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National Human
Rights Commission
of the Republic of Korea



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

National Human Rights Commission 2005 Annual Report

The National Human Rights Commission publishes and distributes this Annual Report containing the activities of the National Human Rights Commission in 2005, pursuant to the provisions of Paragraph 1, Article 29 of the National Human Rights Commission Act.

It is prepared for submission to the President of the Republic of Korea and the National Assembly of the Republic of Korea.



A Message from the President

This Annual Report 2005 of the National Human Rights Commission of the Republic of Korea is both a recapitulation and a self-evaluation of the Commission's activities for the year. Largely, it is designed to serve for two purposes.

First, detailed categories and numbers of the petitions that the Commission received and acted on are analysed. Various recommendations on policy and law made by the Commission are classified and summarized. Further, some of the pioneering efforts of the Commission in the enhancement of public consciousness on human rights are highlighted.

Second, it can serve as an descriptive report on the realities of the human rights situation in Korea, viewed through the channels of the Commission. In its 4th year, the Commission was much busier and more active. The increasing demand on the Commission signifies that there are a gravity and variety of the tasks left ahead. To meet more effectively with the diverse needs in the changing environments, the Commission overhauled its operational structure and working mechanism.

I hope this Report, although sketchy, would be a humble guide, leading foreign friends of the human rights toward deeper understanding and love in Korea.

Warmest Regards,

Kyong-Whan Ahn

President

National Human Rights Commission of the Republic of Korea

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National Human Rights Commission of the Republic of Korea

PART 1

Introduction





Introduction

In our pursuit of "A World Where People Can Live a Life They Deserve," we at the National Human Rights Commission take a moment now to reflect on how far we have come. While in our last four years we have had many satisfying experiences helping people find joy, our path so far has been more deeply marked by sharing the hardships of even more people carrying on in their day-to-day laborious lives.

We believe that our achievement so far is not small. But we also know that it is too early to bask in a sense of accomplishment when there are many more people counting on our help.

In 2005, the National Human Rights Commission (hereinafter the "Commission") saw a significant growth in its functional capabilities and structure amid many meaningful accomplishments and changes.

When the task of redressing discrimination became centralized in the hands of the Commission in 2005, it took exclusive responsibilities of discrimination redress duties and established regional offices. Such expansion of the organization not only means that the Commission's role and function have grown by that much, but also that people's expectation level of both the Commission and its responsibilities have increased correspondingly. Thus, 2005 was a time for us to begin to reform ourselves to fit the expanded role. In order to strengthen the capability and expertise of the Commission, we formed expert committees for a wide range of areas as well as a policy advisory committee. To make the Commission more efficient and specialized, we submitted ourselves to an organizational reformation process for six months. We also drew up a three-year "Action Plan to Promote Human Rights." This series of actions was a manifestation of the Commission's efforts to prepare



and provide to the public a comprehensive strategic blueprint of the Commission's activities encompassing all its duties, capabilities, and status. In short, 2005, in the eyes of the Commission, was "a time to meditate and change."

The effort to meditate and change began with the commencement of the second term of the Commission in early 2005, setting the direction for its activities. The second administration of the Commission declared that its activities would focus on three areas:

First, it shall seek to protect the human rights of the socially disadvantaged and minorities.

Second, it shall strengthen human rights education to prevent human rights violations.

Third, it shall strengthen cooperation with civic organizations promoting human rights

In 2005, the Commission actively expressed its recommendations and opinions on policies and laws that have extensive influence on society such as the abolishment of the death penalty system, legislative bills regarding non-regular workers, and conscientious objection to military service. The Commission's activities received much public attention, and the Commission believes that it contributed to the vitalization of discussions on human rights issues to raise public awareness of human rights nationally, despite some harsh criticisms that came with the increased attention. In particular, the Commission's presentation of opinion on legislative bills regarding non-regular workers was especially meaningful as it displayed the Commission's interest and will in the area of social rights.

The Commission's survey of human rights conditions for 2005 reflected its goal to protect the human rights of the socially disadvantaged and minorities. We put special emphasis on learning about the human rights conditions of social minorities such as residents of low-income housing, Hansen's disease patients, North Korean defectors in South Korea, undocumented immigrants, paroled teenage convicts, the HIV-positive, the homeless, and the disabled. In preparation for a recommendation proposal for the National Action Plan for the Promotion and Protection of Human Rights (hereinafter the "Human Rights NAP"), we began to operate the Council for Human Rights-related Policymakers. The purposes of the

Council are to secure the effectiveness of the Commission's recommendations or expressed opinions regarding the laws and policies and to buttress the implementation of the Human Rights NAP recommendation proposal. Through this, we expect the Commission to prepare the most effective measures to protect the human rights of minorities and the socially disadvantaged, thus establishing the foundation upon which to promote the Human Rights NAP in close cooperation with concerned governmental agencies. .

In 2005, the Commission was fully devoted to providing easier access for minorities and the socially disadvantaged to human rights counseling and the petition-filing process. Our on-site human rights counseling service to Hansen's disease patients and their families, who have lived in the shadow of social prejudice and discrimination all their lives, was part of such effort. In order to provide a more mobile and accessible human rights counseling service, the Commission purchased a bus to serve as the "feet" of the counseling service. Starting in 2006, the Commission plans to engage in further counseling activities by using the counseling bus to reach underprivileged classes such as inmates of high-occupancy protective facilities, residents of remote islands and countryside, persons with disabilities, and foreign migrant workers.

The Commission's investigation and relief activities on human rights violations were carried out with a focus on improving the efficiency of our petition administration and quality of human rights remedies based on the Reorganization of Petition Administration System in 2004. Compared to 2004, the rate of success for petitions of human rights violations improved by more than 70%. This is a very meaningful change as it shows that the methods of the Commission's human rights relief efforts have become more diversified and that its investigation relief function has been strengthened. More specifically, as the experience and know-how of investigation relief activities has been expanding, the Commission has become better able to resolve petitions on-site in their initial stages or to draw amicable agreements between the parties by accurately grasping the causes of conflicts and their respective demands during its investigations.



Petitions of discrimination continued to increase sharply and came in a variety of types in 2005. The discrimination petitions the Commission received in 2005 amounted to a total of 1,081 cases, a 2.7-fold leap from 2004. This was due in part to the fact that sex discrimination and sexual harassment cases previously handled by the Ministry of Gender Equality and Family (MOGEF) have been transferred to the Commission pursuant to the decision to centralize the duties relating to remedies for petitions of discrimination. It can also be attributed to heightened public awareness of discrimination. Reasons for filing petitions alleging discrimination also increased. Most notably, petitions of sexual harassment and discrimination on the basis of bodily condition such as personal appearance, disability, education level, and social status became more prevalent. To better handle discrimination petitions, which have increased in number and diversified in type, we installed a new Discrimination Remedy Department and expanded the Commission's investigation staff. By strengthening investigators' training, the Commission also improved the substance of its services by upgrading the expertise in investigations and providing remedy.

The Commission also put much effort into human rights education and PR activities in 2005 to foster a culture that respects human rights. To promote human rights education in a more comprehensive and systematic way, the Commission engaged in many activities such as the legislation of human rights education, inclusion of human rights education in the Human Rights NAP, and laying the groundwork for cyber human rights education. To strengthen human rights education in schools, the Commission continued projects such as developing human rights education programs, running research schools, holding a competition for human rights education in practice and in art and literary work, and operating human rights training programs for teachers. As human rights issues in the military surfaced to the forefront in 2005, the Commission also strove to improve human rights education in the military by establishing basic plans for human rights education, operating human rights sensitivity training programs, and developing human rights lecture programs in military training and continuing education institutes.

The Commission has worked tirelessly on developing and disseminating various cultural resources in order to improve public sensitivity to human rights and the prevention of human rights violation and discrimination. The Commission produced a human rights movie titled "If You Were Me 2" in 2004 and released it to rave reviews in 2005. The Commission also released a human rights animated film called "If You Were Me," a human rights cartoon collection titled "Between People: Cartoonists Dream of a World without Discrimination," and a human rights photo collection titled "Wouldn't It Be a Flower Wherever It May Blossom" to further heighten public awareness of human rights.

The commencement of the second administration of the Commission brought with it a huge turnaround in the area of building and maintaining cooperative relationships with human rights organizations. In order to seek "Good Governance," the new model that defines relations between government and the civic society, the Commission declared it would strengthen cooperation with human rights organizations. The Commission held policy and topic discussions on many occasions and expanded opportunities for civic organizations to participate in the Commission's on-site investigations and surveys to realize "Good Governance." By carrying out the NGO Support Project and the Commissioned Project for Voluntary Programs for Citizens in continued cooperation with human rights organizations since 2003, the Commission was able to foster various programs promoting human rights in the civic society as well as aid the activities of financially disadvantaged human rights organizations.

As a quasi-international organization, the Commission also took a proactive role in the international human rights community in 2005. The Commission's work was carried out in three areas : cooperation with national human rights institutions (hereinafter "NIs"), cooperation with international organizations such as the United Nations, and the monitoring and analysis of international human rights trends. With the active support of the Office of the United Nations High Commissioner for Human Rights, the Commission sought considerable expansion of international exchange and cooperation with other NIs. The



Commission fulfilled the chairmanship of the Asia Pacific Forum of National Human Rights Institutions (APF), aided Nepal and Pakistan in establishing their own NIs, and promoted a close cooperative relationship with International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC). At the same time, however, the need arose for the Commission to establish a systematic, long-term strategy in order to better understand international human rights mechanisms, develop new agenda, and have a stronger voice in international conferences.

In October 2005, the Commission set up regional offices in Busan and Gwangju to heighten human rights consciousness locally and to respond faster to sites of human rights violation. The move stemmed from a rising need for organizations able to handle regional human rights work; the Busan and Gwangju offices were the first regional offices to be established by the Commission. The move also shows the Commission's responsiveness to the voices of civic human rights organizations asking the Commission to play a part in fostering human rights culture regionally, as well as its intention to more vigilantly attend to regional human rights issues.

The key operations of Commission's internal management during the second half of 2005 can be put into two categories: organizational innovations such as a structural overhaul and the installation of the Commission Development Planning Board.

The structural overhaul was triggered by the Commission's review and findings on its structure for the past three years. A full-fledged structural overhaul began with the formation of an organizational innovation task force in early June set up to develop the Commission's vision and prepare a plan to reform the organization and its staff. Following the completion of the plan in late 2005, which included intense discussions and studies, a new organizational structure was announced on December 30. After the overhaul, the Commission went from five bureaus, 19 divisions, and 3 agencies to 5 departments, 22 teams, and 3 agencies.

The Commission also formed the Commission Development Planning Board consisting of key personnel, scholars, lawyers, representatives from human rights organizations, and other human rights experts. Under the Board, three teams operate in the areas of strategic planning, status improvement planning, and capability enhancement planning. The teams have been working together to develop a Strategic Plan for Improving the Commission.



PART 2

Major Activities of the Commission

- Chapter 1 Improvement of Statutes, Legal Systems, Policies, and Practices on Human Rights
- Chapter 2 Consultation and Advice on Human Rights Issues and Handling of Petitions
- Chapter 3 Investigation and Remedies of Human Rights Violations
- Chapter 4 Investigation and Remedies of Discriminatory Practices
- Chapter 5 Human Rights Education and Public Relations
- Chapter 6 Cooperation with Domestic and International Human Rights Organizations
- Chapter 7 Human Rights Information Services
- Chapter 8 Regional Offices

Improvement of Statutes, Legal Systems, Policies, and Practices on Human Rights

Section 1 Overview

According to Sub-paragraphs 1, 4 and 7 of Article 19 of the National Human Rights Commission Act (NHRC Act), the Commission is mandated: 1) to conduct research and study on statutes, legal systems, policies, and practices related to human rights, and make recommendations and opinions on them to improve human rights; 2) to conduct surveys on human rights conditions; and 3) to research and make recommendations and opinions on the feasibilities of acceding to and observing international human rights treaties.

The Commission conducted surveys on the actual conditions of human rights and public hearings to determine the need to improve laws, legal systems, policies, and practices for the protection and enhancement of human rights. Also, in order to prepare concrete mechanisms for improvement, we gathered a diverse range of opinions through advice of various experts and debates.

Section 2 Major Activities in 2005

1. Recommendations and Opinions on Improving Human Rights–Related Statutes, Legal Systems, Policies, and Practices



In 2005, the Commission issued 22 recommendations and opinions on laws, legal systems, policies, and practices relating to human rights to relevant ministries and the National Assembly. Eight out of the 22 cases were accepted fully or in part by the concerned entities, and there was only one case that was rejected. The rest of thirteen cases have been classified as "under review," meaning that the concerned entities did not express specific opinion on whether to accept them or not

[Table 2-1-1] Recommendations and Opinions on Human Rights Statutes and Policies

Number	Recommendation or Opinion Presented	Date of Decision	Entities Concerned	Results
1	Opinion on draft amendment to Criminal Procedure Act	JAN.24	Ministry of Justice	Under review
2	Opinion on amendment to the Act on the Regulation of Donations Collection	JAN.24	Ministry of Government Administration and Home Affairs	Partially accepted
3	Recommendation on improvement of reference check system	Feb.14	National Assembly, National Intelligence Service	Accepted in part
4	Opinion on Draft Amendment to the Act on Protection of Minors against Sexual Exploitation	Feb.28	National Youth Commission	Accepted in part
5	Opinion on amendment to the Act on the Control of Narcotics	Feb.28	Ministry of Health and Welfare	Accepted in part
6	Recommendation to improve graded retirement age system for public officials	Mar.14	Ministry of Government Administration and Home Affairs, Civil Service Commission	Under review
7	Opinion on inspection of elementary students' diaries	Mar.25	Ministry of Education and Human Resources Development	Accepted
8	Opinion on the death penalty system	Apr.6	National Assembly, Ministry of Justice	Under review
9	Opinion on the Habeas Corpus Bill	Apr.6	National Assembly	Under review
10	Opinion on bills on non-regular workers	Apr.11	National Assembly, Ministry of Labor	Under review
11	Opinion on full amendment to Foreigner Protection Rule	May.23	Ministry of Justice	Partially accepted

12	Recommendation to address discrimination on retirement age against public officials in special government service in four occupation areas including statistics	June.13	Civil Service Commission	Under review
13	Recommendation to amend the practice of restricting students' hair length	June.27	Ministry of Education & Human Resources Development, municipal and provincial education offices	Accepted
14	Opinion on Act on Public Order Violations	July.14	Ministry of Justice	Accepted in part
15	Recommendation to address discrimination against people with disabilities in the private insurance sector	Aug.22	Ministry of Justice, Ministry of Finance and Economy, Financial Supervisory Service	Under review
16	Opinion and recommendation on Amendment to the Act on Remedy on Victims of Crime	Aug.22	Ministry of Justice, National Police Agency	Not accepted
17	Recommendation on Healthy Family Standard Act	Oct. 10	Ministry of Gender Equality and Family	Under review
18	Opinion on Amendment to Juvenile Protection Act	Oct.24	National Assembly	Under review
19	Recommendation and opinion on statute of limitation on crimes against humanity and state crimes against human rights	Nov.14	National Assembly, Ministry of Justice	Under review
20	Recommendation to amend Article 23 of the Act on Special Cases concerning Expedition, etc. of Legal Proceedings	Nov.14	Ministry of Justice, National Court of Administration	Under review
21	Opinion to improve draft enforcement ordinance on the establishment and operation of government employee's union	Nov.28	Ministry of Labor	Under review
22	Opinion concerning conscientious objection to military service	Dec.26	National Assembly, Ministry of National Defense	Under review

(1) Opinion on Draft Amendment to Criminal Procedure Law

The Ministry of Justice (MOJ) drafted the Amendment to Criminal Procedure Law for the following purposes and sought the opinion of the Commission: to ensure the human rights and defense rights of a suspect or the accused during a criminal procedure; to protect socially disadvantaged people such as the disabled; to protect human rights and



improve the security of rights guaranteed to the victims of crime; to simplify and expedite criminal procedure; and to ensure appropriate punishment.

The Commission presented the following opinions: 1) clarify the right to counsel and reduce the number of reasons for limiting the right to counsel during an interrogation of a suspect; 2) introduce ex-post facto warrant system to eliminate abuse of arrest without warrant; 3) fully expand arbitration motion system; 4) re-examine the extension of detention period of the accused; 5) expand the scope of the right to peruse and mimeograph litigation documents and the scope of the release on bail; and 6) expand the public defender system.

[\(2\) Recommendation on Inspection of Elementary School Students' Diaries](#)

The Commission made a recommendation to the Minister of Education and Human Resources Development to provide instruction and guidance for improving the educational use of the diary writing of elementary school children in a manner consistent with children's human rights, because mandatory diary writing and its inspection and evaluation by teacher may violate children's basic rights such as their privacy, liberty, and the freedom of conscience that are guaranteed by the international human rights standards and the Constitution.

In response, the Minister of Education and Human Resources Development issued an official notice to superintendents of municipal/provincial school boards asking to refrain from practicing mandatory diary-writing and its evaluation while continuing to encourage students to keep diaries.

[\(3\) Opinions on the Death Penalty](#)

The Commission decided to make a recommendation to abolish the death penalty at the eighth plenary committee meeting held on April 6th, 2005. The decision was based on the Article 10 of the Constitution, which states that "all citizens shall be assured of human dignity and worth and have the right to pursue happiness," and Paragraph 2, Article 37 of the Constitution, which provides Anti-over restriction principle, of the Constitution. The death penalty also violates the provisions of the "Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty," which explicitly urges its abolition.

The Commission conducted a nationwide survey on how the public think of the death penalty and analyzed domestic and international trends, legal provisions related to the death penalty, crimes, and precedent cases related to the death penalty. It subsequently reviewed the points raised from the research.

The Commission discussed various ways to abolish the death penalty in three plenary committee meetings in March and April of 2005. At the eighth plenary committee meeting held on April 6, 2005, with nine out of the total eleven commissioners in attendance to discuss ways to change the death penalty system, the Commission decided to propose the abolition of the death penalty by its decision. Eight of the nine commissioners voted in favor of abolishing the death penalty system, while one voted in favor of retaining it.

(4) Opinion on the Habeas Corpus Bill

In February 2005, the Legislation and Judiciary Committee of the National Assembly sought the Commission's opinion on the legislative proposal of the "Habeas Corpus Act" to introduce a relief procedure by the court on the issue of physical detention other



than that under the criminal justice procedure. The Commission expressed an opinion in full support of the Habeas Corpus Bill, which allows for the application for a court relief (i.e. review of legality of confinement), temporary release of detention, and selection of a public defender against impartial detention by administrative authority and private individuals (including organizations). According to the Commission's opinion, the Bill is in full accordance with the Constitution and international human rights standards.

To enhance effectiveness of the bill, however, the Commission added that it would be necessary to expand the scope of the subjects of the regulation and relief applicants, clarify when to start the investigation, and introduce a mandatory hearing system for interested parties. The Commission also advised that systems for notifying the right to claim relief and the fact of detention should be required as mandatory.

(5) Opinions on Bills on Non-regular Workers

The bills on non-regular workers proposed by the government in September 2004 triggered sharp social confrontations and resistance from business, labor, and civic organizations. The Commission realized that the protection of labor rights and elimination of discrimination against non-regular workers are basic human rights tasks our society has to undertake and imperatives for democratic social integration. In this sense, the Commission concluded that the human rights of non-regular workers could not be protected by the bills that fail to protect non-regular workers to eliminate discrimination against them.

The Commission recommended that employers should hire non-regular workers only on reasonable grounds, and establish the principle of equal pay for equal work to judge

cases of discriminatory treatment.

As for the details of the bill, the Commission judged that it would be desirable to set regulations that define the limitations for reasons to employ non-regular workers; regard the use of non-regular workers as a regular labor contract without a fixed term when a employer is in violation of the limitations for reasons to use non-regular workers; set equal pay for equal work; and provide the documentation necessary for fixed-term labor contracts.

Furthermore, the Commission expressed an opinion that it would be desirable to set regulations that specify a limited range of dispatch jobs; define the term of dispatch that is equal to the current practice; extend the period during which the same position cannot be replaced with the same person or non-regular worker in consideration of the nature of corresponding dispatch jobs; and regard dispatch work as regular employment when it proves to be illegal use of a person dispatched other than his or her duty. The Commission also advised that it is necessary to prepare ways to guarantee the salary level of dispatched workers and to recognize employers' duty of collective bargaining.

[\(6\) Recommendation to Amend the Practice of Restricting Hairstyle of Students](#)

In response to petitions on restrictions on students' hair length imposed by some middle and high schools, the Commission reviewed measures to improve the practice.

Problems related to limitations and restrictions on students' hairstyles stem from the social customs and practices at middle and high schools. Although the Ministry of Education and Human Resources Development and various municipal and provincial school boards are now instructing schools to stop enforcing hairstyle restrictions and set reasonable rules by reaching a democratic consensus, there seems to be no visible



improvement at the school level.

The Commission recommended the Minister of Education and Human Resources Development and the superintendents of each school board to guide schools 1) to carry a minimal level of hairstyle restrictions strictly for educational purposes and 2) to provide a system to effectively reflect students' opinions when initiating or revising a school code of discipline related to hairstyle, as the freedom to choose one's own hairstyle constitutes a basic human right. In acceptance of the recommendation, the Minister of Education and Human Resources Development issued a directive to each school to minimize the restrictions.

[\(7\) Recommendation and Presentation of Opinion on the Statute of Limitations for Crimes against Humanity and State Crimes in violation of Human Rights](#)

The Commission received an inquiry from the Legislation and Judiciary Committee of the National Assembly on its proposed Bill on Special Cases concerning Crimes against Humanity and State Crimes against Human Rights.

The Commission expressed an opinion that it would be desirable to 1) restrict the scope of crimes without a statute of limitations; 2) partly expand boundaries of the scope of crimes for which the statute of limitations is suspended; 3) further specify the period of suspension of the statute of limitations; 4) acknowledge a longer extinctive prescription than the current one; 5) and avoid retroactive application in cases where the statute of limitations or extinctive prescription has expired.

As a result, the Bill is pending in the Legislation and Judiciary Committee of the National Assembly, and the Minister of Justice has yet to express any particular opinion on the Commission's recommendation.

(8) Opinions on Conscientious Objection to Military Service

The Commission confirmed that the right to conscientious objection is within the boundaries of protection of the freedom of conscience prescribed in the Constitution and the International Covenant on Civil and Political Rights, and made a recommendation to the Speaker of the National Assembly and the Minister of National Defense to introduce an alternative military service system that would enable harmonized the right to conscientious objection with the Military Service Act.

Since its establishment in 2001, the Commission received nine petitions on conscientious objection to military service, each of them essentially making requests "to relieve conscientious objectors who are in jails by introducing an alternative service system" and "to express an opinion on the unconstitutionality of the Military Service Act to the Constitutional Court."

The Commission outsourced to outside experts theoretical and positive research on recognition of alternative military service for conscientious objectors in Korea. After reviewing the outcome of the research, the Commission held a public hearing with officials from relevant state institutions in October 2005.

Based on the findings, the Commission confirmed that the right to conscientious objection is within the protective boundaries of the freedom of conscience, given that Article 19 of the Constitution includes the provision stating the freedom of conscience as "freedom not to be forced into actions that are against one's conscience (freedom of conscience realization by nonperformance: right to conscientious objection)."

However, the Commission also advised that 1) in case of where an alternative military service system is introduced, it would be necessary to have an appropriate authority to exercise fair judgment on whether to acknowledge the adequacy of alternative military service; 2) the length of the alternative service could exceed that of ordinary military



service in the initial stage but should later be gradually reduced according to international standards; and 3) the boundaries of alternative service should be adopted in keeping with societal needs in areas that require volunteerism and self-sacrifice for the peace and welfare of the society, maintenance of order, and protection of the public.

2. Recommendations and Opinion on Acceding to and Observing International Human Rights Treaties

In 2005, the Commission issued three recommendations and opinions regarding joining international human rights treaties and implementation. They pertained to drafting an optional protocol and preparing a government report on joining international human rights treaties and implementation (including withdrawal of reservation).

(1) Recommendation on Withdrawal of Reservation and Implementation of Article 21 of the UN Convention on the Rights of the Child

Korea has reserved the domestic implementation of Article 21 (a) of the UN Convention on the Rights of the Child (herein after the "Child Rights Convention") and has received recommendations from the UN Committee on the Rights of the Child to improve overall implementation of Article 21 regarding adoption of children. In particular, the Committee on the Rights of the Child recommended to improve inadequate domestic adoption practices and join the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption to strengthen legal and institutional protection for children in international adoption.

Accordingly, the Commission made a recommendation to the Prime Minister and the

Minister of Foreign Affairs and Trade (MOFAT) to review domestic laws and policies regarding the Child Rights Convention and child adoption, and revise adoption-related civil laws to guarantee children's benefits to the largest extent. The Commission additionally recommended to permit adoption after an actual investigation by relevant authorities, to withdraw the reservation on the Article 21(a) of the Convention on the Rights of the Child, and to accede to the Hague Convention.

(2) Opinion on the 6th Government Report on the UN Convention on the Elimination of All Forms of Discrimination against Women

Pursuant to Article 18 of the UN Convention on the Elimination of All Forms of Discrimination against Women (hereinafter the "Convention on Elimination of Discrimination against Women"), the Ministry of Gender Equality and Family (MOGEF) and MOFAT drafted a report on the legislative, judiciary, and executive actions taken by the Korean government between 2002 and 2005 to implement the Convention and sought the Commission's opinion.

In response, the Commission concluded that the 6th Government Report on the Convention on Elimination of Discrimination against Women did not fully cover the implementation and results of the actions taken by the legal system, failed to appropriately describe problems for domestic implementation of the Convention, and did not adequately reflect the concerns and recommendations by the UN Committee. In addition, the Commission found that the comprehensive database lacks an overall scope, and considerations for minority groups such as the disabled, the aged women and migrant women were insufficient.

In response, MOGEF actively incorporated the opinion of the Commission in its



preparation of the final version of the 6th Government Report on the Convention on Elimination of Discrimination against Women.

3. Survey on Human Rights Conditions

In 2005, the Commission conducted 17 surveys on human rights conditions, spending approximately 700 million of its budget. The surveys focused on human rights conditions for social minorities such as residents of low-income housing, Hansen's disease patients, North Korean defectors in South Korea, undocumented foreigners, paroled teen convicts, the HIV-positive and AIDS patients, the homeless, the disabled, and disabled children.

[Table 2-1-2] Surveys on Human Rights Conditions

Number	Title	Research Institute
1	Survey on the Conditions of Residents of Low-income Housing, Including Renters in Development Project Areas, to Improve Measures to Guarantee Their Rights to Housing	Korea Center for City and Environment Research
2	Survey on the Human Rights Conditions of the Hansen's Disease Patients	Institute for Social Development and Policy Research, Seoul National University
3	Survey on Improving the Human Rights Conditions of North Korean Defectors in South Korea	International Peace Strategy Center
4	Surveys on Control on Undocumented Foreigner and Conditions of Foreigner Shelter Facilities	President of Chonbuk National University
5	Survey on Social Discrimination against Paroled Teen Convicts	Safe School Campaign Headquarters
6	Impact of Work Area Monitoring System on Labor Human Rights	Korea Labour & Society Institute
7	Survey on the Human Rights Conditions of the HIV-positive and AIDS Patients	President of Inha University
8	Survey on the Human Rights Conditions of the Homeless	Industry-Academia Cooperation Division, Sung-Kong-Hoe University
9	Survey on the Human Rights Conditions of Facilities for the Disabled	The Research Institute of the Differently-abled Person's Right in Korea
10	Survey on the Use of Resident Registration Number	Industry-Academia Cooperation Division, Konkuk University
11	Survey on the Conditions of Integrated Education for School-aged Children with Disabilities	Korea National College of Rehabilitation & Welfare
12	Survey on the Government's Official Human Rights-related Statistics	Solidarity for New Society
13	Preliminary Survey on the Human Rights Conditions of Riot Police and the Preparation of Possible Improvement Measures	Industry-Academia Cooperative Division, Cheonan University
14	Survey for the Provision of Human Rights Assessment Index of Children Welfare Facilities	Industry-Academia Cooperative Division, Gwangju University
15	Study on International Precedent Cases of Bona-Fide Occupational Qualification and Other Bases of Employment Discrimination	Lee-Ahn Law Firm
16	Surveys on the Human Rights Conditions in the Military and the Preparation of Possible Improvement Measures	Industry-Academia Cooperation Division, Sung-Kong-Hoe University
17	Survey on the Human Rights Conditions due to Suspension of Power and Water Supply	Korea Research and Consulting Institute on Poverty



Section 3 Evaluation

In 2005, the Commission actively issued recommendations or opinions on policies and laws that have extensive influence on society, including the proposed Amendment to Criminal Procedure Law, abolishment of the death penalty system, bills on non-regular workers, and the right to conscientious objection and alternative military service system. Pursuant to the directions set by the second administration of the Commission to make an effort to protect the human rights of minorities and the socially disadvantaged, the Commission presented opinions on bills on non-regular workers and conducted research on the human rights conditions of social minorities.

Furthermore, the Commission reinforced its capability and expertise in a number of ways. It formed and operated a policy advisory committee and an expert committee on international human rights, supported the government's implementation of the NAP recommendation proposal by the commission and secured the effectiveness of the Commission's recommendations and presented opinions regarding the laws and policies by activating the operation of Council for Human Rights-related Policymakers, a council composed of concerned parties on human rights policies. Also, the Commission launched and operated the Social Rights Forum to accumulate database and strengthen capabilities regarding social rights.

On the other hand, it is regrettable that there were some cases that lost their sense of urgency due to delays in processing of some major human rights policies. In addition, the proportion of human rights policy tasks initiated by the Commission itself was relatively small, and long-term and systematic approaches to relevant laws and policies were not carried out satisfactorily.

Based on the above assessments, the Commission in 2006 will improve its

shortcomings and establish a systematic action plan for each policy area pursuant to the new vision and mission to be announced and to the five agendas to materialize the new vision and mission. Furthermore, the Commission will diligently pursue its tasks of protecting the human rights of the people. By running a new team-oriented organization structure that is designed to improve expertise and efficiency, it will establish human rights policies and social practices that are consistent with international standards.

Consultation and Advice of Human Rights and Handling of Petitions

Section 1 Overview

Pursuant to the provisions of Article 30 of the NHRC Act, and in reference to the duties of national agencies, regional governing bodies, or detention/shelter facilities, the Commission prescribes that if and when a person's human rights, as guaranteed by Articles 10 to 22 of the Constitution, are violated or become subject to an act of discrimination, and if and when a person becomes subject to an act of discrimination by a legal entity, group, or private person, the victim or related parties may file a petition.

In order for the those subjected to human rights violations and discriminations to receive counseling and petition-filing services more easily and conveniently, the Commission has provided various means of accessing the Commission including in

person, by telephone, letter, or the Internet. The Commission has also regularly visited inmates of detention facilities to offer human rights counseling and petition-filing services.

In 2005, the Commission received and processed





32,351 cases of counseling and petitions and strove to provide better services. As part of the effort, the Commission visited Hansen's disease patients and their families and provided on-site human rights counseling services. In order to provide on-site counseling and petition filing services on a continuous basis to minorities and the socially disadvantaged, the Commission purchased a bus for counseling purposes. The Commission also consistently trained specialized human rights counselors to continue developing their expertise as a measure of upgrading the quality of human rights services.

Section 2 Major Activities in 2005

1. Management of Regional On–Site Human Rights Counseling Services

In 2005, The Commission visited Sorok Island and Chilgok County, where villages of Hansen's disease patients are located, and provided counseling to and received petitions from the villagers. The Commission also held regional community forums to protect and promote the human rights of Hansen's disease patients, provided a community luncheon where Hansen's disease patients and non-patients ate together, and held on-site human rights program for teenagers.

Through the management of on-site human rights counseling centers, the Commission consulted 216 cases and consequently filed 125 petitions based on cases. In the case of Sorok Island, the Commission managed an on-site counseling booth and made counseling visits to Hansen's disease patients with limited mobility. Through sympathetic counseling, the occasion provided an opportunity for the villagers to express their frustrations and for the counselors to enhance their sensitivity.

Regional community forums offered a chance for the leaders and concerned parties in

the regions to gather for the first time and discuss the problems and remedies for Hansen's disease patients. The forums were also meaningful in that they opened the door to follow-up discussions in the future.

2. Publication of the Reference Guide on National Human Rights Commission Act

Since its inception in 2001, the Commission has processed about 90,000 cases of human rights counseling and petitions, thus accumulating precedents on remedies for human rights violations and discrimination. In reality, however, the Commission's capabilities of rights relief are not being fully utilized, as people still lack sufficient understanding of the Commission's role, missions and power. This gave impetus to the publication of the Reference Guide on National Human Rights Commission Act.

For each article stated in the Act, the Reference Guide lists the following: a fact sheet of the Commission's operative measures and decisions rendered over the last four years; relevant precedents from the Constitutional Court and other domestic courts; comparisons to other agencies in the government; drafts of proposed laws recommended to the National Assembly; comparisons to cases from international organizations; and theoretical analyses by scholars in Korea and abroad.

3. Petitions Received through on-site interviews

The in-person handling of petitions is set up so that when or if an inmate of a facility wishes to file a petition directly to a commissioner or a staff of the Commission pursuant to Article 31 of the NHRC Act, a commissioner or a staff member of the Commission shall visit the facility and receive the inmate's petition through dictation or



in writing. The measure is provided to guarantee inmate's right to make a petition. So far, requests for in-person handling of petitions have come mostly from detention facilities. The number of requests has not increased since 2004, which can be attributed to an absence of new demands for requests as detention inmates have already become fully aware of the in-person petition handling system. By or in contrast, an insignificant number of requests for in-person petition handling have been received from high occupancy protective facilities such as mental health facilities or facilities for the disabled. The Commission plans to create and implement measures to encourage more requests for in-person handling of petitions from high occupancy protective facilities.

[Table 2-2-1] Annual Statistics on Petitions Filed and Handled In-person

(Unit: Case, Monthly Average)

Classification	2001~2002	2003	2004	2005	Total
Requested	1,243 (89)	2,615 (218)	3,514 (293)	3,383(282)	10,755 (215)
Handled	1,104 (79)	2,600 (217)	3,385 (282)	3,459(288)	10,548 (209)

※ Handled cases include petitions filed, completed counseling cases and withdrawals.

4. Receiving Petitions

In 2005, a total of 5,617 cases of petitions were received, representing an increase of 249 cases (4.6%) from 2004. The increase may be primarily attributed to people's heightened awareness of the Commission as an institution for remedy of rights, given the fact that recommendation proposals for the abolishment of the death penalty and non-regular worker cases have received extensive media coverage.

[Table 2-2-2] Statistics on Petitions Filed (by Filing Method)

(Unit: Case, %)

Year	Route	Visit	In-person Interview	Telephone	Mail Fax	Internet	Total
2001.11~12		247(30.8)	5(0.6)	203(25.3)	310(38.6)	38(4.7)	803(100.0)
2002		445(15.9)	553(19.8)	177(6.3)	1,442(51.7)	173(6.3)	2,790(100.0)
2003		555(14.5)	1,129(29.6)	76(2.1)	1,760(46.1)	295(7.7)	3,815(100.0)
2004		1,670(31.1)	1,274(23.7)	122(2.3)	1,844(34.4)	458(8.5)	5,368(100.0)
2005		732(13.0)	1,168(20.8)	157(2.8)	2,163(38.5)	1,397(24.9)	5,617(100.0)
Total		3,649(19.8)	4,129(22.5)	735(4.0)	7,519(40.9)	2,361(12.8)	18,393(100.0)

[Table 2-2-3] Annual Statistics on Petitions Filed through request for on site interviews

(Unit: Case, %)

Year	Classification	Human Rights Violation	Discriminatory Act	Other	Total
2001		619(77.1)	53(6.6)	131(16.3)	803(100.0)
2002		2,214(79.4)	136(4.8)	440(15.8)	2,790(100.0)
2003		3,041(79.7)	358(9.4)	416(10.9)	3,815(100.0)
2004		4,627(86.2)	389(7.2)	352(6.6)	5,368(100.0)
2005		4,199(74.8)	1,081(19.2)	337(6.0)	5,617(100.0)
Total		14,700(79.9)	2,017(11)	1,676(9.1)	18,393(100.0)

Discrimination cases increased largely compared to human rights violation cases in 2005, which shows that people have become more interested and sensitive about the problem of discrimination. The increase can also be attributed to the Commission's continued efforts to recognize the problem of discrimination and the transferring of sex discrimination and sexual harassment cases previously handled by the MOGEF to the Commission to centralize the duties of rectifying discriminatory practices.



5. Human Rights Counseling

(1) State of Counseling

At the forefront of the Commission, the Human Rights Counseling Center is providing a place for people to share their stories of injustice and receive counseling on various aspects of human rights violation. Last year, the Commission performed 9,136 cases of counseling. This was a 15.1% increase from 2004, which attests to the steady increase in the public's interest in human rights.

[Table 2-2-4] Cases Counseled (by Method)

(Unit: Case, %)

Year \ Classification	Visit	In-person Interview	Telephone	Internet	Total
2004	856(14.1)	1,346(22.2)	3,798(62.7)	57(1.0)	6,057(100.0)
2005	1,021(11.2)	1,398(15.3)	6,652(72.8%)	65(0.7%)	9,136(100.0)
Cumulative Total (2001-2005)	3,356(14.3)	3,927(16.7)	16,052(68.5)	128(0.5)	23,463(100.0)

(2) Human Rights Violation Counseling

This field covers a variety of areas, from general legal questions to specific human rights violations. An analysis of the counseling on human rights violations shows that counseling for issues relating to the one-sided and unfair practices of investigation agencies greatly escalated from 2004. More recently, claims of unwanted stay in high occupancy protective facilities also increased significantly.

(3) Discrimination Counseling

Many counseling cases listened to clients who were subjected to discriminatory practices on the grounds of their disability, gender, and other reasons, and demanded countermeasures. This shows that discrimination against women and the disabled are still deeply embedded in the consciousness and social practices. Therefore, policies to remedy discriminatory practices still need to be established and implemented.

6. Guidance and Handling of Civil Appeals

The Commission provides constant guidance and civil services for rights of its clients even in cases in which petitions have not yet been received. In addition to providing simple guidance on appropriate subjects of the Commission's investigation or receiving petitions procedures, the Commission advises on the recommended proposals it made on various human rights policies. Last year, the Commission conducted 17,598 guidance cases. The number of cases has been steadily rising due to the growing public recognition of the Commission.

Section 3 Evaluation

The fact that the Commission was able to provide improved services in human rights counseling and petition administration, both in terms of quality and quantity, is definitely a positive development for 2005. There is room still for improvement, however, as only a few cases of petitions were received from inmates of high



occupancy protective facilities.

First, the statistics on the petitions received by channel shows that 732 cases came in through visits, 157 through telephone calls, 2,163 through mail/fax, 1,397 through the Internet, and 1,168 through in-person interviews. These numbers not only represent a total increase of 10.4% from 2004, but also signify that various means of counseling are being fully utilized by the public to receive desired counseling.

Second, the Commission visited Hansen's disease patients, who have long suffered prejudices and experienced violations of their human rights, to offer them counseling and petition services. The efforts laid a foundation for the continuous protection and improvement of the human rights of the patients, and put the situation of their human rights up for public discussion thereby heightening the level of national interest and awareness in the subject. The Commission also published the Reference Guide to National Human Rights Commission Act, which contains the goals and objectives of the Act and legal precedents, so that the general public may better understand the Commission's counseling and petition services.

A few areas were still in need of improvement, however. For example, there were only a small number of cases of in-person petition handling at mental health facilities, facilities for the disabled and social welfare facilities for the elderly. Also, human rights counseling, which is one of the main duties of the Commission, was carried out by human rights counselors who are not public officials, which contributed to the limited ability of the Commission to secure a position of authority and the public's trust.

The Commission will use these evaluations to act on its shortcomings in the future by improving relevant laws and systems. We will work tirelessly to see the perspective of the public and provide them with more innovative and convenient human rights counseling and petition administration services.

Section 1 Overview

Under Paragraph 2, Article 19 of the National Human Rights Commission Act (NHRC Act), the Commission shall conduct investigation and remedy with respect to human rights violations. Under Subparagraph 1-1, Article 30, any person whose human rights are violated may file a petition to the Commission in case such human rights as guaranteed in Articles 10 through 22 of the Constitution are violated by the performance of duties of state organs, local governments, or detention or protective facilities.

In 2005, the Commission put great efforts in settling the cases which had taken long to investigate due to the complexity and difficulty of the issues involved. The rate of the referred cases was increased by 70%, compared to the previous year, by enhancing the investigation capacity through the reengineering of human rights violations investigation and remedy process. The Commission has built its capacity to resolve the cases at the initial stage by pinpointing the root cause of the case and making petition parties focus on it, and mediating the parties. Through these efforts, the Commission could bring the parties with a faster, more effective and satisfactory outcomes.

The Commission also initiated investigations on the serious human rights issues of Korean society and on the repeated and similar petitions, and presented recommendations of the related legislation and policies, which expanded the effectiveness of the Commission's remedial activities and enhanced the potentiality of preventive measures.



Section 2 Major Activities in 2005

1. Human Rights Violations Petitions by Conclusion Type

As [Table 2-3-1] shows below, the Commission received 4,199 petitions related to human rights violations in 2005, which was decreased by 428 cases (9.3%) from 2004. The number of petitions had continuously increased until the end of 2004, but has shown a slight downward trend in 2005.

The number of human rights violation cases the Commission investigated and resolved in 2005 is a total of 4,117 cases, decreased by 15.3% from 2004. Compared to 2004, the rate of affirmed cases was increased by 68.35% (99 cases) and the number of dismissed cases was dropped by 28.5% (944 cases). Although the Commission's performance in investigation and remedy declined from the previous year in quantity, the quality of its performance made a significant improvement as shown by the rate of the affirmed cases.

[Table 2-3-1] Statistics on Human Rights Violations (by Type of Resolution)

(Unit: Case, %)

Classification	Filed	Resolved	Cases affirmed						Cases denied				Cases under Investigation
			Indictments	Requests for Legal Aid	Recommendation of Disciplinary Action	Emergency Relief	Recommendations	Mutual agreement	Dismissed	Transferred	Refused	Terminated	
Before 2002	2,833	1,365	3	-	16	2	8	-	136	26	1,174	-	18
2003	3,041	3,137	9	-	3	2	57	23	717	116	2,210	-	9
2004	4,627	4,931	6	4	2	-	79	54	1,280	148	3,306	52	22
2005	4,199	4,117	6	2	6	1	156	73	1,317	147	2,362	47	1,101
Total	14,700	13,550	24	6	27	5	300	150	3,450	437	9,052	99	1,150

※ number of cases resolved : cases resolved out of the total number of cases filed in the current year
+ cases resolved out of the number of cases brought forward from the previous year

As shown in [Table 2-3-1], a significant improvement in the investigation of human rights violations and remedial activities in 2005 is a sharp increase in number of cases resolved through recommendation and mediation.

Recommendations for reform of the related legislation and policies have greater effects on the condition of human rights than recommendation on individual cases since they cover a much larger aspect of the issue. And mediation is also regarded as one of the most effective ways of resolving petitions, in which the Commission plays a catalyst role by helping parties focus on root causes and come up with desirable solutions by themselves.

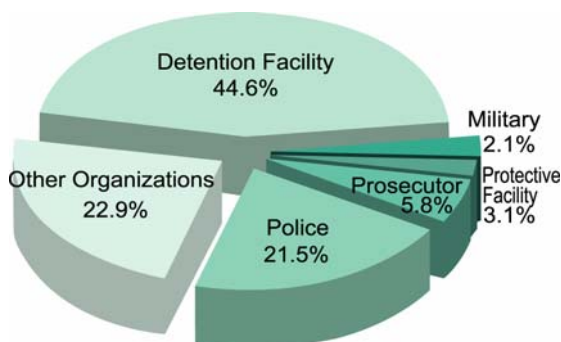
[Graph 2-3-1] Resolved Cases by the Type of Affirmation

(Unit: Case, %)

The reasons of dismissing petitions (2,362) are as follows: (a) withdrawal of petition (1,539 cases, 65.2%); (b) a criminal investigation by an investigation agency or a procedure for the relief of rights under any other Act is in progress or terminated (274 cases, 11.6%), (c) the contents of a petition do not fall within the scope of the matters subjective to investigation by the Commission (174 cases, 7.4%); and (d) a petition is filed after one year or more have elapsed since the facts causing the petition occurred



[Graph 2-3-2] Resolved Cases by Organization Type



(136 cases, 5.8%).

The human rights condition in the military proved to be so serious as to require continuous attention of the Commission, as exemplified by the "Feces Incident," but the petitions regarding the military comprised only 2.1% of the petitions filed with the

Commission. A more proactive approach has to be taken to improve human rights condition in the military

[Table 2-3-2] Statistics on Petitions Filed and Handled (by Organization)

(Unit: Case, %)

Classification	Received	Concluded	cases affirmed							cases denied				Cases under Investigation
			Accusation	Recommendation of Disciplinary Action	Emergency Relief	recommendation of mutual agreement	Requests for Legal Aid	Recommendations	Amicable compromise	Dismissed	Transferred	Refused	Suspended	
Prosecutor	851	786	2	-	2	-	-	15	1	163	10	589	4	65
Police	3,166	2,841	6	24	2	-	1	70	97	799	51	1,767	24	325
Other Organizations	3,373	3,129	-	7	1	3	-	74	28	448	10	2,553	5	244
Detention Facility	6,552	6,165	1	3	-	1	5	103	15	1,876	363	3,740	58	387
Protective Facility	451	367	-	6	-	-	-	30	7	134	3	180	7	84
Military	307	262	2	-	-	1	-	3	2	30	-	223	1	45
Total	14,700	13,550	11	40	5	5	6	295	150	3,450	437	9,052	99	1,150

2. Key Recommendations

(1) Human Rights Violation by Failure to Notify the Family of Arrestee

The victim's family filed a petition alleging that the respondent, belonging to the ○○ District Public Prosecutor's Office, failed to notify the family upon arresting the victim for false accusation in June 2005.

An investigation revealed that the officer violated due process by failing to notify the victim's family of the reasons, time, and place of arrest. To prevent similar cases in the future, the Commission recommended the Attorney General to issue a warning to the respondent and to educate other investigation officers of the due process requirements.

(2) Human Rights Violation during Investigation of a Minor Suspect

A minor suspect (aged 17) committed suicide the day after he was released from interrogation for a suspicion of sexual violation at a police station. His parents got to know about the interrogation only after his suicide. The family insisted that the police failed to notify them of the investigation and raised a question whether his son's death was related with the interrogation.

The Commission found that the police failed to notify the minor's parents of the arrest. Consequently, it was confirmed that the minor was interrogated overnight for 22 hours without the aid of a guardian or attorney.

The Commission recommended the Attorney General to call attention of the entire police officers to proper procedures on interrogation of minors. The Commission also recommended the local district attorney to take disciplinary actions against the officers who interrogated the minor. In addition, the Commission asked for legal aid from Korea Legal Aid Corporation to help the minor's family receive punitive reparation



from the government.

(3) Violation of Personal Liberty due to Dereliction of Duty by ○○ Police Station

In February 2005, the victims "escaped" from ○○ Foster Agency and went to ○○Police Station to report illegal detention and violence at the foster agency. The victims pleaded to the police to send them to their homes because the director of the foster agency would kill them if they returned to the agency. The police, nevertheless, sent them back to the agency, and the director of the agency assaulted them. According to the Police Duty Enforcement Regulation, in circumstances such as when someone escapes from a foster agency to evade brutality, the police have to take proper action such as seek help from a medical institution or keep the victims safe inside the police station. However, the police did not take any protective measure and returned them to the foster agency in three and a half hours. Subsequently, the victims were illegally detained without food and their human rights were denied.

The Commission recommended the head of the police officers to issue a warning to the respondents and his supervisor. To prevent similar incidents in the future, the Commission also recommended the head of the police officers to establish a chain of command, conduct a human rights education program, and conduct periodic inspections of non-licensed foster agencies.

(4) A Farmer's Death during the Yoido Farmers Rally

The National Farmers' League submitted a petition regarding the rally held by a group of farmers in Yoido on November 15, 2005. Upon accepting the petition, the Commission formed a special investigation team of 10 investigators and conducted a



Investigators conducted on-site investigation of farmers' death on December 19, 2005.

comprehensive investigation based on written testimonies, relevant records, riot police practices, interviews of witnesses and informants, media reports, and a number of on-site investigations of Yoido Park.

The investigation concluded that there was an excessive use of force which brought about the death of Mr. Chun, Yong Chul and Mr. Hong, Duck Pyo.

The police are to use the force only at minimum level in breaking up an assembly regardless of its legality. In this incident, however, the police used batons and shields, which may only be used for the defense purpose, to attack the non-violent demonstrators. The Commission also learned that the police mobilized the riot squads for the purpose of arresting demonstrators, even though the law requires that riot squads first make an attempt to break up the assembly.

The Commission requested that the prosecutor's office make an investigation of the riot police unit for the two deaths, and issued a warning to the police superintendent, deputy superintendent and the head guard. A disciplinary action against the director of the Seoul District Riot Police was recommended. As for the captain, commanding officers, and the riot police officers who actually participated in the cruel action against the demonstrators, the Commission requested an internal investigation and recommended disciplinary actions according to the levels of illegality of their actions.



(5) Guideline on Installation and Operation of a CCTV in a Mental Institution

The victim, who has partial paralysis from polio, consumed alcohol 3~4 times a month. Although he did not show any symptom of alcoholism, he was detained at ○○ Hospital in Daegu for assaulting his family under the chronic use of alcohol. The hospital falsified a record of ECG examination that was never conducted. The hospital also practiced unlawful admission and discharge procedures. It installed CCTV in every room and bathroom to monitor patients for 24 hours a day, which was a clear violation of the patients' privacy. The hospital also unreasonably limited correspondences and interfered with the patients who tried to file petitions with the Commission.

The Commission's investigation confirmed that there are serious problems associated with the installation and operation of CCTV in the hospital, and the procedure of admission and discharge of patients; and that the hospital impede patients from filing a petition with the Commission. The patients' private information could be collected, processed and disseminated through installing and operating CCTV without guidelines on protecting patients' privacy, which could lead to serious privacy violation problems. The Commission recommended the Minister of Health and Welfare to develop a legal basis and a guideline on the installation and operation of CCTV in mental institutions. The hospital was recommended to 1) minimize the CCTV operation until the legal basis could be established; 2) to change the admission and discharge procedures; 3) and to install a petition box in which patients could file petitions. The Commission recommended the local government to issue a warning to the hospital. The local government accordingly issued a warning against the hospital and is in the process of preparing a legal basis for installation and operation of CCTV.

(6) Recommendation on Automatic Seating Ticket Dispenser at Public Libraries

Public libraries adopted a new automatic system, called 'automatic seating ticket dispenser.' But the new system required the library users to present their resident registration number (RRN) to issue a seating ticket. People got to think that the libraries collect private information excessively and filed petitions with the administrators of the libraries many times to establish a privacy protection measure. Public libraries, however, kept turning down the requests with an excuse to protect the library facilities.

From July 2004 to February 2005, the Commission surveyed twenty one public libraries which installed the automatic seating ticket dispenser system on the practices of privacy protection. As a result, it was revealed that the public libraries collected, controlled, stored, and utilized citizens' personal information at their own discretion.

The Commission made recommendations to the Superintendent of the National Library of Korea and the directors of the respective libraries as follows: 1) to seek alternative means to identify users instead of requiring the RRN only; 2) to remove unnecessary or unused CCTVs in the 14 libraries; 3) to establish and comply with internal regulations on operating the CCTV even before the establishment of related legislation; 4) to stop monitoring the PC monitors that users are using at the digital resources room; 5) to seek an alternative method to replace RRN on a library card; 6) to revise the related legislation and regulations that unilaterally force responsibilities and obligations on the library users to better protect privacy; 7) to make a privacy protection plan of Korean public libraries.



(7) Recommendation on Student Identification Cards Using Smart Card Technology

A petition was filed against the chancellor of ○○University, alleging that the dual-purpose card (smart card and student ID card) issued by the university forced students to open an account with a designated bank. The Commission revealed that the City of △△requested the university to adopt a smart card with electronic currency function in 2000. The university started to issue a smart card at the beginning of the second semester of 2002 with the assistance of ◇◇Bank that had a branch inside the university. The university required all students to open an account with ◇◇Bank in order to get a student ID card. In the process, the university provided the bank with students' personal data such as RRN, college, major, student ID number, and name and the bank delivered the data to a smart card producer. The smart card stores students' personal information as well as their records on library use, transportation use and electronic currency use. The card has also ample memory capacity to save much more data for future use.

The University should have got consent from students when it adopted a smart card system for issuing a student ID card. The university is also required to prepare regulations on personal data protection so that the personal information obtained could be kept strictly confidential. ○○University, however, failed to meet these requirements in adopting the smart card system. The university also forced the students to open an account with ◇◇Bank to get a student ID card, which resulted in forcing students to open an account with a chosen bank

Furthermore, the university did not offer alternative ways for students who did not want a smart card to get a ID card. The university also failed to provide a means to protect the students' personal data.

The Commission made a recommendation to the chancellor of the university to issue a

smart card only to students who want and a separate student ID card to those who do not. The recommendation further stated that the chancellor should notify all students of the choices and take measures to protect personal data throughout the process of adopting the smart card.

(8) Local Government Blocking Access to a Labor Union's Website

The representative of the Government Employee Labor Union of Incheon Southeast District and the Head of District Office reached an agreement facilitated by the Commission on May 2, 2005.

A member of the Government Employee Labor Union of Incheon Southeast District filed a petition insisting that Incheon Southeast District Office blocked access to the Union's website from all public offices within the jurisdiction of the Incheon Southeast District Office in December 2004. And the action was thought to be related with the Union's strike in November 2004.

The Commission reviewed the materials and statements submitted by both parties and



The representative of the Government Employee labor Union of Incheon Southeast District and the Head of District Office reached an agreement facilitated by the Commission on May 2, 2005.

found a possibility to mediate both parties by drawing a mutual understanding from both parties and helping them to generate resolutions to the conflict. The Commission began a mediation process under supervision of the president of the Commission, and both parties reached an agreement. The labor union agreed that the webmaster



will insure that no real names will appear on the website and delete all the writings that include libel, profanity, and/or personal attack. In return, the district office agreed to allow all access to the Union's website from May 2, 2005.

This case has become an example that human rights violations done by state authority may be resolved more effectively through an alternative dispute resolution mechanism such as mediation rather than a judiciary mechanism.

Section 3 Evaluation

The number of resolved human rights violations cases had been highly increased annually until 2004, but this rapid growth has been slow down in 2005. Although the performance has been decreased in quantity, there was a significant improvement in quality.

First of all, 244 cases were affirmed in 2005, which were a sharp increase compared with previous years, 29 cases in 2002, 94 cases in 2003 and 145 cases in 2004. Despite of a great number of new investigators brought in through organization restructuring, the Commission could made a great performance in resolving cases by concentrating all its capacity into resolving the long-left unresolved cases and improving the petition management system.

Second, the number of cases resolved through mediation between both parties continued to grow and showed a significant increase (35%) in 2005, compared with the previous year. These cases resolved at the initial stage of the Commission's intervention, therefore, both parties could resolve their conflict with less time and effort

and get a more satisfactory and practical solution. The Commission identified a need to study and educate its investigators on the ADR (Alternative Dispute Resolution) and to expand its efforts to apply mediation mechanism to enhance the effectiveness of human rights protection activities.

Third, the Commission recognized serious human rights violation practices which were systematically and institutionally done by state authorities and initiated investigations and monitoring visits to find out ill practices and to develop appropriate legislation and policy basis to better protect and promote human rights. In doing so, The Commission amplified its impact on the improvement of human rights situation in Korean society and to provide the related parties with preventive measures.

While the number of petitions has been slight decreased in 2005 compared with the previous year, the number is still beyond the Commission' capacity and will be expected to grow in the future. The Commission will make a greater effort to develop its capacity to provide Korean citizens as well as petition parties with higher level of protective and preventive measures in the years ahead.

Section 1 Overview

The Commission investigates and remedies discriminatory practices according to the authority prescribed under Subparagraph 3, Article 19 of the NHRC Act. Under Subparagraph 2, Paragraph 1, Article 30 of the Act, an individual whose right to equality is discriminated against by a legal body, organization, or private individual may file a petition to the Commission. A discriminatory act in violation of the right to equality means any of the following practices of discrimination without reasonable cause by favorably treating, excluding, differentiating or unfavorably treating an individual in (1) employment (including recruitment, hiring, training, placement, promotion, etc); (2) the supply or use of goods, services, transportation, commercial facilities, land, and residential facilities; (3) the use of educational facilities or vocational training institutions based on any of the 19 grounds including gender, religion, disability, age and social status.

In addition, Paragraph 5, Article 2 of the NHRC Act, which was amended in July 2005, defines sexual harassment as sexual comments or actions by public sector employers or employees using his/her position or pertaining to work and other matters that causes feelings of sexual humiliation or degradation or results in unfair employment treatment for the reason of refusing to respond to such sexual comments, actions or other such demands and stipulates such as an unlawful discrimination in violation of the right to equality.



In 2005, the Commission investigated and provided remedies for 1,081 cases on discrimination, recommendations for redress were made for 55 cases, 7 cases were resolved by mutual agreement and 116 cases were settled in the process of investigation. The Commission also put emphasis on heightening human rights awareness through active publicity campaigns such as issuing press releases on recommendations made for major cases of discrimination. In addition, the Commission conducted two fact-finding investigations on the state of human rights conditions relating to discrimination.

Section 2 Major Activities in 2005

1. Status of Petitions Filed for Discriminatory Practices

(1) Status of Petitions Filed by Area of Discrimination

The Commission received a total of 1,081 cases on discrimination in 2005, of which 503 cases (46.5%) relate to employment, 270 cases (25%) to the supply or use of goods and services, while 56 cases (5.2%) relate to the use of educational or other facilities. What can be seen from this breakdown of figures is that resolving employment related discrimination issues still remain a crucial and urgent task in our society.

[Table 2-4-1] Statistics on Petitions Filed by Area of Discrimination

(단위: 건(%))

구 분	고용에서의 차별(961건)											재화 등 공급이나 이용에서의 차별(395건)					교육시설 등 이용 차별(109건)		기타			
	채용	해고	모집	임금	기타	배치	승진	임금외 금품	퇴직	정년	후보	재화	공연	교통수단	상업시설	토지	주거시설	교육시설		직업 훈련기관		
접 수	02년	189	18	10	6	17	5	1	9	6	1	0	1	30	3	2	2	0	1	7	3	67
	03년	358	54	61	21	26	9	14	11	4	6	3	0	29	2	0	1	1	0	14	3	99
	04년	389	22	17	51	12	34	18	9	4	5	3	0	40	10	2	1	0	1	24	2	134
	05년	1,081	148	45	90	50	86	17	36	12	10	3	6	151	87	9	13	5	5	51	5	252
계	2,017	242	133	168	105	134	50	65	26	22	9	7	250	102	13	17	6	7	96	13	552	
구성비 (%)	100	12.0	6.6	8.3	5.2	6.6	2.5	3.2	1.3	1.1	0.4	0.4	12.4	5.1	0.6	0.8	0.3	0.4	4.8	0.6	27.4	
총결	1,603	181	120	142	86	99	43	45	23	17	7	5	158	73	11	12	3	4	70	13	491	
미결	414	61	13	26	19	35	7	20	3	5	2	2	92	29	2	5	3	3	26	0	61	

※ The 2002 statistics include cases filed between November 26, 2001 ~ December 31, 2002

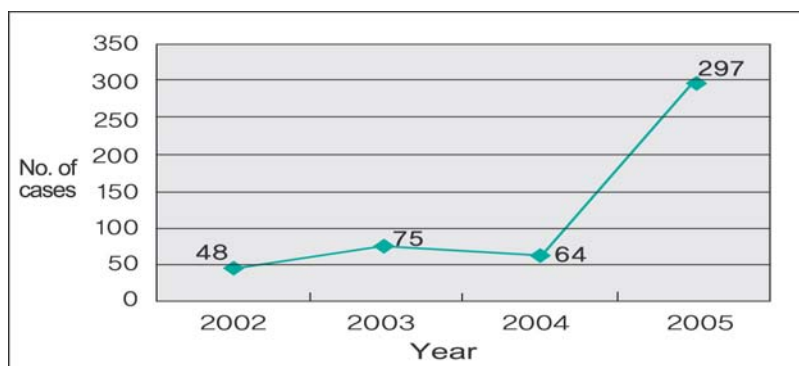


(2) Status of Petitions Filed on the Grounds of Discrimination

[Table 2-4-2] Statistics on Petitions Filed by Ground of Discrimination
(단위: 건(%))

구분		성별	성 역 에	종교	장애	나이	사회 적 신분	출신 지역	출신 국가	출신 민족	응모	혼인 여부	임신 출산	가족 상황	인종	피부 색	사상	전과	성적 지향	병력	학력	기타	
접 수	02년	189	11	2	6	33	7	48	5	20	-	2	2	-	1	1	1	4	7	4	10	-	25
	03년	358	34	1	5	18	24	75	2	19	1	4	4	15	2	-	-	7	3	2	16	28	98
	04년	389	25	-	8	54	57	64	6	10	-	6	7	4	4	-	-	-	7	1	7	12	117
	05년	1,081	55	62	11	121	87	297	23	19	-	45	9	5	15	1	1	5	23	5	21	48	228
	계	2,017	125	65	30	226	175	484	36	68	1	57	22	24	22	2	2	16	40	12	54	88	468
	구성 비 (%)	100	6.2	3.2	1.5	11.2	8.7	24.0	1.8	3.4	0.1	2.8	1.1	1.2	1.1	0.1	0.1	0.8	2.0	0.6	2.7	4.4	23.0
	총결	1,603	108	43	24	195	140	333	33	61	1	45	18	21	16	1	2	12	33	12	48	57	400
	미결	414	17	22	6	31	35	151	3	7	-	12	4	3	6	1	-	4	7	-	6	31	68

※ The 2002 statistics include cases filed between November 26, 2001 ~ December 31, 2002



[Graph 2-4-1] Status of Petitions Filed for Discrimination based on Social Status

What stands out from reviewing the petitions filed in 2005 by ground of discrimination is the fact that since the amendment in July 2005 to the NHRC Act that stipulated sexual harassment as a 'discriminatory act in violation of the right to equality' under Article 2, paragraph 4, subparagraph 4, 62 cases of sexual harassment was received.

In comparison to 2004, discrimination based on physical conditions such as personal appearance increased more than seven times; discrimination on the basis of sexual orientation increased five times; discrimination on the basis of educational history and social status increased more than four times; discrimination on the basis of region of origin, medical history, family status, and criminal record more than three times; and discrimination on the basis of gender and disability has more than doubled.

From the Commission's inception until 2005, 484 petitions relating to social status cases were received that make up 24% of the total cases which is the highest rate of petitions received for a single ground of discrimination. In 2005 alone, 297 petitions related to discrimination based on social status that makes up 27.5% of the total cases.

The fact that discrimination on the basis of social status occupies such a high proportion shows that even though many people acknowledge social status as a major



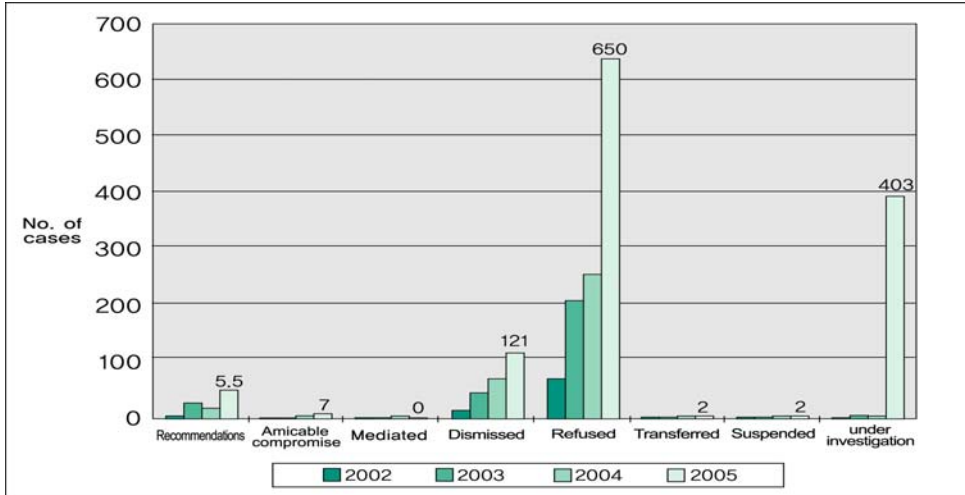
ground of discrimination, it still remains a chronic problem in our society with an uneasy task of resolution.

2. Status of Petitions for Discrimination by Type of Resolution

In 2005, a total of 1,081 petitions for discrimination were filed, which is a drastic increase of 278% from the 389 petitions filed in 2004 that serves as clear evidence that public awareness relating to discrimination is steadily improving.

As of the end of December 2005, out of a cumulative total of 2,017 petitions filed for discrimination, 1,603 cases (80%) were fully resolved and 414 cases are in the process of investigation or review.

[Graph 2-4-2] Status of Petitions for Discrimination by Type of Resolution



Out of the 1,603 cases that were fully resolved, recommendations for reform of the system, human rights education or others were made for 114 cases (7% of the total

cases resolved) where discrimination in violation of the right to equality was found in relation to the substance of the case, 16 cases (1% of the total cases resolved) were settled by mutual agreement as the parties involved agreed on an amicable solution in the process of the investigation. 261 cases (16.3% of the total cases resolved) were dismissed for the reason that the substance of the case is false, the case does not qualify as a subject of investigation under the Act or for other reasons. And for the reason that the substance of the case is false or the petition was withdrawn after filing and others, the Commission rejected to deal with 1,201 cases (74.9% of the total cases resolved). Meanwhile, there are increasing numbers of cases being resolved every year where the investigators persuade the parties involved to obtain a relief during the process of investigation. There were 7 such cases in 2002, 16 cases in 2003, 46 cases in 2004, and 116 cases in 2005.

In 2005, cases that were resolved in the process of investigation include a case where the age limit existing only for part-time job applicants at horseracing facilities was removed and a decision to cancel an international assignment due to pregnancy was reversed

[Table 2-4-3] Statistics on Petitions for Discrimination by Type of Resolution
(Unit: Case, %)

Classification	Cases Filed	Cases Affirmed	Cases affirmed			Cases denied				Cases under Investigation
			Recommendations	Recommendation of Disciplinary Action	Cases under Investigation	Dismissed	Refused	Transferred	Investigation Terminated	
Before2002	189	102	8	2	-	18	73	1	-	-
2003	358	296	30	3	-	48	215	-	-	6
2004	389	368	21	4	1	74	263	3	2	5
2005	1,081	837	55	7	-	121	650	2	2	403
Total	2,017	1,603	114	16	1	261	1,201	6	4	414

※ "Recommendation" refers to any recommendation 1) to prevent recurrence; 2) for human rights education; and 3) recommendation to improve or rectify for reform or redress of the relevant system, policy, or practice.

※ The total number of closed cases is calculated by adding the total number of closed cases that was filed in the said year and the number of cases that are closed from the cases brought forward



A review of the major cases of discrimination that were filed in 2005 shows that the Commission issued recommendations for redress by reform of the system, human rights education and others for 55 cases, mutual agreement was reached between the petitioner or victim and the discriminating party in the process of investigation for 7 cases, and 116 cases were resolved as the discriminating substance of the petition was eliminated in the process of investigation through the efforts of the investigators.

Analyzing the cases that the Commission issued recommendations for redress by reform of the system or human rights education by ground of discrimination, it shows that 12 cases involved physical conditions such as personal appearance, ten cases involved disability, seven cases involved age, five cases involved social status, two cases each involved educational history and sexual harassment, and one case involved sexual orientation.

The numbers show the particular emphasis the Commission placed on resolving petitions based on personal appearance and other physical conditions and disabilities, and implies that discrimination on the basis of sexual orientation and sexual harassment is emerging as a new issue in our society.

[Table 2-4-4] Status of Resolution of Petitions by Ground of Discrimination

Ground of Discrimination Measures	Recommendations for Human Rights Education and Reform of the System (55 cases)	Mutual Agreement (7 cases)
Total	55 cases (including merged cases)	
Personal Appearance/ Physical Condition	Recommendations to remove unreasonable limitations on height and weight in recruiting public servants such as police officers, firefighters, protective facility officers, youth protection officers, and railroad security officers (12 cases)	—
Disability	Recommendations to remove unreasonable limitations in excluding persons with color vision deficiency, recommendation to change the terms of the standard agreement of marriage consultation businesses relating to refusal of membership to the disabled (10 cases);	Agreement to start constructions of reasonable accommodations and others for the disabled (2 cases)
Age	Recommendation to redress discrimination of restricting the entry qualification for the World Cup of Climbing based on age. (7 cases)	—
Gender	Recommendation to change the method of assigning class attendance number that differentiates between male and female students. (5 cases)	—
Social Status	Recommendation to redress discrimination in computing the work experience of government employees and non-government employees (3 cases);	Severance payment to part-time teachers who do not satisfy the legal working days requirement (one case)
Sexual Harassment	Recommendation to make an apology and to conduct human rights education for sexual harassment of a staff member (2 cases);	Acknowledgement of sexual harassment, issuing an apology and promise not to repeat the sexual harassment by a college professor and others (2 cases)
Educational Background/ Education History	Recommendation to modify the regulation that restricts the eligibility of public educational employees applying for leave of absence for international studies to holders of domestic master's degree only (2 cases);	Agreement not to discriminate college degree holders in recruiting visiting teachers acknowledging the degree as an educational level equal to or higher than university graduates (one case)
Sexual Orientation	Recommendation to prevent recurrence and to provide strict supervision, control of discriminatory practice of denying registration in a class based on the membership in a homosexual organization (one case)	—
Others	Recommendation to reform the practice of requesting written pledges upon release of inmates convicted of drug-related offenses or other special offenses (13 cases);	A petitioner who was fired for taking a maternity leave was reinstated as a computer graphics staff in the special visual effects team of the programming department at a certain broadcasting company starting from the October 2005 program revision (one case)



3. Investigation and Remedies of Violations of Right to Equality

Violations of right to equality refers to the violation of rights that are guaranteed under Article 11 of the Constitution in relation to the performance of duties by a government organization, local government bodies, or detention/protection facilities (excluding the National Assembly's legislative activities and trial by the courts and the Constitutional Court). It primarily refers to cases of unreasonable favorable treatment, exclusion, differentiation, or unfavorable treatment of a specific person without reason by an administrative body.

An inmate who was imprisoned at the ○○Penitentiary for a drug offense filed a petition claiming that the practice of asking inmates who are subject to special supervision such as drug offenders to write and submit a pledge "not to neglect or refuse work and to abide by the rules at the work site and try not to disrupt the atmosphere at work" was an unreasonable discrimination.

Upon investigation, the Commission concluded not only that the practice of asking inmates to write such a pledge had no basis in law, but that such a practice was not proved to prevent violations and it was an unreasonable violation of the right to equality.

In April 4, 2005, the Commission recommended to the Minister of Justice and the warden of the ○○Penitentiary to abolish the practice of asking drug offenders and other special offenders upon release to write such a pledge. Accordingly, the ○○Penitentiary discontinued the practice and the Minister of Justice issued an official notice to all penitentiaries nationwide to abolish such a practice.

4. Investigation and Remedies of Discriminatory Practices Based on Gender

Acknowledging the principle of gender equality as a foundation, discrimination based on

gender refers to any act of favorable treatment, exclusion, differentiation, or unfavorable treatment in every aspect of the society for the reason that one is a male or female.

Matters subject to gender discrimination include not only unequal treatment of one sex that is direct and apparent, but also indirect discrimination that involves applications of standards or regulations that seem to apply equally to all people but in effect results in unequal treatment of one sex. A certain Sung Doe filed a petition that the practice at the ○○ Elementary School of assigning class attendance numbers starting from number 1 to male students first and then assigning numbers to female students roughly from number 30 onwards was gender discriminatory.

Upon investigation, the Commission found that the practice of giving priority to male students in assigning class attendance numbers could unconsciously instill an idea of male dominance in the children's mind and amounted to gender discrimination. The Commission concluded that it was unreasonable discrimination of the female student's right to equality, because the resulting negative impact would be far greater than the convenience in managing students to be justified.

The Commission recommended the principal of ○○Elementary School not to discriminate on the basis of gender when assigning attendance numbers to students and the principal accepted the Commission's recommendation.

5. Investigation and Remedies of Sexual Harassment

Sexual harassment refers to cases involving sexual comments or actions by public sector employers or employees using his/her position or pertaining to work and other matters that causes feelings of sexual humiliation or degradation or results in unfair employment treatment for the reason of refusing to respond to such sexual comments,



actions or other such demands.

Unlike Equal Opportunities for Women in the Workplace Act, which regulates employment-related sexual harassment, the NHRC Act applies to incidents of sexual harassment in not only the workplace but also to in the provision or use of goods, facility, services or educational facility and in vocational training.

As such, limiting the scope of damage to "unfair employment treatment" is inappropriate and seems to be a legislative error. This part of the law needs to be amended at the earliest opportunity.

A certain Shin Doe, a transfer student in the Department of Chinese Language Education at ○○University filed a petition stating that an assistant professor, Hong Doe, sexually harassed her and other female students on a consistent basis.

Professor Hong displayed unreasonable behavior by asking Shin who was studying at the library at a late hour to see him and then staring at her arm and other parts and saying that he would give her an F grade for his subject when the final examination had not even began.

He also stated during a meeting at his office that his ex-girlfriend looked much prettier than her. During one of the classes, he mentioned about a substitute taking the National University Entrance Examination on behalf of him, a surrogate mother and his infertility and stated that "university students nowadays are selling their eggs to earn money and the price of the egg gets more expensive for well-educated and prettier students. Shin (the petitioner)'s egg should be expensive." The petitioner felt humiliated and embarrassed in the presence of other students.

The petitioner was humiliated by such comments, as Professor Hong showed an excessive level of interest in her and seemed to regard her as a woman to whom he was attracted rather than just a student. She filed a petition requesting that Professor Hong make a

public apology by putting a wall-poster on campus, and that the president of ○○ University take a disciplinary action against Professor Hong, subject him to sexual harassment prevention training, and come up with measures to guard against possible recurrences.

Upon investigation, the Commission found that a college professor's mentioning of sexual matters and making physical contact with his student using his status as a professor amounted to causing severe sexual humiliation and embarrassment from a woman's perspective. The Commission thus determined that Hong's actions constituted sexual harassment as defined in the Commission Act.

In September 2005, the Commission recommended Hong Doe to take special human rights training held by the Commission, and recommended the president of ○○ University to take stringent measures to provide education on sexual harassment prevention and establish and implement preventive measures against recurrence of sexual harassment on campus. In response, Hong Doe took the sexual harassment prevention class with the Commission and the president instituted a human rights education program.

6. Investigation and Remedies of Discriminatory Practices Based on Disability

Discrimination on the basis of disability any act of exclusion, discrimination, or unfavorable treatment of a particular person in employment or education based on disability. The prohibited practices of discrimination based of disability includes 1) employment (including recruitment, appointments, training, assignment of tasks, promotions, payment of wages, and payment of commodities other than wages, age, retirement, and dismissals, etc.); 2) supply or use of goods, services, transportation,



commercial facilities, land, and residential facilities; and 3) use of educational facilities or vocational training institutions. All practices that serve to disadvantage persons with disabilities or practices of exclusion, discrimination, and unfavorable treatment to persons with disabilities without reasonable grounds, such as refusing to treat equally the disabled and non-disabled in the above mentioned three categories can be considered as a discriminatory practice.

□ Improvements in Law Regulating Election Publicity Materials Using Braille Points

The Act on the Election of Public Officials and the Prevention of Election Malpractices imposes equal standards on the size and weight of both general election publicity materials and election publicity materials in Braille. However, this regulation fails to consider the unique characteristics of braille points; using the regulation-size braille points would make it impossible to get the same message across in full length, thus forcing the use of excerpts instead.

A petition was filed requesting that the regulation be amended to resolve discrimination against visually impaired persons. Specifically, the complainant asked for the permission to use conventional Braille materials that will include the entire original contents of election publicity rather than just the excerpts.

The Commission found that it takes three times the space of ink prints for braille points to convey the same message, and that it must be printed on heavier and thicker paper. The current law limiting the number and weight of braille points material equal to general publicity material was determined unreasonable and thus in violation of the right of visually impaired persons to equality.

On March 28, 2005, the Commission recommended the Commissioner of National Election Commission and President of the National Assembly to amend the law that restricts the

number of pages and weight of election publicity material in Braille. In response, the Commissioner of National Election Commission accepted the Commission's recommendation and amended the Regulation on Administration of Public Elections.

7. Investigation and Remedies of Discriminatory Practices Based on Age

A certain Cho Doe filed a petition stating that ○○Provincial School Board changed the eligible age limit to sit the qualifying examination for the position of ninth level regional public servants from between 18 to 40 in 2004 to between 18 and 28 in 2005, thus unfairly taking away job opportunities from prospective applicants of ages between 29 through 40 who were preparing for the examination based on the 2004 job notice. The petition alleged that the new eligibility rule constituted discrimination based on age.

Upon investigation, the Commission found that putting an age restriction for applicants aged between 18 through 28 could not be acknowledged as an essential qualification for the job, and determined the action to be in violation of the right to equality by engaging in unreasonable discrimination on the basis of age.

On October 18, 2005, the Commission recommended the superintendent of ○○ Province Education Office to amend the office's relevant personnel guidelines not to limit entry the ninth-level regional public servant position for those between 18 and 28. The superintendent of ○○ Province Education Office is currently reviewing the recommendation.



8. Investigation and Remedies of Discriminatory Practices Based on Physical Conditions such as Personal Appearance

Discrimination on the basis of physical condition such as personal appearance refers to an act of discrimination without reasonable grounds for the reason of appearance, impression, hairstyle, birthmark, scar, height, weight, body shape, and other physical attributes and physical capacities such as physical strength.

A certain Kim Doe and others filed a petition contending that height and weight restrictions in eligibility for public servant positions in fields of the police department, fire department, corrections, youth protection, and railroad security amount to discrimination, and requested for remedial measures.

Upon investigation, the Commission concluded that physical capabilities differ from person to person, and in the case of hiring government employees for positions in the police, fire department, corrections, youth protection, and railroad security, each employer must follow a scientific and objective method of measuring the necessary physical capabilities for the job by taking the specific needs of each administrative organ into consideration. The current practice of applying a uniform basis of eligible height and weight to applicants, therefore, was found to be not an appropriate barometer, thus constituting a violation of right to equality.

The Commission recommended the Police Commissioner, Superintendent of Fire Department, Minister of Justice, and Minister of Construction and Transportation not to place restrictions on height and weight in the hiring of government employees.

In response, Minister of Justice accommodated the recommendation with regard to youth protection jobs, but not in the case of corrections. Superintendent of Fire Department fully accepted the recommendation, while the Police Commissioner and Minister of Construction and Transportation are reviewing the recommendation.

9. Investigation and Remedies of Discriminatory Practices Based on Medical History

A certain Kim Doe, who used to suffer from Hansen's disease but is now without active clinical symptoms or signs of further progress of the disease, wanted to register for an on-site training and education program provided to the disabled by the postmaster general of ○○Regional Communications Office. After two sessions, however, the instructor found out about Kim's medical history and refused to let him take his place in the class. Kim subsequently filed a petition contending that the instructor's action amounted to discrimination against Hansen's disease patients.

Upon investigation, the Commission concluded that refusal to provide training to Kim on the basis of his or her medical history constituted a violation of human dignity and the right to equal access to education.

The Commission recommended the postmaster general of ○○ Regional Communications Office to take measures to eradicate prejudice against those with a history of Hansen's disease in providing on-site training and education programs for the disabled and to offer sensitivity training to prevent recurrences of prejudicial treatments. The recommendations were accepted by the president of Korea Agency for Digital Opportunity and Promotion.

Section 3 Evaluation

First of all, the most notable aspect of the discrimination cases handled in 2005 was that of the 19 possible grounds for discrimination, that showed a significant increase in



the number of petitions filed : sexual orientation, region of origin, education level, social status, family situation, conviction record, gender, disability, sexual harassment, and physical conditions such as personal appearance. The increase may be linked to the fact that the remedial tasks to rectify discrimination cases previously handled by the Ministry of Gender Equality and Family was transferred to be dealt with under the Commission's mandate.

It is also remarkable that the public is paying more and more attention to discrimination on the grounds of sexual orientation and physical conditions such as personal appearance. Given the diversity of the types of discrimination cases received, the Commission would have to adequately enhance its expertise to relieve victims through recommendations and change discriminatory practices and systems.

Second, petitions about discriminatory practices based on social status not only increased to 215% but also continue to be the most contentious ground out of the 19 grounds of discrimination under the NHRC Act. This implies that the problem of non-regular workers is a key issue in eliminating discrimination. As such, more specific and effective research should be performed as well as a more proactive stance by the Commission.

Third, the number of cases settled and closed mutually by the concerned parties reaching compromises at the initiation of the Commission in the process of investigation increased greatly.

Fourth, it is noteworthy that the Commission conducted an accessibility study for the disabled regarding the Chongyechon Creek Restoration Project even though there was neither a petition nor a decision to order an authoritative investigation.

Finally, "the study on international precedents of bona fide occupational qualification and other grounds of employment discrimination" was very well-timed, given that

employment-related discrimination cases again topped all other cases in 2005. While Equal Opportunities for Women in the Workplace Act and the NHRC Act both define the term "discrimination" to be "without any reasonable grounds," they lack any further explanations as to specifics of applying that definition. As such, interpretations of the statutes do not go beyond subjective judgments that suffer from inherent ambiguities. The study introduced the statutes and judicial precedents of common law countries that have long developed anti-discrimination legal principles and accumulated judicial precedents and guidelines to resolve such ambiguities.

Despite such accomplishments, however, it is regrettable that there were relatively few active authoritative investigations and surveys on remedial work, as the Commission's energy and capability were mostly devoted to the handling of petitions.

Section 1 Overview

Since one can enjoy his/her rights after recognizing human rights, it may be said that education to encourage human rights awareness is in itself a right. Through human rights education, we can acquire the values and attitudes necessary to respect human rights and fundamental personal freedom. Education also helps us build the society in which each person's human rights and dignity is respected and no violations or discriminations exist.

Based on this understanding, the Commission is consistently trying to build the foundations for human rights education and raise widespread awareness on human rights. To promote comprehensive and systematic education on human rights, the Commission is pushing for adopting bills on human rights education. It has also included human rights education in the recommendation proposal for the Human Rights NAP and laid down the groundwork for a cyber human rights education. Also, in order to reinforce human rights education in schools, the Commission has continuously developed teaching programs and materials; operated human rights education model schools; held open competitions on successful cases of human rights education in practice and art & literary works on human rights; and provided training programs for teachers.



To spread human rights education in the public sector, the Commission continues to hold workshops for prosecutors, the police, and correctional officers. It is also expanding the target audience to general administrative officers. In particular, as human rights issues in the military emerged to the forefront in 2005, the Commission has carried out human rights sensitivity training programs in the military, and plans to develop various programs in the future.

The Commission plans to set the systematic framework for human rights education based on the experiences and achievements, and continue to expend personnel and material resources for it.

Section 2 Major Activities in 2005

1. Fostering an Environment for the Comprehensive and Systematic Human Rights Education

(1) Promoting Systemization of Human Rights Education

In order to prepare for the legislation of laws on human rights education, the Commission has carried on the fundamental tasks of collecting domestic and international cases, holding discussion meetings, and analyzing domestic legislations. The legislation is anticipated to provide a systematic support in making human rights education mandatory and expand it as needed in schools, the public sector, and the civic society. Once the legislation is complete, the Commission expects major improvements in the quality of human rights education in Korea.

Furthermore, the Commission has included proposals on human rights education in the recommendation proposal for the Human Rights NAP to strengthen human rights education in all sectors including schools, government employees, the civicsociety, etc., as shown in [Table 2-5-1].

[Table 2-5-1] Recommendations on the Area of Human Rights Education under the NAP

Sector	The Direction of National Policy	Key Task
Schools	Enhancing understanding and sensitivity to human rights in the formal curriculum from kindergarten to college	<ul style="list-style-type: none"> - Systematically integrating and including human rights content in the formal curriculum and all subjects from kindergarten to college - Developing and disseminating various teaching methods and material - Including human rights education training programs for teachers to raise their capacity to teach human rights - Fostering a friendly environment for human rights education - Establishing basis for research on human rights education
Public workers	Providing systematic measures to strengthen human rights education in order to improve public works' sensitivity to human rights	<ul style="list-style-type: none"> - Making human rights education mandatory by including human rights classes and courses in the education or training of public-sector employees - Strengthening human rights education in the vocational trainings of lawyers and employees of law enforcement agencies and including human rights content in their qualification exams - Developing and disseminating various materials and programs for effective human rights education - Vitalizing human rights education in the military and quasi-military organizations
The Civic Society	Promoting public relations to make human rights one of their core values and vitalization of human rights education in various areas	<ul style="list-style-type: none"> - Implementing human rights education for minorities and the social weaker and increasing assistance for civic education of human rights - Preparing measures to vitalize and assist human rights education in the area of business - Establishing a cooperative system to support human rights education in human rights NGOs and life-long education center - Preparing measures to enhance human rights publicity via mass media and the Internet and to improve human rights awareness of journalists



(2) Fostering a Constant Environment for Human Rights Education by Opening the Cyber Human Rights Learning Center

The Commission opened the Cyber Human Rights Learning Center (<http://edu.humanrights.go.kr>) on September 15, 2005 to provide easy and convenient online access to human rights educational materials whenever and wherever. The Cyber Human Rights Learning Center consists of Human Rights Learning Center, Human Rights Knowledge Center, and Human Rights Experience Center.

[Table 2-5-2] Composition of Cyber-Human Rights Learning Center

Classification	Purpose	Contents
Human Rights Learning Center	Teaching and Learning	<ul style="list-style-type: none"> - Required Course (1) : Understanding Human Rights - Elective Courses (4) : Police and Human Rights, Prosecutors and Human Rights, Correctional Officers and Human Rights, Public Administration and Human Rights - Courses on Human Rights in School (5) : Human Rights Stories in Textbooks, Understanding the Socially Disadvantaged, Human Rights of the Elderly, Understanding Children's Rights, Child Human Rights
Human Rights Knowledge Center	Providing knowledge and information	- Knowledge search engine, human rights glossary, Q&A on human rights knowledge, materials produced by the Commission
Human Rights Experience Center	Raising human rights sensitivity	- Human rights exhibition, art and literary work on human rights, individual exhibitions

The Commission outsourced operation of cyber training programs, through which 265 teachers completed courses on "Understanding the Social Weaker" and "Understanding Children's Rights." These courses utilized the Cyber Human Rights Learning Center. The Commission also developed courses on prevention of sexual discrimination and discrimination against the disabled, and continued to improve contents and systems of the center by adding a cyber education monitoring system and human rights information database.

[Table 2-5-3] Number of Visitors and Clicks to Cyber Human Rights Learning Center

Item \ Period	2005. 9.	2005. 10.	2005. 11.	2005. 12.	Total
Number of Visitors	894	1,736	1,285	1,223	5,138
Clicks and Page Views	524	851	778	362	2,515

(3) Establishing the Expert Committees on Human Rights Education in Schools, the Public Sector, and the Civic Society and Fostering a Cooperation Base with Specialists and Human Rights Organizations

To strengthen its expertise on deliberation and decisions made on human rights education, the Commission formed expert committees on human rights education for school, the public sector, and the private sector. These expert committees consist of outside experts from academia and a human rights commissioner. The expert committees deliver in-depth reviews on matters requested by the plenary committee, standing committee, or the chairman, and render reports to the requesting committee.

The Commission also acquired the basis for cooperation with outside specialists and human rights organizations by holding at least two meetings a year to facilitate their participation and cooperation in planning, execution, and evaluation of human rights education.

(4) Setting the Right Concept and Direction for Human Rights Education

The Commission conducted a study on setting the right concept and direction for human rights education with an objective of diminishing the confusion stemming from



the fact that the concept of human rights education can be too broad. The study will also enhance the effectiveness of human rights education by establishing a clear link and distinction between human rights education and related education.

The Commission plans to reflect the research results on the Bill of Human Rights Education (tentatively named) and operating human rights education model schools. In addition, the Commission will continuously reevaluate the concept of human rights education to suggest a direction that thoroughly incorporates various social segments of our current society.

2. Vitalization of Human Rights Education in School

(1) Operation of Human Rights Education Program for Teachers

In searching for measures to expand human rights education in school, the Commission ran workshops for teachers and administrators who work with both disabled and non-disabled children in integrated classes. The workshops had a participant-oriented format that focuses on active participation of the attendees. The workshops for administrators were held with an emphasis on raising their sensitivity on human rights, as exemplified by requiring the participants to ride in wheelchairs throughout the program

(2) Operation of Human Rights Education Model Schools

In order to foster a friendly environment to human rights education, the Commission designated the following five elementary schools as human rights education model

school for two year-term starting from March 2004: Daepyung Elementary School in Busan Songdo Elementary School in Incheon Ori Elementary School in Seongnam, Gyeonggi-Do Ssangyong Elementary School in Cheonan, Chungcheongnam-Do and Uiryong Elementary School Uiryong, Gyeongsangnam-Do. These schools developed new teaching and learning materials on human rights, and conducted activities allowing students to experience human rights issues.

Two major achievements from the two-year operation of human right education research schools are: 1) fostering and expanding a frame work for human rights education with participation of all members of the school community including the students, teachers, and parents; and 2) developing various educational resources such as human rights curriculums, discretionary activities, and club activities in each school.

(3) Development of Human Rights Education Program for Elementary, Middle, and High Schools

Schools admittedly lack in systematic human rights education programs and materials despite their desire to provide human rights education. Thus, the Commission has continued to develop and provide human rights education programs in each school devising the "Plan for Human Rights Education in School."

In 2005, the Commission provided human rights textbooks named "Everybody Has the Right to be Happy" for elementary school students and "Human Rights are Important to Everyone" for middle school students. The Commission also plans to distribute a textbook named "People are Heaven" for high school students in 2006.



(4) Open Competitions for Successful Cases of Human Rights Education in Practice and Art and Literary Works on Human Rights



The Commission has held open competitions for successful cases of human rights education in practice and art and literary works on human rights since 2003. To attract broad participations in the competition for successful cases of human rights education, the Commission deregulated eligibility standards for entry now including civic organizations and activists as well as individual teachers in elementary and middle schools.

As a result, the total cases submitted from the open competition amounted to 23: 19 from schools and 4 from civic organizations. Award winners were chosen in each category.

The Commission has held invitations for art and literary works on human rights every year to nurture children's sensitivity to human rights so that they can understand and care for the Social Minorities and Weakers. The competition also aims to develop new media for human rights education that are suitable in the digital information era by using flash animation and digital camera photography. Elementary and middle school students are invited in this Literary Works, while anybody can join flash animations or digital camera photography. Totally, 567 submissions came in response to the topic of "Human Rights of Migrant Workers" in 2005.

The table below lists the top prize winners for successful cases of human rights education and literary work.

[Table 2-5-4] Human Rights Education Cases and Prize-Winning Lists of Literary Works

Cases of Human Rights Education	Art and Literary Works		
	Category	Title	Recipient
Im Myung-jin (Teacher, Dogo Middle School, Asan) <Children Growing Up in a Classroom Where Human Rights Breathe> * Civic Organization: No recipient of the highest award	Book Review	Why Is Two Plus Two Four?	Sun Ye-eun (Grade 5, Gulpo Elementary School, Incheon)
	Letter	To Mr. Ray Pham	Byun Chan-eun (Grade 6, Dangye Elementary School, Wonju)
		Migrant Workers' Human Rights Should Be Protected the Same as Ours	Kim Sae-rom (Grade 8, Dukpo Girls' Middle School, Busan)
	Poem	"My Favorite Thai Uncle"	Jeon Dae-won (Grade 3, Bukgyo Elementary School, Mokpo)
	Slogan	Skin Color May Be Different, But We Are All Friends with Open Hearts	Lee Hye-jin (Grade 6, Dangye Elementary School, Wonju)
	Drawing	We Are All Equal	Yim Kyung-tae (Grade 6, Namchon Elementary School, Incheon)

3. Fostering Human Rights Education in the Public Sector

(1) Expansion of Human Rights Lectures at Education Institutions for Government Employees

To improve human rights conditions in Korea to a better phase, the Commission concluded that a heightened awareness of human rights for government employees such as law enforcement officers is crucial. In order to do so, the Commission has worked to expand human rights education for government employees. Consequently, human rights education for government employees has been becoming more and more widespread; for instance, the Legal Research and Training Institute incorporated human rights education



in the curriculums of its 135 regular courses, and police training institutes added curriculums on human rights in its 54 training courses (247 classes in total).

By training a team of human rights instructors, the Commission held a total of 76 human rights education sessions for government employees (48 sessions with 5,546 policemen, 28 sessions with 1,199 employees from the prosecutor's office, corrections office, immigration office, and others). Through the Commission's programs for policemen to visit the Commission, 655 people visited the Commission over 12 occasions for an opportunity to enhance their sensitivity to human rights and understanding of the Commission's work.

Meanwhile, the Commission acknowledged that human rights education under the direct management of the Commission has limits in spreading the basis of human rights education. As is shown in [Table 2-5-5],

the Commission held courses to develop resident staff instructors with respect to the reinforcement of human rights sensitivity in the police department, prosecutor's office, and corrections office so that they can implement human rights education for high-priority areas in need of such training for themselves. Based on this, the National Police Agency executed



The training course for teaching staffs at the Police Academy. June 27, 2005

"Project 1004" to train 1,004 in-house human rights instructors through its own 5-day intensive course on human rights education by using the programs and textbooks designed by the Commission.

[Table 2-5-5] Human Rights Training Programs for Government Employees of Law Enforcement Agencies

Curriculum	Enrollment	Period	Key Contents
Human rights instructor training course for various police academies	20	2005.6.27 ~ 7.1	- Cultivating knowledge of human rights education - Developing human rights sensitivity and positive attitude towards protection of human rights
Human rights sensitivity improvement course for prosecution employees	29	2005.10.18 ~ 10.21	- Understanding human rights issues related to social minorities
Human rights sensitivity improvement course for corrections employees	37	2005.10.11 ~ 10.14	- Learning effective methods of human rights education
Human rights sensitivity improvement course for the military	36	2005.12.13 ~ 12.16	- Human beings, human rights, and the military - Human rights movie screening and thought sharing - Human rights issues and cases related to the military

(2) Promotion of Human Rights Education in the Military

In 2005, human rights in the military emerged as a major social issue due to several high-profile incidents such as the "Feces Incident" and a shooting rampage at a frontline GP. The Commission concluded that in order to improve human rights conditions in the military, it is crucial to provide adequate education, as well as requisite legal and institutional support, to raise the awareness of every member of the military. As such, the Commission established a "3-year Basic Plan for Military Human Rights Education" in the military, and carried out 15 sessions of human rights education to 5,480 members of military staff including internal investigators. In particular, the Commission developed "Training Program for Military Human Rights Officers" for the first time, and conducted "Military Human Rights Sensitivity Enhancement Workshop" for 3 nights and 4 days (December 13~16) for 36 human rights counselors, investigators, and instructors from the army, the navy, and the air force.



Military Human Rights Sensitivity Improvement Course in Session. December 13, 2005

Furthermore, the Commission held working-level discussions to facilitate more efficient human rights education in the military, and pushed for the inclusion of a human rights class in all officer and soldier development training programs, including commissioned officers, noncommissioned officers, and privates. As seen in [Table 2-5-9], a

class on basic rights of officers and soldiers will be offered beginning in 2006.

[Table 2-5-6] New Human Rights Education Courses in the Military

Course Title	Key Contents
Soldier's Basic Rights	<ul style="list-style-type: none"> ○ Training Programs <ul style="list-style-type: none"> - Officers (Military Academy, Korea Third Military Academy, ROTC): Not less than a three-hour session per semester (Not less than two hours for school affairs officers) - Privates, sergeants first class, staff sergeants: Not less than two hours ○ Continuing Education Programs <ul style="list-style-type: none"> - Officer's advanced course: Not less than two hours - Military academies: Not less than four hours - Korea National Defense University (security course, Joint Forces Staff College): Not less than six hours - Officer's intermediate course and above: Not less than two hours - General advancement course for majors, Mugungwha Leadership Conference, etc.: one to two hours ○ Military outfit education training: a session more than two hours per semester and multiple opportunity education

Section 3 Evaluation

As the interest and awareness on the necessity of human rights education became heightened in 2005, the demand for human rights education increased by more diverse sectors such as the military, general public administrators, and employees of protective facilities for many persons, as well as from law enforcement employees such as prosecutors, policemen, and corrections officers.

To support and facilitate human rights education in each sector, the Commission strove to form fundamental bases to promote systematic and comprehensive human rights education by: preparing a recommendation proposal on human rights education for the NAP; establishing the "3-year Basic Plan for Military Human Rights Education;" opening a website for cyber human rights education and enriching its contents; setting the target concept and direction of human rights education; and fostering a cooperative base with expert committees in human rights education for schools, public sector and civic society, outside specialists, and human rights organizations.

In addition, in order to prevent human rights violations, the Commission engaged in discussions with the National Police Agency, the Ministry of Justice, and the Ministry of National Defense to provide voluntary human rights education system by launching human rights education courses in each institution's training program.

By directly running courses to enhance sensitivity to human rights and create human rights instructors from incumbent soldiers, policemen, and teachers, the Commission accumulated the bases to induce interests in human rights education and nurture the effectiveness of human rights education through participation. It was particularly meaningful for the Commission to have initiated the military human rights education. The Commission laid out basic plans for human rights education in the military, which



had previously been a neglected zone for human rights education. It also developed and managed the Training Program for Military Human Rights Officers for the first time, and introduced curriculum on human rights in military training and continuing education programs.

In other notes, the Commission provided the groundwork for integrated education of human rights perspectives by linking training programs for teachers and workshops for school administrators (principals and superintendents) so that they could share critical thoughts on human rights issues. At the same time, as a result of the two years' operation of human rights education model schools, the Committee was able to create an environment for human rights education in which students, teachers, and parents can jointly participate, and develop various teaching materials and methods for human rights education.

However, the Commission acknowledges that the current legal system and structures have limited capacity to further expand and develop human rights education. It must, therefore, take an initiative such as legislative action for the cultivation and support of human rights education and establishment of education centers for professional human rights education.

As for cyber human rights education, it is necessary to enrich its contents to induce more users, while continuing to actively promote its availability to the public.

To promote human rights education in the public sector, there are several more key missions for the Commission to accomplish: introduction of advanced-level courses in human rights instructor training; establishment of a cooperative mechanism for concerned institutions; more in-depth human rights education in the military to benefit its importance; and facilitation of a human rights education system for the civic society.

Cooperation with Domestic and International Human Rights Organizations

Section 1 Overview

The Principles relating to the Status of National Institutions (hereinafter the "Paris Principles"), which were adopted at the U.N. conference in Vienna in 1993 to provide the basis of the Commission's inception, emphasized contribution to the protection and promotion of human rights and to cooperation with regional organizations and private entities that support the socially disadvantaged.

Reflecting this spirit, Article 19 of the NHRC Act stipulates that it is the duty of the Commission to cooperate with organizations and individuals engaged in any activities to protect and promote human rights, and to exchange and cooperate with international organizations related to human rights institutions of other countries.

The role of human rights institutions that possess first-hand experience and expertise is critical to raising the public awareness of human rights and to handling human rights issues in society. 2005 was a year that activities of various human rights institutions received much social attention as several major issues emerged, including the following: the bills regarding non-regular workers North Korean human rights situation with the enactment of North Korean Human Rights Act in the U.S. human rights of the persons with disability; and human rights in the military as in the case of the "Feces Incident" in an army training camp.

With the inauguration of the second administration of the Commission declaring its



goal of strengthened cooperation with human rights organizations, 2005 was also a year in which the Committee worked to establish genuinely cooperative relationships. In 2005, the Commission expanded opportunities for organizations to participate in policy discussions, topic discussions, on-site investigations, and fact-finding surveys. In addition, the Commission further solidified its efforts of actual cooperation with human rights organizations by carrying out the NGO Support Projects and the Commissioned Projects for Voluntary Programs for Citizens in cooperation with human rights organizations for the third consecutive year since 2003, and holding a "Human Rights Lecture for Human Rights Activists."

Section 2 Major Activities in 2005

1. Strengthening Cooperation with Human Rights Organizations

(1) Joint Projects with NGOs

The Commission continued to promote the NGO Support Projects and the Commissioned Projects for Voluntary Programs for Citizens with human rights organizations. Both projects have contributed to heightening awareness of human rights and improving human rights conditions in a practical sense, as well as creating an environment for human rights protection and promotion through developing and carrying out distinct human rights-related programs drawn from the expertise and first-hand on-site experiences of human rights organizations and activists. In 2005, the Commission focused on emphasizing the transparency of the projects and fairness of evaluation and substantively improving the system by incorporating suggestions from

the project participants and human rights organizations.

The Commission provided financial support for projects carried out by non-governmental human rights groups under the NGO Support Projects. In 2005, the Commission selected 20 civic organizations to receive KRW 150 million in grants for this purpose. The projects supported in 2005 included (1) those that needed to be further developed or revitalized for the promotion of human rights, (2) projects intended to strengthen solidarity with international organizations and groups, (3) projects that are related to international treaties and have great impact on Korea, and (4) projects that are expected to create substantial networking effects. The projects and organizations for which grants were provided are shown in [Table 2-6-1].

The Commissioned Projects for Voluntary Programs for Citizens was launched in 2003 to promote the public's understanding of human rights and increase its interest in human rights issues by developing and disseminating various human rights programs that can be followed in the daily life of the people. In 2005, the Commission called for and received project suggestions relating to the 18 forms of discrimination stipulated in Paragraph 2, Article 30 of the NHRC Act. It selected 13 projects and provided them with KRW 125 million in funding. The projects and organizations that received funding are shown in [Table 2-6-2].

In 2005, the Commission introduced programs for the general public that have much more popular and effective activities compared to the conventional civic activities in dealing with various discriminatory areas. The new programs utilized cultural contents in rectifying discrimination against the disabled on hiring, eliminating gender discrimination, educating prospective teachers on teenage sexual minorities, and developing and implementing educational programs to prevent discrimination against foreign workers.



[Table 2-6-1] Human Rights Organization Aid Projects in 2005

(Unit: KRW 1,000)

No.	Project	Organization	Amount Supported
1	Human Rights Education for Adults with Little or No Education and the Elderly	Catholic Women's Center	3,700
2	Aid Project for Local Legislation of Human Rights of Teenagers	Gunsan YMCA	7,000
3	Non-regular Workers' Health Rights Guarantee Program	Solidarity for Worker's Health	7,160
4	Labor Human Rights School: Unstable Labor and Human Rights	Ansan Labor Human Rights Center	3,710
5	"Sorry to Start So Late...": a Regional Youth Human Rights Promotion	Yeosu YMCA	7,000
6	Basic Investigation for Voluntary Return and Reintegration of Migrant Workers	Consortium for Migrant Worker's Return & Settlement Support Program Development	7,900
7	Relay Policy Discussion for Police Reform	People's Solidarity for Human Rights Practice	7,430
8	Asia Health Forum to Strengthen Access Rights on Necessary Medicine and to Secure Health Rights in Asia	Association of Physicians for Humanism	8,750
9	"Hold on, It's My Turn to Speak Now."	Center for Empathizing with and Counseling Women with Disabilities Victimized by Sexual Violence	8,250
10	"National Rally of the Disabled Human Rights Activists" for Liberation of the Disabled	The Solidarity of the Disabled to Obtain the Mobility Rights	6,934
11	The First Parents' Project to Secure Education Rights of the Disabled	Association of Parents for Education of the Disabled	6,560
12	Production and Distribution of Documentary Film on Wrongful Problems at Facilities Titled "Pain of the Disabled and Human Rights Violation"	Culture Space of the Disabled, Doculn	8,485
13	International Academic Conference for Human Rights of Non-regular Workers	Solidarity of Workers to Abolish Unstable Labor	8,720
14	International Symposium to Solve Environmental and Human Rights Problems with U.S. Troops	The National Campaign for Eradication of Crimes by U.S. Troops in Korea	8,520
15	Project to Promote Human Rights of HIV-Positive and AIDS Patients, and to Expand Accessibility to Treatment	People's Federation of Medical Groups for Fair Society	9,810
16	2005 International Seminar for Peace in North-East Asia	Civil Network for a Peaceful Korea	8,216
17	Formation of Solidarity Entity through Human Rights Education for Directors and Translators of Sign Language Center	Korea Federation of the Deaf	8,460
18	Publication of Manual and Development of Human Rights Education Program regarding Sexual Minority	Korean Sexual-Minority Culture and Rights Center	8,230
19	Education to Strengthen Awareness on Human Rights for "Securing Social Rights" of Economically Disadvantaged Women	Korean Women Workers Associations United	6,705
20	Fact-Finding Investigation on Human Rights Violations against the Bereaved of Civilian Genocide before and after the Korean War	Fact-finding Commission on Civilian Genocide before and after the Korean War	8,460
Total			150,000

[Table 2-6-2] Commissioned Project for Voluntary Programs for Citizens in 2005

(Unit: KRW 1,000)

No.	Project	Organization	Amount Supported
1	Non-regular Women Workers' On-site Mobile Discrimination Watch'	Korean Women's Trade Union, Busan Chapter	10,000
2	Rectification of Discrimination on Religious Grounds in the Military; Rectification of Discrimination in Hiring of Religion Officer in the Military	Human Rights Commission of Won-Buddhism	9,500
3	Integrated Games through Participation of the Public and Promotion Human Rights of the Disabled	People's Solidarity for Promotion of Access Rights of the Disabled	9,350
4	Counseling and Aid Regarding Gender Discrimination and Undignified Treatment in Employment	Seoul Women's Trade Union	10,000
5	Human Rights Keepers Who Breathe with the World and Improve Awareness of their Friends on Discrimination	Jeonbuk Solidarity for Peace and Human Rights	8,280
6	Project to Create Organizational Culture in Which Both Genders are Satisfied by Overcoming Gender Discrimination	The National Council of YMCAs of Korea	9,890
7	Citizen's Solidarity to Create a World without Corporal Punishment	Save the Children Korea	8,800
8	Operation of Case Groups in Educational Discrimination against the Disabled	Nodle Evening School for the Disabled	9,330
9	Exhibition of Four-cut Cartoons for the Heightened Awareness on Employment of the Disabled	Center for Independent Life, Friend Care	6,700
10	Education Project to Establish Multi-cultural Coexistence	Global Civic Sharing	10,600
11	Project for Realization of Proper Sexual Identity Education and Improvement of Sexual Identity Awareness	Solidarity for Lesbian Gay Bisexual Transgender Human Rights of Korea	13,740
12	Program for Prevention of Discrimination against Homosexual Teenagers	Chingusai, the Korean Gay Men's Human Rights Group	9,850
13	Finding the Human Rights of Local Residents with Migrant Workers	Yangsan Migrant Worker's House	8,960
Total			125,000



2) Human Rights Classes

Working jointly with local organizations, the Commission planned and held human rights classes to raise the expertise of the permanent staff of human rights organizations in their general operations. To reflect increased social interest in social rights in 2005, we provided education for 113 activists from 82 organizations either dealing with poverty issues or located in the remote region of Jeju Island. Classes for activists against poverty were designed to help the activists at human rights organizations and social workers understand the National Basic Living Security Act and related legal systems. In addition, classes for activists from Jeju Island involved education on peace and human rights, which provided an opportunity to strengthen solidarity among the regional organizations and discuss regional human rights issues.

(3) Discussions and Presentations

Meanwhile, the Commission held two sessions of policy discussion to collect opinions on the Commission's major projects, covering five categories with 80 persons from 57 organizations participating. In January and March of 2005, we held two Commission Activities Presentations for 32 persons from 18 human rights organizations and 68



Policy discussion with human rights organizations
March 1, 2005

persons from 48 organizations, respectively. The Commission also had three regular meetings attended by 72 persons from 53 organizations seeking continued cooperation. Through these meetings, the Commission shared information on its carrying out of various projects, and discussed possible means of cooperation.

In addition, we initiated regional human rights discussion sessions in Gwangju and Busan, which were divided into the four categories of 1) the prosecution, the police, and correctional officers, 2) non-regular workers, 3) gender discrimination, and 4) discrimination against the disabled. These sessions were attended by approximately 300 persons from 88 organizations, giving them an opportunity to learn about the human rights conditions of the region and to seek remedies.

(4) Visits to Sites with Poor Human Rights Conditions



Visit to Sung Woo Hwe, a protective nursing facility for the elderly without family. September 30, 2005

The Commission has been carrying out on-site visitations to areas with poor human rights conditions since 2003 to study and understand the difficulties faced by social minorities, the socially disadvantaged, and the alienated class in the neglected zone of human rights, and to reflect these experiences in forming human rights policies. In 2005, the Commission visited seven of such places including Jjok Bang Chon, a town of the elderly living alone in poverty (Changshin-dong, Seoul); Mongol School, a schooling facility for foreign migrants (Gwangjang-dong, Seoul); Hansen's disease patient settlement site (Yangpyeong-gun, Gyeonggi-do); Migrant Worker's House, a counseling and protective facility for migrant workers (Guro-dong, Seoul); "Hanawon," a facility to help settlement and education of the North Korean defectors in South Korea (Ansong City, Gyeonggi-do); "Sung Woo Hwe," a protective nursing facility for the elderly without family (Bulgwang-dong, Seoul); "Samdong So Nyeon Chon," a social welfare facility for unsupported children (Sangam-dong, Seoul).



2. Cooperation with International Human Rights Organizations

(1) Active Participation in UN Conferences and NHRCK's Increased Role

A. The 61st Session of the UN Commission on Human Rights

The Commission participated in the 61st session of the UN Commission on Human Rights, a six week-session from March 14 to April 22, 2005. Ten representatives, including Commissioner Young-Ae Choi, monitored the general meeting of the UN Commission on Human Rights, and participated in the Asia-Pacific National Human Rights Forum (APF) meeting, the Annual conference of the International Coordinating Committee of National Human Rights Institutions for the Protection and Promotion of Human Rights (ICC), the meeting of representatives of APF member nations, and the meeting held by National Institution Unit of the office of High Commissioners for Human Rights.

B. 57th Sub-commission on the Promotion and Protection of Human Rights

During the 57th session of Sub-commission on the Promotion and Protection of Human Rights held in Geneva from July 25 to August 12, 2005, discussions were held on human rights and violations of basic freedom, rule of law and democracy, domestic execution of international treaties, social, economic, and cultural human rights, and other human rights issues. Further detailed discussion took place on the issues of the UN reform proposal and the future of the Sub-commission of human rights upon the possible establishment of a UN council on human rights.

For the Sub-committee's working-group discussion on terrorism, the key issue was protection of human rights in situation of terrorism and anti-terrorism. The Commission introduced contents, meanings, and summary of the Seoul Commitment proclaimed in the 7th International Conference of National Human Rights Institutions

held in September 2004.

Of other UN-sponsored conferences in 2005, representatives of the Commission also participated in the 13th Asia-Pacific Regional Workshop in August, meeting of the Ad Hoc Committee for Convention on the Rights of Persons with Disability in August, and the International Round Table on National Institution Implementing Economic, Social and Cultural Rights in India.

[Table 2–6–3] International Meetings Participated in 2005

Organi- zation	Conference	Purpose	Period	Venue
United Nations	Second Working-group Meeting on the Optional Protocol to Covenant ICESCR	To Elaborate the Covenant ICESCR	1.9 ~ 19	Geneva, Switzerland
	UNOHCHR Delegation for Improvement of Human Rights in Nepal	Pursuing regional cooperation	6.29 ~ 7.7	Katmandu, Nepal
	The 61 st Session of the UN Commission on Human Rights	Participation in APF meeting and ICC conferences and monitoring of UN Commission on Human Rights	3.19 ~ 4.17	Geneva, Switzerland
	The 57 th Sub-commission on the Promotion and Protection of Human Rights	Participation in the Sub-commission and understanding the world human rights trend	7.27 ~ 8.5	Geneva, Switzerland
	The 6 th Ad Hoc Committee on International Convention on the Rights of Persons with Disability	Monitoring a discussion on proposed convention	7.31 ~ 8.14	New York, US
	Dispute Prevention Workshop	UN sponsored education on prevention of disputes	9.21 ~ 25	Colombo, Sri Lanka
APF	The 13 th Asia-Pacific Regional Workshop	Pursuing Asia-Pacific regional cooperation on human rights	8.28 ~ 9.3	Beijing, China
	The 10 th APF Annual Meeting and ACJ Meeting	Mutual cooperation among Asia-Pacific national human rights institution	8.22 ~ 28	Ulaanbaatar, Mongolia
	Support for Establishment of the Human Rights Commission in Pakistan	Enhancing mutual cooperation among Asia-Pacific national human rights institution	8.26 ~ 9.6	Pakistan
	Staff Exchange and Placement by APF Headquarter in Sydney, Australia	Exchange and collaboration among national institutions and strength of capacity of the commission	05.9.26 ~ 06.3.26.	Sydney, Australia
NGO	The 5th World Social Forum	Participation in the Forum and monitoring human rights related discussions	1.25 ~ 2.2	Brazil
	Training Session for EIPA in Europe	Strength of capacity and expertise of the Commission's staff	7.31 ~ 8.7	The Netherlands



(2) Strengthening Cooperation with ICC, APF, and National Human Rights Institutions (NHRIs)

A. ICC Conference

At the ICC conference held in Geneva during the 61st session of the UN Commission on Human Rights in April 2005, issues of human rights status and the National Human Rights Commission in Nepal were presented as the major agenda. The situation in Nepal provided member institutions an opportunity to think about the independence of NHRIs, and the Commission expressed its support for the efforts of Nepal's Human Rights Commission.

The ICC conference adopted the annual report of the UN Secretary General regarding national human rights institutions ; follow-up measures for the 7th International Conference of National Human Rights Institutions in Seoul and its Declaration : and passed a draft resolution regarding national human rights institutions.

"Migration and National Human Rights Institutions" was chosen as one of the thematic issues in the ICC program. The significance of the Commission's role was emphasized, as there are some 400,000 migrant workers from Southeast Asia in Korea working in poor human rights conditions.

B. The 10th APF Annual Meeting

The Commission participated in the 10th APF Annual Meeting held in Ulaanbaatar, Mongolia from August 24 to 26, 2005.

Founded in 1996, the APF is a forum for NHRIs in the Asia-Pacific region serving the following functions: establishing NHRIs in Asia-Pacific countries and providing support for their activities; seeking mutual cooperation and developing joint projects

between the member countries for the protection and promotion of human rights; and training and developing human rights commissioners and staff of the member countries.

The 10th Annual Meeting was attended by twelve full APF members including Korea, three associate members, the U.N. High Commissioner for Human Rights (UNHCR), APF secretariat and three other observers. The meeting's agenda included the role of NHRIs and human rights education, internally displaced persons, torture, and other unfair treatments.

The Commission's Young-Hoang Cho completed his term as the APF chairperson, during which time he performed the duties of chairing the forum meeting and reporting on the activities of APF members, and handed over the position to the Mongolian counterpart.

[Table 2-6-4] Visits to International Human Rights Organizations and Foreign National Human Rights Organizations

Organizations Visited	Purpose of Visit	Delegation	Period
Human Rights Commission of Northern Ireland	To participate in the meeting hosted by human rights organizations of the British Commonwealth held in Northern Ireland, United Kingdom To study the activities of Human Rights Commission of Northern Ireland To promote cooperation with Human Rights Commission of Northern Ireland	Secretary General	1.29 ~ 2.6
Egyptian Organization for Human Rights	To participate in the meeting of human rights organizations in the Arab region To study the activities of human rights organizations in the Arab region To promote cooperation with the Human Rights Commissions in Arab region	Secretary General, International Cooperation Officer	3.5 ~ 10
Afghanistan Independent Human Rights Commission	To study activities of the Afghanistan Independent Human Rights Commission To promote cooperation with international human rights organizations	Officer	11.4 ~ 18
Human Rights Commission of South Africa	To study activities of the Human Rights Commission of South Africa To promote exchange & cooperation with the Human Rights Commission of South Africa	Director of budgeting & management office	11.22 ~ 12.4
Danish Centre for Human Right	Study on activities of the Danish Centre for Human Rights To promote cooperation with the Danish Centre for Human Right	International Cooperation Officer	11.27 ~ 12.11



C. Meetings and Cooperation with other NHRIs

The Commission sought cooperation with other NHRIs more actively than ever in 2005. In February, the Commission's Secretary General was invited to a workshop hosted by national human rights organizations in the British Commonwealth countries held in Northern Ireland, and exchanged opinions on ways to enhance capability of national human rights institutions and mutual cooperation with secretary-generals from national human rights institutions and other experts from all over the world.

During the workshop, the Abuja Guideline, which covers proper relationship setting between NHRI and the national assembly, was fully translated and explained to the assembly members in attendance, providing an opportunity to better understand the role of the NHRIs.

In addition, there were many exchanges and joint projects in which the Commission participated to offer help on issues faced by other national human rights institutions based on the Commission's experience and expertise, including: training the staff of national human rights institutions in developing countries under the initiative of the APF; training the Secretary General of Jordan's National Center for Human Rights for training in January; the Secretary General's participation in the fact finding mission on the National Human Rights Commission of Nepal that was initiated by the UNHCR in June; and the Commission's support for the establishment of Human Right Commission of Pakistan under the initiative of APF in August.

In addition, there were several more meaningful international exchange projects in 2005 such as dispatching one staff member of the Commission to the APF secretariat as the first phase of the ongoing project to develop a specialist on international affairs; visiting the National Human Rights Commissions of Afghanistan, South Africa, and Denmark as part of the exchange training program for NHRIs that was promoted

during the second half of 2005; and a standing commissioner's visit to human rights institutions in Central Asia.

The exchange with the Human Rights Commission of the Republic of Kazakhstan was a stepping stone for the Commission to expand its international activities to the Central Asian region in the future and to get involved in the human rights of the descendents of Korean immigrants in the CIS (Commonwealth of Independent States).



The Commission's President Young-Hoang Cho welcomes the Chairperson of Afghanistan Independent Human Rights Commission. July 18, 2005.

Section 3 Evaluation

2005 was a year in which the Commission established groundwork for continued cooperation with various human rights organizations by developing working-level cooperative relationships. The Committee provided opportunities for human rights organizations to get actively involved in many areas ranging from policy design to implementation through policy discussions with each division and department, task explanation sessions, on-site research, and fact-finding surveys.

Moreover, the NGO Support Projects and the Commissioned Projects for Voluntary Programs for Citizens contributed to the vitalization of and awareness placed on human rights. These projects were enriched through improving their structure by correcting initial shortcomings, and have now settled as steadily ongoing joint projects.



Through regional on-site discussions, the Commission also examined various regional issues and looked for ways to mutually cooperate; enhanced the capabilities of human rights activists by jointly planning and running training programs for regional human rights activists; and offered opportunities to pursue alliances between regional organizations. In particular, the regional human rights seminar, which was held for the first time in 2005, contributed to vitalizing the regional human rights movement through in-depth discussions on regional human rights conditions and remedies.

In 2005, the Commission made a conscious effort to maintain and promote working-level cooperative relationships with human rights organizations. As the Commission's organizational structure was overhauled to become team-based, it was able to formally guarantee each team's full cooperation in working with outside organizations. Consequently, it will be necessary to establish a system to centrally manage these relationships in future.

In 2005, The international cooperation in 2005 was divided to three parts: cooperation with other NHRIs, cooperation with international human rights organization, and analysis of the current trends of international human rights. Cooperation with other NHRIs includes ; fulfilling the chairmanship of the APF under strong support from UN OHCHR, supporting the establishment of NHRI in Nepal and Pakistan, and maintaining a close cooperative relationship with the ICC. As such, in this regard, the commission made a remarkable progress as it broadened its areas of work. However, the Commission is still faced with a lot of challenges both domestically and internationally. Therefore, it is necessary to strengthen the implementation of the international human rights law so that the Commission can carry out international projects related to human rights in the future.

Section 1 Overview

Since 2003, the Commission has worked toward establishing a web site for visually disabled persons as part of its endeavor to improve information accessibility for alienated classes and to provide a cyber-human rights education system for the purpose of enhancing human rights sensitivity and preventing human rights violation and discrimination. In addition, the Commission's Human Rights Library introduced visual aid devices to help patrons with weak eyesight or amblyopia, making it easier for them to peruse its collection of books, decisions rendered, publications, press releases, and other accessible raw databases. Furthermore, in order to strengthen the service function of the Library and foster a cooperative relationship with the public, the Commission expanded the Library's circulation service to citizens, research institutes, expert organizations, educational entities, public offices and the library visitors.

Section 2 Major Activities in 2005

1. Establishing a Website for the Visually Impaired

The project to create a website for visually impaired persons introduced a voice



convergence engine (TTS; Text to Speech) so that users can access the website without installing a client-use voice reader. It also adopted "Korean Web Contents Accessibility Guideline (KWCA)," which was developed by the Institute for Information Technology Advancement (IITA), thus making it easier and more convenient to navigate the Commission's website (<http://edu.humanrights.go.kr>).

2. Establishing a Cyber-Human Rights Education System



<http://edu.humanrights.go.kr>

A cyber-human rights education system refers to a system that has human rights education contents online and provides service to civil servants, teachers, and the general public to promote sensitivity on human rights and prevent human rights violation and discrimination. The serviced contents of the cyber-human rights education

system consist of three categories, including Human Rights Learning Library, Human Rights Experience Library, and Human Rights Knowledge Library.

[Table 2-7-1] Contents of Cyber Human Rights Education System

Year		2003	2004	2005
Classification				
Human Rights Learning Library	Required Basic Courses		· Understanding human rights (8 classes)	· Prevention of discrimination against disability (10 classes) · Prevention of discrimination against gender (10 classes)
	Expert Elective Courses	· Police and human rights (8 classes) · Corrections and human rights (8 classes) · Prosecution and human rights (6 classes)	· Administration and human rights (15 classes)	
	School human rights classes	· Human rights in our textbook	· Understanding children's rights (30 classes) · Understanding the socially disadvantaged (30 classes)	
	Children's human rights classes		· 69 kinds of stories, cartoon and animation on human rights	· 5 stories on human rights
Human Rights Experience Library	· 2 stories on human rights	· 1 story on human rights · Human rights photos (34) · Cartoons (13) · Films and promotional material (6) · Animations (23) · Paintings (7) · Writings (16)		
Human Rights Knowledge Library		· Human rights glossary (934) · Precedents (12) · Commission-produced Knowledge database (954)	· Precedents (24) · Commission-produced knowledge DB (636)	

3. Circulation Service of Materials from Human Rights Library

The Human Rights Library, which is a subsidiary of the Commission serving the general public pursuant to Article 27 of the NHRCK, expanded its circulation service to regular users as a measure to promote usage of the Library from outside by strengthening its service function for the average person.

As such, the Library created a base from which it can pursue seamless cooperation with civic organizations and educational facilities that wish to conduct human rights education. In order to do so, it enthusiastically accepts demands for material on human rights from researchers and experts as well as reflecting the requests of the average visitor in the development of future collections and services.



[Table 2-7-2] Collection of Books at the Human Rights Library (as of December 2005)

Category		Volume (Kind)
Single volume	Asian Books	10,453
	Western Books	2,931
Materials other than Books		1,233
Periodicals	Domestic	144
	International	60
Electronic Information Source	Legal Database	2
	Electronic Journal	3

4. Installation of Aid Devices for the Visually Impaired in Use of Resources and Expansion of Resource Reading Room

The Human Rights Library installed a reading magnifier, speech recognition reading program, and Braille writer to reduce inconvenience due to visual impairment and to close the gap in the accessibility to information by increasing opportunities for usage of the resources by the information-alienated class. By using the aid devices, people with vision impairment can use the Library's raw database as well as its collections of books, decisions rendered by the Commission, publications, and press releases. The Braille writer in particular enables the usage of the material provided in the Commission's website and visual raw database at the National Digital Library by printing the information in Braille.

Section 1 Background Information on Establishment of Regional Offices and Summary of their Main Tasks

1. Background Information on Establishment of Regional Offices

The Commission decided to set up regional offices in response to the requests of regional human rights organizations made during its regional on-site counseling sessions and informal gatherings. There had already been some internal discussions about setting up regional offices for enhanced regional accessibility to the Commission and faster petition response. After a thorough review process, the Commission decided to establish regional offices in Busan and Gwangju and revised the Decree on the Organization of the National Human Rights Commission (Presidential Decree on the Organization of the National Human Rights Commission and Institutions Attached Thereto) on May 30, 2005.

2. Summary of Main Tasks of Regional Offices

Based on the "Decree on the Organization of the National Human Rights Commission and Institutions Attached Thereto," each regional office carries out the following functions in its respective region: 1) providing human rights counseling and reception



of petitions on human rights violation and discriminatory practices; 2) providing counseling and reception of petitions about detention facilities and shelters; 3) conducting preliminary online investigation and providing remedies for urgent cases of human rights violation and discrimination; 4) supporting the Commission's investigations; and 5) other tasks in human rights education, public relations and cooperation with related human rights organizations.

Section 2 Major Activities in 2005

1. Handling of Human Rights Counseling and Petitions



Opening Ceremony of Busan Regional Office,
2005.10.11

With a high level of expectation shown by the local residents and improved accessibility, an increasing number of regional residents are seeking the help of the regional offices. Thanks to the improved geographical accessibility, which is the largest benefit of having regional offices, the number of visitors for human rights counseling and petition-filing and the number of counseling and filed petitions are

expected to surge from February 2006, when the 1331 telephone hotlines for human rights counseling begin to operate.

2. Assistance to Investigations

Assistance activities of the regional offices allowed for prompt responses to regional issues on human rights. The Commission could affirm the value of having such regional offices when they demonstrated their promptness in 1) assisting the Commission's investigation of the petition regarding the sit-down strike at Hyundai Hysco Corp. in Suncheon 2) in their investigation of the petition alleging violence in supervision of foreigners by the Busan Immigration Office and 3) in their investigation on mental health facilities. These activities also helped to strengthen the capabilities of the regional offices.

3. Cooperation, Public Relations and Education

In the short period of time since their opening, the regional offices participated in informal gatherings and various other events held by the regional organizations and civic entities, and engaged in promotional activities through the local media. While these activities were not much in-depth since their objectives were to foster relationships for future cooperation and manage public relations with the general public, they will nevertheless be a platform for future endeavors of the Commission and the regional offices.

The Busan Regional Office had a



Gwangju and Southern and Northern Jolla Do Forum on 57th Anniversary of Universal Declaration of Human Rights, 2005.12.6



noteworthy moment when it initiated Human Rights Week in commemoration of the 57th anniversary of Universal Declaration of Human Rights. The office engaged in various activities such as screening a film about human rights, holding conversations with the general public and panel discussions on human rights, and visiting detention facilities.

Section 3 Evaluation

Over the initial three months since the inception of the two regional offices in Busan and Gwangju, the Commission focused on establishing the foundation on which they can effectively carry out their functions and roles. In particular, they concentrated on preparing the basic framework necessary for the management of regional offices, such as discussing the function and role of regional offices, allocating tasks to staff and educating them to develop expertise, and cooperating with various regional organizations and garnering publicity.

Through these processes, the two offices could achieve considerable results in a short period of time, thanks to the interest and participation of the general public and organizations in Busan and Gwangju areas.



PART 3

Special Projects

Chapter 1 Recommendation Proposal for the National
Action Plans for the Promotion and Protection
of Human Rights (Human Rights NAP)

Chapter 2 Proposal on Enactment of Discrimination Act

Chapter 3 Strategic Planning Team for the Commission

Recommendation Proposal for the National Action Plan for the Promotion and Protection of Human Rights (Human Rights NAP)

[1. Significance of Drafting the Human Rights NAP Recommendation Proposal](#)

Over the past three years the Commission has drafted a recommendation proposal on the National Action Plan for the Promotion and Protection of Human Rights (hereinafter the "Human Rights NAP"), and it plans to present the recommendation proposal to the government to establish a national Human Rights NAP in January 2006. In October 2003, the Commission, as the national institution in charge of human rights-related tasks, started the process of drafting the recommendation proposal for the Human Rights NAP after it discussed with relevant government organs, and asked the government, which establishes and executes human right related policy, to set up the Human Rights NAP to serve as a blueprint of mid to long-term human rights policy and a comprehensive plan of nationwide human rights policy based on the Commission's recommendation proposal. International society has put high expectation on the Korea's Human Rights NAP because for the first time in the world, the Commission and the government coordinate the Human Rights NAP taking the nature and powers of each party into consideration.



2. Background Information

Drafting the Human Rights NAP means making the nation's will to protect and strengthen human rights official, and it serves as the framework to protect the human rights of social minorities, to strengthen basic individual rights, and to foster a human rights-friendly atmosphere. In addition, the Human Rights NAP meets requirements from international bodies dealing with human rights as well as the demands of the international community. The Vienna Declaration and Programme of Action adopted at the UN World Conference on Human Rights recommended each nation to draw up a national action plan, and the U.N. Committee on Economic, Social and Cultural Rights recommended the Korean government to report on its NAP preparation by June 2006.

The Commission's recommendation proposal for the Human Rights NAP was based on its functional and legal aspects. First, its functional base is that the Commission is the exclusive human rights institution, which can comprehensively evaluate human rights conditions and suggest core tasks, based on international standards and principles on human rights. The Commission is the national institution that shall be in charge of the monitoring and consultation that needs to take place in the process of forming the Human Rights NAP. Next, its legal basis can be found in Paragraph 1, Article 19 of the NHRC Act, which defines a key role of the Commission as conducting research on laws, measures, policies, and conventions regarding human rights, and presenting opinions and recommendations. In addition, the Enforcement Decree (Articles 19 to Article 21 of the NHRC Act) provides that matters related to drafting of Human Rights NAP recommendation proposal shall be discussed at the Council for Human Rights-related Policymakers.

3. Process of Drafting the Recommendation Proposal

During its preparation of the recommendation proposal for the Human Rights NAP, the Commission devoted itself to researching actual conditions of human rights compared to universal human rights standards, and engaged in discussions with government agencies and the civil society. Through continuous discussions with government agencies on human rights related policies, the Commission was able to form the basis that would lead the government to accept the Commission's recommendation proposal. In addition, the Commission was able to lay the foundation for building social consensus on the recommendation proposal by collecting and incorporating opinions of human rights organizations and civic organizations.

Before drafting the recommendation proposal for the Human Rights NAP, the Commission translated major foreign reference materials and conducted research on actual and basic conditions of human rights. By analyzing and comparing with the foreign cases, the Commission could draw up the recommendation proposal by making strategic choices to focus on. In addition, the Commission conducted fact-finding surveys on the actual and basic conditions of human rights, which helped to select the core agenda to be promoted in regards to human rights conditions in Korean society.

The Commission set up and operated the "Task Force for Promoting and Planning the Human Rights NAP" and the "Council for Human Rights-related Policymakers" to draw up the Human Rights NAP recommendation proposal. The Task Force for Promoting and Planning the Human Rights NAP, which consists of nine academic experts and seven representatives from human rights organizations, held 14 meetings to set the basic direction for drafting Human Rights NAP Recommendation Proposal and select the core agenda to promote. The Commission tried to maximize the effectiveness of the



recommendation proposal by holding working-level policy discussions on its contents with the Council for Human Rights-related Policymakers composed of high-ranking government officials. In addition, during its preparation of the recommendation proposal, the Commission sought to build social consensus on the recommendation proposal by collecting and reflecting opinions of human rights organizations through various means such as informal meetings, policy discussions, and document reviews.

4. Main Contents of Recommendation Proposal

The recommendation proposal for the Human Rights NAP presented several items as core agenda to be promoted including primary protection of human rights of social minorities and modification of laws and institutions to build infrastructure that embraces the right to freedom and other social rights. However, the Commission was aware of the fact that the proposal cannot suggest all the necessary tools and directions to achieve above mentioned targets, so it strategically selected and focused on the areas that we expect to be implemented by the government within the next five years.

The recommendation proposal is made up of three sections. Section 1 provides the overview of the Human Rights NAP, the process and method of promoting it in Korea, and the structure of the recommendation proposal.

Section 2 deals with 11 target categories that 1) need to focus on the protection of the human rights of minorities and the socially disadvantaged for the next five years; 2) require urgent aid; and/or 3) represent situations where it is difficult for the subjected persons themselves to set the agenda. The categories include the disabled, non-regular workers, migrant workers and refugees, residents in various public facilities, sexual

minorities, and North Korean defectors in South Korea.

Section 3 discusses the following: the areas that need institutional improvement and complementation to build infrastructure for promoting human rights beyond the level of current to actually enhance the lives of the people; human rights education; and construction of a domestic and international cooperative system for human rights.

As such, the Commission's recommendation proposal for the Human Rights NAP, which emphasizes strategic selection and focus, contain more advanced contents than the national action plans of other countries, which only suggest basic principles and direction in vague terms or simply list policy agenda.

Proposal on Enactment of Discrimination Act

1. Background Information

Public awareness level on issues of discrimination in our society has improved significantly thanks to the remedial efforts of various organizations such as those for women and the disabled. Nevertheless, in light of the norms of international human rights and the case studies of other countries discrimination against the minorities in our society is still a serious problem, and occurs in a broader range of areas taking more complex shapes and forms. As a result, there have been continued social needs for comprehensive and effective legislative action to resolve this problem.

Thus, the Commission has been working toward enactment of the Anti-Discrimination Act since 2003 to improve the nation's overall human rights condition and protect the human rights of social minorities by eradicating unfair discriminatory practices in public policies and institutions, as well as in our society in general. Establishing the Act will also provide active means of remedy from discrimination as well as to



Informal discussion by human rights organizations and experts regarding Discrimination Act. December 9, 2005



present a definition and standards of what constitutes a discriminatory practice. In essence, the promotion for enactment of the Anti-Discrimination Act is to materialize the spirit of the Constitution that pursues fairness in every political, economic, social, and cultural aspect.

2. Activities in 2005

Even from the early days of its establishment, the Commission was aware of the necessity of establishing the Anti-Discrimination Act and has conducted studies on both domestic and foreign discrimination Acts. In January 2003, the Commission organized the Committee for Legislation of the Anti-Discrimination Act with 17 internal and external experts on discrimination. Through many discussions with experts and ministries concerned, the Committee for Legislation of the Anti-Discrimination Act prepared the Draft Proposal on Anti-Discrimination Act in August 2004.

In addition, the Drafting Team for the discrimination Act that included two standing commissioners was formed in May 2005. The team prepared and submitted the Proposal on Draft after revising the initial draft of August 2004 through internal discussions and consulting with outside experts and concerned organizations.

In October 2005, the Commission's Plenary Committee decided to form the Special Committee on Promotion of Anti-Discrimination Act to hold the following: consultations of ministries concerned, a workshop for all human rights commissioners, discussions with experts on discrimination and human rights organizations, and public hearings regarding Discrimination Act to listen to opinions of the general public to draft the Act.

3. Main Contents

The current proposal on the establishment of the discrimination Act made by the Special Committee is comprised of four chapters and 44 articles. Chapter 1 contains the general provisions; Chapter 2 discusses the duties of the central and local governments to correct discriminations; Chapter 3 covers prohibition and preventive measures for discrimination; and Chapter 4 deal with remedies for discrimination. Chapter 3 in particular has substantive provisions for prohibition of discrimination, and is composed of four paragraphs such areas of discrimination as employment and one paragraph on measures to prevent discrimination.

The Act proposal conceptualizes different types of discrimination to fall under the categories of direct discrimination, indirect discrimination, and harassment. It further defines the range of prohibited discrimination to be the causes of discrimination promulgated by the NHRC Act, such as gender and disability, and by the segment of discrimination such as employment. The proposal also elucidates the basic plan to correct discrimination and a detailed implementation plan which is part of the government's duty.

The proposal is aimed at securing various measures to provide effective remedies for discrimination. As a remedial measure provided by the Commission, in addition to general remedial measures such as a recommendation for mediation and correction, it is allowed to give order for correction in a case where the recommendation was not abided by without justifiable reasons and where the discrimination is serious and is acknowledged to have a significant social impact. Also, when the situation is deemed serious, legal aid is permitted.



4. Evaluation and Future Plan

Enactment of the Discrimination Act is a legislative action that expands the declared right to equality guaranteed under the Constitution to be a subjective civil right, taking to a new level of human rights improvement in our society. And it would mark a new horizon for human rights promotion in Korea by prohibiting and improving discriminatory practices that are particularly serious in the area of employment.

The Commission is in the final stage of collecting opinions regarding the draft of Discrimination Act, and will promote its enactment after reviewing and confirming the draft, followed by the resolution of the plenary committee.

Strategic Planning Team for the Commission

1. Background Information

Since its inception four years ago to reflect the nationwide expectation of better human rights protection and promotion, the Commission has endeavored to engage in research and rectification of serious problems of human rights violations that have been pervasive in our society; to promote the nation's human rights through the improvement of statutes and legal systems; and to publicize the position and role of the Commission as an independent and stand-alone entity that provides recommendation services.

To better carry out its fundamental mission of human rights protection and promotion, the Commission keenly felt that it would be necessary to establish a comprehensive and systematic plan regarding the Commission's overall activities including its function, capability and status, and to concentrate its resources to execute the plan.

For this purpose, the Commission formed the Strategic Planning Team for the Commission to conduct systematic analysis on its internal and external environment including its status, function, and capability, and to perform intensive review of direction for the Commission's improvement and innovation based on the results of the analysis. Under the team are three units including the strategic planning unit, status improvement planning unit, and capability enhancement planning unit, each having separate sub-agenda for the overall improvement planning.



2. Main Contents

On September 12, 2005, the Commission formed a three-month ad hoc body of the Strategic Planning Team for the Commission under the secretariat, with the secretary general as its chief, to start activities to come up with the comprehensive development strategy for the Commission. The board consists of 26 members including 15 human rights experts from academia, the legal field and human rights organizations, and 11 Commissioners. The team was divided into the following three units to devise the Commission's improvement plan in each category: a strategic planning unit, a status improvement planning unit, and a capability enhancement planning unit.

The strategic planning unit established the strategic target and execution plan for the upcoming three years to achieve the vision and the mission of the Commission. The status improvement planning unit formed the strategic direction to improve the Commission's status through analysis of the internal and external environment, and set the strategic targets of strengthening its independence, securing distinctive rights remedies, and reinforcing effectiveness of recommendations. These targets were accompanied by a detailed action plan and program. The capability enhancement planning unit set standardized tasks for a more effective work environment, planned a training program to strengthen the expertise of the commissioners, and fostered a knowledge community and knowledge management system to raise problem-solving skills of the staff members.

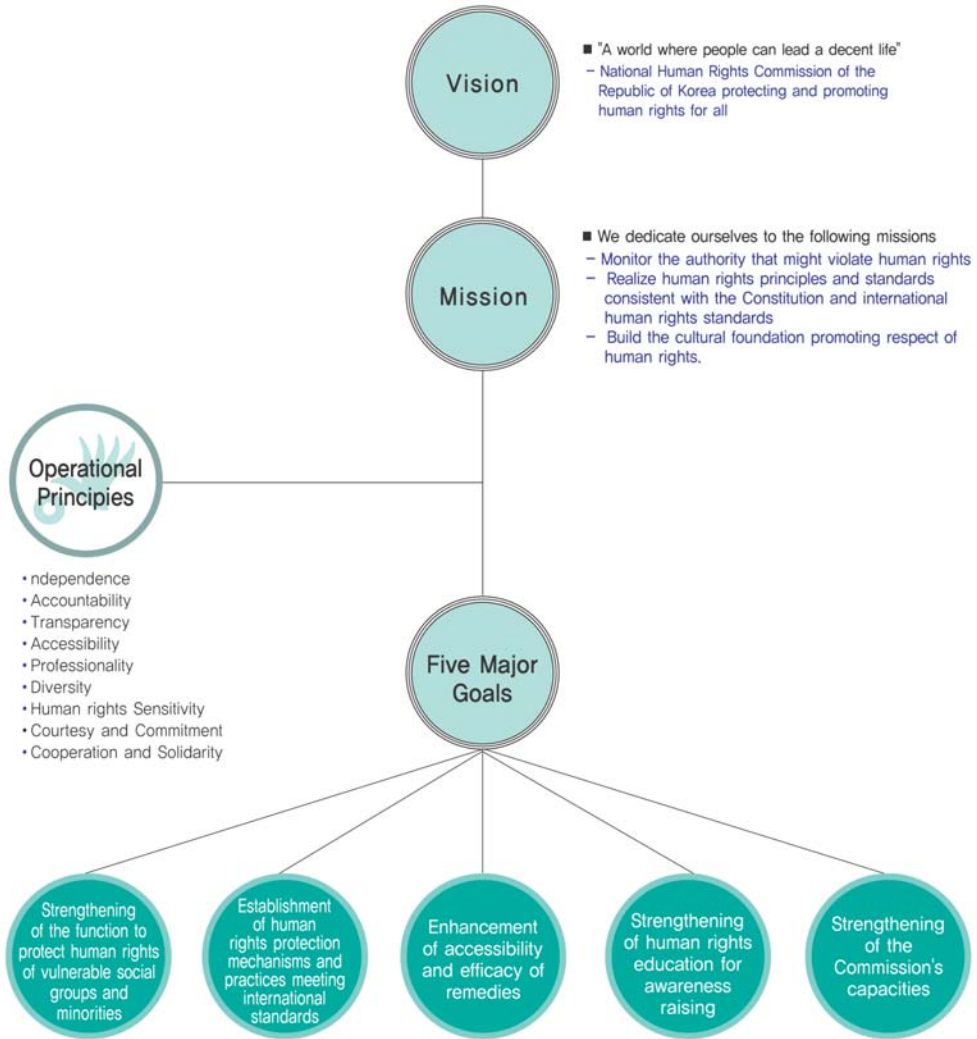
Based on the draft plans that were prepared after three months of heated debates in each team, the board produced the Draft Proposal on Strategic Planning for Improving the Commission and presented it to the 24th session of the Plenary Committee on November 28, 2005. The Plenary Committee concluded that an in-depth review by the

Commission would be necessary to examine the significance of the draft proposal by the board, and called for the creation of Special Committee on the Planning of Development Strategies. The special committee consisting of five commissioners held numerous meetings until the end of 2005 to review and amend the Draft Proposal on Strategic Planning for Improving the Commission and finalized it as "National Human Rights Commission's Action Plans for Promotion of Human Rights."



Chart of Action Plan

2006 ~ 2008



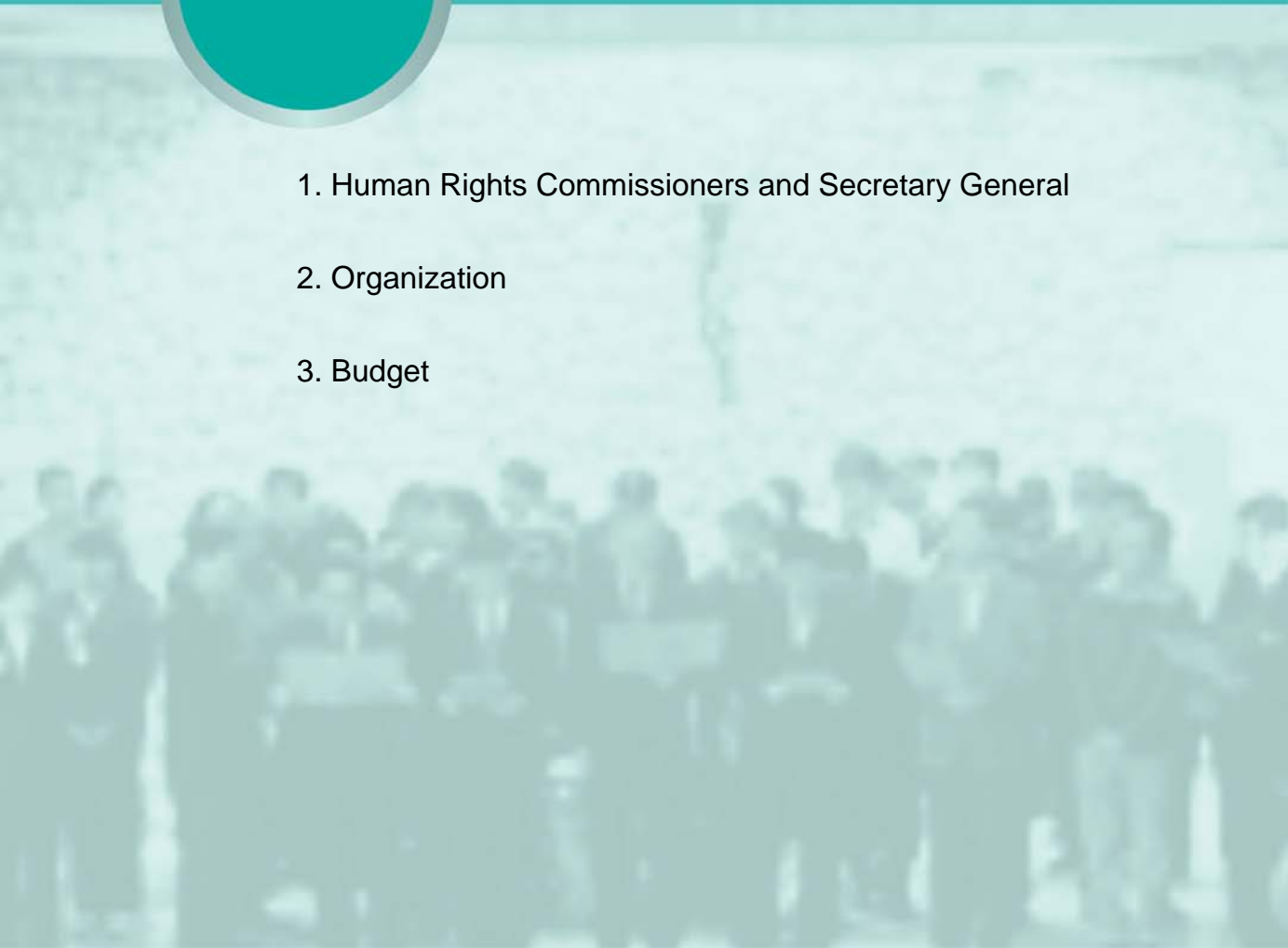


National Human Rights Commission of the Republic of Korea



Appendices

1. Human Rights Commissioners and Secretary General
2. Organization
3. Budget



1. Human Rights Commissioners and Secretary General




□ Human Rights Commissioners

	Name / Career	Remarks
	<p>President Young-Hoang Cho</p> <ul style="list-style-type: none"> - Executive Director of the Korean Bar Association - Lawyer in charge of maintenance of public prosecution in the Bucheon Police Station Sexual Torture Case - Chairperson of the Anti-Corruption Center at the Citizens' Coalition for Economic Justice - Judge at the Goheung Country Court of the Gwangju District Court in Jeolla Province - Chief Ombudsman of the Office of the Ombudsman of Korea 	<p>Appointment : Apr 4, 2005</p>
	<p>Standing Commissioner Young-Ae Choi</p> <ul style="list-style-type: none"> - President of the Korea Sexual Violence Relief Center - Planning commissioner of policy advisory committee of the Ministry of Gender Equality and Family (MOGEF) - President of Gender & Human Rights Committee of Korea Women's Association United (KWAU) - Director of Korea Human Rights Foundation - Secretary General of the National Human Rights Commission of Korea 	<p>Appointment : July 23, 2004 Chairperson of Rectification Human Rights Violation Committee 1 Chairperson of Expert Committee on International Human Rights</p>
	<p>Standing Commissioner Ho-Joon Kim</p> <ul style="list-style-type: none"> - Correspondent in Washington, D.C., managing editor and chief editorial writer at Seoul Daily News - Editor and managing director of Munwha Daily Newspaper - Steering member of the Association of Commemorative Service of Jang Jun-ha - Director of the Northeast Asia Peace Movement - Guest professor in the Department of Communication at Chungnam National University 	<p>Appointment : December 24, 2004 Chairperson of Rectification Human Rights Violation Committee 2 Chairperson of Expert Committee on High Occupancy Protective Facilities Chairperson of Expert Committee on the Military</p>
	<p>Standing Commissioner Kang-Ja Jun</p> <ul style="list-style-type: none"> - President of Korean Women Link - Commissioner of Presidential Commission on Women's Affairs - Commissioner of the Committee on Gender Equality Promotion, the Ministry of Gender Equality and Family (MOGEF) - Commissioner on the Minimum Wage Council in the Ministry of Labor - Commissioner of Presidential Committee on Social Inclusion 	<p>Appointment : December 24, 2004 Chairperson of Discrimination Remedy Committee Chairperson of Expert Committee on Discrimination against the Disabled</p>

* The Commission has eleven commissioners including one President and three standing commissioners. The President of the Republic of Korea appoints all the commissioners. Four of them are selected by the National Assembly, including two standing commissioners while four persons are nominated by the President of the Republic of Korea and three persons by the Chief Justice of the Supreme Court. The President of the Republic of Korea appoints the President of the Commission. It is also articulated that four or more of the commissioners are women.



	Name / Career	Remarks
	<p>Commissioner Man-Heum Kim</p> <ul style="list-style-type: none"> - Executive Commissioner and Consultant to the NGO, People's Solidarity for Participatory Democracy - Policy Committee Chairman of People's Solidarity for Democratic Reform - Standing Councilor for the Korean Political Science Association - Associate commentator of CBS - Professor at the Institute for Asia-Pacific Studies in the School of International Studies at the Catholic University of Korea 	<p>Appointment : August 1, 2003 Chairperson of Expert Committee on Discrimination</p>
	<p>Commissioner Cheon-Soo Ra</p> <ul style="list-style-type: none"> - Professor at the Judicial Research and Training Institute - Senior Judge in the Seoul District Court - Adjunct Professor at Young San University School of Law - Commissioner of the Prime Minister Administrative Appeals Commission - Member of Bae, Kim and Lee Law Firm 	<p>Appointment : December 24, 2004 Chairperson of Expert Committee on Persecutor and Police Investigation</p>
	<p>Commissioner Hae-Hak Lee</p> <ul style="list-style-type: none"> - President of the National Coalition Movement for Nationalism and Democracy - Joint President of the National Council for Self-Reliant and Peaceful Unification - President of the Seongnam Migrant Workers Center - Joint President of the Campaign for North Korea Help - Joint President of the People's Union for Democratic Reform 	<p>Appointment : December 24, 2004 Chairperson of Expert Committee on Correction</p>
	<p>Commissioner In-Seop Chung</p> <ul style="list-style-type: none"> - School of Law at Seoul National University (Ph. D. in Law, International Law) - Professor at the School of Law at Seoul National University - President of the Law Research Institute at Seoul National University 	<p>Appointment : December 24, 2004</p>

	Name / Career	Remarks
	Commissioner Keum-Sook Choi - Professor in the Department of Law at Ewha Women's University - Commissioner on the Committee on Special Legislation of North and South Korea in the Ministry of Justice - Commissioner of the National Tax Examination Committee - Commissioner of Copyright Commission for Deliberation and Conciliation - Vice President of Korea Family Legal Service Center	Appointment : December 24, 2004
	Commissioner Hei-Soo Shin - President of the Korea Women's Hot Line - Co-president of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan - Visiting professor at the School of NGO at Kyung Hee University - Member of Asia-Pacific Women and Law Development (APWLD) - Commissioner of the UN Committee on the Elimination of Discrimination against Women (CEDAW)	Appointment : March 15, 2005 Chairperson of Expert Committee on Sex & Gender Discrimination 2005.3.15
	Commissioner Hyung-eun Won - Co-president of Busan Human Rights Center - President of the Busan Solidarity for Practice of the South-North Joint Declaration - Chairperson of Busan Headquarters of Transparency International Korea - President of the 21st Century Christian Forum - Commissioner of the National Unification Advisory Council	Appointment : June 1, 2005 Chairperson of Expert Committee on School Human Rights Education

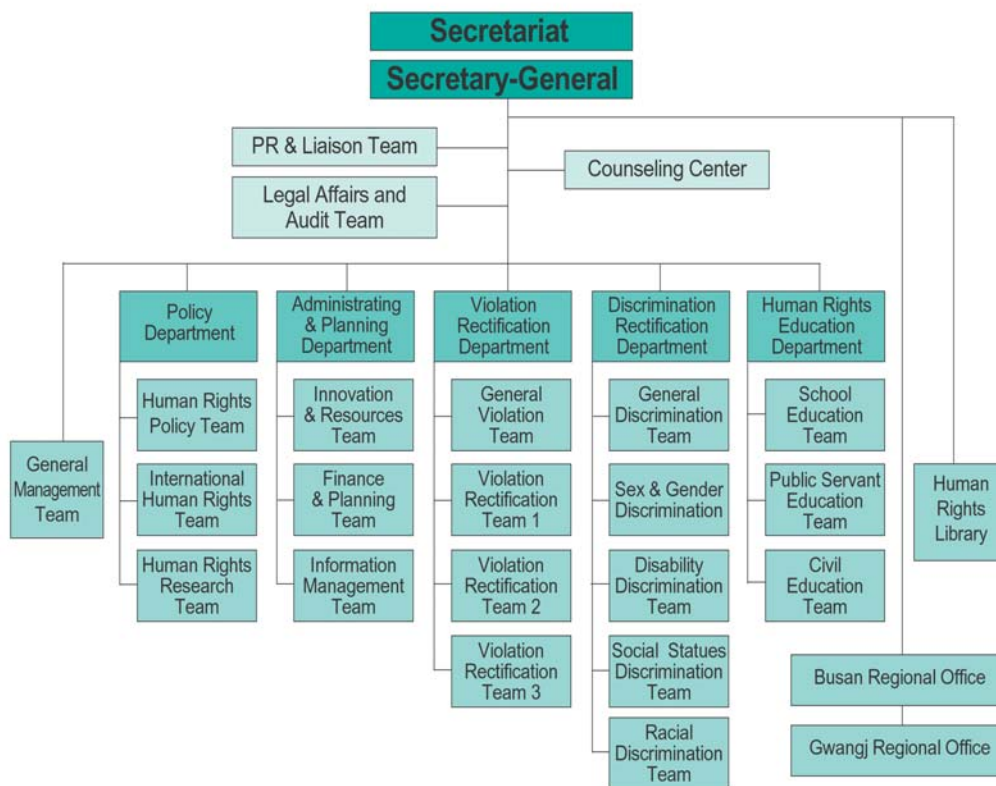
Secretary General

	Name / Career	Remarks
	Secretary General No-Hyun Kwak - Professor of Korea National Open University (KNCU) - President of Democratic Legal Studies Association - Co-chairperson, Democratic Association of Professors for Democratic Society - Non-standing commissioner of National Human Rights Commission of Korea - Member of Presidential Commission on Policy Planning	



2. Organization (as of December 31, 2005)

- Commissioners: 11 (1 President, 3 Standing Commissioners, 7 Non-Standing Commissioners)
- Offices: 5 Bureaus, 22 Divisions, 3 Institutions
- Total Staff: 201



3. Budget

(KRW millions)

Classification	2004 Budget	2005 Budget	Increase (amount)	%	
Total	19,617	20,406	789	4.0	
Payroll Expenses (wage)	7,665	8,317	652	8.5	
Project Expense	11,952	12,809	137	1.1	
Basic Project Expense	6,596	6,727	131	2.0	
Major Project Expenses	5,356	5,362	6	0.1	

1) Payroll expense (wage): KRW 8.3 billion

- Payroll expense for: Total staff (201), Expert contracted worker (8), Civil service worker (1)

2) Basic project expenses: KRW 6.7 billion

- Building leasehold and maintenance: KRW 3.5 billion
- General expense for basic administration: KRW 3.2 billion

3) Major project expenses: KRW 5.4 billion

- Establishment of infrastructure for human rights protection and promotion
Establishment of human rights protection policy and institutions: KRW 2.1 billion
- Receipt of petitions about human rights violations and investigation and remedy
Human Rights Specialist Counselor, etc: KRW 0.4 billion
- Education and promotional activities to expand human rights culture/ Strengthening of international and domestic cooperation
Strengthening of promotions of human rights perception: KRW 2.9 billion

**National Human Rights Commission of the
Republic of Korea Annual Report 2005**

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- Publisher : Kyong-Whan Ahn
 - Published by : National Human Rights Commission
 - Address : Gumsegi Building, No. 16, Ulgiro 1-ga,
Jung-gu, Seoul, Korea, 100-842
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