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NATIONAL HUMAN RIGHTS COMMISSION
OF THE REPUBLIC OF KOREA

ANNUAL REPORT 2010



National Human Rights Commission
of the Republic of Korea

**National Human Rights Commission
of the Republic of Korea
Annual Report 2010**

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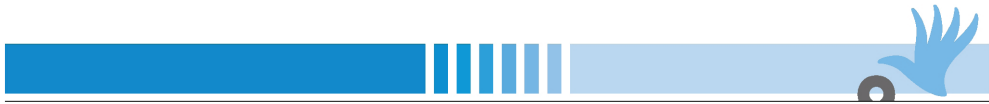
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**National Human Rights Commission
of the Republic of Korea**

National Human Rights Commission Annual Report 2010

The National Human Rights Commission publishes and distributes this Annual Report on its activities during the calendar year of 2010 to be submitted to the President and the National Assembly of the Republic of Korea, pursuant to Paragraph 1, Article 29 of the National Human Rights Commission Act.



Chairperson's Foreword

Human rights are the minimum standard that should be abided by to realize a world where people can live as they deserve. Therefore, human rights is an issue of 'my rights', an issue of 'my neighbors' rights' and an issue of 'our rights'. First of all, human rights aims to promote and protect the dignity and worth as human beings, and thus it is a 'my rights' issue. Moreover, human rights are the rights and obligations formed by relationships between the state and individuals, relationships between non-state actors and individuals, and relationships among individuals. Accordingly, human rights can be regarded as an 'our rights' issue.

The Republic of Korea is internationally recognized as a country that has achieved both democratization and the respect for human rights within a relatively short period. In the 21st century, any country in the world may not be able to advance forward without the respect for human rights.

Ultimately, we should all strive to become experts on human rights, taking an active interest in human rights issues 'of mine' and 'of our neighbors'. Furthermore, the state, business corporations and individuals all have to respect and ensure the dignity and value of all human beings. The rights of the socially vulnerable groups and minorities are often easily ignored, or people deliberately ignore the pain of those being discriminated against. However, the socially vulnerable groups and minorities are not fixed groups, rather anyone of us can potentially become the underprivileged or minorities in social relationships.

In the year 2010, the National Human Rights Commission of Korea (NHRCK) continued its endeavors to fulfill its mission as an independent national institution

dedicated to human rights issues. Despite challenges followed by its downsizing in 2009, the NHRCK strived hard to resolve diverse human rights problems to create a world where people can live with dignity. This is the very core of the NHRCK's establishment and existence.

The NHRCK is presenting its 9th Annual Report. This Annual Report examines the human rights situation in the Republic of Korea as well as activities of the NHRCK in 2010 to address the problems and future challenges, to report to the President and the National Assembly and to inform the public. This Annual Report highlights the Commission's activities to promote human rights in 2010, encompassing improvement of human rights-related laws, regulations and policies, human rights counseling, investigations and remedies on human rights violations and discriminatory acts.

This Annual Report is also a primary document for the Commission's activities to be evaluated by the public. The Annual Report will serve as a foundation for reflection on the path that the NHRCK has travelled with a clear objective and preparation to meet future challenges. Finally, I would like to express sincere gratitude to all those who have shown unswerving support and encouragement and offered constructive suggestions to the NHRCK over the past year. Thank you.

현 명 철

Hyun Byung-Chul

Chairperson

National Human Rights Commission of the Republic of Korea



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Part I

Introduction



Introduction

Basic Direction for Activities in 2010

The National Human Rights Commission (hereafter "the Commission") was established on November 25, 2001 as an independent national institution with a mission to "contribute to the realization of human dignity and worth, the safeguard of the basic order of democracy to ensure the protection of the inviolable and fundamental human rights of all individuals, and the promotion of the standards of human rights."

In accordance with the goals and direction of the Three-Year Action Plan for Promoting Human Rights established in 2009, the Commission maintained the five strategic objectives and special projects in implementing its activities for the year 2010, in order to ensure the continuity of projects from the previous year. Based on this, the Commission formulated a strategy to implement the five strategic objectives, which are i) safeguarding civil and political rights; ii) advancing the rights of the child and the elderly; iii) promoting the economic, social and cultural rights of economically vulnerable groups; iv) improving the rights of migrants in a multi-cultural society; and v) strengthening the anti-discrimination policies and remedies that pertain to socially vulnerable groups. It also established action plans on a special project to improve North Korean human rights.

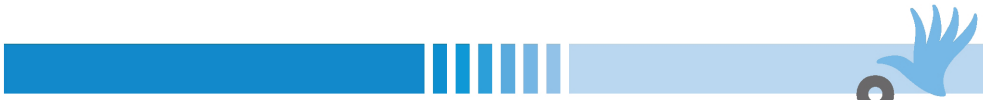
Moreover the Commission strategically analyzed a range of factors, including increase in the number of complaints, demands for human rights educations and the manifestation of diverse human rights issues; and changes in the internal and external environments surrounding the Commission, which were incorporated into the 2010 work plans. In addition, it focused on "selection and concentration" of its activities following the downsizing of the organization in 2009. In accordance with the goals and direction of "the

Three-Year Action Plan for Promoting Human Rights" established in 2009, the Commission adjusted three out of 20 performance objectives to better respond to rising demand in the field of international human rights.

Change in Environment and Outcomes in 2010

Amidst the increased attention on human rights in diverse sectors nationally and internationally, the Commission exerted concerted efforts to meet the growing demands especially in the year 2010. On the international front, it was highlighted that human rights values were recognized from a fresh perspective in the international community and human rights emerged as the mainstream, global agenda. Furthermore, there were evidently clear trends in the international human rights front, which was a shift toward greater protection of economic, social and cultural rights (hereafter "ESC rights") particularly in the field of migration and business. Also, international human rights organizations, such as the UN, have affirmed the International Coordinating Committee (ICC) of nation human rights institutions and the important role of the Commission. Accordingly, they called on the Republic of Korea and the Commission to engage in a more active role for the promotion and protection of human rights at the international level. On the domestic front, new areas of human rights, including information and communication technology and human rights (hereafter "ICT and human rights"), business and human rights, ESC rights and environmental rights, have emerged and expanded. Furthermore, some civil society groups raised a number of controversies concerning the role and expectations of the Commission. As a result, some Standing Commissioners and Committee members tendered their resignations. As such, there were more changes in the domestic and international environment in the year 2010 than any other year.

Meanwhile, the number of discrimination complaints have increased significantly with the enforcement of the "Act on the Prohibition of Discrimination of Disabled Persons,



Remedy Against Infringement of Their Rights, etc." (hereafter the Disability Discrimination Act) and the "Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion" (hereafter the Age Discrimination Act). In addition, cases of rights violations by the State authority have been steadily on the rise, while demands for human rights of the underprivileged, including socially and economically vulnerable groups, are rapidly increasing. The consequent increase in complaint cases placed a demand on the Commission to fulfill its roles and functions to the utmost.

In an effort to perform its major activities efficiently and effectively with the reduced manpower, the Commission endeavored to improve by eliminating inefficient practices identified in its procedures in handling of complaints under these circumstances. In addition, it further reinforced the team-based structure, which had been introduced to resolve problems caused in the course of operating the large-scale department-based structure. The Commission also endeavored to improve its performance and competence by forming seven teams dedicated to its key priorities.

Despite the aforementioned increase in complaints and workload, the Commission steadily implemented its policy of requiring its staff to complete 100 hours of training sessions a year to develop their expertise and competence in human rights. In so doing, the Commission's staff members not only perform their respective duties more efficiently, but also obtain knowledge and expertise in a wide range of human rights issues. Moreover, the Commission improved its performance in government resource management, and was accordingly selected as the best governmental institution in the 2010 Government Property Management Evaluation, receiving a Presidential award.

Challenges to Implement Activities in 2010

The year 2010 was one in which the Commission felt a significant impact from organizational and manpower reduction of 2009, and there were thus a number of difficulties in executing its activities. Some areas for improvement were evident, such as

delays in implementation of some projects.

Despite the rise in the number of complaint cases, the reduced human resources made it difficult to respond immediately to pending human rights issues through systematic and focused ex officio investigations. Consequently, there was a need for long-term measures to resolve issues like the selection of tasks regarding special investigations such as public opinion surveys and research on human rights conditions and the issue of budget allocation. It was also necessary to seek more efficient and effective ways for a closer collaborative system between policy and investigation units.

Moreover, the activities of the "Guardian of the Rights of the Elderly" regrettably did not give rise to a policy recommendation, while the lack of sufficient special investigations on recent social issues, such as the age discrimination posed by forced honorary retirement prompted the need for revitalizing such activities. There were also increased demands to expand participation of those from government ministries and businesses in forums on business and human rights, whilst the projects aimed at protecting and improving human rights of impoverished groups progressed rather slowly.

Despite the rise in demands for human rights protection in accordance with the Mental Health Act, there were limitations on the ability to provide systematic human rights education due to the absence of the Commission's own education facilities and the lack of human and financial resources. There was also a lack of institutional support as legislation on human rights education has not yet been enacted. Moreover, the role of the Commission was limited in areas such as the rights of students and controversies over teachers' rights, which had started to become an issue at schools and spread to become a social controversy, and the issue of enacting the Human Rights Ordinance for students.

Meanwhile, the Commission operated expert committees on various fields to research and review deliberations made by the Standing Commissioners Committee and sub-committees, and an advisory committee aimed at providing advice on what is necessary to ensure efficient execution of activities of the Commission. However, there



was a need to improve the expert committees and the advisory committee for greater efficiency.

Recognizing those challenges, the Commission will adjust to the rapidly changing human rights environment and continue to fulfil its role and purpose as a national human rights institution. The Commission's aim is to protect and enhance the human rights of citizens to improve quality of life, thereby meeting the expectations of the public.

Structure and Content of Projects in 2010

The Commission divides its work into general projects, which are its basic areas of work, and five key projects based on the Action Plan for Promoting Human Rights, which was designed as a mid-term task plan to review and set new goals every three years, with the first term starting in 2006. In 2010, the second term task plan (2009-2011), following the first term plan (2006-2008), was implemented.

General Projects

Solidifying Pro-Human Rights Policy Environment

There were changes in the internal and external environment surrounding the Commission's policy tasks in 2010 on an unprecedented scale. Internally, there was a sharp decrease in manpower due to retirements and transfer of employees following the scaling down of the organization in April 2009. In addition, the Commission underwent a significant change in the division-based organization of work, with policy tasks on rights of migrant workers and women transferred to the Investigation Bureau.

Nevertheless, the Commission endeavored to assert its voice for human rights in exploring and expanding human rights issues of everyday lives, making recommendations to improve legal and policy provisions, and expressing its opinions on diverse areas of

human rights; including ICT and human rights, the rights of workers, the rights of migrants, the rights of the elderly and the child, business and human rights, the rights to freedom from the State.

In particular, the Commission strived to expand the area of ICT and human rights by successfully bidding to host the Asia Europe Summit Meeting (ASEM) Seminar on Human Rights in Korea, while actively participating in events and meetings held by international human rights organizations.

Furthermore, in order to solidify policy recommendations, the Commission conducted seven studies on human rights conditions, while hosting discussion sessions, forums, symposiums, and seminars in different areas of human rights to prepare a pro-human rights policy foundation. Based on this, the Commission made more than thirty recommendations and expressed opinions on the relevant human rights laws, regulations, and policies and submitted three opinions to the Court in 2010.

Improving the Effectiveness of Remedies

The Commission received and resolved 58,456 cases of complaints, counselling sessions, and inquiries and civil applications in 2010 alone, an increase of 11.6% from the previous year. By type, there were 9,159 complaints, 22,502 counselling sessions, and 26,795 inquiries and civil applications. Overall, civil rights violation cases still significantly outnumbered (70.5%) discrimination cases. The number of discrimination cases showed a gradual increase.

In order to ensure the effectiveness of remedies, it was recommended that the Commission should make vigilant efforts in monitoring and following-up remedies and recommendations in addition to maintaining strong communication and partnership with stakeholders, including government agencies.



Disseminating Human Rights Education and Producing Cultural Contents on Human Rights

The Commission endeavored to fulfill its role as an institution responsible for human rights education. It established the operation of the Human Rights Education Center and a support service system for human rights education by formulating an annual plan on human rights education and training course, operation guidelines for the Human Rights Education Center and a human rights education network.

The Commission opened the "Local Council Member Human Rights Leadership Academy Course" and offered education to members of the city council and district councils of the Seoul Metropolitan City and district council members of Busan Metropolitan City. After completing the Human Rights Academy course, a special committee on human rights was established under the Seoul Metropolitan Council for the first time, while Haeundae District of Busan enacted a human rights ordinance.

With the recent increase in attention to corporate social responsibility (CSR) and human rights management by the international community, and since the enactment of the Disability Discrimination Act, business corporations are now required to fulfill their obligation to provide accessibility to persons with disabilities. Accordingly, the Commission provided human rights education to employers employing persons with disabilities and their human resources staff on the responsibility of business to respect human rights, especially the rights of persons with disabilities.

On another front, the Commission organized the event of Model UN Human Rights Council as a course to foster young human rights leaders since 2010. This served as an opportunity for the youth to participate independently in programs on human rights issues.

The Commission also utilized cultural contents on human rights developed for educational and promotional purposes. These materials were promoted and distributed at the request of diverse sectors with as a way to raise human rights awareness.

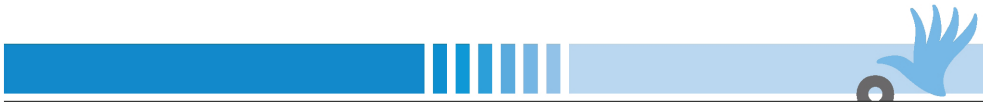
Domestic and International Cooperation

The Commission continued its solidarity and cooperation with human rights groups despite the challenging environment. Despite criticisms from some human rights groups on the status and roles of the Commission, the Commission held policy forums with human rights groups in Seoul, Gwangju and Busan to collect various opinions and suggestions and incorporated them into the annual task plans for 2010, remaining committed to the close cooperation with human rights groups.

In an continuing effort to consolidate solidarity and collaboration with human rights groups, the Commission carried out diverse support and exchange activities, including the Chairperson and Standing Commissioners' participation in human rights events and delivering congratulatory speeches, hosting the Commission's organization of forums with human rights groups, and providing sponsorship in the name of the Commission. Furthermore, the Chairperson and Standing Commissioners paid field visits to listen to the voices of the socially vulnerable and minorities under threat of human rights violations, and strived to reflect their hardships and demands in the Commission's policies and projects.

In order to consolidate its leadership in the international human rights community, the Commission continued its collaboration with international human rights organizations, including the United Nations, human rights treaty bodies, and the ICC. At the 10th International Conference of National Human Rights Institutions held in Scotland, UK, on October 2010, the Edinburgh Declaration was adopted. The Declaration encouraged to hold workshops on business and human rights on four regions, and it was determined that Korea would host the workshop for the Asia-Pacific region. Moreover, the Commission has become a regional host of the ASEM Seminar on Human Rights in 2012.

In addition, the Commission operated the Human Rights Policy Development Program as part of the training program, supported by the ODA of the Korea International Cooperation Agency (KOICA). Through the ODA program, the Commission supported the



formulation of human rights policies and the establishment of national human rights institutions in other countries, thereby solidifying its international leadership.

The Commission not only publicized its major projects and outcomes among citizens to raise awareness on human rights, but also contributed to the social agenda on human rights issues. The Commission expanded opportunities to publicize its major policies and outcomes through various media including TV broadcasting, web blogs, online newsletters, LED display, the Internet and newsletters of public institutions, thereby enhancing the public's understanding and awareness of human rights issues.

Five Strategic Projects

Assuring the Basic Freedom in Practice

To guarantee rights to freedom is a starting point of universal human rights protection and the basis of the Constitution of the Republic of Korea and international human rights law, as well as an integral requirement for the South Korean government to join the ranks of advanced countries in human rights protection. Accordingly, the Commission decided 'Assuring the Freedom in Practice' as a strategic goal and set performance objectives of defending physical freedom and freedom from unlawful detention, ensuring freedom of expression and tightening domestic implementation of international human rights laws, and promoting privacy and human rights in the information society.

The Commission conducted on-site inspections on 18 police detention facilities to protect physical integrity and freedom from unlawful detention, while seeking ways to raise awareness of the rights of inmates to health.

Moreover, in order to improve the treatment towards heavily intoxicated persons, the Commission analyzed the complaint cases related to heavily intoxicated persons and conducted research on the excessive handling of heavily intoxicated persons by the police.

It also observed difficulties of the police due to disturbances caused by heavily intoxicated persons. The Commission planned to establish measures to protect the rights of heavily intoxicated persons in 2011. In an effort to ensure freedom of expression and promote privacy and human rights in the information society, the Commission also handled pending human rights issues in a timely manner, including several recommendations to improve the Internet content regulatory system, to prohibit the installation of full-body scanners at domestic airports, and to install CCTVs in the private sector and improve their operation. It also hosted a series of public discussions and seminars on the plan to revise the Resident Registration Act, which was to introduce electronic ID cards, to do a status survey on the installation and operation of CCTVs in the private sector, and the legal protection of human rights and privacy in the information society.

In an effort to enhance the implementation of international human rights laws at the national level, the Commission also focused on laying the foundation by forming the Human Rights Policy Consultative Body to facilitate collaboration with the related Ministries, while submitting an opinion report on the Optional Protocol to the Convention on the Rights of the Child (individual complaint/communication) to the UN Human Rights Council. In addition, the Commission conducted a status survey on the implementation of the Convention on the Rights of Persons with Disabilities to review its implementation status and expressed its opinion in the National Report on the Convention to the government.

Improving the Rights of the Child and the Elderly

In an effort to improve the rights of the child and youth and provide support for the elderly who often remain vulnerable and disadvantaged in this highly competitive society, the Commission decided "improving the rights of the child and the elderly" as a strategic objective and laid out concrete performance objectives to improve the rights of students, the rights of children from vulnerable families and disadvantaged sectors of society,



protecting the rights of athletes, and safeguarding the rights of the elderly.

In a bid to improve the rights of students, the Commission organized courses to improve human rights sensitivity for teachers and counsellors and on-line courses to train instructors for human rights education. Furthermore, the Commission strived to reinforce human rights education for the rights of the child and youth by organizing a "Korea-Japan International Workshop" to foster a human rights at school, setting up a textbook monitoring committee and making policy recommendations to make the textbooks in compliance with human rights standards.

The Commission also endeavored to improve the rights of children from disadvantaged sectors of society and neglected areas, conducting research on human rights conditions in child welfare facilities, organizing discussion sessions on policies to prevent recurrence of sexual violence against children with the participation of relevant institutions and local child-care centers.

The Commission also conducted an investigation and sought ways to improve human rights conditions among university student athletes, including all forms of violence and the violation of rights to education. It also organized a policy forum on the transfer agreements of student athletes, which led to its policy recommendation to the Korea Olympic Committee. In particular, the Commission developed the Guidelines on Promoting and Protecting Human Rights in Sports, which consisted of a charter calling for the prevention of all forms of violence and the protection of the right to education. The Commission decided to recommend it to the Ministry of Education, Science and Technology; the Ministry of Culture, Sports and Tourism; and the Korea Olympic Committee, thereby laying the foundation and proposing a direction for improving the respect for human rights in sports.

Meanwhile, the Commission formed the Guardian of the Rights of the Elderly (104 members) in four provinces to monitor welfare facilities for the elderly (institutional care services and home care services). It tasked the group to monitor the Long-term Care

Insurance Service for the elderly, produce a documentary video, report on its activities, and hold workshops, paving the way for the elderly to play a central role in projects to promote the rights of the elderly. In addition, the Commission further reinforced human rights education for the elderly by providing courses to train instructors and to improve human rights sensitivity in social welfare, especially in welfare for the elderly.

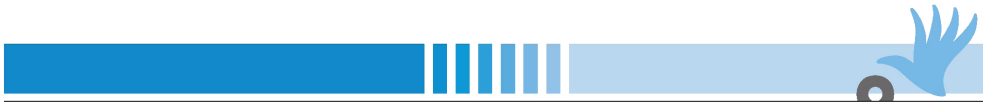
Improving the Rights of Economically Vulnerable Groups

With the growing disparities between the rich and the poor, there is an urgent need for the protection of the rights of economically vulnerable groups, which is growing serious from the standpoint of the economic, social and cultural rights. In response, the Commission decided "improving the rights of economically vulnerable groups" as one of its strategic goals. It laid out concrete performance objectives of building infrastructure for those rights to meet international standards, ensuring the rights of the impoverished, and improving the rights of workers.

In order to formulate policies on business and human rights, the Commission developed its workshops to six forums, attended by business corporations, civil society groups and experts, providing a channel for constructive dialogue.

In an effort to promote the rights of people in poverty, the Commission also held meetings and forums on the right to health. The Commission identified that provision of assessment standards on activity capability in "Regulation on Work Capability Assessment Standards, etc." could violate human rights due to its subjective and arbitrary standard and humiliate the assessed people. It recommended to the Minister for Health and Welfare to amend the clause, thereby raising awareness of the right to health. Also, the Commission held a meeting and discussion sessions on the problems and alternatives of urban redevelopment projects in Korean society, discussing ways for institutional improvement of redevelopment projects.

The Commission analyzed "the Supplementary Results of Economically Active



Population Survey" by Statistics Korea, which revealed that the labor rights of teenage workers was most exploited. Upon its analysis, it raised the social issue of the rights of teenage workers and made recommendations to the Ministry of Employment and Labor to introduce laws and policies on the labor rights of teenagers, such as minimum wages for youth.

Promoting the Rights of Migrants in a Multicultural Society

As Korea is transforming into a multi-cultural society with an influx of migrants, the Commission declared "promoting the rights of migrants in multicultural society" as a strategic objective, aiming to respond effectively to the human rights challenges of migrants occurring in various forms and to build a solid foundation for a multicultural society. The specific objectives of the Commission were reinforcing pro-human rights multicultural policies, protecting the rights of migrant workers, promoting the rights of marriage migrants, and ensuring the rights of children from multi-cultural families.

In order to formulate guidelines on the rights of migrants, the Commission organized an advisory meeting consisting of experts from academia and civil society and had in-depth discussions on the direction of the guidelines. It plans to finalize the guidelines in 2011.

The Commission made diverse efforts to promote human rights in the evolving multicultural society in various ways. It hosted an international conference on multicultural society as a follow-up to the Seoul Guidelines, as well as the Seoul International Conference against Human Trafficking of Migrant Women. It also conducted field investigations to protect the rights of undocumented migrant workers, while consolidating cooperation regarding migrants' issues by concluding MOUs with national human rights institutions of Nepal and the Philippines. It also reviewed laws and regulations regarding the rights of migrants as well as controversial domestic issues surrounding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Commission also visited 22 households

including undocumented migrant workers, families of international marriages and refugees to conduct in-depth interviews. Additionally, it provided human rights education for those from multicultural families and those who work in the fields related to support services for multicultural families.

Addressing Discrimination against Socially Vulnerable Groups

To deal with the various discrimination issues in Korean society, the Commission broadly set its strategic objective as "addressing discrimination against socially vulnerable groups" and laid down specific and concrete objectives to abolish discriminatory practices in employment and discrimination against persons with disabilities, to protect the rights of persons with mental disabilities, and to advance the rights of women.

The Commission monitored media reports and trends on discrimination issues and conducted preliminary investigation or suo moto investigation into serious discrimination cases. Moreover, concerning a constitutional petition case on age discrimination in recruitment of police and fire officers, the Commission submitted its opinion to the Constitutional Court.

The Commission also set up groups to monitor the implementation of the Disability Discrimination Act for the rights to vote in both national and local elections, accessibility in public agencies and organizations, and discriminatory clauses against persons with disabilities in regional laws and regulations. In collaboration with regional human rights offices, the Commission also operated human rights education programs for workers in mental health fields, supplementary education programs for human rights instructors, and a human rights sensitivity improvement course for welfare facilities for the disabled.

The Commission also carried out activities to advance the rights of women in diverse fields, ranging from monitoring expressions of sexual discrimination to publishing and distributing booklets featuring case studies of sexual harrassment; organizing open discussion sessions, expert and policymaker forums and making policy recommendations;



publicizing the UN Convention on the Elimination of All Forms of Discrimination Against Women; conducting special investigations into gender discrimination in employment; and establishing criteria for assessing wage discrimination. Despite difficulties due to delays in some projects, the Commission expects that more tangible outcomes will be achieved in 2011.

Improving North Korean Human Rights

Following the year 2009, the Commission continued its special project on "Improving North Korean Human Rights", as well as to seek measures to improve and promote North Korean human rights. To this end, it conducted research and policy activities on human rights conditions in North Korea, human rights of North Korean defectors, human rights of South Korean prisoners of war in North Korean captivity, South Korean abductees to North Korea, and divided families. Marking an influx of more than 20,000 North Korean defectors, the Commission implemented a range of projects, including organizing discussion sessions with women's groups to seek alternatives to support the settlement of North Korean female defectors and forums on North Korean human rights; paying field visits to government agencies and North Korean human rights NGOs; and conducting overseas field investigations in China and Germany. One of the positive outcomes of these initiatives was the formation of a consensus on North Korean human rights and the establishment of an international network through cooperations and discussions on North Korean human rights.

Evaluation and Future Outlook

In spite of changes in the domestic and international human rights environment and numerous challenges, the Commission did its utmost to implement its plans and projects

in 2010. However, the implementation of some projects was delayed because of the impacts of organizational restructuring and the reduced human resources.

It was evident that there was room for improvement in some areas, such as the operational performance of expert committees and the communication and collaboration with civil society groups and with governmental institutions in forming a human rights policy consultative body. Moreover, there was the need to take measures to respond effectively to the non-compliance of respondent parties with the recommendations of the Commission and to conduct more active monitoring over the implementation of the National Action Plan for the Promotion and Protection of Human Rights (NAP) recommendations. Through comprehensive assessment and review on these issues, the Commission needs to make a greater effort to achieve its strategic goal of "elevating its status as an institution to promote and protect human rights."

There was support and encouragement as well as criticisms to the Commission. In this regard, the Commission must evaluate its overall activities and examine whether there were any areas for improvement, and thereby utilize such evaluations as the foundation for future development of the Commission.

While striving to enhance the status and independence of the Commission, it must also endeavor to realize a pro-human rights society through discussions and collaboration with individuals and organizations in all walks of life, including the international community, governmental agencies, the National Assembly, political parties, the media, and civil society. The Commission needs to focus on organizational expansion in line with the expectations for human rights required by the international community and civil society, to enforce the Disability Discrimination Act and the Age Discrimination Act, and follow the trends of where new areas of human rights are being expanded.

The Commission will continue to fulfill its duties faithfully by efficiently implementing tasks and improving services to earn the widespread trust and support of the public, which is the very foundation for its existence.

Part II

Major Activities of the Commission

Chapter 1 Improvement of Laws, Regulations, Policies and Practices

Chapter 2 Human Rights Counseling and Complaint Processing

Chapter 3 Investigations and Remedies: Civil Rights Violations

Chapter 4 Investigations and Remedies: Discriminatory Acts

Chapter 5 Human Rights Education

Chapter 6 Cooperation with Human Rights Organizations and Public Relations Issues

Chapter 7 Promotion of North Korean Human Rights

Chapter 8 Activities of Regional Human Rights Offices



Chapter 1

Improvement of Laws, Regulations, Policies and Practices

Section 1. Overview

The Commission is empowered to provide remedies for human rights violations and discrimination through individual investigations and suo moto investigations of complaint cases. In addition, the Commission has strived to improve human rights conditions in Korean society pursuant to Articles 4, 7, 19 (1) and 25 of the National Human Rights Commission Act by conducting surveys on human rights conditions, submitting recommendations and opinions on related laws, regulations, policies and practices, as well as facilitating accession to and implementation of international human rights treaties.

In order to carry out these tasks, the Commission is empowered to request cooperation from government agencies, local governments, and other public and private organizations (Article 20), hold hearings (Article 23), and submit its opinions on trials that may have a significant impact on the protection of human rights to the competent court or the Constitutional Court (Article 28). In addition, the Commission is mandated to submit an annual report on its activities in the preceding year and a report on current human rights conditions and improvement measures to the President of the Republic of Korea and the National Assembly (Article 29). It also may establish expert committees by areas (Article 12) and advisory bodies (Article 15). In 2010, the Commission dedicated improving laws, regulations, policies and practices related to human rights including economic, social, cultural, civil and political rights. It paid special attention to protecting privacy and the rights of individuals in the information society, which has emerged as a new human rights issue, and the rights of disadvantaged worker groups as well as protecting freedoms that are directly linked to people's daily lives. To this end, the Commission conducted status

surveys and research on pending issues, while collecting the opinions of experts by organizing various discussion sessions and meetings.

It also adopted a comprehensive approach to improve human rights conditions by prioritizing major human rights issues in Korean society, such as North Korean human rights, business and human rights, privacy and human rights in the information society, the rights of athletes and the rights of the elderly as its strategic objectives.

Section 2. Major Activities

1. Recommendations and Opinions to Improve Laws and Policies

1) Recommendation to Amend Capability Assessment Criteria of Regulations on Criteria of Work Capability Assessment, etc.

On February 10, 2010, the Commission recommended to the Minister for Health, Welfare and Family Affairs that it should amend the work capability assessment criteria in the Attached Table 2 of the current "Regulations on Criteria for Work Capability Assessment, etc.", with the exception of employment possibility, physical fitness, chronic symptoms, and alcohol addiction, which are subject to objective judgment. The categories for assessment criteria are closely related to the honor and self-esteem of individuals and thus may cause discriminatory perceptions over beneficiaries with no capability for work.

2) Recommendation to Improve Laws and Policies on the Labor Rights of Teenagers

On February 4, 2010, the Commission recommended the following measures to the Minister for Employment and Labor: firstly, to amend legal working hours per week for minors and overtime ceiling of minors, which are stipulated in Article 69 of the Labor Standards Act, to 35 hours and to five hours a week respectively; secondly, to make partial



amendments to the Enforcement Decree of the Labor Standards Act, expanding the application of the Labor Standards Act to small businesses of less than five employees; thirdly, to identify the bad practice known as "ggeokgi (meaning "breaking, or snapping") against teenage workers, in which employers arbitrarily count working hours as unpaid break hours, and draw up measures to eliminate this practice; fourthly, to amend Article 17 of the Regulations on Duties of Labor Inspectors to tighten labor inspections in protecting teenagers from poor working conditions, such as enforcing workplace inspections without prior notice and to make concrete improvements to the content of labor inspection checklist for workplace; fifthly, to provide and implement education on the labor laws and education on the prevention of sexual harassment in the workplace of teenage workers under the Regulations on Duties of Labor Inspectors; sixthly, to publish and distribute materials featuring labor-related laws and measures to prevent sexual harassment in the workplace. The Commission also recommended to the Minister for Education, Science and Technology to adopt education on labor and human rights, including basic labor rights, rights to safety and health, and gender equality in employment as compulsory curriculums of middle and high schools.

3) Opinion on Partial Amendment to the Framework Act on the Construction Industry

On March 25, 2010, the Commission submitted its opinion to the Speaker of the National Assembly that a partial amendment bill to the Framework Act on the Construction Industry was not necessary. The Commission is of the opinion that the proposed amendment would allow builders with certain qualifications to directly hire workers, which does not comply with the purpose of abolishing the construction participants system aimed at preventing the transfer of responsibility to those unable to cope with the employer's responsibility. If the amendment bill allowing subcontracting to unregistered builders is enforced, it is highly likely to exacerbate the issue of overdue

wages in the construction industry. It is also highly probable that it will lead to the recurrence of illegal multilayered subcontracting problem and the rampant overdue wages problems affecting unregistered builders in the intermediate tiers. As it was deemed too difficult to control illegal multilayered subcontracting practices exceeding the minimum numbers of subcontracting, as long as subcontracting by unregistered builders was permitted, the Commission expressed its opinion that such an amendment was detrimental because the bill would not only fail to meet the purpose of protecting working conditions of daily construction workers and their basic labor rights, but also significantly undermine the sound development of construction industry.

4) Reply to Inquiry on a Measure to Include Exemption of Military Service in the Certificates of Military Service

Concerning measures to record and issue past violation record of the Military Service Act on the certificate of military service to prevent crimes of avoiding military service, the Military Manpower Administration submitted an inquiry to the Commission on whether such measure would violate human rights.

On March 25, 2010, the Commission responded to the inquiry by stating that the issue of avoidance of military service should be addressed through multi-faceted fundamental approaches, including military service-related administration, military service environment, and compensation for carrying out military service and that adopting such measures is deemed undesirable as recording and issuing past criminal records of violating Military Service Act on the certificate of military service may infringe upon privacy rights.

5) Opinion on the Partial Amendment to the Passport Act

On April 8, 2010, the Commission delivered to the Minister for Foreign Affairs and Trade its opinion on a partial amendment to the Article 6(2)5 of Enforcement Decree of Passport Act, which restricted the passport validity period to less than five years for those



who are suspected to cause a threat to national security, maintenance of order, unification, and foreign policy of the Republic of Korea. The clause defines those individuals subject to a shorter passport validity period than the general public as "individuals who may cause grave undermining of national security, maintenance of order and unification and foreign policy of the Republic of Korea" and such phrases as "security guarantee," "maintenance of order," "gravely undermine unification and foreign policy," and "may cause," which are indeterminate concepts with a high degree of ambiguity. The Commission is of the opinion that it can be subject to arbitrary interpretation and application by the law enforcement authorities in violation of the principle of equality. For these reasons, the Commission delivered its opinion that the addition of the clause should be reconsidered.

6) Opinion on Partial Amendment to the Act on the Performance of Duties by Police Officers

On May 13, 2010, the Commission delivered its opinion to the Speaker of the National Assembly on the provisions included in the partial amendment to the Act on the Performance of Duties by Police Officers, which was proposed as the alternative bill by the Public Administration and Security Committee of the National Assembly. The Commission concluded that the provisions of the alternative bill to authorize investigation on personal belongings (Article 3.2) far exceeded the scope of the police, questioning the principle of "Stop and Frisk" as ruled by the U.S. Supreme Court. Thus, there could be concerns raised concerning rampant de facto search and seizure without warrant. In addition, the Commission considered that provisions on vehicle luggage investigation (Article 3.3) could allow police officers to search the interior, trunk and luggage of a car without any restriction and a search warrant, violating the warrant-requirement principle and the right to privacy. The Commission reasoned that the provisions on identity checks (Article 3.2) could cause significant psychological deterrence to freedom of movement of the public, at the same time its impact on preventing crimes remained merely predictional.

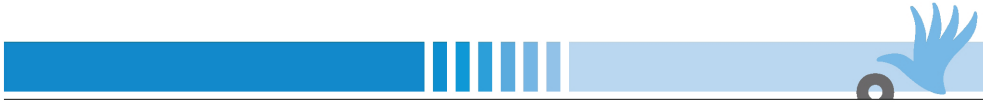
Consequently, the provision could violate the principle of non-excessiveness and potentially the right to remain silent and the right to self-determination of personal information.

7) Recommendation to Prohibit Full-body Scanners Installation at Domestic Airports

The Commission recommended on June 10, 2010 to the Minister for Land, Transportation and Maritime Affairs that full-body scanners should not be installed at domestic airports as they have high potential to infringe the principle of non-excessiveness and the principle that administrative functions must be based in law. The Commission concluded the installation of full-body scanners could breach the right to privacy and no one would claim responsibility in the case of leakage of those scans. Furthermore, the application of the full body scan could potentially generate discrimination on the ground of nationality or religion. The claim that the scanners could detect materials that have not been detectable with old search equipment is insufficient to be considered effective and convincing evidence to prevent terrorism.

8) Recommendation to Improve Laws and Practices on Open Search for Suspect

The Commission recommended on June 17th to the Minister for Justice to provide the grounds for requirements and procedures of open search for suspect as well as new clauses on the grounds for Internet open search in Criminal Procedure Law. It also recommended to the Commissioner General of the National Police Agency to abide by provisions on the requirements and procedures of open search for suspect, to delete photographs of the suspects posted on the Internet website immediately after the arrest, to provide technical security devices to prevent the duplication and distribution of photographs of the suspect posted on the webpage, and to include external members in the committee to select suspects for open search.



9) Recommendation to Improve Policies to Protect the Rights of Child Victims of Sexual Violence

The Commission viewed that in order to fundamentally address the problem of sexual violence against children, it is necessary to take proactive measures to protect and support child victims of sexual violence. As such, the Commission recommended the improvement of policies on sexual violence against children on June 24, 2010 to the Minister for Gender Equality and Family; the Commissioner General of the National Police Agency; the Prosecutor General; the Minister for Education, Science and Technology; and the Minister for Justice.

The Commission recommended the protection of the privacy of child victims of sexual violence as follows: to seek measures to ensure simultaneous attendance by prosecutors, police and experts at initial testimony by the child to minimize repetitions of the child's testimony; to seek measures to reinforce expertise of investigation; to improve relevant regulations to allow replacement of recorded statement with video statements; to stipulate in laws that the police shall also make a request for securing of evidence to the competent prosecutor to invigorate special regulations on securing of evidence; to formulate measures to prevent misuse of regulations that require accompanying of persons with a guardian relationship with the child when questioning the child victim; to provide an additional waiting room at the time of questioning witnesses; to ensure the judge's robe, seat arrangement, and court opening time are arranged in a child-friendly manner; to seek ways to provide education on skills to give court testimony to the child victim and come up with ways to actively utilize interrogations via video relay devices; to seek measures to prevent secondary victimization in cross-examination; to come up with measures to prevent the leakage of personal information of the victim in the investigation and trial process and when viewing and photocopying lawsuit records of the defendant; and to introduce a system for trial notification.

The Commission also recommended the improvement of relevant policies as follows:

1) to expand the scope of the claimants for medical assistance to include not only the victim, but also those who are in a close relationship with the child such as families and relatives to protect child victims of sexual abuse; 2) to expand the scope of recipients of counselling or healing programs; 3) to introduce detailed assistance measures for independent life of the child victim after discharge from protection facilities; 4) to introduce a system to notify information on the release of a criminal from prison and compensation order system for crime victims; 5) to devise clauses to protect those who are required to report sexual violence involving children; 6) to seek measures to induce active response from schools over sexual violence against children; 7) to strengthen response measures and preventive education against sexual violence in schools, including more substantive preventive education against sexual violence and tightening counter-measures against teachers committing sexual violence against children; 8) to establish systematic correctional education and healing programs for sexual offenders and seek ways to induce voluntary participation of sex offenders in the education program; and 9) to introduce a system to inspect and evaluate the implementation status of recurrence prevention measures.

10) Opinion on Amendment of the Criminal Procedure Act and the Protection of Communications Secret Acts

On August 19, 2010, the Commission expressed the following opinion on regulations on seizure and search of electronic mails and measures of communication restriction included in partial amendment to the Criminal Procedure Act and the Protection of Communications Secret Act, which initiated to prevent human rights violations due to extensive seizure and search on electronic mail by investigation authorities. The Commission expressed that, concerning seizure and search or measures of communication restriction over electronic mails whose sending and receiving are completed and stored in the server of the telecommunications service provider, its legal ground and regulations on



its procedures should be provided. It was recommended that the scope, such as the period the electronic mails were written in commensurate with relevance of the suspected crime, should be specified for requirements for seizure and search or measures of communication restriction over electronic mails. Moreover, it was stipulated that the acquisition of extensive and excessive information irrelevant to the crime should be kept to the minimum. In order to ensure the right of defense and to minimize the invasion of privacy of the e-mail subscriber, the e-mail subscriber who is subject to search and seizure or measures of communication restriction should be guaranteed the advance notification, participation in enforcement proceedings, and the right to demand that unnecessary information be expunged or returned.

11) Opinion on Prohibition of Political Activities of Members of Jeju Special Self-Governing Provincial Dance Company

The membership requirements for the Jeju Special Self-Governing Provincial Dance Company since 2000 when recruiting new members included "those who do not belong to political parties or political groups and are not engaged in such activities." Jeju Special Self-Governing Province inquired whether this requirement violates human rights. On August 19, 2010 the Commission responded to the inquiry that prohibiting those who involved in political activities in recruiting ordinary dancers violated fundamental political rights of individuals.

12) Policy Recommendation to Produce Textbooks in Compliance with Human Rights Standards

In accordance with Article 19(1) of the National Human Rights Commission Act, the Commission reviewed whether the content, illustrations, pictures, references and descriptions in textbooks for third and fourth grades of elementary school, first grade of middle school, and teachers' guidelines which were revised in 2010, complied with human

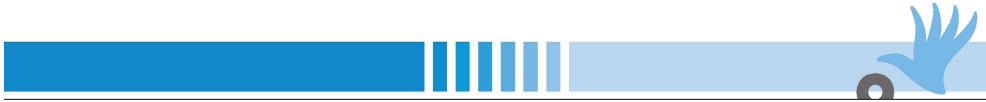
rights standards. On September 2, 2010, the Commission recommended to the Minister for Education, Science and Technology to modify or delete "cases failing to meet human rights standards and values" and "cases insensitive to human rights standards and values," as well as to establish measures to produce school textbooks that meet human rights standards.

13) Recommendation to Revise Article 8(2)1 and 8(2)2 of the Act on the Lapse of Criminal Sentences

Articles 8(2)1 and 8(2)2 of the Act on the Lapse of Criminal Sentences currently permit the preservation of investigation history data for 5 or 10 years unless the case is subject to either suspension of prosecution or dropped charges due to insufficient evidence. Such action is deemed not desirable to promote and protect the right to self-determination on personal information, so the Commission recommended to the Minister for Justice on September 9, 2010 to revise Article 8(2)1 and 8(2)2 of the Act on the Lapse of Criminal Sentences to delete investigation history data immediately after the final judgment is issued.

14) Recommendation to Improve the Installation and Operation of CCTVs in Private Facilities

CCTV (closed-circuit television) surveillance cameras are currently installed in public baths, fitting rooms and saunas, and other facilities. On November 25, 2010, the Commission recommended to the Minister for Health and Welfare to draw up and implement measures on installing and operating CCTVs in public health facilities, including CCTV installation and operation inspection plans; to define concepts to clarify the distinction of facility category in Article 2 of the Enforcement Regulations of the Public Health Control Act; to revise the Act to prohibit the installation of unmanned surveillance cameras in places where private parts of people's bodies or full bodies are



exposed.

Moreover, the Commission recommended to the Chairman of Korea Communications Commission and the Minister for Public Administration and Security to provide, in addition to CCTV personal video information protection guidelines, a preemptive regulatory mechanism such as a prior registration system that can regulate the rapid proliferation of CCTVs and the intrusion of the public sector by CCTVs in the private facilities; to prohibit the installation of CCTVs mounted with voice recording functions; and to formulate a security system guideline to prevent the intrusion of the public sector by CCTVs in the private sector and the leakage of CCTV content on the Internet.

15) Recommendation to Revise the Act on Drug Treatment of Sex Offenders

With respect to the Act on Drug Treatment of Sex Offenders, the Commission made a recommendation revise the law on December 27, 2010 as follows: firstly, the law should include voluntary consent requirements pertaining to the offender for drug treatment based on the grounds that the drug treatment temporarily incapacitates part of physical functions of those subject to the treatment and side-effects resulting from drug-taking are also expected; that the drug treatment is effective only when the person subject to the treatment expresses the voluntary consent to treatment and is closely involved in the treatment program; and that unless voluntary consent is secured, the possibility that the person will take counterbalancing medication cannot be entirely ruled out. Secondly, regulations whereby the drug treatment order is applied to sex offenders who committed a sex crime before the enforcement of the Act, and where drug treatment is applied to those who committed a sex crime and were placed under punishment or under the application of medical treatment and custody or protective custody at the time of enforcement of the Act, violate the principle banning retroactive punishment and they have the potential to violate physical integrity, so it is desirable to remove those regulations. Thirdly, imposing such criminal punishment is excessive. Hence, when it is deemed necessary to boost the

effectiveness of the law, measures other than criminal sanctions or easing of punishment regulations should be sought. Moreover, it is necessary to add new clauses on confidentiality obligations for drug treatment.

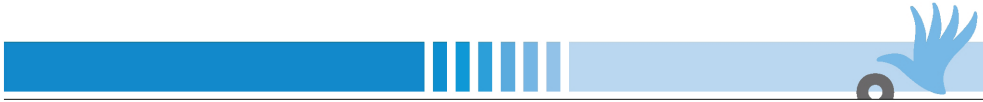
16) Guidelines on the Promotion and Protection of Human Rights in Sports

The Commission formulated the Guidelines on the Promotion and Protection of Human Rights in Sports (hereafter "the Guidelines") on December 6, 2010 and recommended to the Ministry of Education, Science and Technology, the Ministry of Culture, Sports and Tourism, provincial and municipal education offices, and the Korea Olympic Committee to adopt and implement the Guidelines and follow-up measures, including detailed manuals for actions by sports members.

The purpose of the Guidelines is for the Commission to enhance its efforts and improve human rights awareness in sports among the government, local education authorities and various sports organizations and to set the regulatory direction that human rights policy in sports should follow to make those efforts proceed in a more substantive and timely manner under a long-term outlook and planning.

The Guidelines comprise of the Charter for Promoting and Protecting Human Rights in Sports (hereafter "the Charter") and three detailed guidelines to prevent violence including sexual violence, and to protect the right to education of student athletics. In the Charter, which consists of a preface and seven chapters, sports itself is a human right in that sports is not simply a function, but an expression of the strong will for self-achievement to go beyond personal limits, a chance for self-realization to foster potential ability, and a democratic communication process where one learns true communication and the ethics of harmony through non-hostile competition with others.

Sports officials considered the detailed guidelines as their concrete action plans. The themes covered in the detailed guidelines may vary to a considerable extent because it is applicable to all sports, including sports and persons with disabilities and sports



professionals. However, the Guidelines were significant in that it provided, for the first time, detailed guidelines on the prevention of all forms of violence and the protection of the right to education, with which the Commission mainly dealt in its researches and policy recommendations.

17) Opinion on Bill on Partial Amendment to Act on Special Cases Concerning Publishment of Sexual Crimes, etc.

On December 16, 2010, the Commission expressed its opinion on the bill on partial amendment to the Act on Special Cases Concerning the Publishment of Sexual Crimes, etc proposed by a member of the National Assembly, as follows: firstly, regulations requiring attachment of data, including photographs of the residence of the sex offender and information on the neighborhood of residence satisfy the public's right to know, albeit to the minimum, under the current legal system, thus justifying posting personal information of the offender. Such measures are highly likely to violate privacy rights or the right to self-determination, and the right of privacy of families of sex offenders. Thus, it is not desirable to introduce the aforementioned regulations. Secondly, with respect to clauses intended to be revised to require greater details in notification information, such as the specific address and house number of residence - if detailed information on address or actual residence is disclosed, there is a high potential that personal information and the right of privacy of families of the sex offender, and residents living at the same address would be infringed upon. Thus, it is desirable to only indicate the address and actual residence of the offender to the level of "open data."

18) Opinion on the Amendment to the Enforcement Decree of the Act on Regulation of Marriage Brokerage Agency

The Commission reviewed the amendment to the Enforcement Decree of the Act on

Regulation of Marriage Brokerage Agency at the request of the Ministry of Gender Equality and Family. In August 2010, it delivered its opinion to the Minister for Gender Equality and Family that in order to protect the rights of marriage migrants, it was necessary to tighten the procedures for consent of the other party on date meetings for marriage, to attach verification documents when providing identification information, to include crimes of procuring or forcing prostitution in criminal history information record, and to clearly define the scope of mental illness on the health certificates.

The Commission reviewed the amendment bill by taking into account the human trafficking aspect of the marriages through international marriage brokerage agencies, the seriousness of violence against migrant women in international marriages, and the concluding observations of UN Human Rights Treaty Bodies on the State report of the Republic of Korea that requested tightening regulations on international marriage brokerage agencies. The Ministry of Gender Equality and Family fully accepted the Commission's opinion and revised the Enforcement Decree of the Act on Regulation of Marriage Brokerage Agency accordingly.

Following the tragic death of a migrant wife in July 2010, the Commission expressed condolences to her family and expressed its opinion to the government that the rights of migrant women in international marriages should be protected through conducting thorough investigations of the causes in such cases and improving related laws to meet international human rights standards.

19) Opinion on the Amendment to the Act on the Prevention of Domestic Violence and Protection of Victims

In September 2010, the Commission expressed its opinion on the bill on partial amendment to the Act on the Prevention of Domestic Violence and Protection of Victims at the request of the Ministry of Gender Equality and Family. The Commission expressed its view that it supported the purpose of the bill, yet special provisions on burden of proof,



which was the main content of the bill, did not suit the current Civil Code system. Also, when applied, it would make it difficult to define the actual conditions and would discriminate against marriage migrants acquiring nationality and migrants depending on national income of their origin country. Therefore, the Commission concluded that it is desirable to introduce the practical legal support measures such as expanding legal aid, rather than special provisions on burden of proof.

20) Recommendation to Improve Industrial Safety and Health Education for the Right to Health of Foreign Workers

In December 2010, the Commission concluded that it was desirable to reinforce the current industrial safety and health education standards based on Article 11 of the Enforcement Regulations of the Act on the Employment of Foreign Workers, which were applicable to foreign workers, and included the industrial safety and health education for employers prescribed in Article 13 of Notification of the Ministry of Employment and Labor No. 2010-8 (Regulations on the Operation of Private Employment Education Institutions for Foreign Workers).

Accordingly, the Commission recommended to the Ministry of Employment and Labor to revise the relevant regulations to ensure effective education by allowing foreign workers to receive additional industrial safety and health education after a certain period of time following deployment in the workplace, in addition to the initial industrial safety and health education prior to their deployment as provided on Article 11 of the Enforcement Regulations on the Act on the Employment of Foreign Workers. It also recommended to the Ministry to add clauses on the industrial safety and health to Article 13 of Employment and Labor Ministry Notification No.2010-8 (Employer Education) to ensure that employers of foreign workers clearly recognize and comply with regulations on industrial safety and health, such as industrial accident risk factors in the workplace.

The Commission considered that the recommendation would prevent industrial accidents by strengthening preparedness of foreign workers against industrial accidents and would continuously stress responsibility for industrial safety and health on the part of the employers.

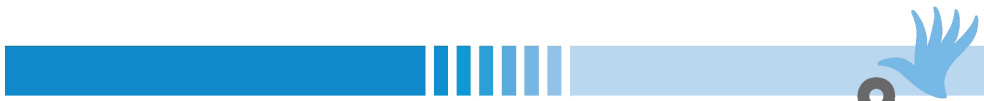
21) Recommendation to Improve the Rights of Migrant Children to Education

In order to reinforce the rights to education of migrant children, who are socially vulnerable in Korean society, the Commission recommended in December 2010 to the Minister for Education, Science and Technology that migrant children's access to public education and teaching of Korean language in the public education system must be improved.

The Commission concluded that in order to strengthen migrant children's access to public education, various measures should be taken, such as reinforcing the Korean language education in the public system, providing information on school in migrant children's native languages, and prohibiting schools from rejecting migrant children's admission to school or their transfer of schools. The Commission also deemed that in order to prevent migrant children's drop-outs, measures and remedies for discrimination and human rights violations against them should be strengthened and standards and principles of placing them to appropriate levels should be applied. Moreover, the Commission decided that crackdowns on migrant children and their parents and the forced deportation system, as well as the regulations requiring public officials to report undocumented workers should be amended in order to create a stable education environment for migrant children.

22) Opinion on Racial Comments on the Internet Contents

The Commission believed that although Korea is fast transforming into a multicultural society with an influx of migrants into the country, there is a lack of social efforts to



promote the awareness of multiculturalism as well as social tolerance and respect for migrants in the country. In order to promote understanding among different races through cultural diversity as prescribed in the International Convention on the Elimination of All Forms of Racial Discrimination, the Commission formed a university student monitoring group to monitor racial discrimination comments on the Internet contents from the 1st to the 31st of October in 2010.

The monitoring results showed that the degree of racial discrimination comments in Korean society reached a serious level, and the Commission concluded that it was necessary to prepare certain measures to improve in this regard. Thus, the Commission expressed the following opinion to the Minister for Justice and the Chairperson of the Korea Internet Self-governance Organization Committee. The Commission delivered its opinion that "policies for promoting understanding among all races" prescribed in the International Convention on the Elimination of All Forms of Racial Discrimination should be reflected and implemented in the Basic Plan for Policy on Foreigners, which includes appropriate regulatory measures on expressions instigating racism on the Internet contents.

The Commission delivered its opinion to the Chairperson of the Korea Internet Self-governance Organization Committee that, based on Article 5(1) and Article 8 of the Deliberation Regulations on Telecommunications by the Korea Communication Standards Commission, the effective voluntary measures should be in place to prevent the dissemination of racial discrimination comments.

23) Policy Recommendation to Ensure the Right to Education of Teenage Single Mothers

In order to ensure the teenage single mothers' right to education, the Commission delivered its opinion to the Minister for Health and Welfare, the Minister for Education, Science and Technology, and superintendents in each region and city that measures should be formulated to change perceptions and responses towards teenage single mothers at

school. Efforts should be made to assess the social status of teenage single mothers, and practical and effective measures should be implemented to support them to continue their education, ensuring the teenage single mothers' right to education, through providing relevant laws and guidelines. Those recommendations were accepted by the relevant authorities for implementation.

24) Opinion on the Partial Amendment to the Disability Discrimination Act

In January 2010, the Commission delivered its opinion on the partial amendment to the Disability Discrimination Act, which was proposed by a member of the National Assembly, to the Minister for Health and Welfare, regarding the lack of clarity of contents and agents responsible for monitoring. The Commission expressed its view that it should allow the National Human Rights Commission of Korea to monitor the implementation of the Disability Discrimination Act and that to this end it was desirable to establish a monitoring center. The Commission also expressed its opinion that it was desirable to modify the clauses on monitoring related to non-specified penalties and procedures in order to prevent confusion.

25) Opinion on the Full Amendment to the Mental Health Act

The Ministry of Health and Welfare drew up a bill on the full amendment to the Mental Health Act by reflecting a considerable part of key implementation tasks of the National Report on the Promotion and Protection of Human Rights of Persons with Disabilities prepared by the Commission for policy recommendation on October 26, 2009. The Ministry requested the Commission to review the full amendment bill for opinions on December 21, 2009.

In response, the Commission expressed eight opinions on the full amendment bill on January 14, which included deleting the concept of "persons with mental illness with low functioning" to allow the Mental Health Review Committee to determine the vocational



aptitude of the person with mental illness, guaranteeing the right of the person with mental illness to choose occupations; giving more substance to the rights of patients admitted to mental health medical institutions and specifying the process for notifications for them; and specifying the number of guardians to two persons in consent requirement clauses when requesting a review for continuous hospital admission treatment. The Ministry of Health and Welfare incorporated three opinions out of eight in the full amendment bill and announced the notice of the legislation.

26) Opinion on Improving Discrimination Concerning Assistance of Candidates with Disabilities for Local Elections

At the nationwide local elections held on June 2, 2010, there was discrimination against candidates with disabilities needing personal assistants for local councilor election campaign. Although candidates with disabilities hired personal assistants for election campaigns in accordance with Article 122(2).3 of the Public Official Election Act, there were neither allowances nor actual expenses provided for the assistants, thus generating discrimination against the candidates with disabilities.

The Commission concluded that the political rights of the candidates with disabilities were violated by the clause and expressed its opinion accordingly to the Speaker of the National Assembly and the Chairperson of the National Election Commission that Article 122(2)3 of the Public Official Election Act should be revised to allow candidates with disabilities to exert their right to eligibility for election to the same level as other candidates in election campaigns.

27) Opinion on Revising the Public Official Election Act to Improve the Political Rights of Persons with Visual Impairment

Monitoring of the right of persons with disabilities to vote was carried out in the nationwide local elections held on June 2 as part of a project to monitor the

implementation of the Disability Discrimination Act. The results showed that the right of persons with visual impairment to access information on the election was considerably limited due to the unavailability of Braille campaign bulletins and restrictions on the number of pages of Braille campaign bulletins.

Accordingly, the Commission submitted its opinion to the Speaker of the National Assembly and the Chairperson of the National Election Commission that the Article 65 of the Public Official Election Act, which stipulates the production of Braille campaign bulletins as optional and limits the number of pages of Braille campaign bulletins within the number of pages of 'book-form campaign bulletins (including 'leaflet-form')', should be revised reasonably by obligating the production of Braille campaign bulletins simultaneously with the production of book-form campaign bulletins to ensure equal accessibility to persons with visual impairment.

28) Opinion on the Enactment of the Act on Personal Assistance Service for Persons with Disabilities and Support for Activities of Persons with Disabilities

Upon receiving complaints submitted by persons with disabilities that independent living of persons with severe disabilities is not guaranteed in practice due to several limitations of the personal assistance service for persons with disabilities, the Commission reviewed ways to improve the current "Personal Assistance Service for Persons with Disabilities" and a bill of enactment of the Act on the Personal Assistance Service for Persons with Disabilities submitted by the government to the National Assembly in November 2010.

After the review, the Commission concluded that the current personal assistance service for persons with disabilities and relevant clauses in the enactment bill of the Act on Support for Activities of Persons with Disabilities need to be improved to take into account types and the degrees of disability when selecting recipients of the personal assistance service and to increase the duration of service use to practically ensure independent living



and social participation of persons with severe disabilities. The Commission also deemed that, in consideration of economic conditions of persons with disabilities, it is desirable for the central or local governments to provide a subsidy for expenses incurring from the disability grade assessment needed for applying for personal assistance service.

Despite the Commission's opinion, however, the enactment bill of the Act on Support for Activities of Persons with Disabilities was passed by the National Assembly in its original form and is scheduled to enter into effect in 2011.

2. Opinions Submitted to Courts

1) Opinion to Courts on Request for Ruling on the Yongsan Incident

On January 20, 2009, five evictees and a police officer died in a clash in Namildang Building located in Hangangro 2-ga, Yongsan-gu, Seoul. Concerning the incident, the Commission submitted its opinion to the Seoul High Court, where the request for ruling was proceeding, that the exercise of police power at the time was an excessive measure in that the police failed to fulfill their duty to take due diligence, thus violating the principle of proportionality. The reasons for the Commission believing that the excessive use of force by the police violated their duty of due diligence and the Commission submitted its opinion to the court as follows:

Even in the case of suppressing unlawful occupation and protests, the police should make a reasonable judgment over whether they will continue the suppression or whether there is a need for changing enforcement methods in consideration of the danger of potential damage based on the illegality of activities, whether to possess dangerous substances, and the circumstances in the place of protest and should respond accordingly. In other words, the police have the duty to prevent a situation where unnecessary physical harm is inflicted on others in the suppression process by conducting the suppression in as safe and peaceful manner as possible. Nevertheless, the police neglected this duty and only focused on arresting protesters beyond the scope deemed rational and reasonable, so the

Commission concluded that the police did not fulfill its duty to take due diligence.

2) Opinion to the Constitutional Court on Constitutionality of Age Restriction in Applying for the Police and Fire Public Officers (2010HunMa278)

The Commission concluded that the age ceiling in applying for recruitment examinations for positions of policemen and police cadets, firefighters and fire cadets to 30 and less than 30 is considered to be unreasonable age discrimination. From 2006 to 2009, the Commission on four occasions recommended to the Commissioner General of the National Police Agency the revision of Article 39 of the Decree on the Appointment of Police Officers, and recommended to the Administrator of the National Emergency Management Agency the revision of Article 43 of the Decree on the Appointment of Fire Officers on five occasions. However, these organizations did not accept the recommendation. In May 2010, five people preparing for the police and fire officer examinations filed a constitutional petition arguing that restriction on application age violates the right to equality and the right to hold public office. Concerning the petition, the Commission submitted its opinion that restriction of application age for police and fire officer examinations does not satisfy legitimacy of legislative purpose and suitability of means and violates the right to hold public office and constitutes age discrimination without reasonable cause.

3) Opinion to the Constitutional Court on Constitutionality of Article 92 of the Military Penal Code (2008HunGa21)

The Constitutional Court requested that Commission submit its opinion on the constitutionality of Article 92 of the Military Criminal Code. The Commission delivered its opinion that the clause criminally punishes consensual sexual intercourse between persons of the same sex, which has the potential to violate rights to sexual



self-determination, and that criminally punishing sexual intercourse between persons of the same sex, while not criminally punishing sexual intercourse between persons of different sexes, may violate homosexuals' right to equality. In addition, according to the clause, homosexual acts during the period of leave or outside the military quarters are also subject to regulatory action. It is the opinion of the Commission that it thus not only has the potential to infringe upon the right of privacy, but is also difficult to consider it an appropriate means to achieve legislative purposes. The Commission also submitted its opinion that the clause is unclear about the responsibility for and elements of the act, and thus has potential to violate the principle of legality.

3. Major Policy Projects

1) Business and Human Rights Project

Since 2006, the Commission had paid constant attention to the issue of business and human rights, translating and introducing related documentation every year and organizing international conferences and open discussion sessions on the theme.

With the year 2009 as a turning point, interest in the theme has rapidly grown at home and abroad, and multi-faceted discussions on the roles of national human rights institutions have been under way. In order to respond proactively to this reality, the Commission raised the status of a workshop, which it had originally planned, to a forum, and jointly with the Korea Human Rights Foundation and the UN Global Compact Network Korea, formed the 2010 Business and Human Rights Forum consisting of 31 members and held forums on six occasions from June through November. It had been considered virtually impossible to operate regular forums, as opposed to one-time seminars or meetings, attended by businesses, civic groups and experts, yet the Commission confirmed the possibility by successfully operating the forum. The International Conference of National Human Rights Institutions (NHRIs) is the largest international conference attended by NHRIs from around the globe and is organized by the ICC. The 10th International Conference of National

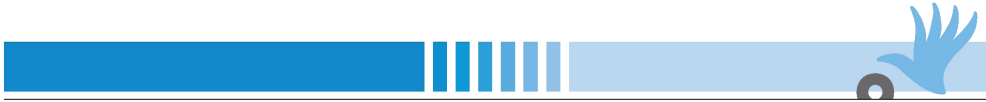
Human Rights Institutions was jointly organized by the ICC and the United Nations Office of the High Commissioner for Human Rights (UNOHCHR) and hosted by the Scotland National Human Rights Commission in Edinburgh, Scotland on October 8-10, 2010.

This year's theme was "Business and Human Rights: the Role of NHRIs." At the International Conference, discussions were centered on the framework proposed by the Special Representative of the UN Secretary-General whose three pillars are: the State's duty to protect all human rights from abuses by transnational corporations and other business enterprises; corporate responsibility to respect all human rights and the need for access to effective remedies; as well as the role of NHRIs.

The Special Representative to the UN Secretary-General, John Ruggie, who attended the conference to deliver a keynote speech, emphasized the importance of NHRIs in dealing with the theme of business and human rights, while UN High Commissioner for Human Rights, Navanthem Pillay and the former President of Ireland, Mary Robinson also called for an active role of NHRIs in their keynote presentations.

The Commission also attended the International Conference and delivered a presentation titled "New Challenges and New Changes for NHRIs: the National Human Rights Commission of Korea's Activities on Business and Human Rights and Future Outlook." It had meetings with the three distinguished guests as well as with representatives from other NHRIs to discuss ways for continued collaboration in the future.

The Commission also played an active role in the International Conference, participating as a representative for the Asia-Pacific region in the Final Declaration (the Edinburgh Declaration) Drafting Committee and strived to bid for organizing a workshop in the Asia-Pacific region on the theme of business and human rights in 2011. As a result, the Commission plans to host a large international conference organized by the United Nations, the ICC, the Asia-Pacific Forum of National Human Rights Institutions (APF) and hosted by the Commission and the UN Global Compact Network Korea in October 2011. in Seoul, Korea.



2) Promotion of Human Rights in Sports

The Commission launched its effort to promote human rights in sports in 2007 with Policy Recommendation on the Promotion and Protection of Student Athletes' Human Rights and formed a taskforce for improving human rights in sports in 2008. It also conducted nationwide status surveys on the issue and reported serious deteriorated human rights conditions of middle and high school student athletes, triggering major social ramifications.

Marking its fourth year since launching the promotion of human rights in sports project, the Commission formulated and recommended the "Guidelines on the Promotion and Protection of Human Rights in Sports" which compiled the outcomes so far. Through the active and pioneering efforts by the Commission, improvements have been made in relevant government policies and public awareness of human rights has been greatly enhanced. However, it is also true that there were limitations in setting mid-to-long term outlook as no clear direction was set regarding the relationship between sports and human rights. The Guidelines comprising the charter and three sub-guidelines (prevention of violence, prevention of sexual violence, and guaranteeing the right to education), declared that "sports are human rights" in that everyone should be given the right to enjoy sports without discrimination. It was greatly significant that it provided directions under three sub-themes, setting the minimum standards which policy-makers and sports officials should abide by.

Moreover, the Commission further expanded "sex-related human rights education for student athletes," which was first implemented in December 2009, and offered education programs aimed at improving human rights sensitivity for 6,386 student athletes in 225 elementary, middle and high schools in the country from June to September 2010.

3) Promotion of the Rights of the Elderly

The Commission compiled opinions of 59 members of the 1st Guardian of the Rights of

the Elderly" operating in regional human rights offices in Seoul, Busan, Gwangju and Daegu in the form of an essay and published it, after modifying and editing it, at the launching ceremony of the 2nd Guardian of the Rights of the Elderly. This is meaningful in that the publication based on the activities recorded and compiled by the 1st Guardian members themselves was utilized as promotional material for the Guardian of the Rights of the Elderly and as educational material for the 2nd Guardian group.

The "Compilation of Papers on the Human Rights of the Elderly" is a foundational work to form social discourse on the human rights of elderly citizens and is a collection of the results of research and review of issues concerning the elderly from the perspective of human rights by six experts in different fields (Choi Jae-cheon (professor at Ewha Womans University); Park Kyeong-suk (professor at Seoul National University); Woo Guk-hee (professor at Seoul Christian University); Baek Seung-ho (professor at the Catholic University of Korea); Yang Ran-ju (professor at Daegu University); Shin Yeong-jeon (professor at Hanyang University)).

The members of 2nd Guardian for the Rights of the Elderly were selected through an open recruitment process in the Seoul metropolitan area, Busan, Gwangju and Daegu and 104 people were chosen (39 from the Seoul metropolitan area, 19 from Busan, 23 from Gwangju and 23 from Daegu). The Commission provided education and training mainly on the Long-term Care Insurance system for the elderly, and after completing the training, members of the Guardian group conducted monitoring activities.

4. Research (Studies) on Human Rights Conditions

The Commission conducted research (studies) on human rights conditions in seven areas, which include protection of human rights of inmates of detention facilities, children in welfare facilities, athletes, heavily intoxicated persons, and migrant children as well as human rights in the information society and guidelines on multicultural projects. The research projects (studies) were designed to accurately identify the status of diverse human



rights issues in Korean society, and the research results will be utilized as the basis for policy recommendations.

Section 3. Evaluation

In 2010, the Commission endeavored to explore and expand human rights which are closely connected with people's everyday lives, while expressing its recommendations and opinions to improve human rights-related laws, regulations, policies, and practices. At the same time, it did its utmost to voice its opinions on major human rights issues which are receiving keen social attention. The Commission's opinion discouraging the practice of excessive random questioning (its opinion on the amendment to the Act on the Performance of Duties by Police Officers) drew social consensus and was received favorably by society, ultimately leading to the government's improvement measures. It also pointed out the reality where private CCTVs are widespread and recommended its improvement, achieving practical results.

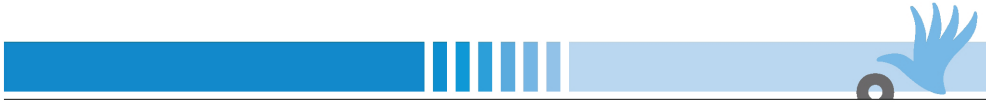
In an effort to improve the labor rights of teenagers, the Commission recommended setting ceilings for legal working hours and overtime working hours for minors. It also pinpointed problems with the current reporting system of establishing labor unions, which is in reality operated as a permission system, and recommended its improvement, thereby opening a new chapter in the protection of the rights of underprivileged workers and ensuring their labor rights.

The Commission also briskly pursued activities related to ICT and human rights, which it had been implementing as a new key project since 2008. It not only made a recommendation to improve the operation and management of private CCTVs, but also recommended not installing full-body scanners at airports and, as a telecommunications control system is virtually executing a function of censorship, recommended revision of the system.

In particular, the Commission attempted a comprehensive review on ICT and human rights through a project on a special report on ICT and human rights and strived to expand human rights in the information society by successfully bidding for the ASEM seminar on ICT and human rights in 2012 in Korea.

The Commission formed and operated a forum with the participation of representatives from business enterprises, civic groups and experts for the first time in the field of business and human rights, which has been briskly discussed in the international community in recent years, providing a venue for public discourse with the participation of interested parties concerned with business and human rights. Moreover, the Commission attended the 10th International Conference of National Human Rights Institutions (NHRIs) in Edinburgh, Scotland on the theme of business and human rights, with the participation of 200 people from NHRIs from around the world, NGOs, and experts. It actively participated in the International Conference's events, delivering a presentation on the Commission's activities on business and human rights and participating in the drafting process for the final declaration, while building networks with other NHRIs and NGOs. Based on the outcome, the Commission achieved a remarkable result successfully bidding for hosting the 2011 international conference on business and human rights in the Asia-Pacific region, jointly organized by the UN Office of the High Commissioner for Human Rights (UNOHCHR), the ICC and the Asia-Pacific Forum (APF). In order to respond to rapidly changing social environment, the Commission plans to push forward with publishing the "National Report on Business and Human Rights," and, based on the report, to recommend to the government that it should establish government-wide policies on corporate social responsibility and pro-human rights business management and implement it in a phased manner.

In the area of human rights in sports, if the years 2008 and 2009 were the time for external cooperation and campaigns for the public to boost the implementation of policy recommendations, the Commission considered that in the year 2010, since a basic consensus on human rights in sports was already formed, the focus would be on drawing



up the "Guidelines on the Promotion and Protection of Human Rights in Sports" to help related government agencies and organizations to plan and implement policies on their own to create a pro-human rights sports environment.

As for projects to promote the rights of the elderly, the Commission formed the 2nd Guardian of the Rights of the Elderly nationwide and offered education and training, mainly on Long-Term Care Insurance for the elderly. Upon completion of training, members of the Guardian group conducted monitoring activities. The Guardian of the Rights of the Elderly is a kind of empowerment program to help elderly people understand human rights issues of the elderly and seek solutions to problems, which received a good reception from participants.

All in all, the year 2010 was one which presented both a crisis and an opportunity for the Commission in implementing its policy tasks. It was a year when the Commission explored fields of policy recommendations suitable for the human rights environment at home and abroad and the public's demand for human rights, while seriously seeking answers regarding its proper role as a constructive adviser for helping the country join the ranks of forward-looking advanced countries safeguarding human rights through proactive intervention and advice.



Chapter 2

Human Rights Counseling and Complaint Processing

Section 1. Overview

In 2010, in order to protect the rights of economically and socially vulnerable groups and carry out its role as a human rights defender, the Commission concentrated on building an internal system to diversify its scope of projects and maximize its impact.

The Commission focused on-site counseling on eleven occasions when it visited groups of people vulnerable to human rights violations to ascertain their human rights situation and seek practical measures for remedies. In line with strategic objectives of the Commission, the on-site counseling visit was conducted in the form of customized counseling for the homeless, persons with disabilities, North Korean defectors, refugees, and migrant workers.

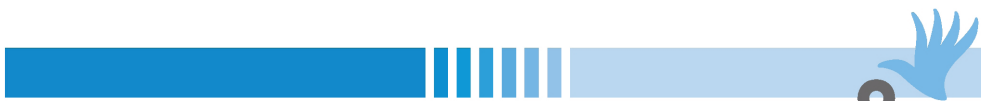
Meanwhile, in an effort to enhance accessibility of complaint procedures, the Commission formed a team of human rights counseling specialists comprising lawyers, certified public labor attorneys, social workers, and psychological counselors and introduced a reservation counseling system in which availability of counseling specialists is posted on the website of the Commission. In order to ease inconveniences to migrants filing complaints the Commission provides the service of an English-speaking counselor every day, while providing sign language translators every Monday for persons with hearing impairment. In addition, the Commission extended counseling service hours to 9pm, providing nighttime counseling to offer better convenience to people who have difficulty in seeking the counseling service in the daytime.

In 2010, the Human Rights Counseling Center published its "Daily Report" (a total of

237 editions), which covers diverse human rights conditions in all sectors of society collected through complaints, counseling and civil applications to be shared by all staffs every day. Moreover, it published "Quarterly Report" which summarizes the Commission's opinions and policy decisions by quarter, utilizing it as primary sources for exploring tasks, including human rights policies, suo moto investigations and special investigations. It also published "Report on Migrant Workers' Life Story" which covers multicultural families' rights to housing, education, family unity and health, created through in-depth interviews with 22 migrant worker families. It also published "Human Rights Counseling Cases from 2009 to 2010," a report featuring selected cases representing human rights conditions of Korean society out of 20,562 counseling cases filed from July 2009 to June 2010. The Commission has tried to identify areas necessary for further development by providing a list of pending human rights issues that Korean society should give priority to resolve.

Section 2. Major Activities

In the year 2010, the Commission received 9,159 complaints and handled 22,502 cases and 26,795 civil applications and inquiries. Complaints, counseling cases, civil applications and inquiries went up by 2,174 (31%), 3,741 (19.9%), and by 161 (0.6%), respectively from 2009. The increase rates of civil applications and inquiries were not very high, as simple inquiries such as phone directory assistance were not included in the count from 2009.



[Table 2-2-1] Number of Complaints, Counseling Cases, Civil Application/ Inquiries by Year
(Unit: number of cases)

Year	Complaints	Counseling Cases	Civil Applications / Inquiries	Total
Cumulative Total	51,307	104,725	175,400	331,432
2010	9,159	22,502	26,795	58,456
2009	6,985	18,761	26,634	52,380
2008	6,309	16,295	30,043	52,647
2007	6,274	13,378	20,780	40,432

- ※ Cumulative total refers to numbers from November 2001 to December 31, 2010 (Number of counseling cases includes in-person sessions.)
- ※ The above statistics are partially different from statistics in the 2009 Annual Report since changes were made to the classification methods and statistics management system in 2010.

1. Counseling on Human Rights

The total number of counseling cases handled from the Commission's establishment until 2010 numbered 95,045, and the annual figure has increased every year from 11,260 in 2007, to 13,810 in 2008, 17,433 in 2009, and to 22,772 in 2010. As for counseling cases for 2010 by issue, civil rights violations accounted for 38.7%, while discrimination and others comprised 9.4% and 51.9%, respectively. Others included violations of property rights or violations of rights between individuals, or related to legal proceedings.

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

Category Year	Cumulative Total	(%)	Civil Rights Violations	%	Discrimination	%	Others	%
Cumulative Total	95,045	100.0	38,667	40.7	10,054	10.6	46,324	48.7
2010	22,772	100.0	8,807	38.7	2,140	9.4	11,825	51.9
2009	17,433	100.0	6,738	38.7	1,974	11.3	8,721	50.0
2008	13,810	100.0	5,391	39.0	1,607	11.6	6,812	49.3
2007	11,260	100.0	4,843	43.0	1,170	10.4	5,247	46.6

- ※ The table excludes the number of face-to-face counseling that is resolved during the counseling session. The table includes the number of counseling that results in filing the complaint to the NHRCK after counseling.
- ※ The above statistics are partially different from statistics in the 2009 Annual Report since changes were made to the classification methods and statistics management system in 2010.

2. Complaints Received

As of 2010, the total number of complaints received since the establishment of the Commission in November 2001 stood at 51,307. Among then, 39,733 cases (77.4%) were related to civil rights violations, 9,740 (19.0%) to discrimination, and 1,834 (3.6%) to other matters. The number of complaints related to civil rights violations showed downward trends from 5,067 (80.7%) in 2007, to 4,892 (77.5%) in 2008, to 5,282 (75.6%) in 2009, and to 6,457 (70.5%) in 2010. The figure increased by 1,175 (22.2%), compared with 2009. Complaints related to discrimination increased from 1,159 (18.5%) in 2007, to 1,380 (21.9%) in 2008, to 1,685 (24.1%) in 2009, and to 2,675 (29.2%) in 2010. The number for 2010 rose by 990 (58.8%) compared with 2009.

[Table 2-2-3] Complaints by Year

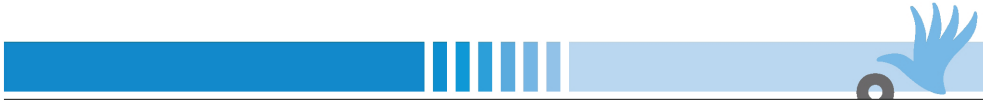
(number of cases, %)

Year \ Category	Cumulative Total	%	Civil Rights Violations	%	Discrimination	%	Others	%
Cumulative Total	51,307	100.0	39,734	77.4	9,739	19.0	1,834	3.6
2010	9,159	100.0	6,458	70.5	2,674	29.2	27	0.3
2009	6,985	100.0	5,282	75.6	1,685	24.1	18	0.3
2008	6,309	100.0	4,892	77.5	1,380	21.9	37	0.6
2007	6,274	100.0	5,067	80.7	1,159	18.5	48	0.8

※ Cumulative total refers to figures from November 2001 to December 31, 2010.

3. On-site Counseling Visit

In 2010, the Commission conducted customized local on-site counseling visits to the underprivileged in terms of human rights on a total of 11 occasions. Regions covered included Seoul (Yeongdeungpo-gu, Yangcheon-gu, and Nowon-gu), Gyeonggi Province (Ansan, Gimpo, Suwon, Osan), and Gyeongsang Province (Changwon and Gyeongsan). Counseling areas and themes covered included the homeless, persons with disabilities,



North Korean defectors, refugees, and migrant workers, which were selected in connection with the Commission's mid- to long-term Action Plan on the Promotion of Human Rights and major strategic projects in 2010. A variety of side events including cultural performances and free medical examinations were also held in the regions of on-site counseling visits, boosting participation and providing practical assistance.

The on-site counseling visit to the homeless in February 2010 offered an opportunity to understand the actual living conditions of the homeless through direct interviews with the homeless staying in Yeongdeungpo, Seoul and the Seoul Railway Station. In on-site counseling visits that took place for North Korean defectors on two occasions in March and November 2010, the Commission held a meeting with those who assist North Korean defectors in settling down in Korea and received the complaints of those suffering human rights violations and discriminatory acts during their settling period in South Korea. The Commission paid on-site counseling visits to refugees and migrant workers in Ansan, Gimpo and Namyangju of Gyeonggi Province and conducted in-depth interviews with 22 migrant families.

4. Handling of In-person Complaints

The National Human Rights Commission Act guarantees the access of every individual to the in-person complaint submission. Under Article 31 of the Act, detainees in detention or protective facilities can meet in person a commissioner or staff and submit written or oral complaints. As of the end of December 2010, the total number of in-person petition applications in detention or protective facilities stood at 33,992. Among them, 9,402 (27.8%) were filed as complaint cases; 16,958 (50.1%) had counseling and were resolved; 7,491 cases (22.1%) were withdrawn by the petitioners; and 141 were yet to be processed.

5. Processing Civil Applications and Inquiries

As a national institution dedicated to human rights issues, the Commission receives and

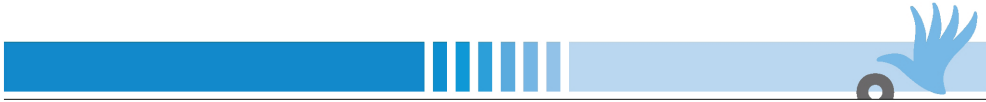
processes various civil applications beyond its duties prescribed in the National Human Rights Commission Act. The Commission actively strives to address inconveniences of the public by informing them of remedial procedures prescribed by other laws, although they are not within the investigative scope of the Commission, referring cases to relevant organizations and groups, offering legal advice and brief counseling.

Major issues of civil applications and inquiries included human rights violations committed by one citizen against the other, use of abusive language on the Internet, human rights violations committed by private enterprises, problems related to settlement of debt and remedies against administrative penalties. By category of the filing of civil applications, topping the list was the Internet (complaint and civil application counseling center on the Commission's website) with 65.6%, followed by mail/fax with 26.2%, and online complaints portals with 7.3%.

Section 3. Evaluation

In 2010, the Human Rights Counseling Center adopted new measures for the effective performance to promote human rights by enhancing accessibility of the socially vulnerable groups to the Commission and established an internal system to efficiently respond to them. These efforts reaped tangible results.

To this end, the Commission installed video phones for persons with disabilities and conducted the sign language counseling session every Monday, while making available an English-speaking counselor at all times to improve accessibility of migrants. Moreover, the Commission implemented customized on-site counseling visits by linking them with its strategic projects, while being actively engaged in public relations via the media, thereby boosting the external standing of the Commission. On the other hand, improvement can be made regarding on-site counseling visits, as the feedback from the visits did not take place efficiently, and the tour results have not been effectively connected to policy agendas.



The specialized training program aimed at developing the expertise at human rights counseling, reflecting the needs of people through annual surveys. It received wide favorable feedbacks. However, the session on work-related stress in the program did not provided due to budgetary constraints.

The Commission also operated a specialist counselor team consisting of 80 specialists in diverse fields and introduced a reservation counseling system by posting counseling schedules on its website to publicize and to maximize the utilization of specialists.

With respect to receiving complaints regarding detention facilities which comprise a large portion of complaint cases since its establishment, the Commission encouraged the submission of complaints by post as a measure to improve the in-person petition system, which had an effect of reducing unnecessary petition cases. The Commission plans to implement diverse measures to make institutional improvements by establishing collaborative work ties with detention facilities and institutions.

Overall, it is considered that in 2010 the Human Rights Counseling Center effectively performed its functions and role as a channel to the Commission. However, it is urgently needed to establish an internal system to satisfy the diverse and specialized needs of the public and employ specialized counselors who are able to operate it in a stable manner. Moreover, in order to efficiently cope with the rapidly growing phone counseling workload of counselors, another urgent task is to come up with multilateral measures, including increasing counselor personnel, making their status secure by converting them to permanent positions, boosting their morale, and offering evolving training programs to develop counseling expertise.



Chapter 3

Investigations and Remedies: Civil Rights Violations

Section 1. Overview

In accordance with Article 19(2) of the National Human Rights Commission Act, the Commission conducts investigations into allegations of human rights violations and offers remedies. Article 30(1)1 of the Act stipulates that victims may file complaints cases that their human rights, guaranteed by Articles 10 to 22 of the Constitution, are infringed upon with regard to duties performed by government organizations, local governments or detention/protective facilities.

The Commission dismisses or rejects cases that do not fall under its investigative jurisdiction or are found unrelated to human rights violations. On the other hand, as for cases acknowledged as human rights violations, it takes necessary measures to prevent recurrence and take remedial actions by making recommendations to the accused or the supervising body.

The Commission conducted on-site investigations by visiting detention facilities, welfare facilities for the elderly, and protective facilities for migrants and conducted special investigations to improve human rights in sports, striving to promote human rights of vulnerable groups, including the elderly, migrants and student athletes. In addition, the Commission exchanged opinions with government ministries and agencies and other related groups and maintained and reinforced collaborative ties on an ongoing basis, adding to the effectiveness of its activities to protect human rights and provide remedies. In particular, in cases concerning the human rights of migrants, it implemented projects in diverse ways, including processing complaints, implementing policy tasks, signing MOUs with other national human rights institutions, organizing international conferences and

taking prompt action on pending issues, endeavoring to contribute to the protection of the rights of migrants.

Section 2. Major Activities

1. Complaints on Civil Rights Violations Received

[Table 2-3-1] Complaints on Civil Rights Violations Filed against Institution

(Unit: Number of cases)

Year	Total	Prosecution	Police	Detention Facilities	National Intelligence Service	Military	Other National Institutions	Protective Facilities	Judiciary Institutions	Legislative Institutions	Local Govt.	Immigration Office, etc.	Special Judicial Police	Schools	Others
2010	6,457	225	1,590	1,881	17	117	486	1,372	156	14	296	10	8	218	67
2009	5,282	137	1,216	2,027	17	96	452	489	50	5	214	0	8	5	567
2008	4,892	172	1,107	1,946	25	89	307	685	69	2	323	0	17	0	150
2007	5,067	226	1,131	2,004	36	80	327	586	62	8	449	0	12	0	146
2006	3,335	137	796	1,427	12	65	394	255	56	2	177	0	4	0	10
2005	4,199	214	937	1,918	11	64	525	234	63	2	194	0	37	0	0
2004	4,627	164	688	1,835	11	60	1,553	126	41	8	115	0	26	0	0
2003	3,041	173	702	1,686	5	73	201	57	35	2	81	0	26	0	0
2002	2,833	300	838	1,114	33	110	236	34	70	1	66	0	31	0	0
Total	39,733	1,748	9,005	15,838	167	754	4,481	3,838	602	44	1,915	10	169	223	940
%	100	4.4	22.7	39.9	0.4	1.9	11.3	9.7	1.5	0.1	4.8	0.0	0.4	0.5	2.4

※ The above statistics may differ from previous statistics due to modification of errors.

As indicated by Table 2-3-1, the Commission received 6,457 complaints on civil rights violations in 2010, an increase by 1,175 (22.2%) from the previous year. The total number of complaints on civil rights violations from the inauguration of the Commission to the end of 2010 stood at 39,733. By type of organization, out of 39,733 complaints received, topping the list with 15,838 cases were complaints related to detention centers, accounting for 39.9%; followed by police-related cases with 9,004 (22.7%); and then complaints



related to other national institutions with 4,481 (11.3%); followed by complaints related to protective facilities with 3,838 cases (9.7%). In 2010, a total of 6,457 complaints were received and complaints related to detention facilities topped the list with 1,881 (29.1%); this was followed by police-related cases with 1,590 (24.6%), cases related to protective facilities with 1,373 (21.2%); and finally cases related to other national institutions with 486 (7.5%). Complaints related to protective facilities rose by 2.8-fold from the previous year, which is interpreted as being in line with trends where complaints related to mental health facilities and facilities for persons with disabilities are on the rise.

2. Processing Complaints on Civil Rights Violations

[Table 2-3-2] Complaints on Civil Rights Violations by Type of Resolution

(Unit: Number of cases)

Year	Filed	Closed	Cases Affirmed								Cases Denied			
			Total	Accusation and Investigation Request	Recommendation of Disciplinary Actions	Emergency Relief	Recommendation of Settlement	Settlement	Legal Aid Request	Mediation	Dismissed	Transferred	Refused	Suspended
2010	6,457	6,261	331	6	3	1	198	122	1	0	1,831	130	3,906	63
2009	5,282	5,108	365	5	5	1	235	118	0	1	1,637	78	2,974	54
2008	4,892	5,288	308	12	30	2	213	48	1	2	1,644	99	3,177	60
2007	5,067	4,757	239	13	16	0	147	61	2	0	1,215	116	3,152	35
2006	3,335	3,250	207	17	2	0	164	23	1	0	932	70	2,020	21
2005	4,199	4,132	244	6	6	1	156	73	2	0	1,318	147	2,378	45
2004	4,627	4,931	145	6	2	0	79	54	4	0	1,280	148	3,306	52
2003	3,041	3,137	94	9	3	2	57	23	0	0	717	116	2,210	0
2002	2,833	1,365	29	3	16	2	8	0	0	0	136	26	1,174	0
Total	39,733	38,229	1,962	77	83	9	1,257	522	11	3	10,710	930	24,297	330

※ The number of closed cases indicates the sum of closed cases among those received in the year and closed cases among outstanding cases.

※ The above statistics may differ from previous statistics due to modification of errors.

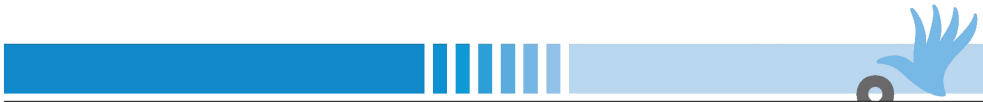
As shown in Table 2-3-2, the number of cases approved stood at 331, which included six cases of accusation and investigation request, three cases of recommendation of disciplinary actions, 198 cases of recommendations, 122 cases of mutual settlement, one case of legal aid request and one case of emergency relief.

In 2010, out of 3,906 dismissed cases withdrawn complaints took up a large share and among the withdrawn cases, many were withdrawn as complaints were resolved or complainants were satisfied with the outcome.

[Table 2-3-3] Complaints on Civil Rights Violations by Institution and Resolution Type

(Unit: Number of cases)

Category	Received (A)	Closed (B)	Cases Affirmed								Cases Denied				Investigation under Suspended	Percentage
			Total	Accusation & Investigation Request	Recommendation of Disciplinary Actions	Emergency Remedy	Recommen- dation of Settlement	Legal Aid Request	Settlement	Mediation	Rejected	Transferred	Dismissed	Suspended		
No. of Cases		38,229	1,962	77	83	9	1,257	11	522	3	24,297	930	10,710	330	1506	100
%	39,733	100	5.1	0.2	0.2	0.0	3.3	0.0	1.4	0.0	63.6	2.4	28.0	0.9		
Prosecution	1,767	1,717	67	3	1	2	54		7		1,201	32	395	22	50	4.4
Police	8,995	8,642	770	18	59	5	434	2	252		5,034	145	2,572	121	353	22.6
Detention Facilities	15,837	15,391	295	2	14		207	7	65		9,404	653	4,951	88	446	39.9
National Intelligence Service	167	163	4				2		2		149		9	1	4	0.4
Military	754	737	49	5	1	1	33	1	8		580	6	98	4	17	1.9
Other State Organizations	4,479	4,305	183		4	1	135		42	1	3,478	25	604	15	174	11.3
Protective Facilities	3,834	3,573	372	46	2		260	1	63		1,780	42	1,334	45	261	9.6
Judiciary Institutions	601	585	7				7				505	4	66	3	16	1.5
Legislative Institutions	44	43	5				5				33	2	3		1	0.1
Local Governments	1,914	1,816	148		2		90		54	2	1,171	12	465	20	98	4.8
Immigration Office, etc.	10														10	0.0
Special Judiciary Police	169	168	17	3			11		3		88	2	57	4	1	0.4
Schools	222	164	16				8		8		128		19	1	58	0.6
Others	940	925	29				11		18		746	7	137	6	17	2.4



3. Case Studies

1) Suo Moto Investigation: Torture and Mistreatment by the Policy

Mr. Lee (age 45) filed a complaint with the Commission alleging that in "A" police station in March 2010 a police officer gagged him, urging him to confess his crime and beat him after wrapping his face with tape. The Commission confirmed that three similar complaints were filed and initiated an investigation. As a result, the Commission concluded that it was highly probable that torture had taken place, given that there was a blind area not covered by a CCTV in the office of the police station where victims alleged that they had been tortured. The identical accounts were filed on the place of torture, the identity of the accused, and methods of torture in consistent and detailed manner. Accordingly, the Commission decided to launch a suo moto investigation on May 20, 2010 for total inspection of 32 suspects questioned in the "A" police station.

According to the investigation, the 22 victims alleged that they were forced to falsely confess their criminal activities and other crimes and suffered severe beating and torture such as head treading and snapping of their handcuffed arms from the back, while being gagged with rolled tissues or towels inserted into their mouths in the course of being questioned at "A" station.

The Commission also discovered evidences of torture from the victims kept at the police station cells, daily work log of protection officer of detainees, and medication payment inventory list. It also confirmed the statements from a number of the torture victims during their detention in the "A" police station. Their lawyers witnessed bruises from torture on their clients and informed it to the prosecution. It was further confirmed by another victim claiming that the scene of his being tortured from the CCTV footage confiscated by the prosecution, the medical examination records of the victim indicated a fracture of his elbow bone; and the pictures showing that a tooth of the victim, which had received recently prosthetics, was broken and another tooth was missing.

The Commission concluded that the action of the police officers was committed outside

the scope of usual duties expected by the public of the police and was a violation of Article 268 of the Criminal Code (professional negligence, gross negligence resulting in manslaughter or injury).

The Commission requested the Prosecutor's Office to indict the accused police officers and called for the Commissioner-General of the National Policy Agency to develop preventive measures and reinforce human rights training to its officials. It also recommended to the Commissioner of the regional police agency in jurisdiction calling for full inspection over the "A" police station and taking disciplinary personnel measures in accordance with the degree of responsibility.

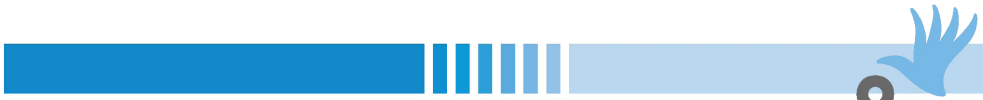
2) Death Case in the Suppression Process of Evictees in Yongsan, Seoul

Mr. "Z" (age 37) filed a complaint to the Commission alleging that, concerning the death of five evictees and one police officer on January 20, 2009, the police performed excessive suppression and prosecutors from the Special Investigation Headquarters of the Seoul Central District Prosecutor's Office conducted biased and unfair investigation, conducting all-night questioning without the consents and detaining them excessively long for questioning and distorting their statements.

The Commission considered that, the police had responsibility to make reasonable decisions over their operation and methods of the suppression based on concrete risk evaluation of the conditions and possession of dangerous materials, and the location of the protest venue even in the case of the illegal occupation and strikes.

It also deemed that the police had the obligation to suppress protests in a safe and peaceful manner as much as possible and to prevent a situation to impose unnecessary use of force in the suppression process. The Commission submitted its opinion to the Seoul High Court.

The Commission also decided that all-night questioning and detaining excessively long hours for questioning violated the evictee victims' right to physical integrity, their right to counsel, and their right to the pursuit of happiness (the right to sleep and rest), respectively,



and recommended that the Public Prosecutor-General issue a warning to the chief of the Special Investigation Headquarters and conduct an education session to prosecutors on principles of the Constitution and relevant regulations which should be complied with when they summon and interrogate suspects, including night-time questioning.

3) On-site Survey of Police Lockup Facilities

Pursuant to Article 24 of the National Human Rights Commission Act (on-site survey of facilities), the Commission visited lockup facilities located inside 18 police stations nationwide to inspect human rights conditions in the amenities provided in the lockup facilities and treatment of inmates to come up with improvement measures. It made thorough preparation in advance by clarifying investigative scope based on pattern analysis of existing complaint cases and attempted to minimize a grey area by selecting regions from which few complaints originated. The investigation was designed to identify fundamental causes of complaints, prevent them in advance, and seek effective solutions by examining the implementation of past recommendations in the field. The investigation group was consisted of diverse experts from academia and judiciary communities, as well as professional investigators. The on-site investigation was an opportunity not only to review documents, but also to conduct face-to-face interviews with staffs and inmates to gather their opinions for improvement. The Commission also held a meeting with the police station staff and recommended that they should improve inmate treatment, facilities and environment in the detention facilities.



4) On-site Survey of Detention Facilities

In accordance with the right to health prescribed by the Constitution and UN international standards, inmates in detention facilities should be guaranteed of not only health and medical services, but also of overall conditions enabling maintenance of appropriate levels of a healthy state.

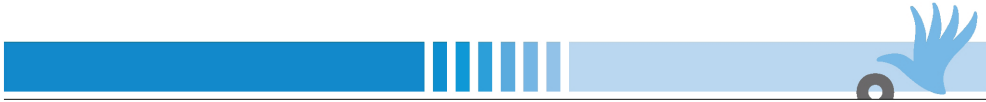
Although there has been a series of efforts to ensure the right to health to the inmates since the establishment of the Commission, a significant number of complaints are still received on the environment of detention facilities related to the right to health in detention facilities, including the right to receive external medical treatment. The Commission collected demands of inmates, examined the healthcare status, and conducted quantitative and qualitative investigation into working conditions and demands of medical professionals in detention facilities nationwide. Based on the result, the Commission issued necessary policy measures to ensure the right to health in detention facilities.

5) Welfare Facilities for the Elderly

The Long-term Care Insurance system was adopted in August 2008 and has offered institutional or residential care for elderly people who have difficulty in leading their everyday lives on their own for more than six months due to senile ailments such as dementia. The system has been evaluated largely as a success for its past two-year performance as it has successfully ensured the economic, social and cultural rights of the elderly by serving the needs of the elderly and expanding their healthcare options. Nevertheless, criticisms were raised not only on its inefficient functioning of the early adoption stage, but also on the quality of the system itself.

The Competition among service providers increased the possibility that the rights of the elderly were undermined in their pursuit of greatest profit, rather than quality improvement.

Bearing the problems in mind, the Commission decided to conduct on-site surveys on



long-term elderly care facilities in 2010 and, along with experts in the related fields, visited nursing homes in Daejeon City, South Chungcheong Province, and North Chungcheong Province.

Based on the outcomes of the surveys, the Commission recommended to the Minister for Health and Welfare to improve the care classification system for the elderly in accordance with elderly people's needs for daily living and medical services; to formulate measures to provide appropriate care service depending on the health severity of elderly residents in such facilities by drawing up differentiated criteria for facilities; and to come up with standardized guidelines, training programs and management system to ensure the expertise and professionalism of the elderly care staffs.

6) On-site Survey of Protective Facilities for Migrants

On-site surveys on protective facilities for migrants have been conducted every year since 2007. In 2010, the Commission decided to investigate the treatment of migrants in protective facilities for migrants as its focal investigation target and conducted a survey among 412 migrants in custody in four protective facilities for migrants, while conducting in-depth interviews with 40 migrants in custody. The on-site survey was an opportunity to understand the basic issues involving their treatment experienced by migrants in custody of protective facilities and a survey result report was produced and submitted to the Commission. It plans to summarize what is necessary for improving human rights of migrants inmates in custody in protection facilities and submit recommendations to the Minister for Justice.

7) Civil Rights Violations by Violence of an Immigration Official

A representative from an advocacy group for migrant workers filed a complaint with the Commission alleging that an immigration officer beat the face and back of an

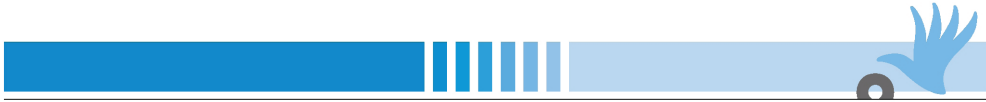
undocumented migrant worker, in an investigation room of OO Immigration Office on June 9, 2010 in retaliation for his resistance to crackdown on illegal overstayers.

According to the Commission's investigation result, the officer beat the head of the undocumented migrant once and punched his belly once, which resulted in fracture of the no. 8 rib. The incident happened when the migrant was sitting on a chair quietly in an investigation room under the Investigation Department at OO Immigration Office around 20:30 on June 9, 2010. It was further stated that the officer took the migrant to the toilet after the initial violence and the migrant bowed on his knees to plea in fear. The Commission decided that such violence brought physical and psychological damage on the victim. The Commission reported the officer to the Prosecutor General and recommended to the head of OO Immigration Office to issue warnings to the head of the OO Department and the head of the crackdown operation team. It also organized the human rights education sessions to all staffs of the Investigation Department of the OO Immigration Office to prevent recurrence of similar human rights violations, all of which were accepted by the respondent organization.

8) Civil Rights Violations by Degrading Expressions on Women from a Foreign Country

Mr. Jang (age 45) filed a complaint to the Commission in July 2010, alleging that a banner, which was erected on a display platform managed by OO city, had a sexually and racial discriminatory expression. The banner was stated that "Great Bargain: KRW 9.8 million for Marriage with Women from △△△, Commemorating South Korea's Advance into the quarter-final of the FIFA World Cup"

The Commission decided that, as international marriages are on the rise in Korea, it is Korean society's obligation to support marriage migrants to settle in the country without racial prejudice and preconceptions. Moreover, the banner, displayed in OO City, conveyed the impression that marriage can be purchasable and portrayed women from the



certain country (△△△) as a commodity subject to discount. Accordingly, the Commission considered that it had the potential to spread racial prejudice against women from certain country (△△△) in Korean society.

The Commission thus recommended to Mayor of OO City to come up with preventive measures concerning the erection of the banner with this racial discriminatory expression and to provide human rights education to related staffs.

9) Human Rights Violation against a North Korean Defector

A complaint was received from a North Korean defector who entered South Korea via Thailand and was admitted to the North Korean Defectors Settlement Support Office (hereafter "Hanawon") on February 17, 2009. The defector raised a problem concerning unfair treatment by the Embassy of the Republic of Korea to Thailand. Then, the head of Hanawon forced him to be admitted to OO Mental Clinic without informing his relatives residing in South Korea and that the director of OO Mental Hospital determined his forced hospitalization only listening to the explanation given by medical staffs at Hanawon.

Although he was observed to have symptoms requiring hospitalization to mental hospital, the related laws provides that the legal guardian should be consulted upon. In the case that a controversy arises, the relevant authorities should undertake appropriate review and procedures.

The head of Hanawon argued that he was unaware of presence of the defector's relative residing in South Korea so he performed as the guardian of the defector in absence of a resident registration document. However, the evidences of the Joint Interrogation Center, submitted by Hanawon, contained the contact details of the defector's uncle in South Korea. Thus, Hanawon neglected the responsibility to check the relevant information, merely explaining that its consultation with the relevant agencies such as the National Intelligence Service was difficult.

It was deemed that the director of OO Mental Hospital played a leading role in the

occurrence of this incident, and the head of Hanawon caused imputation, including default in necessary management duties such as developing an internal tasks manual and failure to make additional corrective measures. The public health doctor failed to properly understand involuntary hospitalization procedures and standards for mental hospitals, and thus was deemed to assist human rights violations on the defector.

The Commission decided that the director of OO Mental Hospital, the accused, infringed the right to physical integrity by allowing the defector to be admitted to the mental hospital involuntarily without the consent of the legitimate guardian, as stipulated in Article 12 of the Constitution and Article 24 of the Mental Health Act.

For these reasons, the Commission issued the following recommendations:

☐ To the Minister for Unification

: Subject the staff OOO at Hanawon disciplinary action and issue warnings to the relevant staffs, including the head of Hanawon and the public health doctor, and compensate for the damage incurred on the defector due to forced hospitalization

☐ To Head of Hanawon

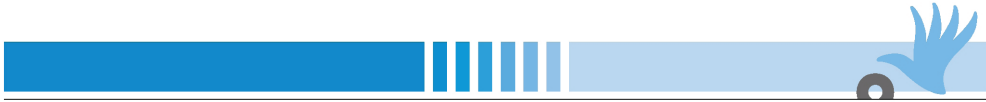
: Offer human rights education to its staffs and formulate measures to prevent recurrence of similar incidents

☐ To Director of OO Mental Health Hospital

: Issue warnings to the psychiatrist and the head of the patient administration department, provide human rights education for its staffs and formulate measures to prevent recurrences of similar incidents in the future.

10) Human Rights Violation by Unjust Discharge by Mental Health Facility

A patient, who had been treated at a mental health clinic, filed a complaint alleging that contacting with the outside was restricted and he was forced to be discharged from the



hospital because the hospital argued that he raised several complaints to the hospital and its medical staff that they customarily controlled its patients, forcing them to do such work as cleaning.

In response, the accused argued that "patients' phone calls with the outside are restricted to one hour in the morning or in the afternoon every day and distributing food or cleaning is done voluntarily and staffs do not arbitrarily control patients without direction to do so by a doctor. The reason why we discharged the complainant was that he disturbed other patients, so the medical team gave him notice, but he continued his problematic actions, so his discharge was an inevitable measure."

The Commission's investigation result showed that, although there had been no conditions deemed justifiable for the complainant to have considerably undermined the ward environment during his hospitalization, the accused discharged him without the request or consent of his guardian, and customarily restricted use of phone calls by patients without prescriptions of psychiatrists and even allowed staff to listen to phone calls and restricted them. Moreover, such work as cleaning performed by patients was imposed on them without prescriptions or involvement of the medical team. Accordingly, the Commission decided that this violated their rights to receive optimal treatment, requirements when restricting the freedom of action, and "occupational therapy guidelines" prescribed in the Mental Health Act, thus infringing human worth and dignity, the right to pursue happiness and secrecy of correspondence stipulated in Articles 10 and 18 of the Constitution.

Based on this, the Commission recommended to the accused to come up with measures to prevent unfair cases of discharge in the future and strictly comply with related regulations in restricting correspondence and other actions of patients and work participation, and to this end to provide human rights education for its staffs of which the accused accepted all.

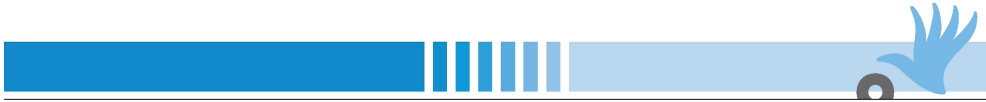
Section 3. Evaluation

Despite the rapidly growing number of complaints in recent years, the Commission has continued its efforts to focus on processing long-term outstanding cases by adjusting the intensive complaint processing period to boost swiftness and efficiency of remedies, and enhance efficiency of handling cases by restructuring the complaint process system. In particular, the number of affirmed cases has been on the rise since 2009, well above 300 cases, showing that the Commission has achieved remarkable growth in qualitative aspect, as well.

In addition, following 2009, in 2010, the Commission continued to enhance ex-post-facto remedies against human rights violations by handling complaints, but also tried to focus on ex-ante, or preventive remedies. Thus, separate from investigations into complaint cases, the Commission conducted on-site surveys on detention and protective facilities, thus performing preventive remedy activities against human rights violations. It is assessed that this has particularly helped internally establishing capabilities of on-site investigations that a national preventive mechanism should perform upon ratification of the Optional Protocol to the Convention Against Torture and will be immensely helpful to standardize the methods to meet international guidelines.

Following 2009, the Commission continued 2010 on-site surveys on detention facilities, aged care facilities and protective facilities for migrants and conducted special investigations on improving human rights in sports, endeavoring to promote preventive remedies for human rights violations.

Furthermore, the Commission raised the issue of racial discrimination, which undermines the integration of Korean society as it transforms into a multicultural society, as a policy task, forming a social consensus. It made proactive and prompt responses to pending issues, voicing its position on the death of a migrant wife, investigating the reality of racism on cyberspace and expressing improvement measures and also urged relevant ministries and organizations to play a more active role concerning what is necessary to be



done, such as improvement of laws, regulations and policies.

Despite such efforts and outcomes, there are a number of challenges for promoting human rights. Amid concerns about possible weakening of its investigative capabilities due to organizational scaling-down, it is predicted that the number of complaints filed will increase and their content will be more complicated and diversified. Under the circumstances, it is necessary to expand and reinforce the Commission's investigative capabilities. In order to seek measures satisfactorily to restore rights of victims of human right violations, offer chances for promoting human rights to the perpetrator, and furthermore improve laws, regulations and practices to protect human rights, the Commission is required to continue its research and efforts.



Chapter 4

Investigations and Remedies: Discriminatory Acts

Section 1. Overview

Pursuant to Article 19(3) of the National Human Rights Commission Act, the Commission conducts investigations into complaints of discriminatory acts and seek remedies for victims. In accordance with Article 30 (1) 2 and 30 (1) 2 of the Act, the Commission may launch investigations into complaints of violation of equal rights by state organs, local governments or detention/protective facilities, as well as complaints of discriminatory acts allegedly committed by legal entities, organizations or private individuals. Also, by power granted by Article 30 (3) of the Act, the Commission may initiate investigation even in the absence of formal filing of a complaint when it deems that there exist reasonable grounds for believing that discriminatory acts have taken place and that such violations are serious.

Violation of equal rights subject to the Commission's investigation includes any act of favorably treating, excluding, differentiating, or unfavorably treating a particular person in employment (recruiting, hiring, training, assigning, promoting, compensating, retiring, etc.); supply or use of goods, services, transportation, commercial facilities, realty, and residential facilities; or in the provision of education and training at or usage of educational facilities or vocational training institutions without reasonable grounds, but based on gender, religion, disability, age, social status, region of birth, national origin, ethnicity, physical conditions including appearance, marital status, including legally married, single, separated, divorced, widowed, remarried, or de facto married, pregnancy or childbirth, family structure or situation, race, skin color, idea or political affiliation, criminal record, sexual orientation, academic background or medical history.

Moreover, Article 2(5) of the National Human Rights Commission Act amended in July

2005 defines sexual harassment as one of the discriminatory acts violating equal rights. Sexual harassment refers to a sexually-suggestive comment or act made by employees of public institutions, employers or workers that causes sexually-related humiliation or degradation in business, employment or other relations in or outside the workplace by using his or her position or in relation to business or sexual conduct that results in disadvantage in employment by reasons of refusal to respond to sexually suggestive language, act or demand.

The Commission proactively responded to discrimination-related pending issues and problems, actively engaging it in campaigns to improve and promote awareness to prevent sexual harassment, submitting its opinions to the Constitutional Court on the constitutionality of Article 92 of the Military Penal Code and on a constitutional petition case on the restriction of age when applying for police and fire public officers.

Furthermore, the Commission formed social consensus on the conditions of teenage single mothers' infringement of their right to education and the need for ensuring their right to education. Concerning discrimination against persons with disabilities, it conducted status surveys on the phased implementation of the Disability Discrimination Act among relevant organizations mainly focusing on cultural, arts and sports activities, status surveys on the implementation of the UN Convention on the Rights of Persons with Disabilities in the country, status surveys on adaption to local communities by persons with mental disabilities, while performing a suo moto investigation into human rights violations by violence against residents at residential facilities for persons with disabilities.

In addition, the Commission actively promoted campaigns to improve the public awareness of discrimination. It made concerted efforts to carry out preventive measures to rectify discrimination by publishing and distributing some 10 booklets and promotional materials, including a booklet on the prevention of discrimination in employment, a leaflet promoting the Age Discrimination Act, posters, brochures and stickers aimed at preventing sexual harassment, a booklet on human rights conditions of female entertainers, a book introducing major cases of sexual harassment cases, and a booklet promoting the Convention on the Elimination of All Forms of Discrimination Against Women.



Section 2. Major Activities

1. Complaints of Discrimination Received

In 2010, the Commission received a total of 2,674 complaints, which included 571 cases (21.3%) regarding employment, 1,459 cases (54.6%) regarding supply or use of goods, and 107 cases (4.0%) regarding use of educational facilities, etc. In the year, employment-related complaints slightly decreased, while complaints regarding supply or use of goods increased, which is due to the fact that approximately 1,000 discrimination cases were filed regarding the use of goods related to providing amenities for persons with disabilities.

[Table 2-4-1] Complaints of Discrimination Received by Category

(Unit: Number of cases, %)

Category			Discrimination in Employment (3,414)												Discrimination in Supply or Use of Goods, etc. (3,519)							Discrimination in Use of Educational Facilities (629)		Others
			Recruitment	Dismissal	Hiring	Wages	Others	Assignment	Promotion	Non-wage Payment	Loan	Retirement	Retirement Age	Education	Goods	Services	Transportation	Commercial Facilities	Land	Residential Facilities	Educational Facilities	Vocational Training Institutions		
Received	2010	2,674	112	43	114	63	126	33	16	8	1	18	32	5	1,145	181	72	39	1	21	96	11	534	
	2009	1,685	90	41	163	44	97	14	12	13	0	23	27	7	201	293	84	61	3	18	116	6	372	
	2008	1,380	55	49	105	66	103	30	15	17	0	12	4	11	148	199	116	63	5	21	97	4	260	
	2007	1,159	98	58	124	51	71	27	20	13	1	12	17	6	110	124	17	22	0	15	96	7	270	
	2006	824	97	26	101	52	34	21	14	8	0	18	13	2	91	50	15	3	0	6	83	4	186	
	2005	1,081	148	45	90	50	86	17	36	12	0	10	3	6	151	87	9	13	5	5	51	5	252	
	2004	389	22	17	51	12	34	18	9	4	0	5	3	0	40	10	2	1	0	1	24	2	134	
	2003	358	54	61	21	26	9	14	11	4	0	6	3	0	29	2	0	1	1	0	14	3	99	
	2002	189	18	10	6	17	5	1	9	6	0	1	0	1	30	3	2	2	0	1	7	3	67	
	Total	9,739	694	350	775	381	565	175	142	85	2	105	102	38	1,945	949	317	205	15	88	584	45	2,174	
(%)	100	7.1	3.6	8.0	3.9	5.8	1.8	1.5	0.9	0.0	1.0	1.0	0.4	20.0	9.7	3.3	2.1	0.2	0.9	6.0	0.5	22.3		

※ Statistics for 2002 include cases received from November 26, 2001 to December 31, 2002.

2. Processing Complaints of Discrimination

In 2010, the Commission received a total of 2,674 complaints against discriminatory acts, an increase by 1.6-fold, compared with 1,685 of the previous year. As of the end of December 2010, 8,666 complaints (89.0%) out of a total of 9,739 complaints the Commission received since its establishment were closed, while 1,069 are under investigation or review.

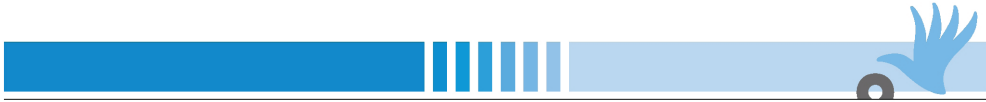
[Table 2-4-2] Complaints on Discrimination by Type of Resolution

(Unit: Number of cases)

Category	Received	Closed	Affirmed					Denied and Others			
			Recommendations	Action of Disciplinary	Recommendation	Accusation	Mutual Settlement	Mediation	Dismissed	Inadmissible	Transferred
2010	2,674	2,108	103	0	3	100	1	626	1,224	23	28
2009	1,685	1,660	78	0	0	85	1	589	880	9	18
2008	1,380	1,143	88	2	0	27	2	240	765	14	5
2007	1,159	1,253	111	1	0	37	3	171	901	22	7
2006	824	899	115	0	0	23	10	183	552	11	5
2005	1,081	837	55	0	0	7	0	121	650	2	2
2004	389	368	21	0	0	4	1	74	263	3	2
2003	358	296	30	0	0	3	0	48	215	0	0
2002	189	102	8	0	0	2	0	18	73	1	0
Total	9,739	8,666	609	3	3	288	18	2,070	5,523	85	67

※ Recommendations: Recommendations on rectification or improvement of regulations, policies and practices, prevention of recurrence, and human rights education

※ Number of closed cases indicates the sum of the number of closed cases among cases received in the pertinent year and the number of closed cases among outstanding cases.



The number of complaints on discriminatory acts received in 2010 increased by 989 from the previous year and the number of closed cases rose by 448 compared with the previous year. As for major resolution types of complaints of discrimination processed in 2010, 103 cases were resolved with the Commission issuing recommendations for institutional improvement, etc.; 100 with mutual settlement between the claimant or the victim and the accused during the process of investigation; 3 with accusation, while 436 complaints, which were subject to dismissal or rejection, were successfully resolved through active efforts by investigators in the course of investigation.

3. Case Studies

1) Sex Discrimination

Discrimination based on gender refers to an act of favorably treating, excluding, differentiating or unfavorably treating a particular person or a group of particular persons without reasonable cause on the grounds of his/her or their gender in all aspects of social activities including employment. Sexual discrimination includes unfair treatment including direct discrimination deliberately committed against a person of a specific gender without reasonable cause. The intention of discrimination here can be explicit or implicit. Indirect discrimination, which occurs when, although neutral standards have been applied, it imposes significant disadvantage on a group of persons with a particular gender and standards are not justified, is also considered as discrimination based on gender.

○ **Restricting Admission of Males to Beauty Art High School Based on Gender**

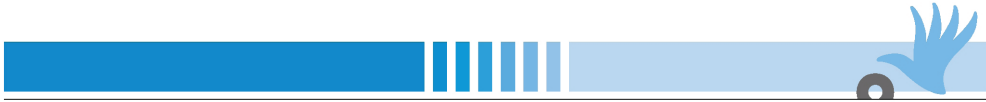
Mr. Yun was a male student who intended to apply for the 2010 admission plan of OO Beauty Art High School. However, when the accused notified the "2010 admission plan," it suddenly changed the admission policy to select only female students, thus Mr. Yun was

not able to apply for the school's admission plan. Thus, the father of Mr. Yun filed a complaint alleging that restricting male students' admission to beauty art high school is an unreasonable discrimination based on gender, thus calling for its rectification.

In response, the accused argued that as there exist other beauty art high schools selecting male students in Seoul, the victim's not being able to be admitted to this school does not fundamentally blocking opportunities for him to receive beauty art technical education.

The Commission deemed that it is difficult to find the value and purpose of specifying the recipients of education to women in the school's establishment philosophy and basic education other than providing "whole education to foster professional beauty personnel," and that, although education curriculum for beauty art department has been skills traditionally designed for women, limiting recipients of education to female students is no more than social preconceptions on gender roles, and that the reality where the ratio of males who already work or wish to work in the beauty industry is steadily rising should be also taken into account. Moreover, difficulty in providing school guidance for male students is an issue that the school should resolve in terms of operational methodology and, despite this obstacle, other beauty art high schools still do not exclude the selection of male students. In this light, the Commission considered that it is difficult to identify reasonable causes for the accused to fundamentally restrict opportunities for male students to be admitted to the school. It also deemed that, even though there are other beauty art high schools selecting male students, disadvantages of being restricted opportunities to choose educational institutions of the victim are not considered trifle, given the characteristics of beauty art high schools whose scope of choice is relatively smaller than general schools.

Accordingly, the Commission recommended to the accused to revise relevant school regulations and admission qualifications not to limit qualification for freshmen to female students.



2) Sexual Harassment

Sexual harassment refers to sexually-suggestive comments or conducts made by employees of public institutions, employers or employees that cause sexually-related humiliation or degradation in business, employment or other relations or sexual conduct initiated by supervisory employers or employees that results in disadvantage by reasons of refusal to respond to such comment and act of a sexual nature or other demand. Sexual harassment is not limited to the workplace, but can happen in diverse social relationships such as between a teacher and a student at school and hierarchy in the military, all of which are considered as sexual harassment according to the National Human Rights Commission Act.

○ Sexual Harassment by the Head of a Welfare Center

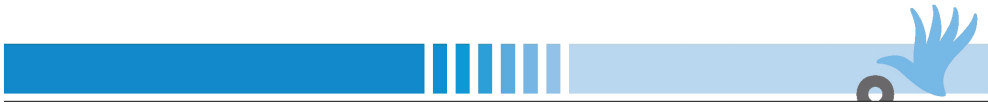
Ms. Jo, an employee at OO Welfare Center filed a complaint alleging that the accused, the head of the Welfare Center of OO City, continuously committed sexual harassment against the complainant and other victims, asking her to become his girlfriend, wrapping his arm around her waist, and poking her side.

Although the accused denied committing sexual harassment against staffs, the complainant visited another complainant, who was on maternity leave, and felt her waist, remarking that he needed to check she lost weight after childbirth. Furthermore, in a karaoke where a company gathering took place he forced the complainant to sit on his wheelchair handrail and touched her waist and buried his face in her back. The Commission deemed that such acts are enough to cause sexual humiliation from the reasonable standpoint of any normal women. Unwanted physical contacts made, regardless of the other party's intention or order to become his girlfriend, could sufficiently result in sexual humiliation from the reasonable standpoint of a normal woman. Moreover, the accused told female staffs "Let's hug, let's hold hands" and kissed their faces and put his hand into their pockets and pulled them toward him. Such acts cannot reasonably be considered comments and conducts generally made by a supervisor and such acts by a

supervisor are deemed to make normal employment difficult and cause sexual humiliation. Moreover, as a head of a welfare center, although the accused has the duty to prevent sexual harassment from occurring among employees at workplaces as a head of a welfare center, he continuously committed sexual harassment on several occasions against his staffs, making some of them quit their jobs, so the Commission decided that he was more accountable. For the accused, the Commission recommended that he complete special education on human rights provided by the Commission and offer damage compensation to some of the victims. It recommended to the head of the supervisory body overseeing the Welfare Center of OO City to come up with measures to prevent sexual harassment by heads of organizations and facilities under its supervision from taking place again and to the Mayor of OO City who commissioned the operation of OO City Welfare Center to conduct strict management and supervision over the organization commissioned to operate the OO City Welfare Center.

3) Discrimination Based on Age

Age discrimination refers to acts of favorably treating, excluding, differentiating or unfavorably treating a particular person or a group of particular persons without a reasonable cause on the grounds of age in all aspects of social activities. With the Enforcement of the Age Discrimination Act in March 2009, age discrimination is prohibited in recruitment and employment. In January 2010, the application scope of the Act was extended to all aspects of employment, including wage and non-wage remuneration payment, benefits, training/education, relocation/transference/promotion, and retirement/dismissal. The Commission conducts investigations into allegations of violations of the Age Discrimination Act and makes recommendations for remedies, which are notified to the Ministry of Labor. For failing to execute recommendations without justifiable reason, the Ministry can issue corrective orders and fines are imposed if the orders are not implemented.



○ Age Restriction on Cleaning Service Personnel

Mr. Min filed a complaint alleging that OO Association, the accused, limited the age of cleaners to 50 or younger when it signed a cleaning service contract with OO Company for which the complainant works and that the OO Company did not pay for his services on the grounds of his exceeding the age restriction and instead imposed a suspended penalty on him. He argued that this was an act of discrimination on the ground of age, and thereby called for its rectification.

In response, the accused claimed that the company had been restricting the age ceiling of cleaners from cleaning service company to 50 for the past two years to boost employee satisfaction, as its employees prefer cleaners who are 50 or under in age. It also argued that, at the time of bidding for the service, the complainant was aware of the age restriction on cleaners and age restriction is prescribed in the contract and specifications, so it could not remove the clause until the completion of cleaning service contract.

The Commission decided that there were no grounds to support the contention that restricting the age of cleaners to 50 or younger boosts employee satisfaction, and that although such a measure of limiting the age to 50 or younger may have enhanced employee satisfaction, the degree of satisfaction among the recipients of the cleaning service does not constitute a reasonable cause to justify discrimination. Also, cleaning is an area of work which, in general, one can perform sufficiently even over 50 and thus the accused's act of imposing limits on the age of cleaners to 50 or under is deemed unreasonable, unless special work conditions that cannot be performed by cleaners of 50 or more are proved.

Accordingly, the Commission recommended to the accused rectification of the practice of limiting age of cleaners to 50 or under and cleaning service payment for three cleaners who were denied payment for their work on the ground of violating the age restriction and return the delay penalty, and the accused accepted the recommendations.

○ Age Discrimination in Recruiting Apartment Security Guards

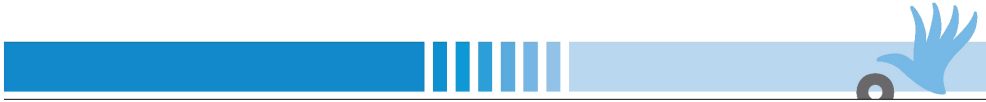
Four people including Mr. Kim are all aged over 71. When they were working as security guards for OO Apartment in Gangbuk-gu, Seoul, the apartment security service business was transferred to OO System which conducted document and interview screening among the existing 88 security guards and disqualified 14 security guards aged 71 or over. The complainants alleged that this constituted discrimination on the ground of age.

The Commission's investigation result showed that OO System, the accused, conducted job interviews on December 17-18, 2009 and disqualified 14 security guards, including the complainants, on December 28, 2009, all of whom were born before 1938. The Commission deemed that, as there were no concrete grounds for disqualifying them other than age, the accused discriminated against workers or those who aspire to become employees on the ground of old age. It recommended to the accused to offer job opportunities for the complainants when it recruits security guards in the future and formulate preventive measures on age discrimination at the time of recruiting employees and the accused accepted the recommendations.

4) Discrimination Based on Disability

Discrimination disability refers to an act of restricting, excluding, differentiating or unfavorably treating a particular person or a group of particular persons without reasonable cause on the ground of their being, having been, or being expected to be disabled in all aspects of social activities, including employment. Acts deemed to be discriminatory are collectively ostracizing persons with disabilities and related persons at schools, facilities, workplace or local communities on the ground of disability, as well as verbal or physical acts insulting or degrading them.

The National Human Rights Commission Act defines "disability" as a "physical, mental and/or social condition that considerably impairs a person's daily or social life activities



over an extended period of time" and the Disability Discrimination Act also upholds the same definition.

○ **Insurance Company's Rejection of Loan Application by a Person with Intellectual Disability**

Mr. Nam (age 51) filed a complaint to the Commission in February 2010 alleging that "A" Life Insurance Company rejected his loan application on the ground of intellectual disability."

In response, "A" Insurance Company argued that it decided to reject the loan application just because there existed a possibility for future disputes if it grants a loan, as communication ability of the victim with Grade 3 of intellectual ability was unclear, not because of the ground of disability.

However, according to the Commission's investigation result, the complainant was engaged in economic activities without any problem, continuing his employment until now. In addition, the insurance company at first informed the victim without the knowledge that he was a person with intellectual disability that he could receive loan of up to KRW 15 million if he uses his home as collateral. However, upon being informed that he is a person with Grade 3 in intellectual disability, the insurance company rejected his loan application, citing the ground that his communication ability is unclear without substantiating his communication ability and there is a potential for future disputes.

In addition, loan screening regulations the insurance company cites as the ground for loan rejection are based on "de facto complete legal capacity to rights and acts," whose criteria and scope is extremely vague. The Commission also considered that when assessing one's ability to communicate, the decision should be made based on individual assessments on various areas, not only including the degree of disability, but also including intelligent quotients, communication ability, social age, and ability in vocational areas.

Based on these grounds, the Commission concluded that the accused's act of rejecting

loan without any verification process, citing communication ability of a person with an intellectual disability and possible future disputes, not only has procedural irregularities, but also constitutes a discriminatory act violating Article 17 of the Disability Discrimination Act, rejecting loan application on the ground of the victim's being a person with an intellectual disability.

○ **Discrimination in Use of Banks by Persons with Visual Impairment**

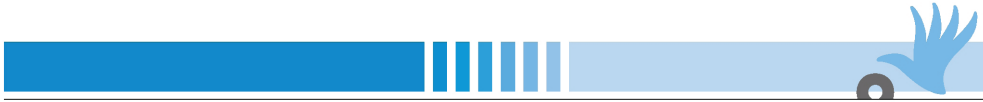
Mr. Gang (age 30) and Ms. Jeon (age 50) filed complaints to the Commission in July 2010 and July 2009, respectively, alleging that "A Bank and B Bank do not issue Braille telebanking security cards to individual customers or corporate clients for persons with visual impairment, hindering free financial transactions."

The accused responded that, although they are issuing Braille telebanking security cards to individual customers with visual impairment, they do not issue Braille security cards for corporate clients, as, in the case of corporate Braille telebanking security cards, their demand is small, yet transaction amounts are very large and there is a danger of accidents such as hacking.

However, the Commission considered that the reasons of not issuing Braille telebanking security cards for persons with visual impairment claimed by the banks do not fall under the categories of cases of imposing excessive burden on banks or significantly difficult conditions, or unavoidable cases in the course of executing particular duties or business. Consequently, the Commission decided that this practice constituted a discriminatory act violating Article 17 of the Disability Discrimination Act without reasonable cause.

○ **Discrimination Restricting the Right to Mobility of Persons with Disabilities**

Mr. Kim (age 29) and Ms. Yang (age 26) filed a complaint to the Commission alleging that, "as there are no mobility convenience facilities such as elevators installed in the underground commercial arcade in front of OO Station, persons with disabilities using



wheelchairs are unable to access or use the underground arcade.

The investigation result by the Commission showed that there were four exits in the underground arcade in front of OO Station and all exits only had stairways, making it virtually impossible for wheelchair-using persons with disabilities to access the underground arcade.

Citizens without disabilities can easily access to the bus stop and shopping district on the opposite side via the underground passage, whereas persons with disabilities using wheelchairs were unable to access the underground passage, thus making it impossible for them to take subways or move to the opposite side via the underground passage.

The Enforcement Rule of the Act on Promotion of Transportation Convenience of the Mobility Disadvantaged stipulates that "underground passages or pedestrian overpasses with no pedestrian crossings installed within 30 meter of their vicinity shall be constructed in a structure convenient for use of the mobility disadvantaged."

However, the underground passage in front of OO Station has not installed mobility convenience facilities for persons with disabilities at four exits despite the fact that it is an accessory to a road and that there are no pedestrian crossings or grade-separated crossing facilities within 200 meter of its vicinity. The Commission considered that this is a violation of discrimination based on disability, which does not provide fair convenience in the mobility of persons with disability and recommended to Mayor of OO City to newly install an elevator in the exit 1 in the underground passage in front of OO Station to relieve difficulties for wheelchair-using persons with disabilities to access and use the underground arcade.

5) Discrimination Based on Country of Origin or Nationality

Discrimination based on country of origin refers to an act of favorably treating, excluding, differentiating or unfavorably treating a particular person or a group of particular persons without reasonable cause on the ground of country of origin in all

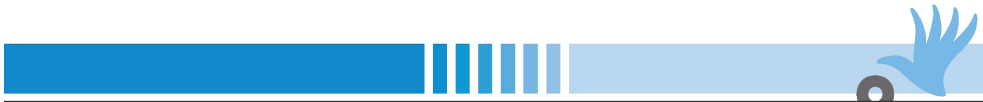
aspects of social activities including employment. The definition of "country of origin" includes not only a person's nationality in the past, i.e. a nationality before one is legally entitled to Korean citizenship, but also current nationality in some cases. For instance, unfavorably treating a person who has legally obtained Korean citizenship through marriage or naturalization is discrimination based on country of origin. It is also deemed as discrimination on the ground of country of origin when a person with foreign nationality is treated unfavorably without reasonable cause in their exercising of certain basic rights against Korean nationals or persons with other nationalities.

○ Restricting Eligibility of Mortgage Credit Insurance Against Migrants

Mr. P who has a New Zealand nationality and has been married to a Korean and residing in Korea for eight years. He attempted to get a loan from OO in May 2010, yet the credit guarantee insurance, the accused, rejected his application for guarantee insurance, saying that migrants are not subject to the coverage of mortgage credit insurance (MCI, hereafter "mortgage insurance") and he was not able to get a mortgage loan. Thus, he filed a complaint alleging that this is discrimination against migrants without reasonable cause.

In response, the accused claimed that mortgage insurance determines those who are eligible for the insurance based on credit rating of the borrower, yet migrants have insufficient basic data necessary for calculating credit ratings, thus making it difficult to conduct objective credit assessment by credit assessment institutions, so they are excluded from borrowers eligible for the mortgage insurance. It also argued that the mortgage insurance has many restraints on its eligibility even for Korean nationals, excluding Korean nationals when it is difficult to conduct credit assessment for them, thus it is not discrimination based on country of origin.

However, the Commission deemed that if it is considered not discriminatory to apply different eligibility standards for the mortgage insurance for Korean nationals and foreign nationals, there should be reasonable causes, including cases where it is impossible to acquire credit information of the pertinent migrant or cases where even if it is possible to



obtain such data, significant difference in the quality and quantity of relevant data exists, thus rendering individual credit rating difficult. However, credit information is a data concerning personal identification information and objective facts arising from financial transaction processes, thus there is no reason for differently treating migrants in that matter and it is institutionally and practically possible to collect, provide and utilize credit information of migrants, so it is possible to deliberate and determine whether the migrant is eligible for the mortgage insurance based on individual credit grades. The Commission concluded that, nevertheless, unilaterally excluding migrants from those eligible for the mortgage insurance is discrimination without reasonable cause and recommended to the insurance company to revise the relevant business regulations ensuring non-exclusion of migrants from eligibility of the mortgage insurance on the ground of foreign nationality and the accused accepted the recommendation and modified relevant business regulations.

6) Discrimination Based on Appearance and Physical Attributes

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

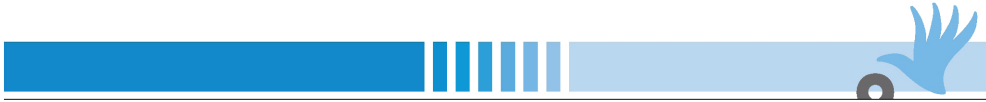
○ **Discrimination in Admission to Pilot Training Institutions Based on Visual Ratings**

Three persons, including Mr. Lee, were candidates to become aircraft pilots. They alleged that according to the current Enforcement Decree of the Aviation Act, vision requirements for issuing class 1 pilot license allowing to fly aircraft are "corrective vision through spectacles is 1.0 or higher and naked vision is 0.1 more higher" or "if naked vision is 0.1 or less, one should submit close optimal examination result." However, admission requirements of aeronautical science and flight operation department or aeronautical science and logistics department require candidates to have naked vision of 0.4-0.5,

separately from corrective vision. They filed a complaint that strictly restricting admission opportunities unfairly with more tightened standards than the laws is discrimination on the ground of physical conditions without reasonable cause.

In response, the accused universities argued that they have to take into account candidates' potential to become future pilots from the stage of selecting university freshmen and that a majority of graduates of the department of aeronautical science and flight operation are recruited by private aerospace companies after serving as military pilots. Vision requirements for military pilot officers are 0.5 or higher in naked vision and in the case of recruitment by private aerospace companies right after their graduation without becoming military pilot officers, if applicants do not have naked vision equivalent to requirements for military pilot officers, there is less possibility of being recruited, thus it is inevitable for them to set admission criteria accordingly. Yet, they stated that they would modify admission requirements, if the military and private aerospace companies ease their vision requirements.

The Commission deemed that there are only two educational institutions running aeronautical science and flight operation departments in the country, who are the two accused universities, and thus admission eligibility set by the accused have an important impact on applicants' opportunities to become pilots in the future. Moreover, there exist opportunities for graduates of flight operation department to be directly recruited by private aerospace companies even if they do not become military pilot officers and the nation's leading aerospace companies do not impose vision requirements other than regulations prescribed in the Enforcement Decree of the Aviation Act and that the potential of becoming a pilot is an issue considered by aspiring individuals, not presupposed by the accused. The Commission decided that, given the circumstances, not granting opportunities to apply for aeronautical science and flight operation department in the first place is unreasonable discrimination and recommended to the accused universities to adjust vision requirements among their admission requirements for applying for the department of aeronautical science and flight operation equivalent either to the Enforcement Decree of



the Aviation Act or criteria of recruiting pilots by private aerospace companies.

○ **Discrimination in Employment Based on Appearance**

Mr. Jeong quit his job due to stress generated from forced weight loss and exercise by his company's vice president who sent e-mails to large-sized employees, stating that "they should resign when they fail to reach their weight loss goals." He filed a complaint alleging that this was discrimination based on physical conditions including appearance, thus he wishes rectification of such practice.

The accused denied the allegation stating that the details of the complaint were untrue. However, based on e-mails sent through the company intranet and submitted by the complainant, the Commission acknowledged the fact that the accused company demanded weight loss for some employees and forced them to submit resignations if they failed to achieve weight-loss goals. It deemed that such act of the accused company is beyond diverse assistance for promoting the health of employees and bears no relevance with measurement of work performance and that providing and the company's recommending various programs aimed at promoting health in terms of health and welfare of employees would be a way of its personnel management, but it is problematic that such measure has reached the point of personal restriction.

Consequently, the Commission recommended to the CEO of the accused company to establish and implement preventive measures and provide compensation for psychological damage to the victim.

7) Discrimination Based on Education Background

Discrimination based on education refers to an act of offering differentiated treatment depending on years of education or graduation or completion of particular educational institutions or applying apparently unbiased standards that inadvertently result in significantly unfavorable results to a person or a group of persons with particular

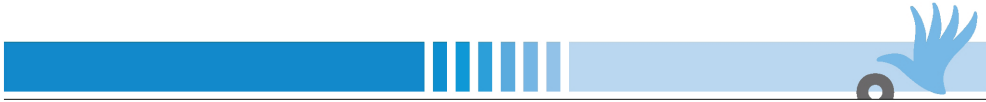
educational backgrounds without reasonable cause. Differences in wages, income level, employment opportunities, or promotion according to principles of capitalistic economy which reward more compensation to those with stronger capabilities may be socially acceptable to some degrees. However, placing excessive or unjustified weight on educational backgrounds to determine a person's overall capabilities can be considered discrimination without reasonable cause.

○ **Rejection of Participation of Youth in a National Traditional Music Contest**

Mr. Kim filed a complaint alleging that his children intended to participate in OO national traditional music contest in 2009, yet the accused, the host of the contest, offered participation eligibility only to enrolled students. As they were not enrolled to any school system, they were not allowed to participate in the contest and this, he alleged, was discrimination based on education.

The accused argued that a participant who partakes in the student category of the contest and receives the first prize will be awarded a prize granted by OOOO Education Superintendent, the highest-ranking education official in the host region and that the contest category was the student category, not youth category, so they restricted contest participation eligibility to enrolled students.

The Commission deemed that the reasons for school-age youth not attending schools vary significantly including economic, social, and educational environmental factors, and that any youth who are in the development phase need diverse cultural activities for balanced growth, regardless of their attendance of schools and that any youth can learn arts and participate in contests and improve their performance through fair competition with other youths and become talents leading the nation's traditional arts. It decided that, nevertheless, the act of refusing the participation of youth in a national traditional music contest only because they do not attend schools cannot be considered reasonable. Accordingly, the Commission recommended that the accused should rectify the practice of



restricting participation by all youth in traditional music contests, but the accused did not accept the recommendation.

○ **Restricting Eligibility for Cadet Candidates Based on Education Background**

Presidents of seven junior colleges, including A College, filed a complaint alleging that "the preliminary officer candidate system introduced by the Minister for Defense in 2009 defined eligibility for preliminary officer candidates at the Korea Army Academy at Yeongcheon (KAAY, formerly known as "Korea Third Military Academy") as freshmen of four-year colleges, restricting entry of junior college students to the KAAY.

In response, the Minister for Justice argued that college students preferred serving as officers, yet join the army early as privates out of concern about the possibility of officer selection and, given the circumstances, the Ministry introduced the preliminary officer candidate system to heighten predictability of forms of military service and secure talented potential officer resources at an early date. He added that with the simultaneous implementation of the ROTC (Reserve Officers' Training Corps), OCS (Officer Candidate School) and the preliminary officer candidate system, the decision on the eligibility of four-year college students was made to enable selection of applicants under the same conditions and that junior college students can apply for regular admission procedures of the KAAY the same as before, so the system did not fully restrict the admission of junior college students to the KAAY.

According to the findings of the Commission, the Ministry of Defense introduced the "preliminary officer candidate system" in 2009 with the purpose of ensuring early securing of talented officer resources and accordingly the KAAY plans to recruit in advance approximately 50% of its 49th cadet recruitment capacity for 2010 as preliminary officer candidates. However, the preliminary officer candidate system sets its eligibility as 'four-year college students,' so junior college students can only apply for the regular admission selecting the remaining 50%, thus significantly reducing their possibility to be

admitted to the KAAY, compared with the past. Meanwhile, the Act on the Establishment of the Korea Third Military Academy defines admission eligibility of the KAAY as 'graduates of junior colleges' (expectant graduates) or those with equivalent or higher academic qualifications.

The Commission considered that the need for predicting forms of military service of college students to be applied equally to junior college students and securing talented officer candidates at an early date could be achieved more effectively by widening the eligibility requirements, rather than narrowing them. In addition, it deemed that, given the fact that the relevant law stipulates academic requirements of eligibility for cadets of the KAAY, there would be no need to differentiate academic qualifications for regular recruitment and prior recruitment or offer favorable treatment to four-year colleges or exclude junior colleges when recruiting preliminary officer candidates.

Accordingly, the Commission decided that excluding junior college students from recruitment candidates for preliminary officer candidates by defining the eligibility of recruitment of preliminary officer candidates as four-year college students in Article 8(2)1 and 8(2)2 of the Enforcement Decree of the Military Personnel Management Act by the Minister for Defense is discrimination based on education background without reasonable cause and recommended for revision of the relevant regulations.

8) Discrimination Based on Medical Record

Discrimination based on medical record refers to an act of favorably treating, excluding, differentiating or unfavorably treating a particular person or a group of particular persons based on medical records without reasonable cause in all aspects of social activities including employment.

○ **Excluding a Person Infected with Hepatitis B from Training Program**

Mr. A was selected as a trainee for a computer word processing program from OO



prison and was receiving training for about two weeks. However, he was excluded from the training due to reason that he was a carrier of hepatitis B. He filed a complaint alleging that this was unreasonable discrimination based on his medical record.

The accused responded by saying that he was informed that the claimant was undergoing separate treatment based on medical opinion of "active hepatitis B" during IT training, and thus excluded him from trainees for the IT training program. He argued that although the possibility of airborne hepatitis B infection is low, correctional facilities have the obligation to pay close attention to infection possibilities against other inmates given the characteristics of such facilities where a multiple number of inmates cohabit in limited space and that they considered it reasonable to provide opportunities of education after the health conditions of the complainant improve, in consideration of possible agitation when the claimant being infected with hepatitis B virus is disclosed to other trainees.

The Commission deemed that the IT training the complainant was receiving was a session utilizing individual computers conducted for two hours a day for about three months. Thus, it is difficult to consider the degree of contact among trainees to be well beyond the level of daily lives. Moreover, from a medical standpoint, it is extremely difficult to get infected with hepatitis B virus via general communal living and that, given the virus' infection route, the possibility of the hepatitis B virus of the complainant to be spread and infect other inmates during training time was considered very low. Moreover, the accused's claim that there was a possibility of agitation if other trainees got to know about the claimant's infection with hepatitis B virus is unconvincing and even if other trainees are concerned about possible infection, this should be addressed through proper understanding of hepatitis B. Accordingly, the Commission decided that excluding the claimant from education on the ground that he was infected with hepatitis B virus corresponds to discrimination based on medical record without reasonable cause and recommended to the accused to take measures to prevent such exclusion from education due to inmates being hepatitis B virus carriers from happening in the future, which the accused accepted.

9) Discrimination Based on Religion

Discrimination based on religion refers to an act of favorably treating, excluding, differentiating or unfavorably treating a particular person or a group of particular persons based on believing or not believing a particular religion without reasonable cause in all aspects of social activities including employment. The definition of "religion" should be understood in a broad sense, not only including existing established religions, but also new religions and no religion. Meanwhile, the definition of believing or not believing a particular religion is established based on the assumption of seriousness of religious or non-religious beliefs to some degree.

○ **Discrimination in Use of Educational Facilities Based on Being a Believer in Certain Religion**

Mr. Lee filed a complaint to the Commission alleging that he dropped out of school in October 2009 while he was in the senior year of English education department of OO University and that when he was in the junior year he joined OO Church of OOOO Mission Society, a sect different from the religious order of the university and he was forced to drop out of school as the university threatened to expel him by holding a student guidance committee meeting, if he did not drop out of school or transfer to another university.

The Commission decided that Article 31(4) of the Constitution prescribes that "the autonomy of institutions of higher learning is guaranteed under the conditions as prescribed by law," indicating that the autonomy of universities is guaranteed only under conditions prescribed by law and the accused is not merely able to call for the freedom of religion and the autonomy of universities without respecting regulations on the right to equality and prohibition of discrimination. In addition, although it is the purpose of a school establishment to cultivate all students to become church leaders regardless of their majors and widely publicizing the university's internal standards on determining which sect is



heresy to students may be guaranteed as freedom of mission, it would have to be permitted only within the scope of not infringing on the essence of students' freedom of religion as long as the university is an institution of higher education. Thus, the Commission concluded that compelling the complainant to drop out of school on the ground that he was a believer of a heresy cult is unreasonable discrimination prescribed by Article 2(4) of the National Human Rights Commission Act and recommended to the accused to revise relevant academic regulations, yet the accused did not accept the recommendation.

○ **Restricting Religions in Recruiting Administrative Staff of Private Universities with Religious Foundations**

Mr. Lee filed a complaint that he attempted to apply for recruitment of administrative staffs by OO University and OO Women's University, yet the accused restricted applicants only to believers of the foundations' religion, discouraging the claimant with no religion from applying for the job and this was alleged to be unreasonable discrimination based on religion.

The accused responded by arguing that it is necessary to recruit those who have same religious faith to realize the establishment purpose of religious foundations and school establishment philosophy and ensure smooth adaptation to organization.

However, the Commission determined that the university's practice of restricting eligibility for its administrative staffs to people with religion does not correspond to restriction reasons required by fundamental attributes of a particular occupation, i.e. bona fide occupational qualification which refers to conditions for performing the duties in a safe and efficient manner or cases objectively acknowledged as being reasonably necessary for the normal performance of the duties of the particular occupation. Meanwhile, it is based on freedom of religion prescribed by Article 20 of the Constitution that the accused establish schools based on particular religious faith and include doctrines of their religions in the school curriculum. However, when this freedom of religion conflicts with the freedom to choose occupation prescribed in Article 15 of the Constitution by applicants who do not

have a particular religion, harmonious solutions should be sought to realize both freedoms if possible. Thus, the Commission deemed that it is undesirable that freedom to choose one's occupation by job applicants is fundamentally violated on the basis of freedom of religion. Furthermore, the universities have the autonomy and independence as private universities and thus it is difficult to consider restricting recruitment of their staffs to people with particular religions as an appropriate exercise of their autonomy. Also, in case the applicants are not believers of particular religions, excluding them from recruitment on the ground that disadvantages in personnel matters are expected does not constitute a reasonable cause in that the accused have the responsibility to ensure that no disadvantages will be imposed in regard to the promotion and relocation of personnel when recruiting applicants with particular religions and to operate the organization in a way that they are not subject to criticism or verbal attacks. Accordingly, the Commission recommended to the accused to rectify the practice of limiting application eligibility as those with particular religions when recruiting administrative staffs.

Section 3. Evaluation

In 2010, the Commission made concerted efforts to enhance the effectiveness of investigations and remedies for discriminatory acts and heighten their social impact. In the year, it received 2,674 complaints on discrimination, an increase by 58.6% or 989 cases from the previous year's 1,685. This sharp increase in complaints on discrimination was mainly attributable to the rapid rise in complaints on discrimination based on disability, yet it appears that it is also related to enhanced sensitivity to discrimination in society in general.

The Commission also distributed press releases for major cases in which it made recommendations to enhance sensitivity to and standards on discrimination in daily lives, thereby seeking discrimination prevention.



In addition to dealing with general complaints, the Commission also endeavored to heighten social interest in discrimination so that those in relevant fields would make concrete efforts to rectify discrimination. As part of this effort, it organized discussion sessions and meetings and held policy consultations with relevant organizations to formulate measures to guarantee the teenage single mothers' right to education and made policy recommendations on these matters, monitored sexual discrimination on broadcasting, released the result of status survey on human rights conditions of female entertainers and published booklets on their human rights conditions, conducted a special investigation into separated recruitment of public officials by gender, and carried out a *suo moto* investigation into age discrimination in social employment service project.

Meanwhile, the Commission strived to boost expertise on investigation into causes of discrimination and discriminatory acts which are increasingly becoming diversified and differentiated and devise criteria for determining discrimination. It published two brochures on prevention of employment discrimination which would be utilized in investigations and in the workplace, while hosting discussion sessions on criteria for determining wage discrimination and produced an investigation manual on the subject. It also organized experts' meetings on differentiated application of retirement age, as well as experts' meetings on criteria for determining sexual harassment and sexual discrimination, while subjecting individual issues to the review of expert committees.

With respect to rectification of discrimination against persons with disabilities, the Commission endeavored to provide concrete standards for offering fair treatment in the areas of culture, arts and sports for persons with disabilities by conducting a status survey on the phased implementation of the Disability Discrimination Act by organizations. It also conducted a status survey on the implementation of the Convention on the Rights of Persons with Disabilities in the country to examine the overall conditions of the implementation of the Convention and present the direction of policy improvement. It actively reflected the findings in its Opinion on the National Report on the Convention of the Rights of Persons with Disabilities. It also carried out a "Status Survey on Promoting

Adaptation of Persons with Mental Disabilities to Local Community" to conduct a research on basic livelihood guarantee and residential rights necessary for persons with mental disabilities to adapt to local communities, which served as a catalyst for researches on ways to ensure economic, social and cultural rights of persons with mental disabilities. Concerning policy recommendations, the Commission expressed opinions on six cases, including political rights of persons with disabilities, a project to support personal assistants for persons with disabilities, the National Report on the Convention of the Rights of Persons with Disabilities and overall amendment of the Mental Health Act, making ceaseless and proactive efforts to promote human rights of persons with disabilities.

In addition, the Commission launched a wide variety of projects to promote human rights of persons with disabilities and resolution of discrimination against them in Korean society. They included hosting a discussion session marking the second anniversary of the enforcement of the Disability Discrimination Act, an international symposium on effective implementation of the Convention on the Rights of Persons with Disabilities, discussion sessions on promotion of adaptation of persons with mental disabilities to local communities, as well as monitoring the implementation of the Disability Discrimination Act, implementing MOUs with the National Information Society Agency and Korea University School of Law, conducting research on justified convenience, and publishing Guidelines on the Implementation of the Disability Discrimination Act (welfare facilities).

However, the Commission experienced difficulties in providing prompt relief of rights due to the protracted period of processing complaints due to the sharp rise in complaints despite the scaling-down of its organization and personnel in 2009. It was also faced with limitations in responding to various social issues in a swift and proactive manner. However, the Commission is committed to overcoming and improving these problems in the future.



Chapter 5

Human Rights Education

Section 1. Overview

Human rights education plays a pivotal role in promoting and protecting human rights. In order to call for and recommend states' obligation for human rights education to ensure universal human rights, the United Nations General Assembly adopted and proclaimed the United Nations' Decade for Human Rights Education (1995-2004) in 1994. Furthermore, the international community is increasingly expressing voices that human rights education is making very important contributions to the protection of human rights and is drawing up a draft plan for the second phase of the World Program for Human Rights Education in accordance with the resolution of the Human Rights Council.

Human rights education is at the same time action-oriented education with the purpose of ensuring such human rights and preventing violations of human rights. Therefore, the right to human rights education itself is one of the human rights.¹⁾ The need for human rights education is being raised more frequently in major social agenda raised in our daily lives, which urges us to pay more attention to complex social, political and cultural effects of human rights education. The core characteristic permeating these demands is that human rights acts as a minimum universal standard, serving as criteria for reasonably adapting to the diverse changes in society.²⁾

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- 1) United Nations, Quote from 'Human Rights: The New Promise' "Learning about human rights itself is a right. Imposed ignorance is a human rights violation. Education is a cornerstone of human rights and freedom."
 - 2) A Study on the Five-Year Basic Plan on the Development of Human Rights Education, a report commissioned by the National Human Rights Commission of Korea, Sungkonghoe University, Human Rights and Peace Center, p.6

Until now, the Commission not only has provided relief and recommendations on institutional and policy improvement, but also has developed and operated human rights education programs for schools, civil servants and civic groups with the goals of invigorating human rights education and raising awareness of human rights to prevent human rights violations and discrimination. It also strived to develop programs and contents to support these efforts and enhance collaboration with relevant agencies and organizations and create a social and cultural foundation to institutionalize the implementation of human rights education. As a result, interest of people from all walks of life in human rights has been continuously on the rise. The demand for human rights education has been steadily increasing as indicated by the amendments to the Disability Discrimination Act and the Mental Health Act and the enactment of ordinances on human rights by local governments.

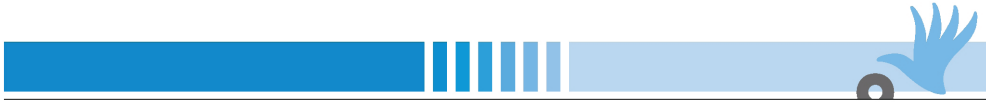
Despite its reduced human resources, the Commission focused on revamping and stabilizing the operation system of the Human Rights Education Center which it had sought to establish over the past few years. Amid the overall trend of developing the World Program for Human Rights in the international community, the Commission did its utmost to institutionalize various human rights education programs, create a social and cultural environment for implementing human rights, while developing and distributing human rights-related educational and cultural contents on an ongoing basis.

Section 2. Major Activities

1. Human Rights Education Center

1) Operational Framework for the Human Rights Education Center

In 2009, the Commission established the Human Rights Education Center at the



Construction Management Training Institute located in Chungju city to invigorate and specialize in human rights education by ensuring stable operation of training curriculums as well as the standardization and systematization of program operation. It expanded human rights education courses in different fields and the number of participants in education programs, establishing the foundation for stabilizing human rights education.

In 2010, the Commission formulated a basic plan on annual training courses and secured stable demands for education and training and training by recruiting participants in education programs and making consultations on its operation with relevant organizations. Furthermore, it drew up and implemented "Guidelines for the Human Rights Education Center" to ensure effective education and training-related activities offered at the Human Rights Education Center and provided standardized human rights education service, further consolidating stable and vigorous operation of the Center. It also formed a team of human rights education instructors to cope with the rapidly increasing demand for human rights education in diverse fields and adjusted roles of the headquarters and regional human rights offices in terms of human rights education, thereby establishing a human rights education support system.

The Human Rights Education Center made multi-faceted efforts to make qualitative improvement of the content of human rights education and disseminate it by operating diverse experience-based programs such as on-site visits and utilization of human rights culture contents when offering human rights education, rather than simply conveying knowledge, and offering an "on-site lectures on human rights" program and designating a day of human rights education in the field of mental health.

In addition, it opened a course to promote human rights awareness among public officials as a regular course for the first time this year and operated a training course on human rights leadership for local council members for the first time in the country, thereby contributing to heightened recognition of the work of the Commission.

[Table 2-5-1] Human Rights Education Conducted in 2010

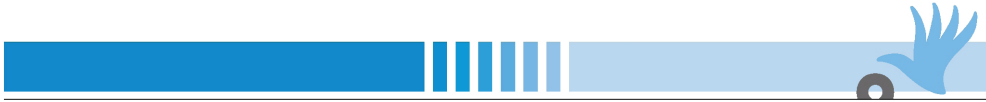
	On-line Education	Off-line Education		Total
		Visit Program	Lectures, etc.	
Number of Sessions	65	88	287	440
Number of Participants	10,538	1,726	22,451	34,715

2) Human Rights Education Courses

In order to meet the rapidly growing demand for human rights education and expand human rights education, the Commission provided human rights education in 2010 for 22,451 persons in 287 sessions, including various school-related training courses, human rights instructor courses (basic and advanced class) in the fields of children, the elderly, persons with disabilities, mental health and multicultural society, courses to boost sensitivity to human rights for government officials, local council members, journalists, the elderly, persons with disabilities, the homeless and those who work for social welfare facilities. In particular, the Human Rights Education Center opened and operated a human rights sensitivity course and human rights leadership course for counselors, government officials and local council members for the first time, and designated the "day of human rights education in the field of mental health" following the amendment to the Mental Health Act which obligates those who work for mental health facilities to receive human rights education.

[Table 2-5-2] Human Rights Education Courses Conducted in 2010

	Instructor Course	Human Rights Sensitivity Enhancement Course	Workshops, etc.	Total
Number of Sessions	8	263	16	287
Number of Participants	202	21,525	724	22,451



3) Youth Model Human Rights Council

In 2010, the Commission launched the "youth human rights leader course" and held as its first course the Model UN Human Rights Council for the Youth. Participants imitate the meeting procedures of the UN Human Rights Council by examining human rights conditions and standards on the given agenda, producing a resolution through debates and discussions in working group meetings and adopting a resolution.

Under the slogan of "Youth Discuss Human Rights on Their Own," the inaugural youth model Human Rights Council was jointly hosted by the Commission and the Korea University on 26-28 January 2010 in the Korea University.

Through this course, participating youth can be directly involved in a series of process, investigating agenda they intend to partake, produce and submit an agenda statement report in a preliminary round, attend working group meetings, produce resolutions and vote for the resolutions at the plenary meeting, thereby experiencing the mechanism of the UN Human Rights Council.

2. Institutionalizing Human Rights Education

The Declaration on Human Rights Education and Training and the Plan of Action for the World Programme for Human Rights Education (2010-2014), which are being implemented by the UN Human Rights Council impose on states the obligation to formulate diverse policy measures to ensure the rights of citizens to human rights education. However, there are as yet insufficient laws on human rights education in place in the country, which tends to delay the nation-wide and systematic delivery of human rights education. In this light, it is imperative to enact the legislation of human rights education to promote and strengthen human rights education.

In 2010, the Commission strived to raise public support for the enactment of Human Rights Education Bill and sought cooperation of the National Assembly in this matter. As a result, in the 291st extraordinary session of the National Assembly held in June

2010 efforts were made to push forward with the enactment of Human Rights Education Bill. A question and answer session was held among lawmakers and budget estimates. A clause-by-clause discussion was carried out to draft a legislative proposal on the proposed bill.

As human rights education is made possible through ongoing cooperation with various related agencies and organizations, the Commission further consolidated its collaborative network in 2010 on human rights by jointly hosting meetings and events with specialized organizations in pertinent areas. These efforts included an expert committee on human rights education, the Council of Human Rights Education at School, Council of Human Rights Education in Military, Human Rights Education Forum, Journalists Association Korea, and the Korea Association of Community Child Centers. By doing so, the Commission gave further substance to human rights education and enhanced its specialization, while building a solid foundation for promoting human rights education.

Meanwhile, in an effort to promote human rights closely intertwined with the daily lives of the residents of the nation's capital city, the Commission signed an MOU with the Seoul Metropolitan Council, a body representing local citizens, and offered simulated "wheelchair" human rights training to the local council members for the first time in Korean history to spread awareness of the need for human rights ordinances, thereby paving the way for the localization of human rights training. Departing from education and cooperation of the past, which had been heavily inclined toward local governments, the Commission formed multilateral relationships with major focal points of the local community, including local councils, thereby creating a new model for building a local community respecting human rights.

In order to boost international cooperation, the Commission played a central role in efforts to have Korea's experience in human rights education included in the draft of the Declaration on Human Rights Education and Training by the UN Human Rights Council, while hosting related discussion sessions to publicize the issue in the country. It has also



made concerted efforts for the enactment of human rights education to establish a domestic implementation system for the second phase of the World Programmes for Human Rights Education, playing a leading role in human rights education on the global stage.

3. Promoting Human Rights Awareness at Schools

1) Textbook Project

As part of a project to build a culture of respect for human rights in schools, the Commission has been campaigning for a "Pro-Human Rights Textbook Project" in keeping with the phased textbook revision period (2009-2011) under the newly revised national curriculum.

In its second year of the project, the Commission amended "Identifying Human Rights in Textbooks: Teacher-Student Textbook Monitoring Group" launched in 2009 into the 2nd "Teacher-Student Textbook Monitoring Committee."



Second Textbook Monitoring Student Committee
Workshop and Launching Ceremony (May15.)

The teacher committee further upgraded the professionalism of monitoring, while the student committee reinforced human rights education activities related to youth human rights leadership courses.

The textbook monitoring activities led by the teacher and student textbook monitoring committees identified 88 pro-human rights cases and 206 anti-human rights cases in the existing or revised elementary, middle and high school textbooks. It was discovered that there was a decrease in the number of cases of prejudice or discrimination in textbooks while pro-human rights cases

were gradually on the rise, compared with the previous year.

The pro- or anti-human rights cases identified as such were reviewed at a meeting and presented at a workshop on the establishment of pro-human rights guidelines of textbook publication held on October 22. It was recommended to the Minister for Education, Science and Technology that textbook seriously failing to meet human rights standards should be modified or improved.

2) Pilot Project of Human Rights Education Schools

In order to prevent human rights problems arising from the rapid increase of North Korean defectors in recent years, the Commission designated in 2010 Hangeore High School, which offers middle and high school education for North Korean defector children and teenagers, as a pilot project on human rights education school and provided assistance for the school.

Meanwhile, the Commission reviewed outcomes and problems of operating the pilot project on human rights education school project over the past six years and provided human rights education materials not only on human rights education, but also on the prevention of school violence and pilot schools on student guidance. Based on education materials to implement human rights education which have been accumulated in the course of operating pilot project on schools, the Commission developed and distributed human rights education materials that are easily applicable at schools.

3) Human Rights Education at Universities

The Commission had as of 2010 signed MOUs with 10 human rights education research universities since 2006. In 2010, it pursued a wide range of collaborative projects to disseminate human rights education and promote human rights awareness at universities. The Commission conducted a research project on "students' human rights evaluation indicators" in collaboration with Gyeongsang National University to boost human rights research capabilities of these human rights education research universities.



The research is aimed at analyzing systems and indicators of school evaluations implemented among Offices of Education, elementary, middle and high schools and developing school human rights indicators to be reflected in the school evaluations. The research team produced a report by conducting surveys at schools and received feedback from educators, school commissioners in charge of school evaluation, human rights activists and professors at interim and final reporting sessions to heighten the report's degree of perfection.

In October 2010, the Commission hosted a human rights conference jointly with Gyeongsang National University on the theme of human rights-based social policy. At the conference, experts from different fields of the nation's social policies (globalization, right to housing, right to work, Korean social policies, children, and the elderly) delivered diverse research presentations on the nation's social policy from the perspective of human rights. In November 2010, it also hosted an international human rights symposium on anti-discrimination movements in Asia and human rights laws jointly with Chonnam National University. At the symposium, experts from India, Japan and Korea shared exemplary case studies on anti-discrimination movements and the enactment of anti-discrimination legislation and had intensive discussions on anti-discrimination laws whose legislative efforts are under way in the country.

4. Educational and Cultural Contents on Human Rights

1) Human Rights Films

The Commission has distributed cultural contents on human rights developed from a cultural approach for educational and promotional purposes in order to raise awareness of human rights, facilitate human rights education, and diversify educational contents by supplying them at the request of different sectors or under special supply schemes. With the objective of enhancing sensitivity to human rights efficiently and naturally through

cultural approaches, the Commission adopted general distribution channels, including the Internet and general bookstores that could continuously expose the general public to cultural contents on human rights.

In 2010, the Commission continued with its eighth human rights film project "If You Were Me 5," in which five short omnibus films were produced and incorporated into a long film.

"If You Were Me 5" was invited for screening in the category of "Korean Cinema Today: Vision" at the 15th Pusan International Film Festival, receiving favorable reviews. It was also invited to the 10th Seoul Independent Film Festival screened for independent film lovers. It is scheduled for public release in the first half of 2011.

2) Cultural Contents on Human Rights

The Commission developed cultural contents on human rights from a cultural perspective for educational promotional purposes in a bid to raise awareness of human rights, facilitate human rights education and diversity educational contents. It distributed cultural contents on human rights at the request of different sectors of society as follows:

[Table 2-5-3] Distribution of Cultural Contents on Human Rights

	Education Sector	Public Sector	Civil Sector	Total
DVD	2,071(48.5%)	1,779(41.0%)	478(11.0%)	4,328(100.0%)
Cartoons/Posters	287(29.8%)	596(62.2%)	80(8.0%)	963(100.0%)
Teaching Plans	540(68.4%)	159(20.1%)	91(11.5%)	790(100.0%)
Total				6,081



3) Contests for Human Rights Essays, UCCs, Videos and Digital Images

The Commission has organized various contests on diverse human rights issues in our daily lives to facilitate researches on the promotion and protection of human rights, expand the parameters of human rights studies and consolidate the knowledge base on human rights in Korea. However, contests had been organized separately by different departments and offices, revealing such problems as overlapped items and regional limitations. In order to address these problems, in 2010, the Commission established an integrated system by designating departments dedicated to respective contest categories (Human Rights Education Department: human rights research, Daegu Office: images; Gwangju Office: video works, Busan Office: UCCs) and allowing the Human Rights Education Division to oversee the entire project, thereby boosting overall unity and efficiency.

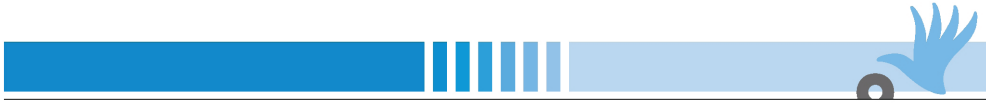
4) Top-10 Human Rights News Reports

Important aspects of human rights education for journalists in promoting and protecting human rights include the role of the media required by the international community, human rights protection in the execution of their duties, and the role of the media as an agenda-setter on human rights. In 2010, the Commission also continued its effort to publicize pro-human rights news articles and broadcasts by selecting "Top-10 Human Rights News Reports." The project is part of direct human rights education for journalists, aimed at exploring and publicizing pro-human rights news reports and broadcasts, encouraging journalists to take voluntary and sustained interest in human rights to produce news reports and broadcasts raising human rights awareness through the media.

Section 3. Evaluation

In 2010, the Commission set stable operation of the Human Rights Education Center and systematic training of human rights instructors as key performance objectives and concentrated on stabilizing the operation of the Human Rights Education Center. It established a basic plan on annual training course operation to recruit participants in education and training courses and drew up operational guidelines for the operation of the Human Rights Education Center through prior consultations on its operation with relevant organizations, seeking to provide systematic human rights service. Moreover, in preparation for rapidly growing demands for human rights education, the Commission offered courses to cultivate human rights education instructors mainly in the fields of children, youth, cultural diversity, mental health and persons with disabilities, the areas with short supply of instructors of human rights education. It also developed and operated a course to improve sensitivity to human rights for policy makers, including government officials and local council members as well as for counselors for the "Wee Project." Besides, it systematically operated online human rights education and mobile human rights education programs.

There remains insufficient understanding of the fact that human rights education is a basic education intended to help all citizens understand their own human rights despite such efforts to develop and operate human rights education courses and programs in diverse areas both online and offline, to develop and distribute human rights-related educational and cultural contents, and to raise public awareness of the necessity for human rights education. In addition, there still exists misunderstanding on human rights education - that it is a disciplinary education which the accused committing a human rights violation and discriminatory acts should receive - as well as promoting negative perceptions on human rights education. Moreover, confusion arising from failure to discern the difference between "human rights" and "rights and interests" and the difference between "human rights education" and "character education" still persists.



The Commission marks the 10th anniversary of its establishment in 2011. It is a time to look back on achievements of human rights education over the past decade and keep in mind the importance of human rights in promoting and protecting human rights, which is the purpose for the establishment of the Commission. It is also a time when promotional activities on the need for human rights education and more concrete information on guidelines for human rights education methodology are called for, more than ever. To this end, measures should be taken to integrate human rights education programs, educational materials and contents that have been developed so far, and make them more accessible to the public in a simpler and more convenient manner. Furthermore, in order to establish a better infrastructure for dissemination of a culture respecting human rights, more concerted efforts are required to elevate the current Human Rights Education Center to a Human Rights Education Institute in the future to achieve qualitative and quantitative development in the Commission's functions of human rights education, information and research, and development for human rights education.



Chapter 6

Cooperation with Human Rights Organizations and Public Relations Issues

Section 1. Overview

Despite challenging circumstances that included various debates over its status and roles, the Commission vigorously pursued exchanges and cooperation with human rights organizations, both at home and abroad, in 2010. It collected opinions through policy consultations with human rights groups in developing its task plans, while seeking sustained cooperation with the groups by interacting with and assisting them with their requests. As part of the partnership project with human rights organizations, the Commission selected 15 human rights organizations out of 89 project proposals to support them with a total of KRW 130 million to raise human rights awareness and spread culture respecting human rights nationwide.

In 2010, the Commission also had vigorous and substantiated pursuit of exchanges and cooperation with international human rights organizations and national human rights institutions (NHRIs) of other countries. It attended the ICC and APF meetings where it presented its activities for the past year. It also participated in the 10th International Conference of NHRIs held in October 2010 in Scotland and made a presentation on business and human rights as a representative of the Asia-Pacific region, while participating in drafting the Edinburgh Declaration adopted in the International Conference.

The Commission also earnestly pursued various public relations activities to advance human rights awareness. It issued a total of 179 press releases to the media regarding its major policies, recommendations and activities. Working closely with the media, the Commission sought to make major human rights issues a part of social discourse through feature articles on overall human rights issues, including age discrimination and the

improvement of human rights of youth and the elderly. In addition, it promoted its policies and key human rights issues through diverse channels and methods, including its blog titled "Byeolbyeol Iyagi ("Human Rights Stories You Need to Know)," LED display advertising in major cities nationwide, Internet portals and sponsorship of broadcasting programs. "Human Rights Letter," an online newsletter published bi-weekly is a medium that features news on projects and activities of the Commission to be delivered to 38,000 influential opinion leaders in the country. The Commission also published nine editions of English newsletters to share human rights issues in Korea and its activities with the international community.

In 2010, the Commission published six editions of its bi-monthly magazine "Human Rights" first launched in August 2003. The magazine is a specialized publication dedicated to human rights issues and focuses on assisting the public, the socially vulnerable and minorities to recognize and utilize their rights and remedies and to empower themselves by covering a wide range of human rights issues. Moreover, the Commission made concerted efforts to ensure the access of persons with disabilities by including voice-eye barcodes in all contents of the magazine for persons with visual impairment and publishing books with Braille and silent letters.

Section 2. Major Activities

1. Cooperation with Human Rights Organizations at the National Level

In order to formulate its annual work plan for 2010, the Commission hosted policy consultation meetings with human rights organizations on January 8 in Seoul, on January 12 in Gwangju, on January 13 in Busan and Daegu. At the meetings, the Commission collected opinions and suggestions on its work plan, sought cooperation measures on its activities



with human rights organizations and shared opinions and suggestions on various policies. The policy consultation meetings contributed to bolstering partnership and consolidating the foundation for ongoing cooperation.

In 2010, the Commission continued its partnership projects with human rights organizations concerning projects that were difficult for the Commission



Policy Consultation Meeting with Human Rights Organizations (Jan. 8)

to carry out without support, or where it is more efficient when conducted with government subsidies to individuals and groups that advocate and promote human rights. Through the partnership project launched in 2003, the Commission improved the public's awareness of human rights and spread a pro-human rights culture across society. Despite such outcomes, the Commission experienced difficulties in implementing the partnership projects due to the reduced budget, yet it successfully completed the project despite the challenging conditions. In particular, it selected six exemplary projects which can be useful in exploring policy tasks and education and PR-related activities and referred them to human rights organizations that will bid for future partnership project programs.

2. Cooperation with International Human Rights Organizations

1) ICC and APF

○ ICC : International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights

The ICC is a representative body of national human rights institutions founded to establish and enhance national human rights institutions that are in compliance with the

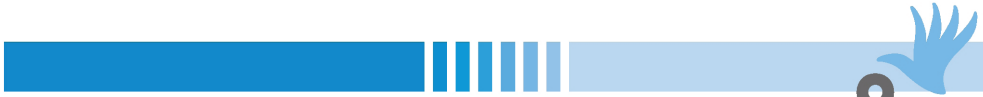
Principle relating to the Status of National Institutions (the Paris Principles). The Commission served as its Vice Chair from 2007 to 2009 and attends the ICC Annual Meeting every year to present its opinions on diverse human rights agenda, playing a leading role. The Commission attended the International Conference of National Human Rights Institutions (NHRIs) held on the theme of business and human rights in Scotland in October 2010 and delivered a presentation as a representative of Asia and also served as a member of the drafting committee of the Edinburgh Declaration, a declaration adopted by the International Conference.

The Commission has also met diverse expectations of the international community by submitting its statements and comments on international human rights issues and reporting its activities on specific topics through a year-round communication channel with the Office of the High Commissioner for Human Rights (OHCHR) and the ICC Representative in Geneva. The Commission has been serving as Representative of the Asia-Pacific in the ICC Sub-Committee on Accreditation since 2007 and will continue its service until 2012.

○ The Asia-Pacific Forum of National Human Rights Institutions (APF)

The APF was established in 1996 on the basis of memberships of national human rights institutions (NHRIs) in the Asia-Pacific region with a mission to promote and protect human rights through exchanges and cooperation among NHRIs in the region. The APF Secretariat, based in Australia, supports its members' activities to promote human rights at the national, regional and international level. Every year, full-members of the APF convene to make decisions on its operation and discuss regional issues at its annual meeting.

The Commission attended the 15th APF Annual Meeting held in Bali, Indonesia in August 2010. The annual meeting was attended by 94 delegates with the ICC Chair and delegates from the OHCHR attending as observers. At the Forum Council Meeting,



APF Annual Meeting (Aug.2010)

members postponed the application of the ICC Sub-Committee on Accreditation procedures in reviewing APF membership, reported annual activities of the APF Secretariat, adopted its financial report, and reported annual activities of the APF. The APF General Meeting held on the second day of the annual meeting

included annual activity reports by full members and discussions on 2011-2015 APF strategic plans. It was followed by panel discussions on the themes of "sexual orientation and sexual identity," "review of general guidelines of the ICC Sub-Committee on Accreditation" and "Amicus Curiae ("friend of the court") Role of NHRIs."

At the APF Annual Meeting the Commission exerted its leadership and policy-making capabilities, delivering appropriate opinions at the Forum Council Meeting and delivering a presentation on the role of "Amicus Curiae," a topic of the APF Working Group on migration, receiving positive support from other NHRIs and the international community.

In addition to the APF Annual Meeting, the Commission also attended workshops on human rights hosted by the APF to share information on human rights with other members. The Commission supports the APF with an annual contribution of KRW 100 million which is used for APF's projects, including education/training, cooperation, capacity-building and support for the establishment of national human rights institutions.

2) Cooperation and Exchanges among National Human Rights Institutions

○ Training for Human Rights Officers of NHRIs from the Asia-Pacific Region

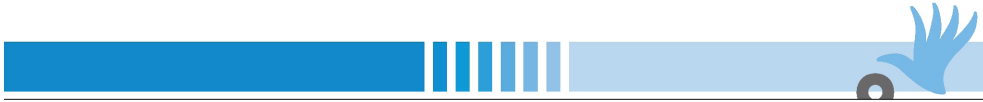
The 2010 Annual Partnership Program for Human Rights Officers of NHRIs was centered on the theme of "Human Rights of Women and the Role of NHRIs." It invited

one official (middle manager or working-level) from each of the NHRIs from Mongolia, the Philippines, Nepal, Indonesia, Jordan, and New Zealand and an officer in charge of human rights of women from the National Commission on Violence Against Women in Indonesia. During the partnership program, the Commission showcased its activities to promote and protect human rights. Participants delivered presentations on respective NHRIs' major projects and case studies on improvement of women's human rights, and discussed common human rights issues in the Asia-Pacific region. The program, which was held for five days from September 27, 2010, featured lectures by experts on human rights of women, including a former member of the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW). An international workshop on "Human Rights of Women and Development", hosted by the Korea Women's Development Institute, provided opportunities for participants to widen their understanding and knowledge of women's human rights and to build a network with well-known experts on the human rights of women.

○ **Cooperation and Exchanges with Individual National Human Rights Institutions**

Exchanges with individual NHRIs are mainly conducted through international NHRIs networks, including the ICC Annual Meeting, the APF Annual Meeting, and a variety of workshops in the form of officer exchanges, technical assistance, and on-site training.

In an effort to help its officers to build capabilities dealing with international matters, develop international expertise and study advanced policies and systems, the Commission designated teams in 2010 to complete a specific training assignment: "A Study of Systems to Promote and Protect Children's Rights and Cooperation Mechanism (Ireland, Northern Island); The Right to Health of Inmates of Detention Facilities in Europe (Belgium, Denmark)"; and "A Study of the Remedial Mechanism of Human Rights Institutions in Africa (Kenya and South Africa)". Each team visited responsible organizations of the respective country, including national human rights institutions, conducted researches and



built networks with local officers. In December 2010, the participants held a meeting to report and share the results of study visits.

3) Cooperation with UN Bodies and Other Human Rights Institutions

○ Cooperation with UN Bodies

With their roles increasingly expanded and in demand in the international human rights community, national human rights institutions were granted the right to speak and represent themselves independently from governments and NGOs at the UN Human Rights Council, in accordance with a resolution of the UN Commission on Human Rights in 2006. They supported United Nations' effort to promote human rights, steadily consolidating their status within the international human rights mechanisms. Currently, national human rights institutions accredited with "A-Status" by the ICC, including the Commission, are granted full access to all official agendas of the UN Human Rights Council by delivering presentations or submitting written statements. They are also invited to attend working-level meetings on UPR (the Universal Periodic Review) review, submit independent reviews, and make oral statements at the time of adoption of UPR recommendations. Due to logistical limitations that make it unfeasible for 70 A-status national human rights institutions to attend every session of the UN Human Rights Council meeting, the ICC Representative in Geneva (Katharina Rose) attends the meetings on their behalf.

In particular, the year 2010 was an important year when the work and functioning of the UN Human Rights Council were reviewed in accordance with its founding resolution. The Commission participated in the review meeting and delivered oral statement on the UPR and the Special Procedures.

The Commission also attended the 54th Session of the UN Commission on the Status of Women (CSW) in March 2010 and joined the active efforts of the ICC to expand national human rights institutions' involvement in the UN Commission on the Status of Women such as securing their right to speak and represent themselves independently.

○ Human Rights Policy Development Program (ODA)

The Commission conducted the "Human Rights Policy Development Program" for 21 days from July 4 to July 24 2010 for 20 government officials (junior management level or higher) from ministries related to human rights or establishment of



Human Rights Policy Development Program

national human rights institutions from Laos, Vietnam, Cambodia and Kazakhstan as part of the Training Program for ODA Recipient Countries offered by the Korea International Cooperation Agency (KOICA).

This program was largely prompted by the request from the UN Office of High Commissioner for Human Rights (UNOHCHR) which asked the Commission to provide technical assistance for the establishment of national human rights institutions in Asia as an exemplary national human rights institution in the region. Participants of the program discussed and shared on the general theory of national human rights institutions and case studies, international human rights system, human rights education and investigation into and remedies for human rights violations, mainly focusing on the Commission's experience in its establishment and operation.

4) ASEM Seminar on Human Rights and the NHRCK's Visit to Inter-American Court of Human Rights

Through close collaboration with the Ministry of Foreign Affairs and Trade and systematic preparations, the Commission was granted approval by the ASEM Summit to host the 2012 Informal ASEM Seminar on Human Rights. To this end, it participated in



the Steering Committee Meeting of ASEM Seminar on Human Rights held in the Philippines in July 2010 and expressed its intention to host the seminar and discussed the time and theme.

Meanwhile, upon the proposal of cooperation from the Inter-American Court of Human Rights, the Commission visited the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights and the Inter-American Human Rights Research Institute and discussed exchanges and information sharing and agreed to discuss future cooperation measures.

3. Public Relations Activities to Raise Human Rights Awareness

1) Promotional Activities via the Media

In 2010, the Commission issued 179 press releases and distributed them to the media and posted them on its website. Through the press releases, it publicized its major projects and outcomes to the public and at the same time contributed to setting social agendas on human rights issues. The press releases were mainly about the Commission's major policies and activities as well as its investigations into human rights violations and discrimination and recommendations to rectify them. In addition, the Commission also held a total of seven media briefings and meetings which contributed to delivering more accurate information to the public, while raising various human rights issues, including its major human rights policies and initiatives, as important social agendas. This approach was extended to the Commission's handling of media requests and support. It focused on boosting the efficiency of its public relations effort by conducting 215 interviews and promoting media coverage.

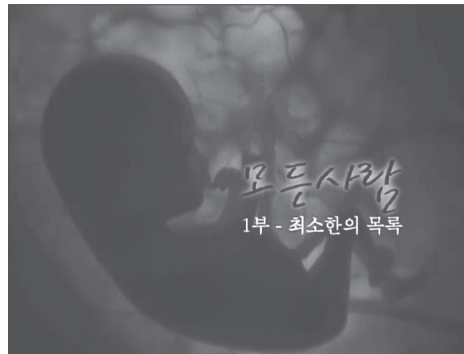
2) Promotional Activities through Diverse PR Channels

The Commission publicized its major policies and outcomes by expanding its exposure

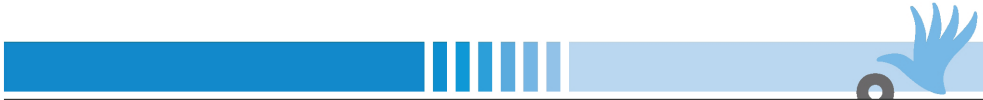
to the public through diverse media channels and PR methods. This enhanced the public's understanding of human rights issues and contributed to raising public awareness of human rights. It reinforced its strategic PR activities by diversifying PR channels, including broadcasting, blogs, newsletters, electric sign boards, the Internet and newsletters of public organizations.

The Commission sends its on-line newsletter "Human Rights Letter" every other week to 38,000 opinion leaders to inform them of its major policy recommendations and diverse activities. It also focused on promoting its activities via its blog titled "Byeolbyeol Iyagi ("Human Rights Stories You Need to Know"), which features easy and interesting stories from a human rights perspective.

It also actively promoted its activities through advertisements on electric billboards installed in major cities nationwide. It posted public service advertising themed on a marathon event organized by a civic human rights group on the newsletters of public organizations. The Commission also carried out its PR activities to enhance the public awareness of human rights by sponsoring a TV broadcasting program. This was made possible by sponsoring the EBS "Knowledge Channel e," which is also widely utilized as an educational material on human rights in schools. Marking the 9th anniversary of the Commission's foundation (Nov. 25) and the 62nd anniversary of the Universal Declaration of Human Rights (Dec. 10), two episodes on the theme of "All People" were broadcasted (Part 1: The



"EBS Knowledge Channel e" Part I and Part II



Minimum List- Universal Declaration of Human Rights, Part 2: Discovery of Discrimination), contributing to furthering an understanding of the Universal Declaration of Human Rights and discrimination and boosting the public awareness of human rights. Accordingly, intensive PR campaigns were carried out utilizing electronic billboards, sponsorship of broadcasting programs, as well as Internet portal and the Commission's websites. On the occasion of the 62nd anniversary of the Universal Declaration of Human Rights, it posted public advertising on the Declaration on the initial screen of Naver, an Internal portal website, thus giving netizens easy access to and understanding of the Declaration.

In addition, the Commission produced and distributed various promotional materials, including leaflets, to the public. It published a revised edition of a guidebook that comprehensively introduces its status and roles. Following the production of leaflets on the promotion of human rights in a multicultural society translated in seven languages (English, Chinese, Russian, Mongolian, Thai, Indonesian, Vietnamese) in 2009, the Commission added leaflets of the Nepalese edition in 2010. The Nepalese edition was published in connection with its efforts to sign an MOU with the Nepalese human rights commission to promote the rights of migrants. It will be distributed to local Nepalese people through Nepal's human rights commission and the embassy.

3) Promotional Activities through "Human Rights" Magazine

In 2010, the Commission published six editions of "Human Rights" magazine with its 65th issue released in December 2010. The magazine was launched as a monthly in August 2003, but became a bi-monthly in 2007.

It is a specialized magazine on human rights issues published by the national human rights institution and at the same time seeks to become a magazine for the public. The Commission strived to make the magazine both a "magazine to read" and a "magazine to view" through the harmony between its contents and design. Moreover, it made the

magazine available on its website in the name of "Human Rights Webzine" for people who have no access to the hard copy magazine for various reasons.

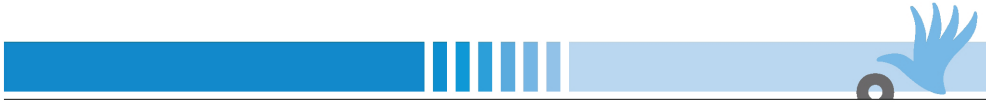
In 2010, the Commission improved its design and access through the renewal of the "Human Rights Webzine," while adding "e-book" functions. Moreover, voice-eye barcodes (text-to-voice conversion tool), which had been introduced in 2008, were included in all contents of the web-version of the "Human Rights" in 2009 for readers with visual impairment. It also published major contents of the "Human Rights" magazine in Braille and silent letters and distributed them to Braille libraries for those who have difficulties in accessing the magazine due to disabilities.

Meanwhile, a youth honorary reporter group, which was launched in 2009 to ensure readers' involvement and expand the magazine's contents, continued its activities in 2010. The youth honorary reporters contributed their articles to the "Human Rights Playground" section of the magazine, while conducting monitoring activities and proposing ideas for feature articles.

Section 3. Evaluation

In 2010, the Commission strived to address human rights issues through cooperation and exchanges with various organizations and groups at home and abroad. In particular, it took the lead in expanding its status and roles by broadening its scope and bolstering its network. It contributed to boosting its international leadership and status through cooperation and exchanges with international human rights organizations and ongoing global promotional campaigns.

Moreover, the Commission actively publicized its major projects, policies, functions and roles to the public via diverse PR channels and methods. Through such promotional efforts, it attempted to heighten the public's interest in and awareness of human rights. In



particular, based on its strategic tasks, it set promotional agendas and substantiated promotional activities continuously, thereby expanding its exposure to the public and contributing to the spread of a pro-human rights culture. It also monitored the level of public awareness of human rights issues based on public opinion surveys and selected themes for intensive PR campaigns such as the Universal Declaration of Human Rights and carried out PR activities in diverse forms, trying to heighten the public's sensitivity of human rights.

However, regrettably, the Commission was not able to push ahead with intensive institutional PR campaigns designed to promote recognition of the Commission itself due to budget restraints. Strengthening PR activities to address this problem remains as a future challenge for the Commission. Along with this, the Commission will continue to implement cooperation and exchange projects at home and abroad in a sustained and stable manner.



Chapter 7

Promotion of North Korean Human Rights

Section 1. Background and Aim

1) Background

As the need for a project to promote North Korean human rights was raised by the Legislative and Judiciary Committee at an extraordinary session of the South Korean National Assembly in April 2003, the Commission set up the "North Korean Human Rights Research Team," a non-standing body, at its 40th Plenary Committee meeting in 2003. The North Korean Human Rights Research Team conducted researches on the human rights status in North Korea and annually hosted international conferences from 2003 to 2008. In 2006, it presented the "Opinion of the National Human Rights Commission of Korea on Human Rights Conditions in North Korea" in 2006, while selecting "North Korean Human Rights Issues" as one of its ten priority projects in 2007 and "Reinforcing Policy Efforts to Improve North Korean Human Rights Conditions" as one of six priority projects in 2008. It designated North Korean human rights issues as a special project in 2009 and 2010. Particularly in 2010, the Commission formed a new "North Korean Human Rights Team" to carry out activities related to North Korean human rights in a systematic and comprehensive manner.

2) Aim

The aim of activities on North Korean human rights is to monitor the current status of human rights conditions in North Korea and seek measures to improve and promote North Korean human rights by conducting objective and specialized researches and

investigations, systematically collecting and managing data related to North Korean human rights, vigorously pursuing cooperation with international organizations and experts related to North Korean human rights, holding policy consultations with government ministries on a regular basis, and strengthening the monitoring activities of domestic and "international organizations and groups working for North Korean human rights."

Section 2. Major Activities

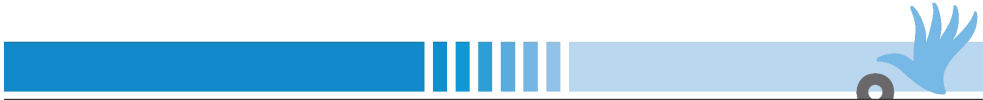
1) Policy Recommendations and Opinions

○ **Recommendation to Enact the North Korean Human Rights Act (re-recommendation)**

In April 2010, the Commission recommended to the Speaker of the National Assembly to "deliberate the North Korean Human Rights Act bill, which passed the 2nd Foreign Affairs, Trade, and Unification Committee meeting at the 287 National Assembly session (extraordinary session) at an early date and enact the Act which includes a clause of establishing the 'North Korean Human Rights Documentation Center and Archives' at the National Human Rights Commission and deletes a clause prescribing the establishment of the "North Korean Human Rights Foundation." With no progress on enacting the bill by the National Assembly, the Commission re-recommended in December 2010 the early enactment of the North Korean Human Rights Act whose details were mainly similar to the recommendation made in April 2010.

○ **Recommendation to Enhance North Korean's Access to Information**

Recognizing the importance of the North Korean residents' right of access to information to improve human rights conditions in North Korea, the Commission



recommended in December 2010 to Minister for Unification, the Minister for Defense, the Minister for Culture, Sports and Tourism, and the Chairperson of the Korea Communications Commission to "strive to realize North Korean residents' right to access free information from outside and raise their awareness of human rights via all media channels."

○ **Statement by the Chairperson on North Korea's Artillery Attack on Yeonpyeongdo island**

The Commission released a statement by its Chairperson that expressed deep concern about North Korean military's artillery attack on Yeonpyeongdo Island in South Korea in November 2010 which resulted in not only a number of military casualties but also civilian casualties. It also prayed for the peace of the deceased and expressed deep condolences to bereaved families and wished for a quick recovery of the injured.

It pinpointed that the Yeonpyeongdo incident is an inhumane act violating international norms, including the Charter of the United Nations, and the spirit of agreement between the South and the North as indicated by the Inter-Korean Basic Agreement and is an anti-human rights act that violated right to life which should be respected as a top priority. It urged the South Korean government to place its top priority on taking measures to ensure the safety of Yeonpyeongdo residents, repair the damage, and make diplomatic efforts for settlement of peace on the Korean Peninsula in partnership with the international community, including the UN.

2) Establishment of An Institutional Framework

The Commission pushed ahead with a project titled "Establishment of Mid-to-Long Term Policy Roadmap to Improve North Korean Human Rights" as a commissioned research project to draw up major action plans the South Korean government can implement indirectly through multilateral, bilateral, and international organizations and by

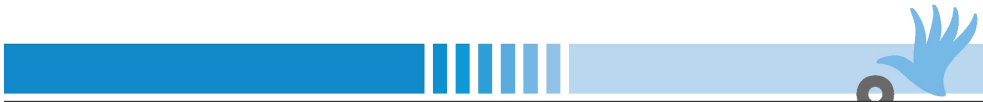
issue such as the human rights of North Korean residents, South Korean prisoners of war, South Korean abductees, the issue of separated families, North Korean defectors, etc. It presents a comprehensive and concrete policy framework and direction on North Korean human rights.

In order to carry out the project in an efficient and practical way, the Commission conducted various activities to boost the quality of the research, holding monthly review meetings and workshops presided over by the head of the Policy and Education Bureau and presenting an interim report in Washington, D.C. in September 2010. Through this process, it announced its research results on December 13, 2010, drawing keen attention from the media.

3) Strengthening International Cooperation

○ International Symposiums

The Commission hosted international symposiums on improving North Korean human rights in January and September 2010, respectively. In January 2010, it organized the "Policy Consultation on North Korean Human Rights (symposium) jointly with the International Parliamentarians' Coalition for the North Korean Refugees and Human Rights and the Association of North Korean Human Rights Organizations. The symposium provided an opportunity not only for information exchange and mutual communication among organizations related to North Korean human rights, but also for productive discussions and the pursuit of policy alternatives through the participation of related experts. The international symposium on the theme of "The Role of the International Community in Improving North Korean Human Rights" held in Washington, D.C. in September 2010 featured the participation of experts on North Korean human rights from home and abroad, including the Special Envoy for North Korean Human Rights Issues from the U.S. State Department who exchanged diverse opinions on international cooperation measures to improve North Korean human rights and shared their concern



about deteriorating human rights conditions in North Korea.

○ **Overseas On-site Survey on the North Korean Human Rights Situation**

The year 2010 was a symbolic year that entered the "era of 20,000 North Korean defectors." In order to examine the current status and human rights conditions of North Korean defectors who have failed to enter South Korea and instead are staying in China, the Commission conducted field research mainly in the border area of Yanbian in August 2010. During the field research, diverse opinions were collected from experts on North Korean defectors in China (academia, government officials, civilian experts) and experts from NGO groups.

Furthermore, marking the 20th anniversary of German reunification, the Commission also sent its officers to Germany to conduct the research on the human rights violations in Germany during the pre-reunification period and draw up ramifications on North Korean human rights issues through a priori case studies. In particular, the research team visited and viewed the Central Archiving Center in Salzgitter that kept records of human rights violations in Germany during the pre-reunification period.

4) Invigorating Domestic Cooperation

○ **Operation of the North Korean Human Rights Forum**

In May 2008, the Commission formed the "North Korean Human Rights Forum" consisting of 27 experts on North Korean human rights from academia, legal professions, the media and civic groups. Through the Forum, the Commission sought systematic development of policies on North Korean human rights by communicating on major agendas on North Korean human rights and expanding the horizon of policies related to North Korean human rights. Meanwhile, the Commission collected opinions of experts on a wide range of human rights issues through the Forum, which is a "venue for public discourse."

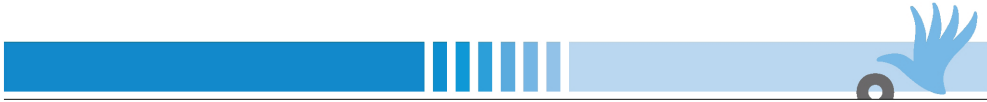
In 2010, the Commission appointed 5 new members of the Forum which had vigorous exchanges of opinions on various themes, including "Humanitarian Assistance to North Korea and Human Rights in North Korea," the "conflicts within South Korea and North Korean Human Rights," and the "Vision and Strategies of the Korean Peninsula to Improve Human Rights in North Korea." Through such discussions, the North Korean Human Rights Forum offered a chance to collect comprehensive opinions on rapidly changing situation on the Korean Peninsula, inter-Korean relations and North Korean human rights issues and seek effective policy measures on the issues.

○ **Operation of Working-level Policy Consultation Body**

The Commission operates the "North Korean Human Rights Policy Consultation" with the participation of working-level officials from the National Intelligence Service, the Ministry of Reunification, and the Ministry of Foreign Affairs and Trade to specialize North Korean human rights-related activities and bolster long-term and systematic policy consultations. The policy consultation body conducted monitoring of developments related to North Korean human rights at home and abroad, establishing a consultation system with specialized research institutes and national institutions (the Korea Institute for National Unification).

○ **Meetings and Discussion Sessions**

Marking the era of 20,000 North Korean defectors, the Commission regularly held discussion sessions with women's organizations (six times) to seek alternatives for supporting settlement of North Korean female defectors, putting the human rights conditions of North Korean female defectors on the table of public discourse. In addition, it organized a discussion session on key points of North Korea's UPR (March), an experts' meeting on North Korea-China relations and North Korean human rights (May), and a meeting on Kim Jong Un's power succession process and developments in Northeast Asia



participated by experts from home and abroad (November), which contributed to widening an understanding of human rights conditions in North Korea and putting the issue to public debate.

○ **Field Visits to Organizations and NGOs Related to North Korean Human Rights**

The Commission visited regional Hana Centers (four times), resettlement centers for North Korean defectors, to listen to difficulties experienced by North Korean defectors in the process of their adaptation to South Korean society, while sharing difficulties of groups and volunteers who support the North Korean defectors. It also visited Hangeore School which offers education for North Korean defector children, held interviews with North Korean defectors who claimed that their human rights were violated during joint interrogation by the government, as well as the North Korea Intellectuals Solidarity comprising North Korean defector intellectuals, the Sungui Tongjihoe, a friendship organization for North Korea defectors and the Wooyang Foundation which carries out support activities for North Korean defectors to exchange opinions on North Korean defector support policies.

Section 3. Evaluation

The domestic and international environment surrounding the Korean Peninsula in 2010 was rapidly evolving more than ever with the sinking of the South Korean warship Cheonan, North Korea's artillery attack of Yeonpyeongdo, and official appointment of Kim Jong-un as successor of North Korean leader Kim Jong-il. Given the circumstances, the Commission set up the "North Korean Human Rights Team" to ensure more comprehensive and systematic approach on North Korean human rights issues designated as a special project and actively pushed forward with various projects.

In 2010, in an effort to further consolidate international collaboration and cooperation

aimed at improving North Korean human rights, the Commission hosted two international symposiums, while sending its teams overseas for on-site investigations to examine human rights conditions of North Korean defectors and learn from Germany's past experience. It also built an extensive network with experts from home and abroad, including the UN Special Rapporteur on the human rights situation of North Korea.

In addition, the Commission pushed forward with its project "the Establishment of Mid-to-long Term Policy Roadmap to Improve North Korean Human Rights" to provide a comprehensive and concrete policy framework and direction on North Korean human rights. It also presented its position on North Korean human rights issues in a timely manner, making recommendations on the enactment of the North Korean Human Rights Act twice, as well as on ensuring the North Korean residents' right of access to information, and issuing the Chairperson's statement on North Korea's artillery attack of Yeonpyeongdo.

Furthermore, led by the North Korea Human Rights Forum, the Commission held vigorous policy discussions by organizing expert meetings and discussion sessions on 20 occasions and operating an inter-Ministerial working-level policy consultation body. It also visited related organizations and NGOs to listen to the voice from the field and develop policy issues, while operating its English-language website, playing a leading role in putting North Korean human rights issues as a social agenda.

In 2011, the Commission will further strengthen its effort to promote practical improvement of North Korean human rights by developing productive policies and forming public opinions on North Korean human rights issues through the establishment of legal and institutional infrastructure, as well as collaborating with the international community.



Chapter 8

Activities of Regional Human Rights Offices

Section 1. Busan Human Rights Office

1. Human Rights Counseling and Complaints Handling

The number of complaints, counseling cases, inquiries and civil application handled by Busan Human Rights Office from its opening on October 11, 2005 to the end of 2010 stood at 20,291 with the number already exceeding 20,000 in mid-December. The number of complaints and counseling cases, which showed steady upward trends for 3 years since its opening, slightly decreased in 2010. This is attributable to decrease in the number of face-to-face complaints from correctional facilities. On the other hand, the number of general counseling cases rose, indicating heightened accessibility by the public.

In the case of face-to-face complaints filed from protective facilities, 144 cases were received from 34 facilities in 2009, yet the numbers increased to 196 cases from 40 facilities. This is considered the outcome of the human rights education on mental health facilities offered by Busan Human Rights Office.

[Table 2-8-1] Complaints, Counseling Cases, Inquiries and Civil Applications Accepted by the Busan Human Rights Office by Year

(Unit: number of cases)

Year	Complaints	Counseling Session	Inquiries/ Civil Applications	Total
Cumulative Total	2,276	9,604	8,411	20,291
2010	548	1,840	1,447	3,835
2009	659	1,776	1,729	4,164
2008	426	2,224	1,808	4,458
2007	322	1,961	1,690	3,973

※ The cumulative total refers to the sum from Oct.11, 2005 to Dec.31, 2010.

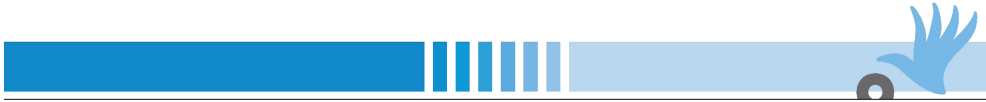
2. Investigations and Remedies

The trend of the number of complaints, which sharply increased since the investigation of complaints from protective facilities had been transferred to regional human rights offices in April 2009, entered a stabilization phase, showing little change from the previous year. As for handling of complaints in 2010, the Busan Office endeavored to provide effective reliefs with 27 cases closed through recommendations, one case through recommendation of disciplinary action, eight cases through mutual settlement, and 63 cases through settlement during the investigation. After delivering recommendations, it conducted sustained monitoring activities with more than 90% of recommendations accepted, indicating the Busan Office's effective relief efforts.

3. Major Activities

In the year 2010 marking the 5th anniversary of its opening, the Busan Human Rights Office implemented the principle of "selection and concentration" in pushing ahead with its projects. As a result, complaints filed from detention and protective facilities have been filed and handled in a stable manner. The Busan Office effectively delivered reliefs by closing 28 complaints through recommendations, eight complaints through mutual settlement, and 63 complaints through settlement during investigation, which accounted for 20% of the total complaints handled.

In the areas of education and cooperation, the Busan Human Rights Office effectively performed its duties concerning human rights of the elderly, children/youth, migrants and persons with disabilities, which are priority projects of the Commission, in collaboration with the headquarters and other regional human rights offices. In particular, the Office signed a collaboration agreement titled "Creating a Workplace without Discrimination against Persons with Disabilities" with the Busan regional office of the Korea Employment Agency for the Disabled. This is the first work agreement between a regional human rights office and other organization, presenting a new model for regional human rights offices in



performing their duties.

With respect to public relations, unlike the contest for best video works on human rights, the contest for best UCCs on human rights organized by the Busan Office has been extended to become a nationwide contest, inducing greater participation from all walks of life and exploring diverse themes. The blog project, which the Busan Office had pursued as a channel for interactive communication with local residents and one of efficient PR activities, has entered a stable phase with the formation of the "1st Busan Human Rights Office Blog Human Rights Reporters."

Since its establishment on October 11, 2005, the Busan Human Rights Office has established itself as a body dedicated to human rights issues in the region through its strenuous efforts. In addition to the transfer of investigation into detention and protective facilities to regional human rights offices, now is the time when it is necessary to review the transfer of investigation right over cases which are closely related to daily lives of local residents. Moreover, more concrete and multi-faceted efforts should be made to enact and revise regional human rights ordinances, which will serve as the first step toward creating a pro-human rights culture.

Section 2. Gwangju Human Rights Office

1. Human Rights Counseling and Complaints Handling

The number of complaints and counseling cases that Gwangju Human Rights Office received in 2010 largely remained unchanged from the previous year. The consolidated number including complaints, counseling cases and inquiries amounted to 3,951, a decrease by 1% from the previous year. However, a closer look at each area shows qualitative changes. Most of all, the number of complaints rose to 573 in 2010 from 421 in

2009, an increase by 36.1% from the previous year, while the number of counseling cases also increased to 1,563 in 2010 from 1,486 in 2009, up by 5.2%. Despite the total quantity of complaints, counseling cases and inquiries slightly declined, the numbers of complaints and counseling cases rose, showing a trend that overall the Gwangju Office's service for the public became more practical and substantiated.

[Table 2-8-2] Complaints, Counseling Cases, Inquiries and Civil Applications Accepted by the Gwangju Human Rights Office by Year

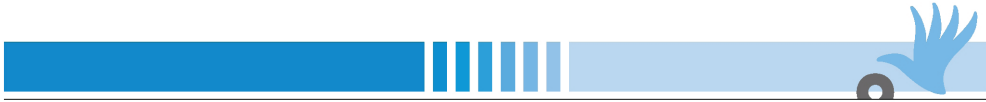
(Unit: number of cases)

Year	Complaints	Counseling Cases	Inquiries/ Civil Applications	Total
Cumulative Total	2,509	7,005	9,269	18,333
2010	573	1,563	1,815	3,951
2009	421	1,486	2,087	3,994
2008	433	1,674	2,694	4,801
2007	373	1,282	1,305	2,960

※ The cumulative total refers to the sum from Oct.12, 2005 to Dec.31, 2010.

2. Investigations and Remedies

In 2010, investigation activities of the Gwangju Human Rights Office appear to have entered a stabilization phase, along with its counseling activities. Since its launch of investigations into protective facilities in its jurisdictional region in April 2009, the number of complaints has shown an upward trend every year and the Gwangju Office is conducting investigations in a stable manner. The number of complaints handled by the Gwangju Office in 2010 reached a total of 517, a 1.5-fold increase from 333 in 2009. This indicates that although the number of complaints handled by investigators increased, the quality of complaint handling service has not been compromised. Among the total complaints, the



number of complaints filed from detention facilities stood at 266, accounting for 53% of the total complaints, while the number of complaints filed from protective facilities amounted to 251, taking up 49% of the total complaints.

3. Major Activities

The Gwangju Human Rights Office marked its 5th anniversary in October 2010. Overall, it completed the year with the tendency of "stability" and "concentration." "Stability" was noticeable in the areas of investigation and counseling. The numbers of counseling cases and complaints increased compared with 2009, while the number of investigations into complaints also rose, compared with the previous year. Amid such trends, the Gwangju Office sought qualitative change in a few aspects. On-site human rights counseling visits were conducted in connection with the Commission's strategic projects, while investigation into complaints showed improvement in terms of handling period and handling rates, despite increased workload with the rise in the number of complaints filed.

Areas other than counseling and investigation conducted by the Gwangju Human Rights Office in 2010 can be represented by concentration. Most of all, the Office strengthened its connection and collaboration with strategic projects of the Commission. It operated the monitoring unit (2nd round) for the Disability Discrimination Act to promote human rights of persons with disabilities to implement both national and regional tasks. As for activities to promote human rights of the elderly, the Gwangju Office operated the Guardian of the Rights of the Elderly (2nd round) and monitored the long-term care insurance system for the elderly. It also conducted human rights education for those who work for mental health facilities, while offering education on human rights of multicultural families in its jurisdiction.

While focusing on its close engagement with the Commission's strategic projects, the Gwangju Human Rights Office also deployed its own specialized projects appropriately. It

featured the "Coming-Out of Persons with Disabilities," a story about discrimination directly or indirectly experienced by the monitoring unit on OhmyNews, an online newspaper, in an effort to address discrimination against persons with disabilities. It also contributed 20 essays under the title of "Prejudice is Discrimination" on the Jeonbuk Ilbo newspaper to rectify discrimination against persons with mental disabilities.

Besides, "concentration" was also manifested in the Gwangju Office's way of interconnecting different projects by functions. It reflected face-to-face complaint handling results in the review of complaint boxes, while conducting human rights education in parallel during on-site human right counseling visits and collaborating with human rights organizations in the process.

Section 3. Daegu Human Rights Office

1. Human Rights Counseling and Complaints Handling

Interest in and expectations for the Daegu Human Rights Office in the Daegu, Gyeongbuk region is steadily rising, which is fully reflected in the rising number of complaints and counseling cases. The number of complaints sharply rose by more than 50% from the previous year, while the number of counseling cases also grew by 37% from 2009. Counseling cases related to protective facilities accounted for 38% of the total counseling cases and the number of complaints related to protective facilities doubled as a result of the Daegu Office's activities to ensure the public's access to the complaint procedure, including regular check-up on complaint boxes installed in protective facilities and human rights education for those working for the facilities. The Daegu Office gradually expanded the areas of its counseling activities by conducting on-site counseling visits for migrants and extending counseling visits for the underprivileged, including human rights counseling for the elderly.



[Table 2-8-3] Complaints, Counseling Cases, Inquiries and Civil Applications Accepted by the Daegu Human Rights Office by Year

(Unit: no. of cases)

Year	Complaints	Counseling Cases	Inquiries/ Civil Applications	Total
Cumulative Total	1,576	3,210	4,688	9,474
2010	620	1,240	1,566	3,426
2009	410	900	1,679	2,989
2008	388	773	1,207	2,368
2007	158	297	236	691

※ The cumulative total refers to the sum from Oct.12, 2005 to Dec.31, 2010.

2. Investigations and Remedies

Since the launch of investigation activities in April 2008, the Daegu Human Rights Office received 546 cases and handled 437 cases in 2009 and received 620 cases and handled 703 cases in 2010. Compared with 2009, the number of complaints filed increased by 14%, the number of cases handled rose by 60%, and affirmed cases and cases settled during investigation also increased by 32%. The Daegu Human Rights Office is providing education on related regulations on handling cases as well as working-level training at its own investigators' meeting.

3. Major Activities

In its third year since its opening (opened on July 1, 2007), the Daegu Human Rights Office earnestly conducted activities of the Commission, including human rights counseling, receiving complaints and handling face-to-face complaints, in the region to fulfill its role as a guardian of human rights for local citizens in the Daegu-Gyeongbuk

region. It also focused on building the foundation for enhancing sensitivity of local residents to human rights through human rights education, PR and cooperation activities. In particular, it promoted collective cooperation with related organizations by major groups, including children, persons with disabilities, the elderly and migrants, while conducting human rights education and promotional activities, thereby greatly contributing to advocating the human rights of local residents, providing remedies, and improving their awareness of human rights.

The Daegu Office operated a human rights counseling visit called "MAP" to ensure effective counseling and made constant efforts to handle complaints. As a result of such efforts, the complaint handling system has been stabilized and the number of cases handled has been significantly on the rise. On the other hand, the Daegu Human Rights Office launched the "Citizens' Idea Club" in 2009 as one of various participatory activities by citizens, while hosting lectures for citizens through the "human rights living library" program in 2010. It also explored action plans in daily lives and offered educational and promotional activities both on-line and off-line, realizing its image as a human rights commission in partnership with citizens and gaining a supporter group. It also communicated with local citizens on its web blog and operated a human rights reporter group to promote participatory PR activities. The Daegu Human Rights Office is committed to improving its system to perform duties on a continual basis, exploring and improving human rights protection tasks in response to the demand of local community.

Appendix

1. Commissioners and Senior Executive Officers

2. Organization

3. Budget



1. Commissioners and Senior Executive Officers

□ Commissioners

Position/Name	Profile	Remarks
 Chairperson Hyun, Byung-Chul	<ul style="list-style-type: none"> • Dean, College of Law, Hanyang University • Secretary General, Secretariat, Hanyang University • Vice President, The Korea Law Professors Association • President, The Korea Association of Comparative Private Law • Dean, Graduate School of Public Administration, Hanyang University • Dean, Hanyang Cyber University 	Nominated by the President (July 17, 2009~ July 16, 2012)
 Standing Commissioner Jang, Hyang-Suk	<ul style="list-style-type: none"> • President, Busan Differently Abled Women Solidarity • Co-representative, Korea Differently Abled Women United • Member, the 17th National Assembly of the Republic of Korea, Democratic Party • President, Korea Sports Association for the Disabled • President, Golden Circle Foundation • Member of Executive Committee, International Paralympic Committee 	Elected by the National Assembly (Oct.11, 2010 ~ Oct. 10, 2013.)
 Standing Commissioner Kim, Young-Hye	<ul style="list-style-type: none"> • Senior Judge, Incheon District Court, Seoul Central District Court • Vice President, International Association of Women Judges • 18th Guest Editorial Writer, DongA Ilbo Newspaper • Co-representative, the Lawyers for Citizens • Member, Presidential Council for Future & Vision • Managing Partner, Law Firm "C&B, Lee" 	Nominated by the President (Nov.15, 2010~ Nov.13, 2013)
 Standing Commissioner Hong, Jin-Pyo	<ul style="list-style-type: none"> • Political Director, Citizens United for Better Society • Secretary General, Liberty Union • Director and Editor, quarterly <Zeitgeist> • Member, National Election Broadcasting Debate Commission 	Elected by the National Assembly (Feb.21, 2011~ Feb.20, 2014)

□ Non-Standing Commissioners

Position/Name	Profile	Remarks
 <p>Commissioner Kim, Tae-Hoon</p>	<ul style="list-style-type: none"> • Judge, Seoul High Court, Supreme Court • Senior Judge, Busan District Court, Incheon District Court, Seoul District Court • Arbitrator, Korean Commercial Arbitration Board • Vice Chairman, Investigation Committee, Korea Bar Association • Currently Lawyer, Yoon & Yang LLC 	<p>Nominated by the Chief Justice of the Supreme Court (Aug.10, 2006 ~ Aug.9, 2012)</p>
 <p>Commissioner Choi, Uni</p>	<ul style="list-style-type: none"> • Prosecutor, Seoul and Busan District Public Prosecutor's Office, Office of International Legal Affairs of the Ministry of Justice • Professor & Judge, Judicial Research & Training Institute • Judge, National Labor Relations Committee • Member, Industrial Accident Compensation Review Board, Office of the President • Dean, College of Law, Konkuk University; President, Konkuk University Law School 	<p>Elected by the National Assembly (Sept.4, 2008 ~ Sept.3, 2011)</p>
 <p>Commissioner Kim, Yang-Won</p>	<ul style="list-style-type: none"> • Chairperson, Sub-committee on Persons with Disabilities, Christian Council of Korea • Co-president, Korean Christian Society Welfare • Founder, Shinmangae Welfare Foundation, Love and Peace Welfare Foundation 	<p>Nominated by the President (Sept. 10, 2008 ~ Sept.9, 2011)</p>
 <p>Commissioner Chang, Chu-young</p>	<ul style="list-style-type: none"> • Member, Human Rights Committee, Korea Bar Association • Special Member, Judicial Reform Committee, Supreme Court • Member, KBS Viewer Committee • Vice-Chairman, Lawyers for a Democratic Society • Director, Center for Journalism and Human Rights 	<p>Elected by the National Assembly (Dec.29, 2009 ~ Dec.28, 2012)</p>



Position / Name	Profile	Remarks
 <p>Commissioner Han, Tae-Sik</p>	<ul style="list-style-type: none"> • Dean, Buddhism School, Dongguk University • President, International Electronic Buddhist Text Society • President, Jungto Academy • Professor, Department of Zen Buddhism, Dongguk University • Member, 14th Central Council of Jogye Order of Korean Buddhism • Chief Priest, Chunggae Mountain Buddhist Jungto Temple 	<p>Nominated by the President (Feb.8, 2010 ~ Feb.7, 2013)</p>
 <p>Commissioner Yoon, Nam-Geun</p>	<ul style="list-style-type: none"> • Judge, Daejeon District Court, Seoul High Court • Senior Judge, Seoul Eastern District Court • Vice President, Korea Dosan Jurisprudence Society • Director, Clinical Legal Education Center, Korea University • Vice President, School of Law, Korea University • Professor, School of Law, Korea University 	<p>Nominated by the Chief Justice of the Supreme Court (Jan.19, 2011 ~ Jan.18, 2014)</p>
 <p>Commissioner Yang, Hyun-Ah</p>	<ul style="list-style-type: none"> • Member, Special Committee on the Revision of Family Act, Ministry of Justice • Member, Policy Committee, Ministry of Justice • Researcher, War & Women's Human Rights Center, Korean Council for the Women Drafted for Military Sexual Slavery by Japan • President, Korea Association of Gender & Law • Professor, Seoul National University Center for Public Interest & Human Rights • Associate Professor, Seoul National University, School of Law 	<p>Nominated by the Chief Justice of the Supreme Court (Jan. 19, 2011 ~ Jan.18, 2014)</p>

□ Former Chairpersons

Name	Profile	Term
 <p>1st Chairperson Kim, Chang-Guk</p>	<ul style="list-style-type: none"> • Senior Judge, Jeonju District Court and Gwangju District Court • 82nd President, Seoul Bar Association • 40th President, Korea Bar Association • Co-President, People's Solidarity for Participatory Democracy • Director, Korea Broadcasting System • Unification Advisor, 2nd Presidential Advisory Council on Unification 	Nov.25, 2001 ~ Dec.23, 2004
 <p>2nd Chairperson Choi, Young-Do</p>	<ul style="list-style-type: none"> • Judge, Seoul Criminal District Court • Director and Chairperson, Human Rights Commission, Korean Bar Association • Chairman, Lawyers for Democratic Society • Standing Co-President, Korean Human Rights Organization's Council • Co-President, People's Solidarity for Participatory 	Dec.24, 2004 ~ Mar.23, 2005
 <p>3rd Chairperson Cho, Young-Hwang</p>	<ul style="list-style-type: none"> • Standing Director, Seoul Bar Association • Lawyer in charge of the Institution and Support of a Public Action Against the Sexual Torture in the Bucheon Police Station • Director, Anti-corruption Campaign, Citizens' Coalition for Economic Justice • Judge, Goeheung-gun Court, Suncheon Branch Court, Gwangju District Court • Chairperson, Ombudsman of Korea 	Apr.4, 2005 ~ Oct.2, 2006
 <p>4th Chairperson Ahn, Kyong-Whan</p>	<ul style="list-style-type: none"> • Professor & Dean, College of Law, Seoul National University • Distinguished Visiting Professor of Law, University of Illinois • President, Korean Constitutional Law Association • Vice-Chair, International Coordinating Committee of National Human Rights Institutions 	Oct.30, 2006 ~ July 6, 2009



□ Former Commissioners

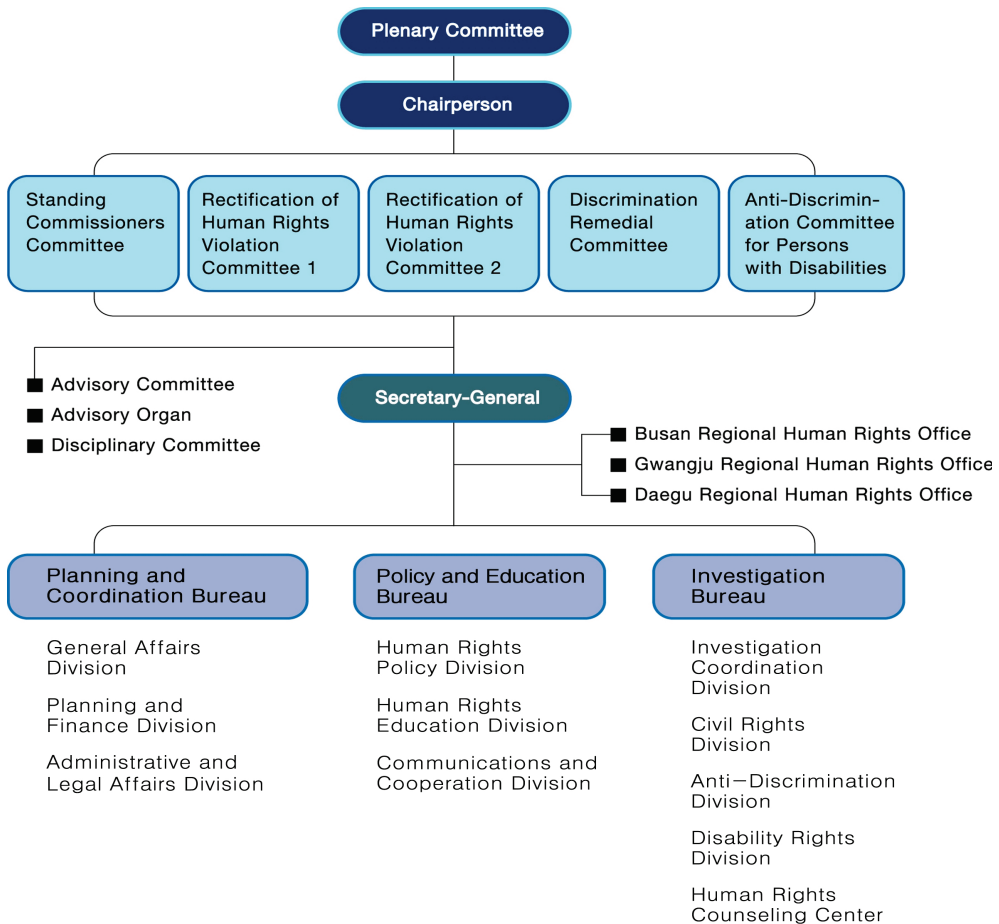
Position	Name	Profile	Term
Standing Commissioner	Park, Kyung-Seo	· First Human Rights Ambassador of Korea	Nov.25, 2001 ~ Dec.23, 2004
Standing Commissioner	Yoo, Hyun	· Presiding Judge, Seoul High Court	Nov.25,2001 ~ July 21, 2004
Standing Commissioner	Rhyu, See-Chun	· Standing Director, Council of National Literature Writers	Nov.25, 2001~Mar.13, 2004
Commissioner	Kwak, No-hyung	· Professor of Law, Korea National Open University	Nov.25, 2001 ~ Feb.24, 2003
Commissioner	Kim, Duk-Hyun	· Judge, Seoul District Civil Court	Nov.25, 2001 ~ Mar.15, 2005
Commissioner	Kim, O-Sup	· Senior Judge, Seoul High Court	Nov.25, 2001 ~ Dec.23, 2004
Commissioner	Shin, Dong-Woon	· Professor of Law, Seoul National University	Nov.25, 2001~ Dec.23, 2004
Commissioner	Lee, Jing-Kang	· Chairman, Korea Bar Association	Nov.25, 2001~ Nov.30, 2002.
Commissioner	Cho, Mi-Kyung	· Professor of Law, Aju University	Nov.25, 2001 ~ Dec.23, 2004
Commissioner	Jung, Kang-Ja	· Co-Chair, Korea Women Link	Dec.24, 2001 ~ Dec.23,2004.
Commissioner	Ryu, Guk-Hyun	· Chief Prosecutor, Gangneung Office, Chuncheon Regional Prosecutor's Office	Dec.12, 2002 ~ Feb.23, 2003
Commissioner	Lee, Heung-Rok	· Lawyer and Chairman of Human Rights Policy Research Association	May 1, 2003 ~ Apr.19, 2005
Commissioner	Kim, Man-Heum	· Professor, Asia-Pacific Research Center, Catholic University	Aug.1, 2003 ~ Oct.24, 2006
Standing Commissioner	Choi, Young-Ae	· Director, Korea Counseling Center on Sexual Violence	July 23, 2004 ~ Sept.20,2007
Standing Commissioner	Kim, Ho-Joon	· Chief Editor and Commentator, Seoul Daily	Dec.24, 2004 ~ Feb.3, 2008
Standing Commissioner	Jung, Kang-Ja	· Co-Chair, Korea Women Link	Dec.24, 2004 ~ Dec.23, 2007
Commissioner	Ra, Cheon-Soo	· Senior Judge, Seoul Central District Court	Dec.24, 2004 ~ June 29, 2006
Commissioner	Lee, Hae-Hak	· Co-Chair, National Association of Democratic Reform	Dec.24, 2004 ~ Dec.31, 2006
Commissioner	Chung, In-Seop	· Professor of Law, Seoul National University	Dec.24, 2004~ Dec.31, 2007
Commissioner	Choi, Keum-Sook	· Professor of Law, Ewha Womans University	Dec.24, 2004 ~ Dec.31, 2007
Commissioner	Shim, Hei-soo	· Professor of Social Welfare, Hanil Presbyterian Theological Seminary	Mar.15, 2005 ~ Mar.19, 2008
Commissioner	Won, Hyung-Eun	· Chairman, Christianity Association in Busan	June 1, 2005 ~ Sept.9, 2008
Commissioner	Yoon, Ki-Won	· Managing Partner, Law Firm The One	Oct.25, 2006 ~ Oct.24, 2009
Commissioner	Chung, Jae-Geun	· Head Monk, Mt. Bukhan Geumseonsa Temple of Jogye Order	Feb.8, 2007~ Feb.7, 2010
Standing Commissioner	Choi, Kyung-Suk	· Co-Chair, Korea Differently Abled Women United	Sept.21,2007 ~ Sept.20,2010
Standing Commissioner	Yoo, Nam-Young	· Vice President, Lawyers for a Democratic Society	Dec.24, 2007 ~ Nov.4, 2010
Commissioner	Cho, Kuk	· Professor of Law, Seoul National University	Dec.24, 2007 ~ Nov.15, 2010
Commissioner	Hwang, Deok-Nam	· Public Interest Commissioner on Abjudication, National Labor Relations Commission	Dec.24, 2007 ~ Jan.18, 2011
Standing Commissioner	Moon, Kyung-Ran	· Editorial Writer, JoongAng Daily	Feb.4, 2008 ~ Nov.4, 2010

□ Secretary-General and Senior Executive Officers

Name	Profile	Name	Profile
 <p>Secretary-General Shon, Sim-Kil</p>	<ul style="list-style-type: none"> • Director-General, Violation Remedies, NHRCK • Anti-Monopoly Bureau, Fair Trade Commission • Economic Planning Bureau, Economic Planning Board 	 <p>Director-General Planning & Coordination Ahn, Suk-Mo</p>	<ul style="list-style-type: none"> • Director, General Affairs, NHRCK • Director, Violation investigation, NHRCK • Office of Inspector General, Ministry of Defense
 <p>Director-General Policy Education Bureau Won, Jae-Chun</p>	<ul style="list-style-type: none"> • Professor, International Law School, Handong Global University • New York State, Prosecutor's Office (American Prosecutor) • Park & Cho Law Firm (American Lawyer) • General Counsel Bureau, Ministry of National Defense • International Director, Korea Criminal Procedure Law Institute 	 <p>Director-General Investigation Bureau Shim, Sang-Don</p>	<ul style="list-style-type: none"> • Director, Investigation Coordination, NHRCK • Director, Policy Coordination, NHRCK • Personnel Bureau, Ministry of Public Administration and Security

2. Organization

- The Commission
 - 11 Commissioners (1 Chairperson, 3 Standing Commissioners, and 7 Non-Standing Commissioners)
 - Secretary-General, 3 Bureaus, 3 Directors, 8 Divisions, 3 Regional Offices
- Total Workforce: 164 persons



- Plenary Committee
- Standing Commissioners/ Chairperson/ Non-Standing Commissioners
- Standing Commissioners Committee
- Rectification of Human Rights Violation Committee 1
- Rectification of Human Rights Violation Committee 2
- Discrimination Remedial Committee
- Anti-Discrimination Committee for Persons with Disabilities
- Secretary-General
- Busan Human Rights Office
- Gwangju Human Rights Office
- Daegu Human Rights Office

- Planning and Coordination Bureau
 - o General Affairs Division
 - o Planning and Finance Division
 - o Administrative and Legal Affairs Division

- Policy and Education Bureau
 - o Human Rights Policy Division
 - o Human Rights Education Division
 - o Communications and Cooperation Division

- Investigation Bureau
 - o Investigation Coordination Division
 - o Civil Rights Division
 - o Anti-Discrimination Division
 - o Disability Rights Division
 - o Human Rights Counseling Center



3. Budget

(Unit: KRW millions)

Item		FY 2009	FY 2010	Change (%)
Total		23,373	22,285	△1,088 (△4.7)
Payroll Expenses		11,307	10,869	△438 (△3.9)
Project Expenses		12,066	11,416	△650 (△5.4)
Details	Overhead (Subtotal)	7,200	6,813	△387 (△5.4)
	- Rent and Maintenance	3,611	3,698	
	- Regional Office Operation	452	454	
	- Other Expenses	3,137	2,661	
	Major Project Expenses (Subtotal)	4,866	4,603	△263 (△5.4)
	- Advancing Human Rights-related Systems	703	571	
	- Establishing Human Rights Information System	1,001	747	
	- Facilitating Human Rights Education	544	499	
	- International Exchanges and Cooperation	334	312	
	- Promoting Human Rights for Persons with Disabilities	421	380	
	- Raising Public Awareness of Human Rights	324	422	
	- Survey and Research on North Korean Defectors and Human Rights conditions in North Korea	331	331	
	- Other Projects	1,208	1,341	

