2001 ~ Nov 30, 2002
Commissioner	Jung, Kang-ja	· Co-Chair, Korea Women Link	Nov 24, 2001 ~ Dec 23, 2004
Commissioner	Kwak, No-hyung	· Professor, Law, Korea National Open University	Nov 25, 2001 ~ Feb 24, 2003
Commissioner	Cho, Mi-kyung	· Professor, Law, Aju University	Nov 25, 2001 ~ Dec 23, 2004
Commissioner	Kim, O-sup	· Senior Judge, Seoul High Court	Nov 25, 2001 ~ Dec 23, 2004
Commissioner	Shin, Dong-wun	· Professor, Law, Seoul National University	Nov 25, 2001 ~ Dec 23, 2004
Commissioner	Kim, Duk-hyun	· Judge, Seoul District Civil Court	Nov 25, 2001 ~ Mar 15, 2005
Commissioner	Ryu, Kuk-hyung	· Chief Prosecutor, Kangrung Office, Chuncheon Regional Prosecutor's Office	Dec 12, 2002 ~ Feb 23, 2003
Commissioner	Lee, Hong-rok	· Lawyer and Chairman, Human Rights Policy Research Association	May 1, 2003 ~ Apr 29, 2005
Commissioner	Kim, Man-hum	· Professor, Asia Pacific Region Research Center, Catholic University	Aug 1, 2003 ~ Oct 24, 2006
Standing Commissioner	Choi, Young-ae	· President, Korean Counseling Center on Sexual Violence	Jul 23, 2004 ~ Sep 20, 2007
Standing Commissioner	Kim, Ho-jun	· Chief Editor and Commentator, Seoul Daily	Dec 24, 2004 ~ Feb 3, 2008
Standing Commissioner	Jung, Kang-ja	· Co-Chair, Korea Women Link	Dec 24, 2004 ~ Dec 23, 2007
Commissioner	Lee, Hae-hak	· Co-Chair, National Association of Democratic Reform	Dec 24, 2004 ~ Dec 31, 2006
Commissioner	Shin, Dong-wun	· Professor, Law, Seoul National University	Dec 24, 2004 ~ Dec 31, 2006
Commissioner	Jung, In-sup	· Professor, Law, Seoul National University	Dec 24, 2004 ~ Dec 31, 2007
Commissioner	Choi, Kum-suk	· Professor, Law, Ehwa Womens' University	Dec 24, 2004 ~ Dec 31, 2007
Commissioner	Shin, Hye-soo	· Professor, Social Welfare, Hanil Presbyterian Theological Seminary	Mar 15, 2005 ~ Mar 19, 2008
Commissioner	Won, Hyung-eun	· Chairman, Christianity Association in Busan	Jun 1, 2005 ~ May 30, 2008
Commissioner	Na, Chun-soo	· Senior Judge, Seoul Central District Court	Dec 24, 2005 ~ Jun 29, 2006
Commissioner	Yoon, Ki-won	· Principal Attorney, Law Offices of Won	Oct 25, 2006 ~ Dec 28, 2009

## □ Secretary-General and Senior Executive Officers

Name	Profile
 <p>Secretary General <b>Kim, Ok-sin</b></p>	<ul style="list-style-type: none"> <li>• Judge, Seoul District Court and Seoul High Court</li> <li>• Senior Judge, Incheon District Court</li> <li>• Member, Election Commission of Incheon Metropolitan City</li> </ul>
 <p>Coordinator <b>Sohn, Sim-gil</b></p>	<ul style="list-style-type: none"> <li>• Economy Planning Bureau, Economic Planning Board</li> <li>• Anti-Monopoly Bureau, Fair Trade Commission</li> <li>• Director, Discrimination Investigation 1, National Human Rights Commission</li> <li>• Director, Innovative Personnel Management, National Human Rights Commission</li> <li>• Director General, Violation Remedies, National Human Rights Commission</li> </ul>
 <p>Director-General Human Rights Policy and Education Bureau <b>Lee, Sung-hoon</b></p>	<ul style="list-style-type: none"> <li>• Secretary, Sarangbang Group for Human Rights</li> <li>• Secretary, Korea Council for Human Rights Organizations</li> <li>• Secretary-General, Pax-Romana-ICMICA (Geneva)</li> <li>• Secretary-General, Asia Forum for Human Rights and Development (Bangkok)</li> </ul>
 <p>Acting Director-General Investigation Bureau <b>Sim, Sang-don</b></p>	<ul style="list-style-type: none"> <li>• Director, Investigation Coordination, National Human Rights Commission</li> <li>• Director, Innovative Personnel Management, National Human Rights Commission</li> <li>• Director, Policy Coordination, National Human Rights Commission</li> <li>• Director, Human Rights Research, National Human Rights Bureau</li> <li>• Director, Administrative Services, National Human Rights Bureau</li> </ul>



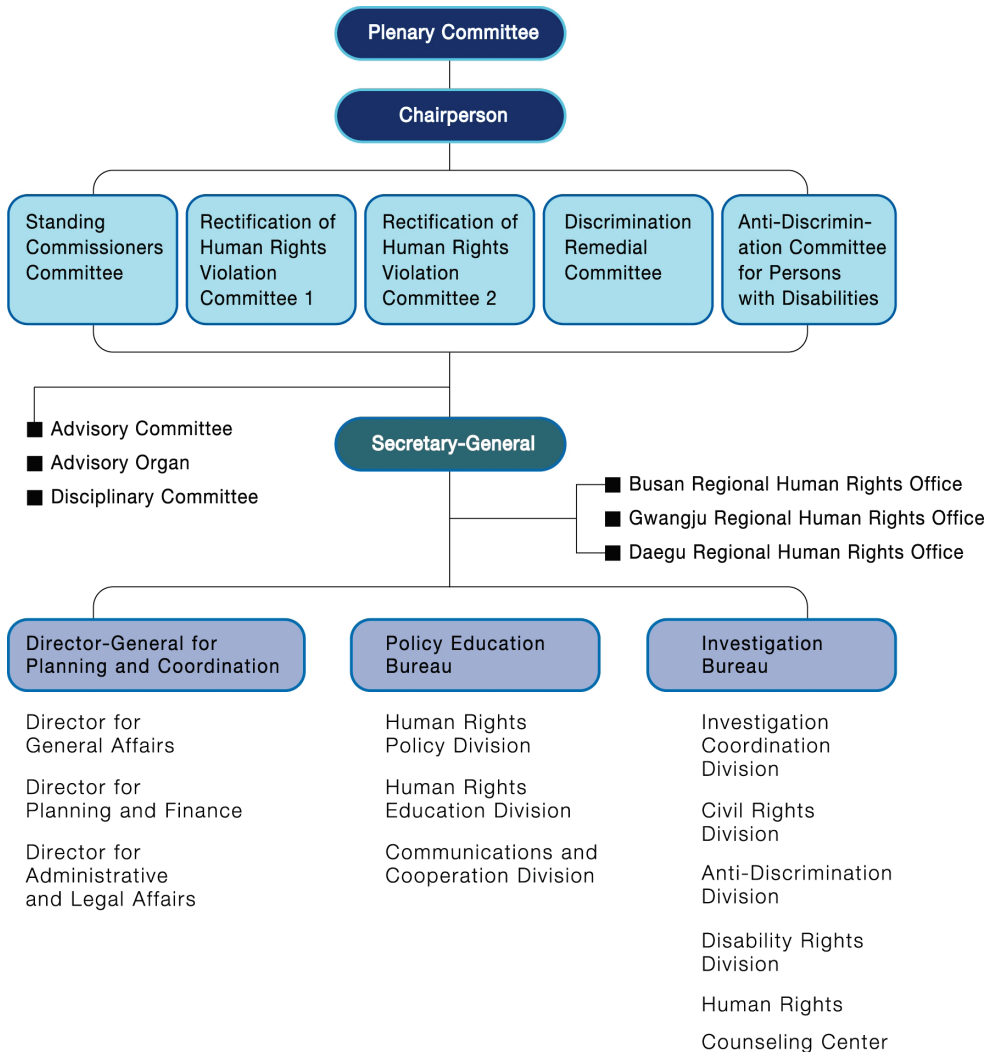


## 2. Organization

### 1) Organization and Manpower

Organization		Prior to Apr 5, 2009	Since Apr 6, 2009	Change(%)
Organization	Commissioners and Secretary General	11 (Chairperson, 3 Standing Commissioners, and 7 Commissioners), Secretary General	Same as the left	-
	Bureau	5 (HR Policy, Administrative Planning, Violation Remedies, Discrimination Remedies, and Human Rights Education Center)	2 Bureaus under 1 Director General (Coordinator, Policy & Education, Investigation)	△2 (△40%)
	Department	22 teams(Operation Support, etc.)	8 Divisions under 3 Directors (Operation Support Director, etc.)	△11 (△50%)
	Affiliation	4 (Busan, Gwangju, Daegu Regional Offices, and Human Rights Library)	3 (Busan, Gwangju, and Daegu Human Rights Office)	△1 (△25%)
Total Manpower		208 Persons	164 Persons	△44 (△21%)

## 2) Organization Chart





### 3. Budget

(Unit: KRW millions)

Item		FY 2008	FY 2009	Change(%)
Total		23,349	23,373	24 (0.1)
Payroll Expenses		11,117	11,307	190 (1.7)
Project Expenses		12,232	12,066	△166 (△1.4)
Details	Overhead (Subtotal)	7,264	7,200	△64 (△0.9)
	- Rent & Maintenance	3,496	3,611	
	- Regional Office Operation	557	452	
	- Other Expenses	3,211	3,137	
	Major Projects Expenses (Subtotal)	4,968	4,866	△102 (△2.1)
	- Advancing Human Rights-related Systems	588	703	
	- Establishing Human Rights Information System	1,206	1,001	
	- Promoting Human Rights Education	706	544	
	- International Exchange & Cooperation	483	334	
	- Promoting Human Rights for People with Disabilities	350	421	
- Raising Public Awareness on Human Rights	468	324		
- Survey & Research on North Korea Human Rights Conditions	142	331		
- Other Major Issues	1,025	1,208		

