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NATIONAL HUMAN RIGHTS COMMISSION
OF THE REPUBLIC OF KOREA

ANNUAL REPORT 2011



National Human Rights Commission
of the Republic of Korea



National Human Rights Commission
of the Republic of Korea

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

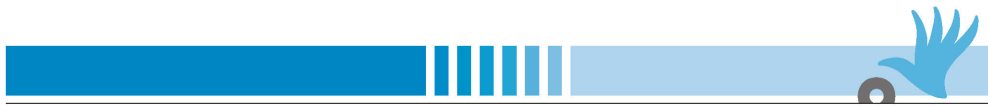
The symbol of the National Human Rights Commission of the Republic of Korea (NHRCK) is designed in a simple logotype to signify the credibility warranted as a human rights watchdog with greater aesthetic sophistication appropriate for the status of the NHRCK as the national institution for the promotion and protection of human rights. Blue, the color believed to represent ‘creation’ and ‘life’, and in particular ‘spring’ according to the Yin-Yang Theory was used in an attempt to represent the unique identity of the NHRCK in its commitment to human beings. It also takes the form that combines a dove and a hand to embody the message of ‘peace’ and ‘tolerance’. The hand-shaped bird is seen with a small circle, the most elemental shape, to communicate the ideas of ‘center and concentration’, ‘diversity and positiveness’, ‘sun and light’, ‘harmony and tolerance’, and ‘fairness’.



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

National Human Rights Commission Annual Report 2011

The National Human Rights Commission publishes and distributes this Annual Report of its activities from January 1st to December 31st of 2011 to submit 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 inherent and perpetual factors of our daily lives. Human rights are embedded in every moment of everyday life of people in which they preserve dignity of every person and enable people to lead decent lives. Unlike our day that comes to an end with a sunset, however, the pursuit of human rights never end. One doesn't need to look any further for evidences than the history and accomplishments of the mankind's fight for human rights or endless trials and tribulations that continue to challenge us.

Human rights are proud products of our dreams and imaginations. Just as a collective determination to turn their dreams and imaginations into a reality led to the birth and proliferation of civilization, human rights came to be defined and accepted as a universal value in a similar process.

The NHRCK is committed to follow the similar path. Collective power of aspirations and passion of people with dreams and ideas for human rights have made the NHRCK of today. That is why we take these opportunities yearly to reflect on where we stand and whether we live up to our missions.

2011 marked the 10th anniversary of the establishment of the NHRCK. We organized diverse events to look back on the journey and to jump-start a new beginning. In doing so, we realized once again that this journey of human rights is an endless one that must go on, and we reaffirmed our vow to serve people who suffer in dark corners of our society with greater determination and humbleness.

The annual report is published to report the activities of the NHRCK during the year

along with future challenges to the President and the National Assembly and to be shared by the public. This report also covers the whole range of major initiatives including policy measures, investigations, education, promotion, and collaborative initiatives at home and abroad taken by the NHRCK in 2011 to fulfill our commitment for the protection and promotion of human rights in Korea.

We hope that this report will present us the opportunity to receive feedbacks from the public on our activities and gather ideas for further improvement. In this regard, I encourage you to send us your opinions for improving the NHRCK. Lastly, I extend my greatest appreciation to everyone who has endeavored to share your support, encouragement, and words of wisdom. I ask you to continue to share with us your support as well as criticism for the betterment of the NHRCK.

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

Chapter 1. Overview

What is the purpose and justification of the National Human Rights Commission of Korea (hereafter ‘the Commission’)? The answer lies within circumstances surrounding its birth. Creation of the Commission in 2001 was made possible by a recommendation of international community (UN) to set up a human rights watchdog, long over-due aspirations of the Korean people for promotion of democracy and human rights, as well as dedication of civil and human rights groups. In short, the Commission was a reincarnation of hope and expectation for the State where human rights are respected and guaranteed of every citizen who called Korea their home. That was 10 years ago. A decade is considered as a considerable period of time considering that there is even a popular saying among Koreans: ‘Even mountains and rivers see changes in a decade’. As we welcome the 10th anniversary of the Commission, we took the opportunity to trace its footsteps and reaffirm its commitment for decades to come.

Since the establishment of the Commission, there have been many changes in the human rights landscape of The Republic of Korea (hereafter ‘Korea’). To begin with, greater public awareness and establishment of legal and institutional foundations for human rights are all positive signals that foretell the development of Korea as a leading human rights nation. However, given the still significant number of vulnerable groups and blind spots of human rights as well as endless human rights issues arising every day, there seems to be no end in the journey toward building a world where human rights and human dignity are guaranteed in essence. In this sense, the year of 2011 was a good opportunity for the Commission to reaffirm its commission to work harder to shed light on darker

corners of our society with more humble mind.

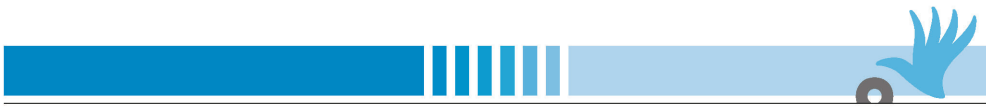
In 2011, the Commission has completed the 2nd phase of Action Plan for the Promotion of Human Rights (hereafter ‘the Action Plan’) which is the Mid-Term Strategic Plan of the Commission. The Action Plan is designed for the Commission to carry out assigned tasks in a systematic and efficient manner, and has been the basis for its annual work plans. In this sense, in 2011, the Commission committed itself to successfully accomplish objectives presented in the 2nd phase 3-year plan and to design a forward-looking mid-term plan (2012 to 2014) at the same time. It conducted a strategy and comprehensive review of challenges it expects to face in 3 years in the mid-term or 10 years in the long-term and sought solutions accordingly. 2011 was truly a meaningful year for the Commission to look at its past, present and future simultaneously from a long-term perspective.

In addition, steadily carrying out tasks uniquely assigned to itself including investigation, policy measures, education, public relations and cooperation, the Commission as the national human rights institution spared no efforts to present and implement solutions that are relevant to human rights issues at home and abroad as well as the public demands.

1. Basic Direction for Activities

The Commission was established 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.’

Its activities in 2011 were directed toward pursuing 5 strategic objectives and a special project in line with the Action Plan, the 2nd phase of its Mid-Term Strategic Plan. The 5 strategies were: i) assuring the basic freedom in practice ; ii) advancing the rights of the child and the elderly; iii) promoting the rights of economically vulnerable groups; iv)



promoting human rights of migrants in a multicultural society; and v) addressing discrimination against socially vulnerable groups. It also established action plans on a special project to improve human rights in the Democratic People's Republic of Korea.(hereafter 'North Korea')

In drawing its work plans for 2011, the Commission strategically analyzed internal and external factors as well as various human rights issues including organizational challenges caused by the downsizing and reorganization in 2009; increases in complaints and demand for human rights education following enactment and revision of human rights laws; higher interest in human rights both locally and internationally; and growing importance of interaction and cooperation with international human rights organizations. In addition to developing the 3rd phase of the Mid-Term Strategic Plan, the Commission included a task of becoming a trusted government agency which the public can easily approach in commemorating its 10th anniversary.

2. Major Achievements

The year of 2011 witnessed human rights issues arising in diverse fields at home and abroad and greater interest in human rights, which drove the Commission to live up to its missions as a human rights watchdog.

First, the Commission spared no efforts to have its voice heard on major human rights issues as well as legislative actions affecting human rights laws, policies, institutions, and practices. In particular, it assessed progress of National Action Plan for the Promotion and Protection of Human Rights (hereafter 'NAP') and proposed recommendations for the 2nd phase of the NAP (2012 to 2016) that reflected an assessment of human rights conditions and backgrounds in Korea and emerging issues from changing conditions in an effort to make sure that human rights underline national policies.

In addition, the Commission reinforced its monitoring of human rights violations and discriminatory acts on a regular basis including conducting *suo moto* and field investigations

in a proactive and prompt manner to render timely response to major social issues.

It also sought to create a human rights-friendly environment by analyzing human rights conditions and public awareness in Korea and taking measures to institutionalize systematic and meaningful human rights education.

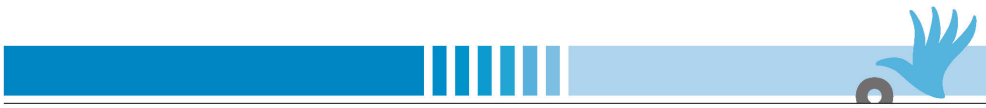
While recommending the government to draw a comprehensive and systematic roadmap on a national government level with an aim to advance human rights conditions in North Korea, the Commission dedicated itself to identifying local and international trends on rising issues of human rights in business practices and rights to information privacy to seek solutions.

To celebrate its 10th anniversary, the Commission organized diverse events to look back on progress made during the last decade and identify challenges anticipated down the road, and presented the path it should take in the future by formulating the 3rd phase of the Action Plan (2012~2014) and concluding the 2nd phase (2009~2011).

Internally, the Commission created 2 divisions of Disability Rights under Investigation Bureau in October 2011 and added 21 staff. It operated 10 teams mandated with priority tasks, a structure that was introduced to resolve conflicts caused by operating under the large-scale department-based structure and sought to enhance performance with thorough performance assessment on a quarterly basis. In addition, it 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 doing so, 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.

3. Evaluation and Challenges

Despite achievements made in 2011, the Commission had the biggest difficulties in running its organization in the aftermath of the downsizing and reorganization in 2009. While it steadily sought solutions including hiring 21 staff in October 2011 and



streamlining work process, it was not enough to address growing human rights issues and respond to different voices of society, which led to delays in certain projects.

Despite these challenges, the Commission contributed to advancing human rights policies by continually monitoring human rights issues, issuing prompt responses, and formulating necessary guidelines. Still, some would argue that the Commission was not effective in identifying policy tasks and taking active responses to human rights issues brought up by growing social disparity – such as social security, housing and health care services – to guarantee and promote the social rights of vulnerable groups. It was also not effective in improving system and proposing solutions for practical protection of basic rights including freedom of expression.

On the investigation front, the Commission actively engaged in *suo moto* and field investigations and human rights guardian project in 2011 by regularly monitoring socially meaningful issues relevant to the people with disability, soldiers, and foreigners. However, addressing an increasing number of human rights issues with limited manpower resulted in a decreased number of handled and accepted human rights violation cases, longer processing time, and more unresolved cases than 2010. In response, the Commission recognizes the need to formulate reasonable standards and procedures for efficient resolution of complaints, maintain close cooperation between policy research and investigation when it comes to sensitive issues such as school violence, and set up a scheme for systematic and regular education aimed at promoting proficiency and capacity of investigators.

With revision of the Mental Health Care Act, the Commission offered human rights education to one third of all workers from mental health institutions in response to soaring demand for such education. In 2012, the demand is likely to grow further with expansion of mandatory human rights education for mental health staffs as well as more human rights ordinances formulated by local governments. The situation calls for an immediate establishment of legislation for human rights education to develop the culture of

respecting human rights as a preventive measure. The legislation that was pursued by the Commission as a priority project, however, failed after suffering from rivalries between ministries and other obstacles. The Commission will continue to support and pursue the legislation, because legal foundation is necessary to execute programs and meet the demand for human rights education by mental health institutions which lack resources, manpower, and budget.

The Commission also recognizes the need for better communication and cooperation with civic groups which are critical of the activities carried by the Commission. Moreover, it is necessary to have greater interactions with government organizations including operation of the Human Rights Policy Consultative Body. Analyzing the overall status of its cooperation with civic groups and governmental agencies and implementing solutions for improvement of communication and cooperation is one way to achieve one of its strategic objectives of ‘enhancing the status of the Commission as a national human rights institution(hereafter 'NI') and promoting human rights’.

In striving to reinforce its independence and status, the Commission should also pursue exchange and cooperation among all ranks of society ranging from the international community, government agencies, the National Assembly, political parties, and media to civic groups to achieve the common goal of creating the society that fully respect human rights.

Furthermore, in line with changing conditions including more sophisticated demands from the international community and civil society and newly emerging or more comprehensive issues such as human rights in North Korea, business and human rights, and ICT(Information and Communications Technology, hereafter 'ICT') and human rights, the Commission is required to place its priority on designing effective response system. In particular, with the 19th general election and the 18th presidential election slated for in 2012 signaling political upheaval, it must remain firm in its pursuit of implementing the Human Rights Education Act, the North Korean Human Rights Act,



and the Anti-Discrimination Act, which are necessary legislative foundations to promote human rights.

Despite assiduous effort to realize human rights and embed human rights into everyday lives of people, a disheartening fact is that there are those who continue to suffer. Fighting the battle for their rightful claim to universal human values must continue. The Commission vows to help the people in need by establishing and communicating theoretical justification of human rights as well as human rights contents for the public to raise the public awareness for human rights and foster culture that respect human rights.

Improving the efficiency of work process and service quality is another important task of the Commission, because completing its missions and objectives is the only way to earn the trust and support of the public and justify its existence. The Commission has received criticism and accusations, as well as support and encouragement. By reviewing its overall works, it should learn from past experiences and the critical feedbacks to identify any shortcomings and move forward.

With that in mind, the Commission must remain agile amid changing environments at home and abroad and fulfill its missions and responsibilities as a NI to promote and protect human rights as well as to improve quality of life, so that it can live up to expectation of the public.

Chapter 2. Evaluation by Project

1. Structure and Contents of 2011 Projects

The Commission structured its activities into 5 strategic projects according to the Action Plan, a mid-term work plan designed in 2006 in segments of 3-year period, as well as a special project, a featured project, and general projects. The 2nd phase (2009-2011) of the Action Plan concluded in 2011 following the 1st phase (2006-2008).

2. Five Strategic Projects

A. Assuring the Basic Freedom in Practice

Ensuring fundamental rights to freedom is a starting point toward achieving universal human rights, the basis of the Constitution and the International Human Rights Law, and an essential duty of the Korean government which seeks to become a leading nation in the field of human rights. The Commission selected ensuring actual and practical protection of fundamental rights to freedom as a strategic goal and set up performance objectives which include i) assuring the personal freedom such as the freedom from arbitrary arrest, detention, and exile, ii) reinforcing protection of rights to freedom including freedom of expression, iii) stronger enforcement of international human rights regulations, and iv) promoting human rights and ICT.

Beginning with the ensuring of the personal freedom including the freedom from arbitrary arrest, detention, and exile, the Commission established a regular monitoring system to examine socially controversial human rights violation cases and issued prompt responses in an effort to ensure practical and effective remedies and seek fundamental solutions. The examples include conducting a *suo moto* investigation on allegations of verbal and physical abuse within the riot police and conscripted police and making a recommendation to ultimately abolish the system of drafting soldiers to serve in the riot police and conscripted police and replace them with the regular police force. The Commission also launched a *suo moto* investigation on charges of battery, abuse, and a death by gunshot in the army and issued a recommendation that called for a development of fundamental measures by the military to improve conditions and culture within barracks and to better protect human rights in military. The Commission also sought measures to improve human rights conditions of correctional and detention facilities and fundamental rights of personal freedom of people under custody. More specifically, the Commission i) conducted field investigations into correctional facilities of the army and



the marine corps and recommended to establish a regulation on guidelines and methods of conducting physical checkup for new inmates and remedy the practice of enforcing monitoring by a correctional officer to be present during visitation sessions, ii) cited lack of outdoor area, excessive cooling and humidity during summer, and ineffective air circulation following field investigation of new detention facilities built as a high-rise building and recommended to refrain from adopting such high-rise building design for detention facilities, and iii) visited immigration detention facilities for field investigation and recommended to improve structure of security bars in detention rooms and enhance regular medical checkup of long-term detainees.

In addition, the Commission delivered its opinions on a number of legislative proceedings including i) finding the partial amendment to the Criminal Code which can potentially violate human rights with provisions such as continuance of capital punishment and introduction of protective custody, ii) expressed concerns for infringement of right to personal freedom for the drafted law on surgical treatments including surgical castration for child sex offenders, iii) the partial amendment to the Administration and Treatment of Correctional Institution Inmates Act in which it may restrict human rights of inmates as it seeks to tighten censorship of correspondences; and iv) the Use and Protection of Deoxyribonucleic Acid(hereafter 'DNA') Identification Act which may violate or excessively restrict the right to self-determination of private information, impede the principle of presumption of innocence, and undermine the power of warrant at the request of the Constitutional Court. These activities are testimonies of the Commission's efforts to make timely responses to human rights issues and build institutional foundation for enactment and revision of regulations that embody human rights.

For the first time as a government agency, the Commission conducted an in-depth survey on the latest information and conditions of torture victims and laid the groundwork for raising awareness of the public on the severity of damage inflicted by torture and developing social remedies in the form of legal and policy measures.

As a project to ensure protection of rights to freedom including freedom of expression, the Commission reviewed the 4th draft of government report on implementation of the International Covenant on Civil and Political Rights and provided feedbacks citing that the draft did not fulfill due diligence required of government reports as it only highlighted positive achievements without mentioning challenges and obstacles in implementing the Covenant. In terms of its contents, the Commission found the report to be insufficient in presenting impacts or effects of introducing a legislation or system as well as concerns and recommendations of the Human Rights Committee(hereafter 'HRC'). While a number of social issues were raised with regard to freedom of expression, one of the most fundamental rights to freedom, the efforts of the Commission for effective response were limited by lack of manpower.

At the same time, the Commission proposed recommendations (January 2, 2012) on the 2nd phase NAP (2012-2016) based on its analysis on evaluation of the 1st phase implementation, overall human rights conditions in Korea, and local and international human rights standards and cases, which laid the groundwork to formulate a comprehensive human rights policy on a government level.

In addition, it hosted an international conference in cooperation with the Ministry of Public Administration and Security on effective implementation of right of access to information set forth in the Convention on the Rights of Persons with Disabilities to review degree of access to information guaranteed to people with disabilities at home and abroad, to improve measures by benchmarking international laws and institutions, and to build a network with related local and international organizations and expert groups.

In addition, the Commission swiftly reviewed human rights-related laws and policies to promote rights to information privacy and presented diverse recommendations and opinions. It made steady efforts to raise the level of privacy protection in Korean society, including stating that access to personal information and GPS information must obtain consent of individuals for operating an electronic system to manage in-home welfare



services. The Commission also reviewed certain practices of businesses to extract excessive personal information and called for a guideline to protect personal information of service users. Faced with an issue of collecting fingerprint information as a part of Smart School Fingerprint Recognition System implemented for school attendance data processing, the Commission sided against the practice saying that benefits did not outweigh possible infringement on right to privacy and right to self-determination of personal information.

The Commission also determined that there was no specific system to guarantee right to personal information in light of managing the significant amount of personal information amassed by the government, and investigated current practices and provided grounds for human rights-friendly data management for the government. It also actively discussed and shared privacy issues in a series of open forum on private data profiling, right to enjoy information culture and intellectual property right, participation in SNS and establishment of democratic governance, and on-field privacy education across the country.

B. Advancing the Rights of the Child and the Elderly

The Commission came up with performance objectives of improving human rights of students, low-income children and youth, sports athletes, and the elderly, under the strategic goal of ‘advancing the rights of child and senior citizen’ to address human rights issues of children, youth and elderly people—the vulnerable group in the competitive society.

For promotion of students’ rights, the Commission conducted monitoring of curriculum and textbooks and recommended to revise or improve cases described in textbook which are not in line with the universal value or reflect bias or stereotype, and to comply with human rights-friendly textbook writing standards; and reviewed the partial amendment to the Enforcement Decree of the Elementary and Secondary Education Act and expressed its opinions on punishment policy of schools including indirect punishment

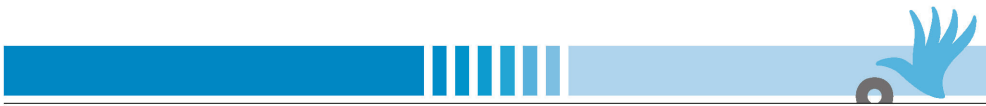
that may infringe students' rights, in an effort to build foundation for human rights-friendly school education and culture and to advance rights of students.

The Commission conducted a survey on elementary and secondary education curriculum and human rights education to identify progress and current status of human rights education at school, expecting the result to be an important basis in setting the future direction of human rights education at school. It worked actively and jointly with competent authorities to advance students' rights by supporting local education authorities for their formulation of the Human Rights Ordinance for Students and gathering opinions on the Charter of Rights to Education.

It also recommended to avoid producing and broadcasting videos featuring children waiting to be adopted with an aim to advance rights of children and youth and promote human rights-oriented culture, and offered in-depth human rights education courses to teachers of regional childcare centers jointly with the Korean Association of Community Child Center, contributing to raising awareness on children's rights.

Following the Policy Recommendation on Protecting and Advancing Rights of Student Athletes in 2007 and the Sports Human Rights Guidelines in 2010, the Commission organized on-site briefings and hearings in 2011 to facilitate acceptance and implementation of the guidelines in the sport community and contributed to protecting and advancing sports in the field of sports as well.

The Commission participated in working group meetings and presented its opinions including Information Note on its review of the 3rd and 4th government reports submitted to the working group prior to regular sessions of the Committee on the Rights of the Child. It also provided a separate set of documents prior to deliberation to help reaching a final conclusion on advancing children's rights in Korea. The activities of the Commission have been incorporated in the final conclusion of the Committee on the Rights of the Child, contributing to taking the level of compliance with international human rights standards in Korea to the next level.



In order to protect the rights of senior citizen, the Commission carried out field investigations on care centers for the elderly for the 3rd time this year, reviewed field implications and limits of long-term care insurance for the elderly, and found that senior patients suffering dementia were not managed effectively. The Commission plans to make necessary policy recommendations after reviewing the results.

Furthermore, the Commission operated the Guardian of the Rights of the Elderly in 4 regions across the nation, and conducted monitoring of job searching service for the elderly, support service for senior citizen living alone and their leisure activities as well as counseling for the elderly living alone and caregivers, in which process it laid the foundation to integrate elderly-oriented perspectives in projects to advance their human rights. In addition, while reinforcing education on human rights of the elderly by offering advanced courses for instructors on senior's human rights and courses to raise human rights awareness for those operating long-term care centers for the elderly and related government officials, the Commission worked hard to advance rights of senior citizen and enhance public awareness in this field.

C. Promoting the Rights of Economically Vulnerable Groups

With growing needs for protecting rights of economically vulnerable and disadvantaged groups owing to widening income disparity and increasing in low-income people, the Commission sets a strategic goal of promoting the rights of economically vulnerable groups, and designed performance objectives of establishing social infrastructure in line with international standards on social rights, ensuring rights of low-income people, and protecting vulnerable labor groups.

In terms of building social infrastructure meeting international guidelines, the Commission presented recommendations to improve organization and operation of the National Contact Point (hereafter 'NCP') in accordance with multinational company guidelines of the Organization for Economic Co-operation and Development (OECD),

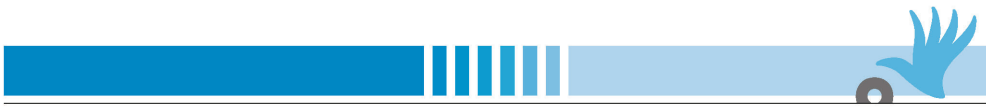
laying the groundwork to prevent and remedy human rights violations by multinational companies.

The Commission held the Asia Pacific Forum of National Human Rights Institutions(hereafter 'APF') on business and human rights, where it adopted the Statement on Asia Pacific National Human Rights Institutions on Business and Human Rights. The statement covers businesses' responsibility to respect human rights, governments' compliance with international treaties and standards on business and human rights, and active measures to be taken by NI, in which business activities of multinational companies can have an impact on human rights. The forum served as a good opportunity to share interest in business and human rights in Korea and beyond, and discuss in full scale the United Nations (hereafter 'UN') 'Protect, Respect and Remedy' Framework for Business and Human Rights.

The Commission found that a homeless with disability was not provided support necessary to exercise the right to defend him/her in legal proceedings, and delivered its opinion that the court needed to consider such circumstances, in order to remedy the victim's violated rights.

The Commission reviewed the partial amendment to the Wage Claim Guarantee Act to protect human rights of vulnerable labor groups, and recommended that it should be reasonable to develop standards for deciding who are subject to assistance in order to make sure that there are no loopholes in protecting their rights.

It also researched culture, art and sports industries to observe current status of labor market structure, labor demand and supply system, and industrial workers' perspectives on labor, and analyzed their overall human rights conditions as well as the industrial structures that are designed to produce non-regular workers. The result is expected to shed meaningful light on setting directions of human rights policies for non-regular staffs engaging in specialized industries and identifying future projects. The Commission also made prompt responses to social issues including an ad-hoc investigation on forced



eviction of the homeless staying in the Seoul Station. However, despite urgent needs for protection and advancement of the rights of low-income people and vulnerable labor groups amid growing income disparity, it was not effective in identifying policy agenda, reviewing policies and responding to human rights issues in this regard, which indicates a critical need for in-depth review.

D. Promoting Human Rights of Multicultural Society

Under the strategic goal of improving the rights of migrants in a multi-cultural society, the Commission set performance objectives of developing more human rights-oriented multi-cultural policies, protecting the rights of migrant workers, advancing the rights of female migrants, and protecting the rights of children born to multi-ethnic families. These performance objectives are set primarily to more effectively respond to increasingly diversifying human rights issues faced by migrants and build the groundwork for human rights-friendly multi-cultural society at a time when Korean society has become a de-facto multi-cultural society owing to growth in migrants.

The Commission determined that it should be desirable for Korean society to be more human rights-friendly multi-cultural society by enacting and implementing migrant policies, systems and regulations with a focus on human rights protection, and enhancing social understanding on the rights of migrants. Therefore, it sought to reach consensus and raise public awareness by recommending to formulate the guidelines on the rights of migrants, and to develop measures to allow those who are in the process of appealing the court decision to reject their application for refugee status to seek job opportunities so that the claimants and their families can enjoy the minimum dignity as human being until the court makes a final decision on their refugee status.

The Commission also guaranteed the rights to work of migrant workers and laid the foundation to improve human rights conditions of multi-ethnic society by making a number of recommendations: expanding the scope of acceptable reasons for migrant

workers to change their employers in order to protect the rights of migrant workers who may end up being unregistered owing to obscurity of regulations on the Employment Permit System; developing procedures to help re-employment of skilled migrant workers and lay the foundation for their stable livelihood; improving insurance system to pay severance pay and wage to migrant workers and offering related information service in a multiple number of languages.

To protect and advance the rights of female migrants, the Commission delivered its opinion that it should be reasonable to delete the provision requiring a married migrant woman intending to obtain approval to extend her stay in Korea to submit documents to guarantee their ID to prove the authenticity of the marriage. It also recommended to revamp laws and regulations to guarantee status and rights of stateless persons as set forth on the Convention relating to the Status of Stateless Persons to improve human rights conditions of those who have lost their original nationality after their Korean citizenship has been revoked at the ruling of the judiciary that the marriage is a sham designed to acquire the Korean nationality. Its recommendations include coming up with measures to help them enjoy a minimum standard of living as well as stable life until the nationality issue is settled down; allowing them to depart and re-enter Korea in the case of a death of family member staying in another country or for other humanitarian reasons; and subjecting stateless persons to those who receive medical expense subsidies. All of which were aimed at improving laws, systems, policies and practices concerning migrant females.

The Commission also recommended the government to improve procedures, expand the scope of eligible recipients, and secure a stable flow of budget for the Medical Expense Assistance Project for Migrant Workers and Other Disadvantaged Groups; and revise related laws including the Medical Care Assistance Act and the National Basic Living Security Act in order to guarantee the rights of unregistered migrant children. With the recommendations, public interest in unregistered migrant children in Korean society



has been further raised.

Additionally, the Commission held a symposium to understand demands for policies on the rights of migrant workers, and collected feedbacks from migrant workers. It found that still there were cases where migrant workers were not paid wage and severance pay; employers do not pay migrant workers due to their unregistered status; and migrants suffer risks of industrial accidents and verbal abuses. These cases indicate that the Commission needs more policies to address the current conditions.

E. Addressing Discrimination against Socially Vulnerable Groups

To deal with the various discrimination issues in Korean society, the Commission set its strategic objective as strengthening the anti-discrimination policies and remedies that pertain to socially vulnerable groups and laid down performance objectives to eliminate discrimination in employment and discrimination against persons with disabilities, to protect the rights of persons with mental disorder, and to advance the rights of women.

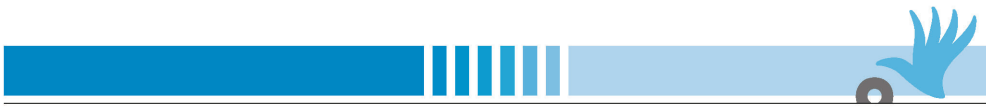
The Commission monitored media reports and trends on discrimination issues and conducted preliminary investigation into serious discrimination cases. It carried out *suo moto* investigation and recommended to address discriminatory actions on age restriction when appointing heads of villages or counties; to revise regulations and ordinances to lift age restriction when selecting culture and tourism interpreters, staff of private schools, provincial scholarship recipients and local government officials to receive long-term training; to apply a separate set of scoring standards which take into account disability conditions when recruiting persons with disability; not to limit eligibility criteria based on educational backgrounds and majors; to address the unreasonable discrimination of deciding not to hire a person who has undergone cancer surgery; and to prohibit discrimination by position on retirement age, all of which were to correct discriminatory employment practices in Korea and to raise public awareness.

The Commission also investigated current practices of recruitment process at public

and private companies to see whether there are any discriminatory elements, and raised public awareness on discriminatory recruiting process. It identified different retirement ages applied to different positions, jobs, genders, and employment types, and reviewed policy measures to be taken, contributing to address employment discrimination in the public sector.

Considering that public interest and concerns were heightened on service facilities for the disabled owing to the controversial film “Silenced” and the revision of Social Welfare Services Act in 2011, the Commission worked to advance the rights of the disabled and correct discrimination. Specifically, it recommended to enhance the linkage between the Act on the Promotion and Guarantee of Access for the Disabled, the Aged, and Pregnant Women to Facilities and Information and the Building Act; to draw measures to address discrimination against the disabled in their use of financial products and services; to organize programs for the disabled in sports facilities operated by local governments; to place electronic text signs in town shuttle buses and city buses; and to provide barcodes that convert prints into voices, or Braille data or standard text file when issuing medical records. It also carried out *suo moto* and field investigations to schools which forced their students to provide teachers massage service, and reported the cases and violation charges to the enforcement agency in an effort to make active responses to human rights issues.

The Commission surveyed the needs of the disabled, and analyzed current regulations and policies by sector, in order to formulate mid to long-term strategies to guarantee the rights of the disabled and address discrimination. It also identified policy measures needed in each stage of i) independence of the persons with disability from service institutions for the disabled, ii) early settlement, and iii) assimilation into community, and reviewed how to improve laws and institutions. Moreover, in order to address discrimination against the persons with disability in the process of insurance application, the Commission researched on guidelines on validity of rejecting certain persons with disability; reviewed cases of other countries to draw lines on diverse concepts of



discrimination including direct discrimination, indirect discrimination, provision of legitimate convenience, and excessive pressure as well as disability as defined in Anti-Discrimination against and Remedies for Persons with Disabilities Act(hereafter 'the Disability Anti-Discrimination Act'), etc. ; and conducted status survey to specify contents of human services under the Disability Anti-Discrimination Act.

In celebration of the 3rd anniversary of enactment of the Disability Anti-Discrimination Act, the Commission held discussions in 7 regions to share its progress and enhance understanding on the Disability Anti-Discrimination Act, while laying the foundation to raise awareness and facilitate policy implementation. It also identified and shared discrimination cases in daily life; monitored compliance with the Disability Anti-Discrimination Act with persons with the disability involved in order to ensure stable and effective implementation of the Disability Anti-Discrimination Act; and contributed to raising awareness and interest of local governments on the Disability Anti-Discrimination Act.

In order to protect the rights of the persons with disability staying in detention facilities, the Commission conducted a field investigation on Jinju Correctional Institution, a dedicated institution to treatment of mental illnesses. From the investigation, it checked treatment practices offered to the inmates, and recommended to make improvements in not having any full-time psychiatrist and mental health specialists, and insufficient expertise of staff working in mental illness ward of detention facilities, seeking to promote and renew awareness on the rights to health of inmates with mental illness.

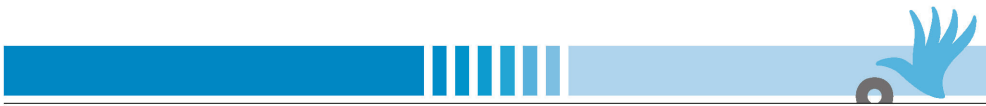
Organizing regional discussions and bicycle campaigns to address discrimination and bias against persons with disability who are suffering institutional and social discrimination, the Commission created a venue for the disabled, their families and staff working for related facilities to seek institutional measures to address bias against persons with disability and raise interest in promotion of the rights of the disabled. In addition, celebrating the 10th anniversary of establishment, the Commission evaluated its efforts

and progress to advance the rights of the disabled for past decade and discussed major issues on mental disability. By doing so, it boosted interest in persons with disability in Korean society, and helped consolidating cooperative relationship between the Commission and the disabled.

Furthermore, with a view to advance the rights of vulnerable persons with the disability, the Commission concluded an agreement with the Korean Mental Health Foundation to lay the foundation to secure expertise on the field of Mental Health Care, and offered human rights education to health facility owners, operators and employees in order to better protect the rights of the disabled and build the groundwork to create human rights-friendly culture in Korean society.

In an effort to advance the rights of women, the Commission conducted a *suo moto* investigation on restricting eligibility criteria for maritime high schools to male students and recommended to revise the application criteria; expressed its opinion that not paying condolence money to married female employees for their parents' death corresponds to discrimination based on gender bias; confirmed that it was also discrimination to give women disadvantages such as inducing to resign or excluding from jobs on the grounds of pregnancy or delivery; and determined that it constituted a discriminatory act not to accept relocation to a region where commuting is not reasonable as legitimate reason for inevitable withdrawal from the company in the case where the relocation was a result of divorce.

In particular, it carried out in-depth interviews with female emotional labor workers including restaurant staff, wholesaler cashier or salesperson, and call center representatives who are exposed to verbal abuse and rude behaviors. The Commission collected a range of human rights violation cases against female service workers, based on which it published the Employers' Guide for Human Rights of Female Emotional Labor Workers, and launched a large-scale public campaign titled "Good Consumers Make Female Emotional Labor Workers Smile" to lead the public to pledge respect and



consideration of female emotional labor workers.

Based on its on-site research on Female Celebrities in 2009, the Commission produced 'My Dream is..', a promotional animation to advance the rights of female celebrities and distributed it to 136 universities and graduate schools related with broadcasting and entertainment, as well as media and related organizations with an aim to advance the rights of female celebrities.

3. Special Project : Improving North Korean Human Rights

With rising interest at home and abroad in improving human rights conditions in North Korea, the Commission identified human rights conditions in North Korea, protected the rights of North Korean defectors staying overseas, reviewed humanitarian issues including South Korean prisoners of the Korean War in North Korean captivity, abductees, and separated families, sought measures to advance the rights of North Korea defectors, and established international network to urge the international community to improve the conditions in North Korea. Following 2009 and 2010, in 2011 the Commission again selected 'improving North Korean human rights' as a special project.

The Commission established the Special Committee on North Korean Human Rights (hereafter 'SCNKR') to draw a comprehensive and systematic roadmap and created comprehensive framework to improve human rights conditions in North Korea. Based on periodic meetings of SCNKR and advice from the Policy Consultative Body and experts, it found the 'National Policy to Improve North Korean Human Rights' and recommended its implementation to the government. Moreover, it opened the North Korean Human Rights Violation Report Center and the Archive on North Korean Human Rights which receives reports of human rights violation, identifies and documents current status of human rights violation in North Korea as a novel approach to address North Korean human rights issues. In particular, in July 2011, it built the foundation for international

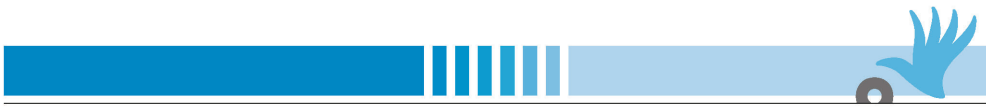
cooperation to improve North Korean human rights and consolidated network for international cooperation by holding a symposium jointly with Delegations on Korean Peninsula of the European Parliament under the theme of the role of the international community to improve North Korean human rights. Moreover, it conducted a field investigation on current status of North Korean defectors near the Maritime Province of Siberia, Russia which borders North Korea, and confirmed that the local Human Rights Commission and the Immigration Service Center deal with the defectors in compliance with international standards, while laying the groundwork to improve the rights of North Korean defectors.

Furthermore, the Commission paid attention to North Korean human rights issues by recommending the Chairman of the National Assembly and the Prime Minister to send Sukja Shin and her daughter (so-called 'Daughter of Tongyoung') to Korea, by recommending the Minister of Unification to establish systematic programs for mental health management to relieve trauma of North Korean defectors, and by delivering remarks from the Chairman to urge to stop forced repatriation of North Korean defectors staying in China.

4. Featured Project : Featured Project in Celebration of the Commission's 10th Anniversary

To celebrate its 10th anniversary, the Commission identified specific tasks such as organizing a symposium to look back upon the past decade and come up with sincere evaluation on the progress; surveying public awareness on human rights to estimate the current status of human rights in Korea; and enacting the Human Rights Education Act based on the belief that prevention by human rights education is effective in protecting and advancing human rights and raising public awareness.

The Commission held discussions on correction facilities and enforcement agencies



successfully to evaluate its activities for the past decade and identify future challenges; and segmented recommendations on discriminatory practices into employment (recruitment, wage, termination etc.), provision and use of facilities, and sexual harassment at school or work in order to assess progress and challenges, as a way to review future directions it should take based on in-depth evaluation of its 10-year history.

The Commission analyzed the landscape of human rights awareness of Korean society, based on which it conducted a survey on public awareness on human rights to utilize it for formulating policy measures and identifying human rights-related challenges. The analysis contributed to consolidate policies on the right to freedom, recover credibility and enhance capabilities of the Commission, improve human rights conditions in Asia and beyond, and affirm the need to strengthen human rights education.

The UN underlines responsibility of the government to offer human rights education and actions to be taken on the government level, and recommends government to implement human rights policies with a particular focus on education of higher education institutions (universities, social welfare facilities etc.), teachers, government officials, law-enforcement officers, and soldiers. In Korea, there is a rising demand for human rights education, as an increasing number of regulations make it a requirement to provide human rights education for students and the Human Rights Ordinance of local governments have been enacted. To lay the groundwork for human rights education to respond to the international trend and rising demand, the Commission actively briefed to the National Assembly and related ministries and succeeded in bringing the bill on Support for Human Rights Education on motions, which however failed to be enacted unfortunately.

Additionally, the Commission published a guide on its major decisions for the past decade titled ‘In the Name of Human Rights: 10 years of National Human Rights Commission of the Republic of Korea and its 100 Decisions’. It released ‘Top 10 Discriminatory Practices Corrected in Korea’ selected among its recommendations on

discrimination cases for the past decade, and published an essay titled ‘chun-cha-man-byul (All Sorts of Different Stories)’. The Commission also made steady efforts to raise awareness and facilitate comprehensive understanding on human rights issues by publishing a book titled ‘Interpretation of Human Rights’

5. General Project

A. Enhancing Effectiveness of Remedies

The Commission received and resolved 56,638 complaints, counseling sessions, and inquiries and civil applications in 2011, a decrease of 3.2% from the previous year. In 2010, there was a soaring number of complaints in total owing to as many as 800 group complaints from disability facilities and operation of the Report Center for Torture Victims. Excluding the exceptional factors in 2010, the number of counseling sessions, and inquiries and civil applications received and resolved has been on a steady rise every year. Complaints are divided into violation by authorities and discrimination. Of a total of 58,672 complaints received since its establishment, there were 45,162 violations by authorities (77.0%), 11,547 discrimination cases (19.7%), and 1,963 other cases (3.3%). In 2011, the Commission resolved 5,158 cases including 5,425 complaints for human rights violation received in the year and those transferred from the previous year, and 1,897 discrimination-related complaints.

In the field of human rights violation, there were a high number of socially controversial issues including deaths by gunshot, violence, and harsh treatment in military, riot police and conscripted police units. However, due to downsizing of the organization, the Commission could not deliver effective remedies to such complaints and more cases remained unresolved than the previous year.

Of all complaints for discrimination received in 2011, disability and age-based discrimination cases accounted for 56.6% of 1,802 in total (874 and 146 cases



respectively) with enactment of the Disability Anti-Discrimination Act in 2008 and the Act on Prohibition of Age Discrimination in 2009, while there were 217 sexual harassment cases (12.0%).

The Commission organized meetings to discuss prevention of sexual harassment and violence at universities in order to protect potential victims from sexual violence, published a casebook on sexual harassment to prevent and remedy sexual harassment cases, and maintained close and stable cooperation with related organizations.

On the other hand, the Commission needs to make more active efforts to systemize resolution procedures and logics for decisions, enhance in-depth investigation, monitor progress after recommendation to ensure their effectiveness, reinforce communication and cooperation with organizations to implement the recommendations, design measures to raise the recommendation acceptance rate, and swiftly address cases remaining unresolved for a long period, in order to offer more effective remedies.

B. Distribution of Human Rights Education and Production and Promotion of Cultural Contents on Human Rights

The Commission sought to stabilize operation of the Human Rights Education Center and established a system of supportive services for the education to fulfill its role as a primary provider of human rights education, which resulted in a total of 1,316 sessions given to 121,402 persons in 2011.

In particular, it opened and administered the Local Council Member Human Rights Leadership Academy Course for government officials of Grade 5 or higher, and offered a human rights sensitivity improvement course which has been in operation since 2010, in an effort to lay the groundwork to integrate human rights elements into formulation and implementation of national policies. In addition, it paved the way for training for government officials, which is a priority in the 2nd Phase Action Plans of the World Programme for Human Rights Education.

The Commission also offered modified human rights programs to business owners and Human Resources personnel of companies which employ persons with disability to respond to growing interest in corporate social responsibility and human rights-oriented business management and enactment of the Disability Anti-Discrimination Act, and prevented discrimination against disability at work. In addition, with revision of the Mental Health Care Act and enactment of the Act on Welfare and Support for Homeless etc., the Commission played a leading role in offering human rights education in the field of mental health by actively responding to demands for human rights education from mental health clinic employees.

Moreover, in order to promote recognition of diversity based on a human rights-oriented perspective and understanding on multi-cultural society, the Commission offered a human rights sensitivity improvement course to local government officials of Gyeonggi Province and facility staff who contact multi-ethnic families in person, which is deemed having contributed to building network between related departments and government officials of the province.

The Commission took advantage of cultural contents on human rights developed for human rights education and promotion in order to spread awareness on human rights and facilitate the education, and provided a variety of sectors in Korean society with cultural contents on human rights.

It expanded exposure of the Commission to the public via diverse media and approaches by agenda and promoted its major policies and achievements. The films 'Juvenile Offender' (2011) and 'Beyond the Eyes' (2009-2010) led the public to spontaneously enhance their sensitivity to human rights with a cultural approach targeting the masses. Additionally, the Commission distributed 12 types of human rights posters with texts and paintings drawn by undergraduate students, socially vulnerable groups and minorities under the theme of 'Human Rights Story in My Life', and promoted its activities strategically by utilizing a diversity of channels including networks, blogs,



newsletters, electronic boards, internet, and newsletters of public organizations, as a way to enhance public understanding on human rights issues and raise their awareness. It also created a Korean version of the documentary produced by the UN in celebration of the 50th anniversary of the Universal Declaration of Human Rights and uploaded it on its website so that it can be used for human rights education. Furthermore, it placed a PR board and posted press releases, human rights posters and event news for visitors.

C. Exchanges and Cooperation at Home and Abroad

Since its establishment, the Commission has pursued a policy that it should work with civil society in its efforts to address human rights issues and maintain unity and cooperation with human rights organizations, which is a significant part of its work. Despite some criticism and blames from human rights organizations on the Commission's status and roles, it organized policy consultation meetings with the organizations and gathered and integrated diverse opinions and recommendations into its 2011 annual work plan, as a way to establish continued cooperative relationship.

In 2011, the Commission provided financial support of KRW 130 million for 16 projects. By supporting those pursued by regional organizations lacking financial resources, the Commission contributed to promoting human rights culture in regions. It also visited fields to listen voices of socially disadvantaged groups or vulnerable groups in terms of human rights and sought to take their challenges or demands into consideration in organizing its policies and projects.

To consolidate its leadership in the international human rights community in 2011, the Commission reinforced its cooperation with the UN, the Human Rights Treaty Bodies, International Co-ordinating Committee of National Institutions for the Protection and Promotion of Human Rights (hereafter 'ICC') and other international agencies: being selected as an Asia-Pacific representative of the ICC Executive Board and a member of the Subcommittee on Accreditation, organizing the Asia-Pacific Conference of National Human

Rights Commission on Business and Human Rights, holding the Civil Society Consultation on Strengthening Human Rights Treaty Bod System, being chosen as a host to hold the 12th informal Asia-Europe Meeting(hereafter 'ASEM') Seminar on Human Rights in 2012, and participating in diverse international human rights conferences. In addition, it made efforts to implement international standards in Korea by responding to the Universal Periodic Review of ICC, and monitoring and commenting on the government's compliance on 7 human rights treaties Korea has signed. In particular, the Commission is expected to play a greater role, considering that ICC and the Human Rights Treaty Bodies grant national human rights commissions as well as governments the right to speak.

Furthermore, with its status being better recognized at home and abroad, the Commission receives an increasing number of visitors to learn more and share specifics of its establishment, roles, works and activities. For instance, in 2011, 17 global figures including Jose Manual Ramos-Horta, the Nobel Peace Prize winner and the President of East Timor visited the Commission to better understand the history of democracy and progress of human rights in Korea, and discussed future cooperation. It also operated the Human Rights Policy Development Program to government officials of APF member countries as an Official Development Assistance (hereafter 'ODA') project supported by the Korean International Cooperation Agency (hereafter 'KOICA') to support their formulation of human rights policies and Commissions, further reinforcing its global leadership in this field.

D. Stable Operation of Regional Human Rights Offices

Regional human rights offices built network to improve quality of counseling service, conducted counseling tour and an effective investigation into complaints at detention and group facilities, developed diverse programs involving the community, offered tailored human rights education and promotion, and enhanced its cooperation with regional agencies and organizations.

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

Pursuant to Article 19 (1), (4) and (7) and Article 25 of the National Human Rights Commission Act, Commission carried out various activities including conducting surveys on human rights conditions, submitting recommendations and opinions on relevant laws, regulations, policies, and practices, as well as facilitating accession to and implementation of international human rights treaties to promote compliance with the treaties in Korea.

In order to execute 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 the latest human rights conditions and improvement measures to the President of the Republic of Korea and the National Assembly (Article 29). It may also create expert committees (Article 12) and advisory bodies (Article 15) by special interests.

In 2011, the Commission dedicated itself to improving laws, regulations, policies, and practices with human rights implications including economic, social, cultural, civil, and political rights. It paid special attention to protecting the right to freedom which is directly related to lives of people. To this end, the Commission conducted on-site research and studies on pending issues, while collecting opinions of experts by organizing various discussion sessions and meetings.

It also adopted a comprehensive approach to improving human rights conditions by

prioritizing major human rights issues faced by Korea as its strategic objectives, such as human rights in North Korea, business and human rights, privacy and human rights, the rights of athletes, and the rights of the elderly.

Section 2. Results of Major Activities

1. Recommendations and Opinions for Improving Regulations and Policies on Human Rights

A. Figure of Policy Recommendations, Opinions, etc

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

(Unit: number of cases)

Year \ Category	Total	Recommendations	Opinions Expressed	Opinions Submitted
Cumulative Total	399	169	210	20
2011	38	17	19	2
2010	42	21	17	4
2009	46	14	29	3
2008	48	14	28	6
2007	55	26	26	3

* Cumulative Total : January 1st 2001 to December 31st 2011

* Details on policy recommendations and opinions on human rights conditions in North Korea are described in Chapter7.

B. Highlights of Policy Recommendations and Opinions Expressed

1) Recommendation to Improve Structure and Operation of NCP Pursuant to the OECD Guidelines for Multinational Enterprises

The Commission recommended the Minister of Knowledge Economy to ensure



participation and cooperation in NCP of enterprises, labor groups, civic groups, and international organizations; to enhance the accessibility to NCP information such as operation rules, procedures to raise questions or complaints, annual reports, and contact information in compliance with the OECD Guidelines by users through the website; to raise transparency and accountability of work process by specifying due dates when receiving complaints and notifying results; and to modify the work practice to prevent the NCP secretariat from making independent rulings on complaints received by NCP. (October 27, 2011)

2) Recommendation to Improve the Practice of Collecting Personal Information

The Commission recommended the Chairman of Korea Communications Commission to investigate whether the policy of ‘XXX Corporation’ to request consent for collecting and using personal information through push notification and deny access to ‘XXXX Service’ when users do not consent violates the provision on consent to collection of personal information of the Act on Promotion of Information and Communication Network Utilization and Information Protection, etc. The recommendation also included taking appropriate actions in accordance with applicable regulations for any violations, reviewing the practice of collecting personal information by businesses, and developing a guideline for protection of privacy of service users. (October 27, 2011)

3) Opinion on the 4th Korean Government Report on Implementation of the International Covenant on Civil and Political Rights of UN

The Commission submitted its opinion to the Minister of Justice that the draft did not fulfill its responsibility of due diligence because it only highlighted positive achievements and neglected challenges and obstacles in implementing the Covenant and that in terms of contents. The draft also lacked sufficient explanation on impacts or effects of introduction of laws and institutions as well as concerns and recommendations of the HRC. (January 27, 2011)

4) Opinion on the Proposed Partial Amendment to the Criminal Code (legislation notified on October 25, 2010)

The Commission expressed its opinion on the proposed partial amendment to the Criminal Code to the Chairman of the National Assembly and the Minister of Justice to : i) revise the bill to reflect sentence of imprisonment imposed by foreign jurisdiction when deemed necessary, i.e. add or deduct the duration of imprisonment sentenced or served to the term sentenced by Korean court; ii) specify examples of ‘mental disability’ as the term can be construed as a mental and physical disorder which constitutes a reason for incompetence thus revise the term to ‘mental disabilities, etc’ to be more inclusive; iii) consider abolishing capital punishment and detention which is a very short-term sentence and entails a number of negative consequences; iv) lower the limits on penal servitude and aggravated penalty since current level deemed as excessive punishment and may lead to an absolute indeterminate sentencing; v) allow certain inmates to exercise their rights to vote considering types and severity of offences; vi) revise the monetary penalty so that the amount can be decided depending on value of total asset owned by each offender; vii) replace detention in labor houses by community service order or others; and viii) consider abolishing the provision on protective custody that may be construed as excessive punishment. (February 10, 2011)

5) Opinion on the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression

The Commission submitted its opinion to the Minister of Foreign Affairs and Trade that certain contents pertaining to the Commission were found to be inconsistent and should be revised or deleted. (February 17, 2011)

6) Opinion on the Proposed Partial Amendment on Enforcement Decree of the Elementary and Secondary Education Act



The Commission expressed its opinion to the Minister of Education and Science Technology on the Proposed Partial Amendment on Enforcement Decree of the Elementary and Secondary Education Act: i) in the school policy reporting guideline included a provision on ‘other teaching methods’, protection of education and research activities within schools, and maintaining order in school’ in addition to reward and punishment for students while these are considered too broad and ambiguous so that they may lead to arbitrary interpretation and enforcement, thus it is reasonable to delete the provision. A provision on ‘matters concerning protection of the rights of students’ should be added; ii) although the bill stipulates formulation or revision of policies affecting students must reflect opinion of students, the part which limits the requirement to a policy on rewards and punishment must be deleted; iii) with regard to disciplinary actions, the provision on ‘method of reprimand or discipline set forth by school policy’ should be deleted and the one of ‘suspension of attendance for 10 days or less’ should be deleted or supplemented with another provision ensuring the right to appeal the decision; iv) the provision on indirect corporal punishment should be revised as ‘method of reprimand or discipline that does not inflict physical suffering on students’; and v) the provision on due responsibility of students should be deleted as it that may restrict the rights of students under a rather abstract concept of ‘ethics of students’ or ‘breach of order in school’. (March 2, 2011)

7) Opinion on the Proposed Partial Amendments to the Criminal Code and the Proposed Partial Amendments to the Criminal Procedure Act

The Commission expressed its opinion to the Minister of Justice on the Proposed Partial Amendments to the Criminal Code and the Proposed Partial Amendments Criminal Procedure Act that physical detention of material witness applicable to the amended Criminal Procedures Act and enforcing false statement charge on a witness applicable to the amended Criminal Code may infringe the right to silence; allowing exemption from indictment as plea bargaining applicable to the amended Criminal Procedures Act and plea

bargaining applicable to the amended Criminal Code may result in forced false statements and abuse of the right to prosecute; and the provision to acknowledge the admissibility of evidence of video recordings and its use as evidence for impeachment applicable to the amended Criminal Procedures Act expands the scope of admissibility of evidence of hearsay evidence, and therefore it is not reasonable to add the provision. (March 31, 2011)

8) Opinion on Violation of the Right to Self-Determination of Private Information under the Electronic Management System for In-home Welfare Services

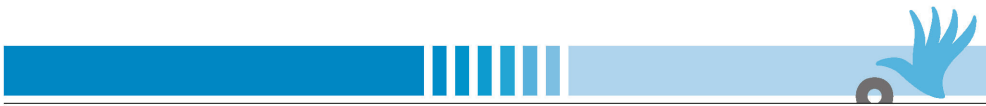
The Commission expressed its opinion to the Chairman of National Health Insurance Corporation that although using QR code-based location data to check service time is not deemed violation of human rights, it is reasonable to come up with procedures to obtain consent from caregivers on utilizing their private information and location information; it should ensure that sufficient explanation has been provided and explicit consent has been obtained in order to have recipients of in-home welfare services use RFID tag while clearly informing the option of not consenting to the use; and it should take appropriate measures including encrypting tag card numbers. (April 28, 2011)

9) Opinion on the Proposed Act on Surgical Treatment of Child Sex Offenders

The Commission expressed its opinion to the Chairman of the National Assembly that adopting surgical castration applicable to the Proposed Act on Surgical Treatment of Child Sex Offenders and the Proposed Partial Amendment to the Criminal Code not only exceeds tolerable restriction of a person's basic rights but also infringes a subject's right to defend against bodily harm and the right to self-determination. (May 13, 2011)

10) Opinion on Public Service Announcement Video Featuring Children Waiting for Adoption

The Commission expressed its opinion to the Minister of Health and Welfare and others on a public service announcement video produced by the 'Campaign to Find Homes for



Children Waiting for Adoption (‘the Campaign’) that included: i) there are alternative ways to communicate the message without featuring actual children; ii) there isn’t sufficient evidence of a video featuring children is significantly more effective than any other methods considering that a culture of publicized adoption is yet to be widespread; and iii) there is a possibility of adverse psychological impact of publicizing the adoption suffered by adopted children or children suffering from discrimination by having personal information disclosed to the public.

The Commission discouraged production and broadcasting of a video featuring actual children awaiting adoption for their potential to violate the children’s right of publicity or personality right and demanded for ways that are respectful of human rights. In addition, the Commission emphasized that government agency that is the primary agent responsible for protecting rights of children who are subject to particularly strong protection under the Constitution of Korea and international human rights treaties must work to implement fundamental and comprehensive plans to promote adoption that are respectful of human rights. (June 16, 2011)

11) Opinion on Installing CCTV in Reading Room of City Library

The Commission construed that it was disinclined to rule it a violation of human rights to install and operate CCTV for prevention of theft in compliance with appropriate procedures beginning with gathering feedbacks from library users with a survey on installing CCTV, notifying them of the installation, and operating in line with management guidelines. However, the Commission expressed its opinion to the Director of XX City Library that a reading room without CCTV monitoring should be offered in respect of the right to self-determination of those who do not wish to be monitored. (July 14, 2011)

12) Opinion on Deliberation of the 3rd and 4th Government Report to the Committee on the Rights of the Child (Opinion Report Submitted)

The Commission delivered its opinion to the Committee on the Rights of the Child in

August 2011 on the 3rd and 4rd Consolidated Government Report submitted by the Korean Government to the Committee on December 2008. Prior to that, it prepared the Information Note in January 2011 on the Pre-session Working Group to draft a list of issues to be raised by the government during the deliberation by the Committee on the Rights of the Child.

To prepare the opinion report, the Commission gathered a wide range of voices from experts on the rights of the child, special committee members of the Commission, and NGOs. The opinion covered a total of 9 sections including 8 fields (general measures of implementation, general principles, civil rights and freedoms, family environment and alternative care, basic health and welfare, education, leisure and cultural activities, and special protection measures) and 2 optional protocols as well as 50 key tasks, based on the government reporting guidelines of the Convention on the Rights of the Child (CRC/C/58/Rev.2, hereafter 'CRC'). More specifically, it included i) 8 tasks on general measures of implementation including saving clause withdrawal, policy coordination and monitoring, budget for children policies, data collection, promotion and education on the convention, and measures by local governments to protect the rights of children; ii) 7 tasks on general principles including prohibition of discrimination against migrant children, etc., suicide of children, and respecting children's opinions; iii) 6 tasks on civil rights and freedoms including freedom of expression, assembly and association, freedom of private life, and corporal punishment at school; iv) 6 tasks on family environment and alternative care including child support, adoption, and child abuse and neglect; v) 7 tasks on basic health and welfare including education and care of children with disability, mental health of children, support for children, and children in poverty; vi) 7 tasks on education and leisure and cultural activities including competition-driven education, low public education expense and high private education expense, and children who discontinue school education; vii) 6 tasks on special protection measures including protection of the labor rights of child, sexual violence against child, and protection of the right of student athletes; and viii) 3 tasks on optional protocol including child pornography and child sex



trafficking.

The Commission also organized a meeting to brief on the report to the members of the Committee on the Rights of the Child on September 20, 2011 prior to deliberation. On September 21, a number of committee members asked questions based on the opinion report, and the final opinion was found to reflect much of the Commission's opinion, which indicates that the opinion report of the Commission has contributed to deliberation by the Committee on the Rights of the Child on the government report.

13) Opinion on the Proposed Partial Amendment to the Act on Administration and Treatment of Correctional Institution Inmates

The Commission expressed its concerns to the Chairman of the National Assembly on the Proposed Partial Amendment to the Act on Administration and Treatment of Correctional Institution Inmates that included: i) the amendment may infringe the prisoners' right to health and the family's right to information as it seeks to limit medical conditions requiring outside care that should be informed to family members to 'serious treatments such as hospitalization or surgery'; ii) the amended ground for correspondence censorship, 'when there is a reason for suspicion', is too abstract and general and may induce arbitrary interpretation and excessive censorship. It may even infringe the freedom of communication as it beats the purpose of the amendment for failing to address the issue of ambiguous grounds for censorship within the current regulation; iii) although there are reasonable grounds to restrict access to certain publications deemed greatly inappropriate for correctional or disciplinary purposes, attempts to screen publications for their violent or explicit contents aside from review of the Korea Publication Ethics Commission and restrict access by prisoners may be considered as an abuse of power and prejudice and violation of right to information; iv) 3-day waiting period given for unclaimed body of a deceased prisoner to be cremated seems insufficient to perform a proper death notification and should be extended. (September 22, 2011)

14) Opinion on Installation of Fingerprint Recognition System for Smart Schools

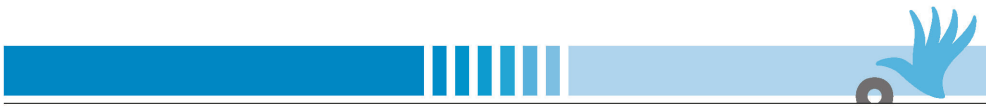
The Commission expressed its opinion to the Director of Construction of Multifunctional Administrative City that installing the fingerprint recognition system for Smart Schools should be discouraged on a number of reasons including: i) scope of application that expands from kindergartens to high schools is too vast; ii) benefits including higher efficiency of school administration supported by rapid attendance monitoring do not outweigh the potential risk of infringing basic rights; iii) there are alternative methods such as use of electronic student ID or manual attendance monitoring; and iv) recognizing the possibility of loss and misuse/abuse of private information, benefits of collecting fingerprint information to facilitate attendance monitoring do not outweigh restriction on the rights to privacy and self-determination, not to mention the possibility of violating the principle that prohibits excessive supervision. While the best interests of children should take the priority, the proposed system could result in invasion of privacy. (October 27, 2011)

15) Opinion on the Framework against Discrimination Act

The Commission expressed its opinion to the Chairman of the Legislation and Judiciary Committee of the National Assembly on the Framework Act against Discrimination (hereafter, ‘the Anti-Discrimination Act’) as follows.

While it was commendable to formulate the general and comprehensive Anti-Discrimination Act such as the proposed one aimed at raising living standards of socially vulnerable groups, achieving the principle of equality stipulated by the Constitution through concerted efforts to remedy discriminatory conventions, regulations, and policies, and promoting compliance with international human rights treaties, the proposal required further improvement as follows.

i) Grounds for discrimination simply labeled as ‘physical conditions’, ‘place of birth’ and ‘social status’ to represent types of discrimination are insufficient to represent detailed



reasons for discrimination and needs to be specified such as ‘gender’, ‘age’, ‘disability’, ‘country of origin’, ‘criminal record’, and ‘academic background’. ii) Grounds for discrimination that lack clarity or designation principle (‘gender equality’, ‘employment type’, etc.), lack justification (‘childbirth method’), or are limited in its application (‘family type’, ‘political beliefs’, etc) do not contribute to achieving effectiveness of remedies and need to be modified to have clear and definite description and implication. iii) ‘Marketing’ activities that communicate or promote discrimination based on gender should be specified clearly. iv) Exemptions from the Anti-Discrimination Act are not defined clearly and exemptions recognized by most comprehensive anti-discrimination acts such as bona fide occupational qualification or affirmative action or others are advised to be prescribed in detail. v) In respect to its status as an independent anti-discrimination agency, a provision that grants the Commission the responsibility of preparing for and reporting to the government a recommendation for basic plan for anti-discrimination, and iv) a provision that demands respect of the Commission’s recommendations and grants the Commission the right to request result of execution of action plans should be specified in order to maximize the effectiveness and promote implementation of the basic plans. vii) In an effort to ensure effectiveness of remedies, it is recommended to create a provision on support for litigation or legal assistance for victims of serious discrimination cases. And there should be additional remedies for malicious discrimination. vii) A special regulation on violation of information disclosure requirement should be established. (October 27, 2011)

16) Opinion on the Proposed Partial Amendment to the Enforcement Decree on Wage Claim Guarantee

The Commission expressed its opinion to the Minister of Employment and Labor on the Proposed Partial Amendment to the Enforcement Decree on Wage Claim Guarantee recommending to establish an eligibility guideline for selection of workers that reflect factors such as data of low-income workers and wage levels of individual workers to effectively identify vulnerable workers such as the working-poor and leave no worker

neglected who needs assistance. (November 18, 2011)

C. Opinions Submitted to Courts and the Constitutional Court

1) Opinion on Constitutional Appeal (Case # 2001Hun-Ma28)

The Commission submitted its opinion to the Constitutional Court that its ruling on a constitutional ruling claiming the unconstitutionality of the Act on Use and Protection of DNA Identification Information (hereafter, 'DNA Identification Act') is likely to correspond to a 'lawsuit that has a significant impact on protection and advancement of human rights' considering major aspects of the ruling involving justification and restriction of the right to self-determination of private information caused by collection and use of DNA samples for identification. Specifically, the ruling is likely to have implications on major human rights issues including conditions under which the government was allowed to collect and store DNA information of individuals; procedures that need to be taken by the government in order to restrict the right to self-determination of private information; and how long such private information can be retained.

The opinion included that i) application of the DNA Identification Act is too broad and includes offences that do not warrant DNA identification. Compelling DNA information based solely on conviction of certain crimes without regard to motive, severity, and tendency of the convicted crime or possibility of repeat offense may contradict the Constitution's principle of prohibiting excessive force and is likely to invade the convicts' right to self-determination of private information; ii) compelling suspects who are arrested to submit DNA samples may violate the presumption of innocence; iii) by failing to stipulate a practical guideline for judges to determine just causes of warrant for DNA samples filed by prosecutors, there is a great concern for the Act to be violating the warrant requirement principle as it stipulates a process that disregards the warrant requirement by failing to meet prerequisites necessary to validate content form; and iv) the Act stipulates that DNA identification information may only be expunged by the authority or at the



request of family members following death of prisoners, and it is deemed to violate the principle of prohibiting excessive force and the right to self-determination as the stipulation can be interpreted that DNA identification information may be retained until the death of the person. (July 25, 2011)

2) Opinion on Supreme Court Case # 2011Mo1122 (so-called 'Murder of Homeless Girl at Suwon Station')

Mr. Jung ('the complainant') who re-appealed to the Supreme Court case # 2011Mo1122 ('the re-appeal case') petitioned for an emergency remedy, requesting for immediate suspension of sentence citing a just cause when his accomplices was found not guilty. (November 8, 2011)

The Commission found that the complainant did not receive sufficient support needed to exercise his right to self-defense including presence of a guardian during the investigation despite special circumstances such as being a homeless and having less intelligence and cognitive acuity. It also noted that the only key evidence for convictions of the Suwon District Court (2007 Gohap 215) and the Seoul High Court (No 1972) were confessions of the complainant and his accomplice, Mr. Kang, and the credibility of the confessions were rejected by the Seoul High Court (2008 No 1914) and the Supreme Court (2009 Do 1151), as well as Suwon District Court (2010 No 5732) on a perjury charge against the complainant.

Given all the circumstances, the Commission found that the complainant may have been wrongfully accused, which seemed to be a result of being denied of special support necessary to exercise his right to defend himself against criminal charges in violation of not only his constitutional rights but also rights of persons with disabilities and other vulnerable groups.

Accordingly, the Commission submitted its opinion to the appellate court to consider all pertinent facts, as the final ruling on the re-appeal case may not fully reflect substantial truth. (November 28, 2011)

2. Major Policy Projects

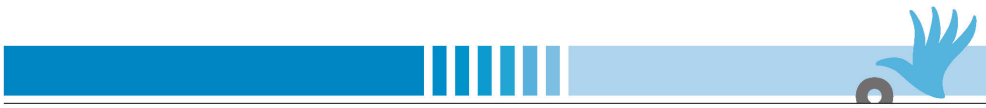
A. Monitoring on Formulation and Implementation of National Action Plan for the Promotion and Protection of Human Rights

In January 2006, the Commission presented the government its recommendation for development of NAP to serve as a comprehensive set of principles or guidelines on formulation of NAP. Upon completion of the 1st Phase NAP, it became necessary to evaluate the result of the 1st Phase and develop recommendation for the 2nd Phase slated for 2012 to 2016 in reflection of the latest status and conditions of human rights. The Commission complied by developing an implementation plan in early February, created an advisory group consisting of experts to conduct preliminary research and develop recommendations, and submitted its recommendation for the 2nd Phase NAP to the government as follows:

Recommendations for the 2nd Phase NAP consist of 3 parts : i) overview, implementation process and approaches, and components of NAP; ii) priority issues deserving urgent remedies for the duration of next 5 years in pursuit of protection of rights of 15 socially vulnerable and minority groups (including people with disabilities, non-regular workers, migrants, refugees, women, children and youth, the elderly, patients, soldiers and riot/conscripted police, people in protective facilities, sexual minority, Korean nationals with foreign residency, crime victims, and human rights in North Korea); and iii) improvement and enhancement of policies needed for development of infrastructure in pursuit of human rights, advancement of human rights beyond the current status, human rights education, and cooperation at home and abroad.

The Commission plans to actively carry out monitoring and evaluation on its recommendation as the government confirms and executes the 2nd Phase NAP.

B. Developing and Distributing Guidelines on Human Rights in Sports and Organizing On-site Briefings



In its 2007 Policy Recommendation to Protect and Promote Human Rights of Student Athletes, the Commission recommended to shift the focus of sports policy from elite athletes to human rights and implement systematic measures to protect the rights of student athletes. Despite some positive changes and improvements in the field, there still exists a room for more improvement. Recognizing the need for a regulatory guideline for human rights policies in sports to assist the government, local education authorities, and sports communities to strengthen, promote, and sustain human rights, the Commission established in December 2010 the ‘Guideline on Human Rights in Sports’ encompassing prevention of human rights violations in sports such as violence, sexual assault, and right to education, detailed application of policies to remedy violations, and facilitation of self-motivated pursuit of human rights. The Guideline was then submitted to the Ministry of Education and Science Technology, the Ministry of Culture, Sports and Tourism, 16 education authorities of cities and provinces, and the Korean Olympic Committee in June 2012. To ensure application of the Guideline in the field, the Commission sought understanding and cooperation by relevant policy makers by hosting briefing sessions around the country at local office of education.

C. Survey of Public Awareness on Human Rights

The status survey of public awareness of human rights was conducted to better understand the landscape of human rights awareness of the public, experts, and others, and serve as a basis for setting policy directions and identifying project agenda to further improve human rights conditions.

The survey of the public showed that there was an increase in basic understanding, interest, and awareness of human rights. Right to privacy and freedom of assembly and association were identified to suffer the greatest violation and the public strongly demanded protection of social rights. A wide consensus was enlisted on the necessity of human rights education, while the public had high expectations but low awareness of the

Commission.

Meanwhile, experts showed in their survey that they had a fairly high understanding of human rights and made unfavorable evaluations on current human rights conditions. Invasion of privacy and discrimination against non-regular workers were identified as the gravest violations of human rights, while the Prosecutor's Office, the military, the media, and the police, in order, were authorities accused of committing human rights violations. It was also learned that the experts considered the conflict between freedom of expression and protection of privacy as a key controversy in rights to freedom.

Lastly, the survey of elementary and middle school students found that they had higher understanding on concepts of human rights and awareness of human rights violation. A great number of students answered to have experienced human rights violations, with corporal punishment being the most frequent human rights violation. Discrimination based on ethnicity, gender, and economic conditions were common forms of discrimination in addition to discrimination based on academic performance or appearances, and subjects singled out the social perception of regarding minors as immature and irrelevant to be human rights violation. While nearly half of subjects underwent human rights education, independent human rights education programs were yet to be wide-spread.

Based on the survey result, the Commission confirmed the need to consolidate policies on social rights, reinforce policies on rights to freedom, regain trust of the public and enhance its capabilities, improve human rights in Asia and the world, and enhance human rights education.

3. Research (Studies) on Human Rights Conditions

The on-site research (Studies) of human rights conditions attempts to gain a clear picture of diverse human rights conditions in society, and the survey result of selected agenda is used as a basis for human rights policies and policy recommendation after review. In 2011, the Commission conducted surveys on a total of 8 human rights issues.



A. Preliminary Research on Formulation of NAP

Based on the Commission's recommendation, the government established the NAP in May 2007 and decided in August 2008 to launch the 1st Phase NAP from 2007 to 2011. To assist the government with development of the 2nd Phase NAP, the Commission attempted to establish grounds to review progress of the 1st Phase and draw recommendations for the 2nd Phase. It commissioned the industry-academia cooperation unit of Inha University to review progress of the government's implementation in 4 areas of the 1st Phase NAP (rights to freedom, social rights, protection of minority, and human rights education and international human rights standards) and conduct preliminary research to formulate recommendations on the 2nd Phase NAP.

B. Preliminary Research on Development of Human Rights Index

The research was commissioned to the industry-academia cooperation unit of Sungkyunkwan University and carried out for 7 months from March 2011 with an aim to define human rights index and study why and how it makes sense. It focused on 'human rights index of government organizations' which systematically quantifies policy efforts made by each entity to promote human rights in society as well as organizational culture respectful of human rights.

The research first attempted to review previous local and international researches on human rights index before drawing a roadmap for establishment of a Korean version of human rights index by defining concepts and objectives and classifying abstractive elements and components. Based on the review of preceding researches and theoretical foundations, the Commission and the unit drew conclusion including objective and subjective index governing why and how they are relevant, how the index can be converted into composite human rights index, how the human rights index of government organizations can be integrated into public policies, and ideas on expected effects and potential limitations.

C. On-site research on Human Rights Conditions of Torture Victims

The Commission called the public's attention to the severity of damage inflicted by torture and urged the government to sign and ratify the Optional Protocol to the Anti-Torture Treaty. It also carried out the first-ever comprehensive and in-depth survey by a government body to identify conditions and status of victims tortured by government organizations and attempted to provide a basis for legal system and policies to prevent and abolish torture and support victims.

The survey classified torture as physical torture, psychological torture, torture by deprivation, and forced nudity. Degree of pain and suffering were segmented into social and psychological suffering, health condition, trauma, suicide attempt, etc., and it found that 60% of the victims were suffering from serious financial difficulties. In terms of health conditions, victims had experienced or were experiencing alcohol dependence, orthopedic illnesses, depression, or schizophrenia while 76.5% (163 persons) responded they suffered trauma, indicating the seriousness of psychological impact inflicted by torture. With 24.4% having attempted suicide, the figure is 4 times higher than 7.6% of the elderly aged 65 or older who admitted in the Korea National Health and Nutrition Examination Surveys in 2007 to having thought about committing suicide in the past year. In addition, family members of victims were interrogated or subjected to surveillance or witnessed torture, suffered discrimination in education and employment and faced social and economic difficulties, and suffered from psychological trauma of being alienated or ostracized by others.

Based on the survey, the Commission will make multi-faceted efforts to raise awareness of severity of torture damage and ensure social support and supportive system.

D. On-site research on Discriminatory Hiring Practices

The Commission conducted a survey of discriminatory hiring practices with help of the Center for Legal Support for Women at Work to gather data on degree and extent of



discrimination based on education, gender, age, wealth, family relation, appearance, religion, disability, and military service record in hiring, carry out more in-depth analysis and identify concrete examples of discriminatory practices at work, and utilize the analysis to develop policy measures.

Issue of discrimination in hiring practices were typically focused on victims such as women, people with disabilities, and older workers, with gender discrimination being the most prominent subject demanding intense research. The purpose of the survey was to objectively analyze and examine discriminatory hiring practices which were only assumed or alleged previously. As a result, it found direct discrimination and human rights violation committed by employers that might be deemed as infringement of applicable regulations, which requires vigilant monitoring and supervision by the government and employers. It was necessary for employers to develop hiring measures to put an end to imposing the controversial practice of application eligibility as well as demanding excessive personal information from applicants, while the government should provide policy support to enable employers to develop diverse recruiting tools.

E. On-site research on Human Rights Education at Elementary, Middle, and High Schools

The Commission retained the service of the Korean Women's Development Institute to conduct a survey of human rights education status at elementary, middle, and high schools in Korea including progress review of promoting human rights education at schools, one of key strategic projects of the Commission, identifying issues and limitations, and measures for enhancement.

To get a comprehensive picture of human rights contents featured in the curriculum and textbooks of elementary, middle, and high schools, the Commission reviewed human rights contents and elements featured in the Ethics and Social Studies Curriculum of 2007, 89 textbooks developed under the revised 2007 Curriculum, and Social Studies Curriculum that was subject to the most extensive revision under the 2009 Curriculum Revision. Upon

conclusion, the review found that Ethics and Social Studies Curriculum of 2007 featured significant amount of human rights contents compared to other curriculums and provided diverse coverage of human rights contents spread evenly from Grade 3 to Grade 10. However, lack of coverage of ‘basic concepts of human rights’ and disproportionately intense coverage of ‘reasonable resolutions for and participation in human rights issues’ indicated unbalanced coverage. However, the coverage on human rights education was significantly reduced in the 2009 Curriculum Revision.

As for human rights education at school, 75.7% of teachers and 69.1% of students responded they had received the education at school, suggesting that the human rights education at school had spread to a great extent. However, only 23.5% of students who received the education responded that they well understood the meaning of human rights, which shows that despite dramatic increase in quantity of education, there is still a long way to go in terms of quality, given low awareness of both teachers and students on human rights documents. Furthermore, there was a gap in awareness of rights of students between teachers and students, and education failed to induce actions. Nevertheless, as teachers and students who have been educated on human rights show greater interest in human rights than those who have not, more systematic human rights education is likely to raise awareness of more teachers and students.

F. Research on Human Rights-Oriented Management of Information Resource of Government

The Commission carried out the research in conjunction with the industry-academia cooperation unit of Korea University after recognizing the fact that there was a lack of regulatory system dedicated to protection of right to information privacy even though the government retains an extensive amount of data. The research reviewed status of data management by government entities and identified a gap between the principle of data management by data life cycle and legal systems. It also uncovered causes for conflicts between efficiency and human rights in managing the National Education Information



System (NEIS), the Korea Information System of Criminal-justice Services (KICS), and the Health and Medical Information System and questioned and interviewed government entities to learn about the latest practices of data management.

The research found that Korea is now in the process of integrating diverse principles on data management into systems and that it needed to enhance integration and consistency of regulations and propose specific rules and internal control measures, given provisions on inclusive exceptions, duplication of laws, and declaratory provisions. In addition, an analysis on conflicts arising in comprehensive data management of the government showed that they were created as the government focused only on technological features, leading to insufficient attention on legal and institutional aspects. It was also found that the government's active data management ranging from creation of new data value and involvement of the public to provision of tailored service was ineffective. Data management enabled only a low level of public participation and local governments were more ineffective in data management than the central government.

Based on the research, the Commission identified some implications on data management governance design for protection of right to privacy including: i) it is desirable to pay primary attention to organized structuring of relevant parties, considering that a legal system for privacy may end up including redundancy in regulations and responsible authorities; ii) when operating an organization in charge of privacy issues, the government needs to overcome lack of awareness of the rights of individuals and consider the public the primary party; and iii) with regard to awareness of right to privacy, governmental organizations and their members who are entrusted with the task of managing private information of the people need to reinvent their perception of privacy rights.

The survey examines data management process of government authorities from both perspectives of management and human rights and is expected to lay the groundwork for the government on human rights-based data management by setting up a specific framework reflecting a fresh approach of 'human rights-oriented management' in its data

management practices.

G. International Case Study on Corporate Cultures Reflecting Respect to Human Rights

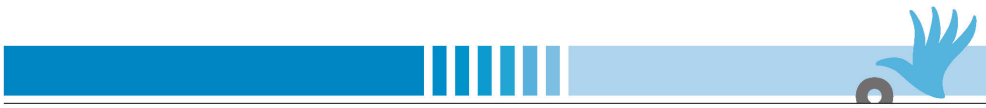
The study was commissioned to the industry-academia cooperation unit of Kyunghee University by the Commission in an effort to propose improvement measures for its objectives and policies by examining practices and authorities over business and human rights of national human rights commissions of leading countries.

In addition to the UN policy framework that rests on three core pillars: i) state duty to protect against human rights abuses by third parties, including business enterprises, ii) corporate responsibility to respect all human rights, and iii) greater access by victims to effective remedy, the research also highlights human rights initiatives of multinational agencies such as ILO and International Organization for Standardization(ISO) and human rights commissions and corporations of other countries. By presenting detailed examples of other countries' corporate laws and policies, the research attempts to shed light on the future course of actions need to be taken in respect to enterprises and human rights.

The examples of corporate culture that embody human rights will be used to serve as basis for the Report on Business and Human Rights and shared at various international and intercontinental conferences and international seminars and hearings held in Korea, raise the public's awareness of corporate culture that represent respect to human rights, reinforce understanding of and support for the Commission's activities, and offer insights on policy proposals and cooperative measures with national human rights commissions and international organizations including the UN.

H. On-site research on Non-regular Workers in Specialized Industries such as Culture and Sports

The Commission conducted a survey of non-regular workers in specialized industries such as culture, arts, and sports in conjunction with the Wonjin Institute for Occupational



and Environmental Health.

Information such as labor market structure, labor demand and supply system, employment perspectives of workers in specialized industries such as culture, arts, and sports remained obscured by mainstream researches that often focused on general industries such as manufacturing or remained insubstantial, and the survey attempted to study in detail overall human rights conditions and the conditions of the industry that are forcing proliferation of non-regular employment.

In conclusion, the survey identified structural problems faced by the industry including working condition, hiring, Human Resource(HR) management, labor subordination, examples of discrimination and human rights violations, social status and treatment of non-regular workers, low wage and permanent threat of job insecurity, worsening discrimination, and lack of social safety net, and such knowledge can serve as meaningful basis for development and implementation of policies for non-regular workforce in the industry.

Section 3. Evaluation

In 2011, the Commission spared no efforts to conceive and develop policy agenda, make recommendations and submit its opinions to bring improvements to laws, policies, systems and practices, and raise its voice on significant and controversial human rights issues. It addressed important issues such as the Proposed Amendments to the Criminal Code and the Proposed Amendments to the Criminal Procedure Act and emerging issues such as the Proposed Act on Surgical Treatment of Child Sex Offenders by exercising its duty including presentation of opinions, and the Commission even assisted the DNA Identification Act.

The Commission contributed to enhancing self-determination and capabilities of the

elderly and raising awareness on the rights of the elderly by working with the Senior Citizen Guardian and monitoring leisure activities and employment status of the elderly. It also worked hard to prevent diverse human rights infringement in the field of sports. The Commission approached the issue with well-formulated policies such as recommendations for guidelines on human rights in sports, executed effective promotion and implementation of the policies, and offered human rights education on sexuality to student athletes across the country.

Furthermore, the Commission examined the status of human rights conditions in Korea by launching 8 surveys to assist development of human rights policies and enhancement of research capabilities. In particular, the project to develop national human rights index laid the foundation to design human rights index for public organizations and the survey of public awareness of civil rights violation and discrimination conducted in commemoration of the 10th anniversary of the Commission helped to better understand the level of human right awareness of the public and was integrated into development and execution of various policies. The Commission was also successful in bringing the public's attention to privacy issues by organizing a series of forums attended by relevant organizations, experts, and businesses to promote rights to privacy. It made prompt responses on excessive profiling of private information (looting of personal information), intellectual property rights, and collection of private information by businesses. Its on-site discussions proved to be a good venue to expand discussion on privacy issues and the latest status and its recommendations.



Chapter 2

Human Rights Counseling and Complaint Processing

Section 1. Overview

The Commission made efforts on diverse fronts to improve quality of its counseling service and enhance the public's access to the Commission.

To make itself more accessible to the public in need of counseling or raising complaints, the Commission organized a group of human rights counseling experts consisting of lawyers, certified labor attorneys, social workers, and therapists to address the public's demand, notified counseling schedules of the experts on its website, and allowed the public to make appointments for counseling sessions. It also provided English counseling service daily and sign language interpretation service every Monday to accommodate the needs of foreigners and people with hearing-impairment.

In addition, it offered advanced training to human rights counseling specialists in the 1st and 2nd half of the year, and provided psychological therapy sessions for the exhausted counselors. It also organized monthly case study seminars to discuss appropriate counseling approaches to address major cases, review applicable legal precedents, and share effective methodologies.

To better serve people in vulnerable groups, the Commission went out to the field and conducted on-site counseling sessions around the country to issue remedies and reflect the field situation to its activities. A total of 9 on-site counseling sessions were carried out that were customized for specific needs of people with disabilities, refugees, migrant workers, senior citizens living alone, and the youth. Human rights issues in local cities and areas such as Boryoung, Ulsung-do, and Changwon were closely monitored as well.

Monitoring of complaint boxes placed at correctional facilities and institutional group care facilities was an important undertaking of the Commission that sets a goal to protect

the right to file petitions of prisoners and people receiving institutionalized care who are vulnerable to human rights violations. The Commission reviewed the status of complaint boxes at 9 police holding cells, 28 correctional facilities under supervision of the Department of Corrections Offices of Seoul and Daejeon, and 44 institutional group care facilities, and recommended improvements when necessary. Although the Commission expected lack of interest on complaint boxes for institutional group care facilities that are almost always operated by private entities, the survey found most facilities to be familiar with the complaint box policy and better-than expected conditions of establishment and operation of complaint boxes, which was considered to be a result of ‘Operation of National Human Rights Commission Complaint Box’ becoming an evaluation criteria of welfare facilities by the Korea Social Welfare Facility Association from the 2nd half of 2011.

In continuation of its 2010 initiatives, the Commission compiled extensive human rights information through complaints, counseling, and civic complaints and circulated the information within the organization by publishing ‘Daily Report’ and ‘Quarterly Report’ so that the information could be used as basis of project development including human rights policies and *suo moto* and special investigations.

In addition, it published “Human Rights Counseling Casebook 2010-2011” featuring selected cases out of 22,596 total cases received from July 2010 to June 2011 that represent the human rights reality of the society. The Casebook includes comprehensive counseling data of the past decade (January 1st 2001 to September 30th 2011) in order to allow the public a glimpse into a complete picture of human rights conditions in Korea.

Section 2. Major Activities

The numbers of complaints, counseling cases, and civic petitions/inquiries received in 2011 compared to 2010 were 7,356 (down by 1,812 or 19.8%), 25,303 (up by 531 or 2.1%), and 26,068 (down by 727 or 2.7%).



[Table 2-2-1] Numbers of Complaints, Counseling Cases, Civic Petitions/ Inquiries by Year

(Unit: number of cases)

Category Year	Total	Complaints	Counseling**	Civic Petitions/ Inquiries
Cumulative Total*	397,448	58,672	137,308	201,468
2011	58,727	7,356	25,303	26,068
2010	60,735	9,168	24,772	26,795
2009	53,696	6,985	20,077	26,634
2008	53,421	6,309	17,069	30,043
2007	41,018	6,274	13,964	20,780

* January 1st 2001~December31st 2011

** Includes in-person sessions

1. Human Rights Counseling

The number of counseling cases has increased steadily every year to reach 137,308 in 2011 since the inception of the Commission. Most significant counseling cases were human rights violations and discrimination, which accounted for 35.4% and 9.1% respectively of the total cases. The rest of cases (50.1%) were related to violation of the property rights by government agencies or between civilians, legislation issues, and trials.

Counseling for alleged human rights violations committed by the Prosecutor's Office, the police, local governments, law enforcement agencies, other governmental agencies, and correctional detention facilities increased gradually until 2010, but it took a downward turn in 2011. Meanwhile, allegations against institutional group care facilities soared annually since 2007 and came to account for nearly half of all counseling sessions against organizations, which can be related to greater awareness of human rights of people receiving institutional care, especially those with mental illnesses, and increased effort by the Commission for remedies. Implementing complaint boxes endorsed by the

Commission and providing education to facility managers since 2008 and publishing an official government report on the status of people with mental disorders in 2009 also seemed to have been effective. Finally, there was also an increase in counseling for human rights violations committed in the military and schools compared with the previous year.

With regard to discrimination-related counseling in 2011, cases on disability (36.3%) remained on the top as it has been since the enactment of the Disability Anti-Discrimination Act in 2008, followed by sexual harassment (28.8%), social status (6.8%), age (6.2%), other discrimination (5.8%), and medical history (2.9%).

[Table 2-2-2] Counseling Cases by Year

(Unit: number of cases, %)

Category Year	Total		Human Rights Violation		Discrimination		Others		Closed in-person counseling cases	
Cumulative Total*	137,308	100.0	47,623	34.7	12,348	9.0	59,016	43.0	18,321	13.3
2011	25,303	100.0	8,957	35.4	2,293	9.1	12,692	50.1	1,361	5.4
2010	24,772	100.0	8,807	35.6	2,140	8.6	11,825	47.7	2,000	8.1
2009	20,077	100.0	6,738	33.6	1,974	9.8	8,721	43.4	2,644	13.2
2008	17,069	100.0	5,391	31.6	1,607	9.4	6,812	39.9	3,259	19.1
2007	13,964	100.0	4,843	34.7	1,170	8.4	5,247	37.6	2,704	19.3

* January 1st 2001~December 31st 2011.

* There are some discrepancies in statistics from the 2009 Annual Report, owing to changes in classification and statistic system revision effective 2010.

2. Complaints

Since its establishment in November 2001, the Commission received 58,672



complaints, which include 45,162 civil rights violations (77.0%), 11,547 discriminations (19.7%), and 1,963 others (3.3%). Total number of complaints showed a steady upward trend until 2010, but complaints of civil rights violation decreased from 9,168 to 7,356 by 1,036 (16.0%) as well as complaints of discrimination from 2,680 to 1,802 by 878 (32.8%) on year in 2011. The year 2010 witnessed a soaring number of complaints in total owing to as many as 800 group complaints filed by special interest groups for people with disabilities and launch of the Report Center for Torture Victims. Excluding these mitigating circumstances that affected 2010, the number of complaints filed to the Commission is increasing steadily.

[Table 2-2-3] Classification of Complaints by Year

(unit: number of cases, %)

Year \ Category	Total		Human Rights Violation		Discrimination		Others	
Cumulative Total*	58,672	100.0	45,162	77.0	11,547	19.7	1,963	3.3
2011	7,356	100.0	5,425	73.7	1,802	24.5	129	1.8
2010	9,168	100.0	6,461	70.5	2,680	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

* January 1st 2001~December 31st 2011.

* The numbers may increase when a case is split into multiple cases after being filed.

3. On-site Counseling

The Commission offered 9 rounds of counseling sessions tailored to vulnerable groups by visiting them in 2011, including a session in April conducted in conjunction with the UNHRC Representation in the Republic of Korea for refugees and sessions in June and

November for migrant workers with the help of officials from the Ministry of Justice and the Ministry of Employment and Labor.

4. In-person Complaints

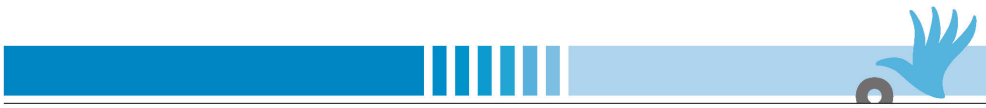
Article 31 of the National Human Rights Commission Act guarantees prisoners and patients in institutional care facilities the right to personally file complaints to commissioners or staff of the Commission in writing or orally. By the end of December 2011, 36,908 out of 37,109 in-person complaints filed from prisoners or institutional group care facilities have been closed, with 201 remain pending. Of the closed cases, 27.3% or 10,077 cases were received as formal complaints, with 49.6% or 18,321 cases closed during counseling sessions and 23.1% or 8,510 cases withdrawn by complainants.

[Table 2-2-4] In-person Complaints Received and Processed by Year

(Unit: number of cases, %, days)

Category Year	Forwarded from Previous Year	Complaints	Closed								Pending	Average Processing Time
			Subtotal		Withdrawn		Formal Complaints		Closed during Counseling			
Cumulative Total*		37,109	36,903	100.0	8,510	23.1	10,077	27.3	18,321	49.6	201	
2011	139	3,117	3,050	100.0	1,019	33.4	675	22.1	1,361	44.5	201	20.9
2010	106	3,949	3,916	100.0	1,129	28.8	787	20.1	2,000	51.1	139	19.9
2009	119	5,009	5,022	100.0	1,096	21.8	1,282	25.5	2,644	52.6	106	9.6
2008	95	5,465	5,441	100.0	1,024	18.8	1,158	21.3	3,259	59.9	119	9.5
2007	147	4,854	4,906	100.0	953	19.4	1,249	25.5	2,704	55.1	95	6.1

* January 1st 2001~December 31st 2011.



Section 3. Evaluation

The number of complaints filed to the Commission surged dramatically in 2010 due to group complaints filed by people with disability organizations and opening of the Report Center for Torture Victims. Without the impact of these two mitigating factors, the number of complaints in 2011 resumed its normal trend of steady increase. Increased workload combined with manpower that was reduced significantly after 2009 was a challenge, but the Commission succeeded in offering fundamental services as the primary channel for human rights counseling.

Most notably, the Commission committed itself to improving accessibility of vulnerable groups to services provided by the Commission in continuation of action plans for work process improvement proposed in 2009. Sign language interpretation service was provided each Monday via video phones to assist people with hearing impairment, and the Commission retained full-time English-speaking counselors to meet the needs of foreigners.

In addition, the Commission tackled the task of improving quality of its services. It conducted customer satisfaction surveys to identify fundamental reasons of dissatisfaction and seek solutions as well as modifying its primary response guideline for call inquiries, but outdated communication system hampered the Commission's effort to provide efficient counseling services.

Meanwhile, the Commission offered on-site counseling sessions customized to special needs in conjunction with its strategic projects and contributed to raising its domestic and international recognition by actively promoting the service. To maximize the effectiveness of the on-site counseling sessions, the Commission executed the program by working with the Ministry of Justice, other relevant ministries, local governments, and domestic and international NGOs and had the best possible synergy.

Providing human rights counseling training and education was important to improve counseling capabilities. So the Commission developed programs that are practical and

customized to specific counseling centers implemented by competent professionals based on annual survey requests. However, lack of budget put hold on programs for relieving work-induced stress suffered by counselors. Schedules of counseling experts appointed by the Commission were posted on its website to allow the public to easily make appointments and make most use of their services.

The Commission also notified counseling schedules of counseling expert groups on its website since 2010 to allow the public to make appointments for counseling sessions on dates they want.

As a whole, the Human Rights Counseling Center has effectively fulfilled its roles and functions as a gateway to the Commission in 2011. But there is an urgent need to set up an internal system to serve sophisticated and diversified demands of the public and secure skilled human resources to facilitate smooth operation. Additionally, it needs to work on system improvement, including modernizing telecommunication equipments to more efficiently process a soaring number of calls and setting up regular education programs to enhance counseling capabilities.



Chapter 3

Investigations and Remedies: Civil Rights Violations

Section 1. Overview

Pursuant to Article 19(2) of the National Human Rights Commission Act, the Commission conducts investigations into complaints of discriminatory acts and seeks remedies for victims. In accordance with Article 30 (1)1 of the Act, the Commission may launch investigations into complaints of violation of equal rights by state organizations, local governments, or correctional/institutional care facilities as well as violations of civil rights guaranteed in the Constitution.

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.

As provided in Article 48 with regard to urgent remedy measures, in the case when there is high probability in which a civil rights violation or any discriminatory act subject to investigation is in progress and that it is likely to cause irrecoverable damage if left as violated, the Commission may recommend the respondent or the head of the institution, etc. to which he/she belongs to take an ex officio measure that falls under any of the following subparagraphs at the request of the complainant or victim prior to making a decision on the complaint:

i) provision of medical service, meals, or clothing; ii) compliance with on-site inspection and assessment of any relevant place, facility, or materials or the verification and evaluation thereof which is conducted by any other organization; iii) change of place of detention or accommodation of detainees; iv) stoppage of civil rights violations or any discriminatory act; v) displacement of any public official who is deemed to violate civil

rights or commit a discriminatory act from his/her assigned position; and vi) other necessary matters for protecting the life and/or security of person of the victim. The Commission may, if deemed necessary, take any necessary measures for protecting the life, security of person, and reputation of any party concerned or interested person, and/or obtaining evidence or preventing the destruction thereof, or recommend the interested person and the head of the institution, etc. to which he/she belongs to take such measures.

Upon completion of its investigation, the Commission dismisses or rejects cases which are not subject to the scope of its investigation or discrimination and take necessary measures, when deemed reasonable, to prevent recurrence and remedy damage by making recommendations to the accused or governing authorities.

Most complaints of civil rights violation filed to the Commission alleges violation by government authorities, but the latest trend shows complaints in increasingly complex and sophisticated nature caused by conflicts of differing rights and interests and more complaints brought on by structural and regulatory causes. The average number of the cases per annum hovered around 3,400 from 2002 to 2006 and 5,000 from 2007 to 2009, soared to 6,461 in 2010, and returned to the level during 2007 to 2009 in 2011 with 5,425 complaints. Top 3 entities against which most complaints were directed in 2011 were institutional group care facilities (28.7%), correctional facilities (25.1%), and the police (20.4%).

The Commission sought to improve human rights conditions in the military by launching *suo moto* investigation into the Marine Corps, the army, and riot/conscripted police and of vulnerable groups including military prison inmates, patients and the elderly under institutional group care facilities, and migrant workers by offering on-site counseling sessions. In addition, it continued to share ideas with related ministries, government agencies, researchers, and other stakeholders for stronger partnership and cooperation in order to ensure effectiveness of its efforts. With particular regard to human rights of migrant workers, the Commission sought specific remedies by resolving general complaints, while carrying out diverse featured projects for regulatory reforms in order to



promote mid to long-term policies with strong human rights perspectives. It also formulated and recommended to the government the Guidelines on the Rights of Migrant Workers, which is meaningful in that they presented a comprehensive roadmap to improve the rights of migrants for the first time in the world.

Other recommendations rendered by the Commission include advancing the rights of female marriage migrants who became stateless for allegedly committing marriage fraud, improving the employment permit system, recognizing economic activities of migrants who are in the process of appealing the court ruling on refugee status denial, and enhancing accessibility to medical services of undocumented dependants of migrant workers, as well as an opinion expressed on the status guarantee requirement for female marriage migrants' visa extension process.

The Commission also gathered a wide range of opinions via diverse channels by conducting surveys on human rights conditions, operating special committees, and organizing forums and hearings in order to enhance efficiency of its investigation and remedy activities and upgrade expertise.

Section 2. Major Activities

1. Complaints of Civil Rights Violation

The Commission received a total of 45,162 complaints of civil rights violation since its inception until the end of 2011. By entity, correctional facilities (17,202 or 38.1%), the police (10,113 or 22.4%) and institutional group care facilities (5,393 or 11.9%) received the most number of complaints, with the rest of complaints alleged other entities (5,011 or 11.1%).

In 2011, 5,425 complaints of civil violation were received, down by 1,036 (16.0%) from

2010: 1,360 for correctional facilities (25.1%), 1,109 for the police (20.4%), 1,555 for institutional group care facilities (28.7%) and 1,555 for other government agencies (9.8%).

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

(Unit: number of complaints, %)

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
2011	5,425	137	1,109	1,360	15	131	530	1,555	71	3	247	41	199	27
2010	6,461	225	1,590	1,885	17	117	486	1,372	156	14	296	10	218	75
2009	5,282	137	1,215	2,027	17	96	452	489	50	5	214	0	5	575
2008	4,892	172	1,107	1,946	25	89	307	685	69	2	323	0	0	167
2007	5,067	226	1,131	2,004	36	80	327	586	62	8	449	0	0	158
2006	3,335	137	796	1,427	12	65	394	255	56	2	177	0	0	14
2005	4,199	214	937	1,918	11	64	525	234	63	2	194	0	0	37
2004	4,627	164	688	1,835	11	60	1,553	126	41	8	115	0	0	26
2003	3,041	173	702	1,686	5	73	201	57	35	2	81	0	0	26
2002	2,833	300	838	1,114	33	110	236	34	70	1	66	0	0	31
Total	45,162	1,885	10,113	17,202	182	885	5,011	5,393	673	47	2,162	51	422	1,136
%	100	4.2	22.4	38.1	0.4	2.0	11.1	11.9	1.5	0.1	4.8	0.1	0.9	2.5

*The numbers may differ from previous numbers due to revision of errors.

2. Processing and Handling of Complaints of Civil Rights Violation

For past 3 years, the Commission resolved 5,108 cases in 2009, 6,264 in 2010 and 5,158 in 2011. Out of 261 approved cases in 2011, the Commission filed charges or demanded police investigation involving 6 complaints, recommended disciplinary actions for 4 complaint, issued recommendations on 131 cases, and referred 2 cases to legal aid. At the same time, the Commission rejected 1,908 complaints, dismissed 2,934, and transferred



35. 117 cases were closed after reaching an agreement and 20 were suspended from investigation.

Of 2,934 dismissed cases in 2011, there 2,095 complaints were voluntarily withdrawn (71.4%) and 370 were deemed to be beyond the scope of the Commission's investigation (12.6%). 129(4.4%) cases were dismissed because actions for remedies were underway or completed other authorities, 92(3.1%) cases whose valid investigation date by the Commission has expired, and 248 (8.5%) did not merit investigation.

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

(Unit: number of complaints)

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
2011	5,425	5,158	261	6	4	0	131	117	2	1	1,908	35	2,934	20
2010	6,461	6,264	331	6	3	1	198	122	1	0	1,831	130	3,909	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	933	70	2,019	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	45,162	43,390	2,223	83	87	9	1,388	639	13	4	12,619	965	27,233	350

* The number of closed cases combines the number of closed cases newly received within the year and closed cases that were transferred from the previous year.

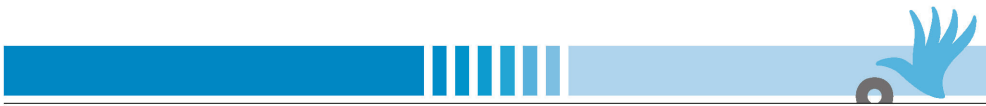
* The numbers may differ from previous number due to revision of errors.

The table below shows a breakdown on complaints of civil rights violation by institution and resolution.

[Table 2-3-3] Complaints on Civil Rights Violations by Institution and Resolution in 2011

(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	Recommendation of Settlement	Legal Aid Request	Settlement	Mediation	Rejected	Transferred	Dismissed	Suspended		
No. of Cases	5,425	5,158	261	6	4	0	131	2	117	1	2,934	35	1,908	20	1,772	100
%		100	5.1	0.1	0.1	0.0	2.6	0.0	2.3	0.0	56.9	0.6	37.0	0.4		
Prosecution	137	126	7	0	0	0	6	0	1	0	61	2	55	1	56	2.5
Police	1,109	995	59	2	1	0	42	0	14	0	450	8	471	7	467	20.4
Detention Facilities	1,360	1,449	40	1	2	0	27	1	9	0	808	18	582	1	358	25.0
National Intelligence Service	15	11	0	0	0	0	0	0	0	0	8	0	3	0	8	0.3
Military	131	110	7	0	1	0	1	1	4	0	84	1	18	0	38	2.4
Other State Organizations	530	568	5	0	0	0	4	0	1	0	263	2	295	3	138	9.8
Protective Facilities	1,555	1,372	133	3	0	0	46	0	84	0	888	1	349	1	445	28.7
Judiciary Institutions	71	58	1	0	0	0	1	0	0	0	35	0	21	1	29	1.3
Legislative Institutions	3	3	0	0	0	0	0	0	0	0	2	0	1	0	1	0.1
Local Governments	247	223	5	0	0	0	3	0	2	0	142	3	69	4	122	4.5
Immigration Office, etc.	41	50	2	0	0	0	0	0	2	0	40	0	8	0	1	0.8
Special Judiciary Police	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Schools	199	156	2	0	0	0	1	0	0	1	119	0	33	2	101	3.7
Others	27	36	0	0	0	0	0	0	0	0	33	0	3	0	8	0.5



3. Case Studies

A. Investigation and Remedies: Civil Rights Violation by the Prosecutor's Office, Police, and Military

1) Recommendation to Improve Management and Use of Handcuffs and Their Quality Standard

Although the use of handcuffs during arrest by the police does not correspond to a case of rights violation, the Commission confirmed evidence of personal injuries suffered as a consequence. Complaint of civil rights violation citing the use of handcuffs is the single most frequent cause of complaint (832 cases) and complainants of 157 cases alleged to have suffered injuries. Setting aside validity of the human rights violation claim, the fact that one particular law enforcement method being the target of such enormous degree of grievance is an indisputable evidence of underlying problems of management, use, and quality of handcuffs. Even though the practice is legitimate, a significant number of citizens could have suffered unwarranted pain or damage as a result of the action. Accordingly, the Commission decided it was necessary to take measures for improvement of handcuff quality and its use, regardless of the validity of civil rights violation claim, in order to prevent further suffering and grievance of the public.

On November 2, 2011, the Commission submitted its recommendations to the Chief of the National Police Agency for preventing possibilities of civil rights violations incurred by quality, management, and use of handcuffs including replacing traditional metal handcuffs with those modified with non-abrasive materials such as silicone to prevent injuries. The recommendations also included measures for improvement of management and use of handcuffs as follows:

i) affirm the 'double lock' policy in order to prevent people under arrest from manipulating the handcuffs to self-inflict injuries or suffering unintended injuries caused by handcuff malfunction; ii) affirm the policy of limiting the use of handcuffs to the front of the body; iii) prevent faces and state of being handcuffed from being exposed to the

public in the process of arrest and transfer and inflict personal humiliation; iv) restrict the use of handcuffs on people who have wrist injuries, disabilities, or no risk of flight or resisting arrest; v) ensure that blood circulation is not disrupted by excessive pressure and prevent unnecessary injuries; and vi) make sure that prompt medical services are offered when injuries were inflicted by the use of handcuffs.

2) *Suo Moto* Investigation: Cover-up Attempts of Wide-spread Brutality in X Division of the Marine Corps

The Commission decided to launch *suo moto* investigation in January 2011 after uncovering during the course of investigating a complaint of battery by a junior soldier against senior soldiers in the Marine Corps that the abuse and brutality within the Marine Corp was more intense and wide-spread than other branches of the military and there was a culture of cover-up by commanding officers in the name of Marine Corps spirit and discipline.

The investigation validated a number of allegations of brutality by senior soldiers who justified the abuse by blaming misbehaviors of junior soldiers or citing disciplinary needs. Examples of lynch and brutality included assault, slapping with slippers, forcing to grasp horizontal bars, imposing physical exertion such as push-ups, kicking the chest, placing a pen or scissors between the index and the middle fingers and twisting the fingers, and forcing to eat. More importantly, there were officers who attempted to cover up incidents by taking internal administrative actions after acknowledging victims suffering injuries as serious as fractured ribs and sternum requiring hospitalizing without notifying the division commander as required.

The Commission confirmed wide-spread and repetitive culture of abuse and brutality within the X division, which was in clear violation of ‘the Decree on Military Service’ policy that stipulates that ‘soldiers, under any circumstances, should not be subject to vindictive disciplinary measures’. At the same time, it was also in violation of the right to safety and freedom of body guaranteed by the Constitution. The Commission pinpointed



the military culture that tolerated abuse and brutality and commanding officers who neglected their supervision duty as the cause of the problem and demanded fundamental solutions.

In conclusion, the Commission recommended to the Chief of Staff of the Navy to issue disciplinary warnings to the division commander and the regimental commander, impose corresponding disciplinary actions on 11 officers for their cover-up attempt and handling of the incidents, offer periodic human rights education to prevent repeat offenses, ban the practice of ‘ostracizing’ and develop a strict penalty policy for violation of the ban, develop a chain of responsibilities concerning incidents of abuse and brutality, and conduct in-depth examination into the Marine Corps with external experts. It also recommended the commandant of the Marine Corps to re-investigate the 8 soldiers accused of brutality and take appropriate action including criminal charges and guarantee protection for 7 victims. For 2 victims who suffered severe damages, the Commission referred the case to the Korean Bar Association for legal aid to assist them claiming rightful remedy.

3) *Suo Moto* Investigation: Death of Soldier Assigned to the Conscripted Police Unit and Diagnosed with Leukemia

The Commission considered after reviewing media coverage on abuse and brutality within the riot/conscripted police units that human rights violations were extensive and rampant and addressing the issue would result in benefits of preventing further violations and raising public awareness. Accordingly, the Commission decided to launch *suo moto* investigation into abuse and brutality within the riot/conscripted police units as well as fundamental problems of the riot/conscripted police unit management to be conducted on 10th and 27th of January 2011.

Despite the Commission’s previous effort to address the issue in 2007 and 2008 when the Commission submitted ‘recommendations for improvement of human rights conditions within the riot and conscripted police units’ to the National Police Agency, the 2011 investigation found that the National Police Agency was not successful in fully

implementing the improvement measures and there still exist needs for improvement in the management and regulation of the riot/conscripted police units.

Yet again, the Commission compiled a list of recommendations including i) subjecting victims, perpetrators, officers to human rights education to change the attitude on abuse and brutality, ii) constant monitoring of implementation of preventive measures, and iii) providing protection to victims, offering special protection for soldiers suffering from adjustment issues, and increasing professional counseling. They also included the ultimate recommendation for putting an end to human rights violation of soldiers serving in the riot and conscripted police units: a complete abolishment of the institution of the riot and conscripted police and to replace them with regular police force.

4) On-site Investigation: Military Prison

The Commission visited two military prisons managed by XX Command and its Xth Division in response to a growing number of complaints filed by prisoners at military prisons and recurring incidents of brutality and death within the military. Complaints filed by military prisoners alleged serious human rights violations committed by prison guards, which calls for a comprehensive review of military prison operation. The Commission's finding of the Marine Corp's widespread culture of tolerating abuse and brutality from its *suo moto* investigation raised an alarm for treatment of soldiers convicted of such actions.

The two military prisons were reputed for their exceptionally harsh treatment of inmates including forcing inmates to repeatedly write declaration of repent and maintain rigid posture, making them ideal candidates of revealing human rights violation.

After visiting the two prisons, the Commission recommended the Minister of Defense to establish regulations on physical examination standards and methods for new inmates, address the practice of mandatory prison guard presence during visitation hours, obtain acknowledgement form from family members of inmates at the beginning of prison term, and maintain accurate CCTV records. (October 12th, 2011)



5) Prohibiting Suspects from Taking Notes during Interrogation by Prosecutor's Office is Human Rights Violation

A complainant filed a complaint against XX District Prosecutor's Office alleging that the Prosecutor's Office wrongfully denied his request to take a written note of his statements so that he could prepare additional statements when necessary. The Prosecutor's Office responded to the complaint saying that the policy to prohibit suspects from recording statements was justified for maintaining the confidentiality of investigations. It went on to claim that allowing suspects to take notes during interrogation could hamper investigation and the information could be used to aid and abet accomplices to flee or destroy evidences.

The Commission rejected the Prosecutor's Office's claim by saying that the action of taking notes is a reasonable exercise of general freedom of action and should be considered as exercising the right to freedom, the basic right that can only be restricted by explicit legal precedence in a broad sense. Accordingly, the Prosecutor's Office's has no legal ground to prohibit suspects from taking notes and memos during interrogation. Furthermore allowing suspects to take notes could actually alleviate the issues of the current practice of drafting suspect statements conflicting with the right to trial, examination by the court, and hearsay rule as well as giving them greater power to defend charges. In conclusion, the Commission recommended the Prosecutor General to allow suspects to take notes during interrogation.

6) Police Interrogating Minors without Parental Consent

A complainant filed a complaint against an officer of XX Police Station for violating the minor's right to defense when they failed to notify the complainant, a parent, before interrogating a minor ('victim') for a motorcycle theft.

The officer claimed that he obtained a cell phone number of the mother of the victim and tried in vain to reach her from the day of the arrest on June 13, 2011 to 9am on June 19, 2011 as he conducted his responsibility of interrogating the suspect. However, it was

deemed that the officer did not perform due diligence in his effort to notify the parent, because there was no evidence supporting his claim and there were a number of alternative measures available such as text messages, leaving caller id information, and voice messages to secure communication. In the end, the victim did suffer a violation of his right as a minor stipulated in the Constitution by being deprived of parental consent, a necessary requirement of interrogating legal minors.

In conclusion, the Commission recommended the Chief of XX Police Station who supervises the officer to issue a disciplinary warning. To the Chief of XX District Police, a supervisory authority of the XX Police Station, to make sure that cases involving minors and women who might have trouble exercising their right to defend charges to special units and develop countermeasures in order to prevent any reoccurrence of such cases.

B. Investigation and Remedies: Civil Rights Violation in Correctional and Institutional Group Care Facilities

1) On-site Investigation: Civil Rights Implications of Correctional Facilities with Tower Structure

Correctional facilities of Suwon, Haenam, Somang, and Gangnam have been recently constructed, relocated, or renovated by adopting a structure of square, pentagon, or hexagonal-shaped tower to facilitate easier surveillance. Although the design is effective for surveillance, there have been a growing number of complaints by inmates on their living standards such as lack of outdoor area, excessive cooling and humidity in living quarters during summer, ineffective lighting and air circulation, and odor. These complaints brought the attention of the Commission to review civil rights implications.

The Commission examined 3 such correctional facilities in Suwon, Incheon, and Ulsan and conducted surveys and in-depth interviews of inmates and prison officers on factors such as exercising hours and exercise area, humidity and temperature of the living quarters and air conditioning system, laundry and drying equipments, lighting and circulation, and



meal service.

In the survey, inmates indicated a significantly low level of satisfaction with exercise inside the tower-style correctional facilities, with the most serious issue being lack of outdoor area (38%), followed by lack of indoor exercise area (23.1%), lack of sport equipments (15.6%), and high humidity in summer. As for humidity in the living quarters, more than a half of respondents found it to be high (54.2%) or very high (6.9%), and many complained of foul odor from restroom seeping to the living quarters and quality of meal.

The Commission reviewed the UN Standard Minimum Rules for the Treatment of Prisoners and the Constitution and found that there should be measures to improve civil rights conditions of inmates detained in tower-style correctional facilities. It recommended the Minister of Justice to i) ensure at least 30 minutes of quality exercise time daily and provide proper exercise equipments for indoor exercise for inmates in correctional facilities without outdoor access, ii) adjust the number and location of air-conditioners to properly based on the size of living quarters and number of inmates, iii) secure open space to dry laundry and provided amenities such as washer and dryer, iv) refrain from adopting tower-type building design for construction of correctional facilities and improve the conditions of living quarters with proper lighting and circulation, and vi) insist on including outdoor space and comfortable dining area from design stage of new correctional facilities.

2) On-site Investigation: Inmates Suffering from Mental Illnesses

The Commission visited the Jinju Correctional Facility for two days from August 31st to September 1st, 2011 to examine medical treatment for inmates diagnosed with mental illnesses as a follow-up measure to the 2010 on-site research on the Right to Health of Inmates of Correctional Facilities.

During the investigation, it reviewed the operation of the facility's Mental Health Clinic opened in 2010, observed rehabilitation and treatment programs, and conducted in-depth interview of inmates and staff.

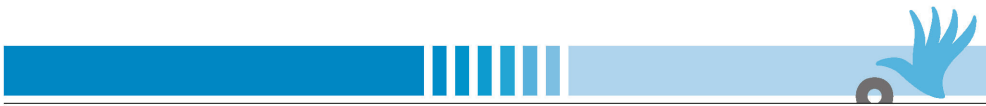
The Jinju Correctional Facility was serving as many as 100 long-term inmates with severe mental illnesses, and was receiving a number of inmates diagnosed with mental illnesses transferred from other correctional facilities every month. Surprisingly, the facility did not have an in-house psychiatrist for 10 years and was managing with an outside psychiatrist who visited the facility three times a week for 5-hour sessions. It was obvious that the current system was insufficient to ensure accurate diagnosis and treatment, which requires extensive interview and observation, and the inmates were able to receive simple services like receiving prescriptions.

Meanwhile, patients were more satisfied with medication provided by the Jinju Correctional Facility than other facilities and satisfied with its rehabilitation and treatment programs. However, absence of in-house psychiatrists made it impossible to receive treatment and medication at night or on weekends, and correctional officers and staff were exposed to a constant threat of violence brought on by erratic and unpredictable outbursts of inmates.

Based on the on-site investigation, the Commission recognized problems including absence of in-house psychiatrist, ineffective communication between staff and psychiatrists, issues of isolation and compulsion, and low awareness of mental illnesses amongst prison guards. Accordingly, the Commission recommended the Minister of Justice to i) retain a proper number of mental health professionals including in-house psychiatrists and nurses, ii) design appropriate measures such as enhancing internal education programs and offering external education programs, and iii) develop a work process guideline for staff working in mental illness ward including formulated response to erratic behavior and use of protective measures and equipments.

3) On-site Investigation: Nursing Home

Korea is one of the fastest aging countries in the world, and senior citizens have come to be regarded as one of vulnerable groups whose civil rights should be carefully monitored. With the introduction of Long-term Care Insurance for the Elderly in August 2010, in



particular, the number of senior citizens receiving special care at home as well as institutional facilities is expected to soar, which also indicates growing possibilities of cracks in the system.

Under the circumstances, the Commission decided to visit three nursing homes, the House of Francesco in Jeonnam (August 16) and Hansarng Silvertown Care Center for the Elderly and Hanul Care Center in Gawngju Metropolitan City (August 23 & 24) and investigated their overall operation.

The result found amenities and equipments were relatively well-maintained, but outdoor area for activities was insufficient. Most notably, caring and managing patients with dementia was found to be inadequate. Dementia patients often received the same treatment as regular patients in complete disregard of their special conditions or were even mistreated. Citing the tendency of dementia patients to ‘wander off’ as a safety concern and need for ‘protection’, there was a risk of the ‘protection’ turning into a forced confinement. To prevent the problem, a regulatory guideline such as enforcing a requirement for a side walk or outdoor space as a condition for regulatory approval should be considered. Caring of dementia patients should be reviewed and handled more comprehensively considering the direct impact it has on working conditions of caregivers.

The Commission plans to analyze the results more in detail, review related data, and make necessary recommendations later on.

C. Investigation and Remedies: Human Rights Violations of Foreign Citizens

1) On-site Investigation: Immigration Processing Centers and Recommendation to Improve Human Rights Conditions

The Commission conducted on-site investigation on two occasions (February 23 ~ 25 and March 29 ~ 31) at 3 immigration detention centers with an investigation team consisting of external experts.

During the 1st investigation, the team examined room temperature, safety and

evacuation measures in case of disasters such as fire, while conducting in-depth interviews with about a half of detainees at each facility on overall conditions of the facilities, human rights protection practices in the process of enforcement and investigation as well as in the facilities, complaints, civil applications, and objections raised, the right to medical service, visiting and communication, long-term detainees, women, and refugee status applicants.

Based on the result, in order to ensure compliance with human rights protection regulation, the Commission recommended in November 2011 to implement following improvement measures:

i) provide more information and in more languages about detention policy, process to request human rights violation remedy, and complaint counseling; ii) improve the hygienic quality of clothes, bedding, and shoes provided to the detainees; iii) ensure more freedom of movement within living quarters by improving security bars and consider human rights aspects in structure design and operation of the facility; iv) make arrangements necessary for detainees to exercise their freedom of religion and make efforts to offer more opportunities for exercise and hobbies including providing necessary supplies and upgrading facilities; v) expand visiting opportunities to guarantee the detainees' right to communicate with outside and provide writing supplies; vi) to ensure access to medical services, hire in-house medical staff capable of providing basic medical care and provide regular check-up to long-term detainees; and vii) pay special attention to the needs of long-term detainees, detainees with dependants, and children.

2) Recommendation to Improve Human Rights of Persons Rendered Stateless by Marriage Fraud

The Commission reviewed policies to improve human rights conditions of foreign citizens whose Korean citizenship was revoked based on marriage fraud and failed to regain citizenship of their country of origin at the same time for lack of governmental support and evidence.

The Commission recommended measures to reinforce compliance with international



standards and ensure basic quality of living for stateless persons (September 1st, 2011). It first recommended the Minister of Justice to realign laws and regulations to guarantee legitimate status and rights of stateless persons as set forth on the Convention relating to the Status of Stateless Persons and to come up with measures to ensure a minimum standard of living as well as stable life until the nationality issue is settled down. It also recommended the Minister of Foreign Affairs and Trade to issue travel certificates to allow them to depart and re-enter Korea in the case of a death of family members staying in another country or for other humanitarian reasons. It recommended the Minister of Health and Welfare to include stateless persons to those eligible for medical expense subsidies to ensure their right to healthy life.

3) Recommendation to Improve Employment Permit System

The government has steadily raised the level of human rights protection of migrant workers by taking measures such as abolishing industrial training system, introducing the employment permit system, allowing more reasons to be accepted as a reason for change of employer, excluding suspension or closure of business in the number of change of employer, allowing one exception in the number of change of employer, and extending job searching and job transition period. Nevertheless, situations that were not caused by migrant workers and shouldn't have been counted as a change of employer continued to be reflected in the number of change of employer. Fearing failure to maintain employment permit due to the number of changes in employer regulation, migrant workers were forced to endure human rights violation by working in conditions different than agreed, such as physical abuse, and withholding wage or severance pay.

Based on its review, the Commission recommended the Minister of Employment and Labor to allow more reasons to be accepted as a reason for change of employer, consider developing procedures to build the foundation for re-employment and stable living conditions of skilled migrant workers, enhance supervision and management of employers hiring migrant workers, improve insurance for severance pay and wage for migrant

workers, and provide explanations on improvements made in multiple languages. (December 15, 2011).

4) Opinion on Letter of Status Assurance Requirement for Visa Extension of Married Women Migrants

The Commission expressed its opinion to the Minister of Justice to abolish the provision requiring letter of status assurance under the Enforcement Decree of the Immigration Control Act citing that requiring migrant women who married Korean citizens to submit a letter of status assurance when requesting visa extension to vouch the authenticity of the marriage does not comply with constitutional values of personal dignity, constitution of marriage based on gender equality, and continuation of family life. (September 29, 2011)

5) Recommendation to Grant Access to Economic Activities to Refugee Status Applicants Appealing the Court Ruling

The Commission found that denying employment of foreign citizens who are in the process of appeal to the court for the annulment of a sentence denying their refugee status is inconsiderate of humanitarian aspect and considered a violation of civil rights. It recommended the Minister of Justice to develop appropriate measures to grant employment activities during the duration of court proceeding. (May 23, 2011)

6) Recommendation to Improve Access to Medical Service of Undocumented Migrant Children

As of 2010, it is estimated that there were 17,000 undocumented migrant children in Korea. However, the current Medical Care Assistance Act and the National Health Insurance Act do not grant eligibility to access public and general medical care to undocumented migrant children.

Even though the Ministry of Health and Welfare has adopted the Medical Expense



Assistance Project for Migrant Workers and Other Vulnerable Groups since 2005, the program limits eligibility to children whose parents can provide documented work history. Thus children whose parents either have no work history or unable to provide document in fear of having to expose their identities are left out of the program's benefit.

Accordingly, the Commission recommended the Minister of Health and Welfare to implement measures to grant undocumented migrant children better access to medical services including expanding the scope of eligibility, increasing the number of participating medical facilities, securing stable flow of budget, and revising application regulations such as the Medical Care Assistance Act and the National Basic Living Security Act to grant eligibility for the National Medical Insurance. (December 12, 2011)

The Commission also recommended the Minister of Justice to implement a measure to promote the 2010 initiative of the Ministry of Justice that excludes medical care providers from 'responsibility of government officers to report undocumented foreigners' stipulated by the Immigration Control Act. The Commission recommended the Ministry of Justice in 2010 to grant undocumented migrant children the right to education, and the Ministry responded by saying that they would recognize doctors of public health centers, the Commission's officials, and labors supervisors of the Ministry of Employment and Labor in addition to education officials such as teachers as a group of government officials exempted from the reporting responsibility. But the Commission further recommended the Ministry to notify such decisions more effectively to staff of public medical institutions since there seems lack of awareness and promotion.

7) Establishment and Recommendation: Guidelines on Human Rights of Migrants

The Commission established the Guidelines on Human Rights of Migrants to guide immigration policies of the government in greater reflection of human rights. Then the Commission recommended it to 10 government agencies including the Prime Minister's Office and the Ministry of Justice. (December 29, 2011)

With a dramatic increase in migrant workers and married migrant women whose

number now stands at 1.4 million (590,000 migrant workers and 140,000 married migrant women), Korean society has become a de-facto multi-ethnic society with a need to protect their rights and set new policy agenda in the field of human rights. At the same time, awareness of human rights of migrant workers is still low and policies lack convergence and effectiveness due to disorganized execution of different agencies.

In response, the Commission designed the Guidelines on Human Rights of Migrants based on the belief that the government policies, institutions, and regulations on migrants should be directed with human rights protection and Korea should move toward a society with greater respect for human rights and ethnic diversity.

The Guidelines identify 90 key challenges for 30 fields in 7 areas (advancing the rights of migrant workers, married migrant women, migrant children, refugees and stateless persons, and Korean nationals with foreign residency, preventing racial discrimination, and enhancing awareness of migrants) and aims at incorporating them into government policies with mid to long-term perspectives.

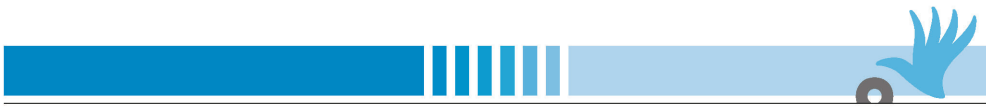
D. Investigation and Remedies: Civil Rights Violation Committed by Authorities (local governments, schools, etc.)

1) Violation of Publicity Right by a Local Government

The Commission investigated and deliberated on a complaint filed by Mr. Kim who accuses a local government for violating the publicity right, right to self-determination, and dignity of some children and their guardians.

He alleges that the local government produced public service announcement campaign posters protesting the free-lunch policy by using digitally altered images of children's faces on half-naked bodies. The posters were published in a number of newspapers with clearly recognizable face images of the children.

The Commission ruled the action was in violation of civil rights and recommended the head of the local government to implement regulatory guideline from similar events from



happening again.

The local government attempted to justify its action by saying that they obtained the images of the children through legitimate source that took care of the publicity right and the claimed nudity featured in the poster was not as serious as images used in other countries and did not have any implication of obscenity or abuse.

Even though the images were taken with consent of guardians including use and alteration for commercial purposes, the Commission still ruled that use of images for highly controversial issues and situations such as the one in question should be recognized as an exceptional situation that supersedes the legal implication of the parental consent. Thus, using and altering the children's images for the purpose of free-lunch protest was in violation of their rights.

2) Violation of Civil Rights of Students by Excessive Corporal Punishment and Act of Vengeance

A part-time teacher of XX High School used corporal punishment on two students for falling asleep during class, and one student ("victim") suffered injury requiring 3-week treatment. It was the mother of the victim who filed a complaint to the Committee requesting to thoroughly investigate the case and abolish corporate punishment at school.

Interviews with a principal, a vice principal, and teachers, however, indicated a disheartening lack of understanding of corporal punishment being a serious civil rights violation of students. The school announced some measures on its own such as destroying corporal punishment paddles and offering human rights education, but rooting out corporal punishment that is so deeply engrained in school culture seems to be a much more difficult task to accomplish. The Office of Education in charge of XX High School was also criticized. Although it has the responsibility to monitor the situations of corporal punishment and complaints at XX High School and enforce aggressive necessary measures, it only scratched the surface by conducting a special audit into the incident and vengeful insults from other teachers targeting the victim following the incident.

While statements of the teacher and the victim showed discrepancies, a majority of students testified in detail for excessive culture of corporal punishment and even teachers admitted to have used paddles for corporal punishment. It was reasonable to rule the use of corporal punishment as a violation of the rights to safety and freedom of body, and the Commission recommended the superintendent of the provincial Office of Education to appoint XX High School as a pilot school for ‘school without corporal punishment’ and provide human rights education for teachers, students, and parents. The principle was recommended to issue disciplinary warning to teachers. In response, the superintendent agreed to actively consider the Commission’s recommendation, and the principal accepted the recommendation for disciplinary warning.

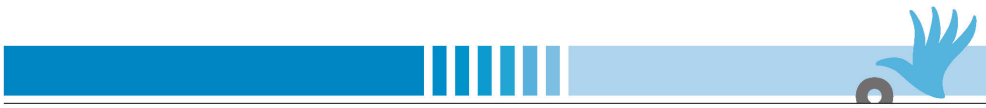
E. Investigation and Remedies: Civil Rights Violation in Mental Health Facilities

1) Violation of Civil Rights by Wrongful Hospitalization

A complainant claimed that “staff from a psychiatric hospital broke into his house where he was sleeping and handcuffed him before forcing him into a car and admitting him into the hospital saying that they had the consent from his ex-wife.”

When inquired, the hospital claimed that they “sent two staff at the request of his ex-wife to visit him at his home, woke him up, and identified themselves as hospital staff.” They also claimed that they “had to use handcuffs because the man was violent and threatened the safety of the staff with a liquor bottle. It was on-call doctor who diagnosed and admitted him upon arrival. When it was found that ex-wife was not able to provide legal consent for hospitalization, the hospital persuaded the man to remain admitted voluntarily. The man agreed but he did not fill out the voluntary hospitalization agreement form.”

The Commission, however, found that there was no real immediate danger or risk that warranted the use of handcuffs and emergency transportation to a psychiatric hospital. The



complainant did resist with force, but the two hospital staff did enter the complainant's house without consent. Furthermore, the on-call doctor who diagnosed and admitted the complainant was a rehabilitation specialist and not a psychiatrist, and he ordered hospitalization without confirming necessary legal consent or the complainant or his custodian. The wrongful hospitalization continued for 19 days.

The hospital was found to have violated Article 40 of the Mental Health Act that prohibits illegal arrest, detention, and hospitalization of persons with mental disorder in mental clinic, etc. without diagnosis of psychiatrists, other than emergent hospitalization; Article 24 of the Act stipulating hospitalization by voluntary intention or consent of guardian; and the rights to safety and freedom of body guaranteed by the Constitution.

Accordingly, the Commission recommended a relevant supervising authority to take measures against the offense and enhance supervision of the hospital. The Commission also demanded the hospital to comply with legitimate hospitalization procedures when transporting patients and formulate policies to prevent similar cases from occurring again. The staff who executed the illegal arrest and transportation was charged with criminal offense to the Prosecutor's Office and the accused parties accepted the recommendations and took the required steps.

2) Violation of Civil Rights by Operation of CCTV in Psychiatric Hospitals

A patient in a psychiatric hospital filed a complaint that "the hospital violates privacy of patients by installing CCTV cameras even in showers and restrooms."

The hospital defended the practice saying that "the CCTV cameras in restrooms and showers are set up in limited locations as a safety measure."

From its investigation, the Commission found that the hospital had CCTV installed on the ceiling of restrooms in the men's wards with clear view of urinals as well as changing areas of showers with view of naked patients. In addition, toilets in an isolation ward could be also monitored by CCTV from the nurse's station.

Although CCTV cameras were installed to ensure safety of patients, accidents such as

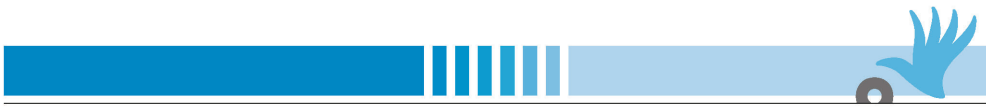
attempted suicide in showers or restrooms can be effectively prevented by facility modification such as eliminating protruding parts on walls and repositioning showerheads. In addition, the Ministry of Health and Welfare also provided a guideline to minimize CCTV operation and scope of monitoring within living quarters and inform patients of location of cameras. The cameras installed in showers and bathrooms exceed the scope of minimum monitoring required for safety measures and may cause anxiety and humiliation, which correspond to violation of the rights to privacy of patients as guaranteed in Article 17 of the Constitution.

Accordingly, the Commission recommended the hospital to take required measures to protect privacy of patients from being exposed to CCTV and the competent supervising authority to monitor CCTV operation in mental health clinics under its authority, upon which both parties agreed.

Section 3. Evaluation

The number of investigations and remedies on civil rights violations has steadily increased until 2004, slightly fell in 2005 and 2006, and bounced back to around 5000 per year from 2008. Despite the increase in complaints, the Commission focused on resolving long-term cases by launching a special campaign dedicated to complaint resolution and continued to raise efficiency of resolution by revamping the complaint resolution system in order to enhance speed and efficiency of remedial actions. However, while the number of accepted cases reached over 300 until 2010 with a steady increase since 2008, it slightly fell to 261 in 2011, which is attributable to the downsizing of investigation unit by 18%. This factor started to have a substantial impact in 2010 and 2011.

In 2011 as well, the Commission worked hard to dedicate itself to offer preventive remedies as well as ex post ones for violation of civil rights. Human rights conditions improvement can be achieved by extraordinary events, but the real force to bring out



changes is enhancing the accessibility of the Commission to vulnerable fields of human rights, conducting monitoring on a day to day basis, and creating a society with solid respect for human rights. In this sense, on top of investigations into complaints, the Commission launched on-site investigations on military prisons, correctional facilities, nursing homes, and immigration detention centers in order to offer preventive remedies on potential violations. Furthermore, while actively conducting *suo moto* investigations into allegations discovered during complaint investigation, the Commission carried out a status survey of torture victims for the first time as a government organization to reinforce internal capabilities for on-site investigation, to fulfill a fundamental role of a national human rights institution mandated by the Optional Protocol to the Anti-Torture Treaty, and to subject approaches of status survey correspond to international guidelines, all of which contributing to standardizing investigation into torture damage in Korea.

As for correctional facilities, while complaints on common violations decreased, there was a growth in complaints of violation of social rights including lack of medical services and amenities. Given that, the Commission worked hard to identify new human rights issues: conducting on-site investigations into human rights aspects of newly-built correctional facilities, recommending refraining from adopting tower-type building design, and promoting human rights in facility management. In addition, the Commission presented the Guidelines on Human Rights of Migrants, which is meaningful for being the first such recommendation ever in the world. Steady cooperation has been pursued in the process at a substantial and specific level by field forces, academia, experts, government officials, and civil society, with clear directions and comprehensive perspectives suggested on migrant-related projects to be pursued by the government as well as discourses on human rights of migrants. Internally, it formulated the Mid to Long-Term Action Plans on Multi-cultural Human Rights Policies of the Commission, and completed two main pillars to ensure its migrants-related activities can be implemented in line with government policies.

Despite the efforts and achievements, still there is a long way to go for advancement of

human rights. With concerns over lessening investigation capabilities brought on by downsizing as well as a growing number of complaints becoming increasingly complicated and diversified, the Commission needs to expand and reinforce its own capabilities for investigation. It should also make steady efforts on an institutional front by ensuring rational and efficient remedy procedures to seek satisfactory remedies for victims, granting offenders of opportunities to advance human rights, and improving regulations, institutions and practices for protection of human rights.



Chapter 4

Investigations and Remedies: Discriminatory Acts

Section 1. Overview

Pursuant to Article 19 of the National Human Rights Commission Act, the Commission conducts investigations into complaints of discriminatory acts and seeks remedies for victims. In accordance with Article 30 (1) 1 and 30 (1) 2 of the Act, the Commission may launch investigations into complaints of violation of equal rights by state organizations, 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(3) of the National Human Rights Commission Act defines sexual

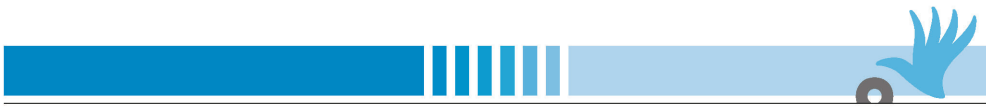
harassment as one of the discriminatory acts violating equal rights. Sexual harassment refers to a sexually-suggestive comment or act made by employees of public institutions, employers or workers that causes sexually-related humiliation or degradation in business, employment or other relations in or 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.

In 2011, the Commission received a total of 1,802 complaints of discriminatory acts, down by 878 from the previous year. Since the enactment of the Disability Anti-Discrimination Act in 2008, there was a huge increase in complaints of discrimination reflecting complaints by people with disabilities groups among others, but the number of group complaints did not increase in 2011. While discrimination based on gender, age, pregnancy and delivery, and medical history slightly decreased year on year, those based on academic backgrounds and social status rather increased.

In 2011, the number of complaints resolved fell by 10%. 188 were resolved by the Commission issuing recommendation (up by 83%) and 79 cases (down by 21%) were settled by mutual agreement. 364 cases were resolved on their own during investigation and thus dismissed or rejected, which was 16.5% decrease from 436 in 2010.

The Commission monitored execution of its recommendations and also conducted public promotion with press release and other communications to raise the public's awareness of discrimination.

Year 2011 offered the Commission an opportunity to raise awareness and reflect on its mission of rectifying discrimination in the society, in addition to complaints investigation and remedies. First, under the slogan, 'A Decade of Addressing Discrimination: Rediscovering Discrimination', the Commission carried out a variety of projects. Forums and discussions were organized to review progress and identify remaining challenges based on cases received and resolved by the Commission for the past decade. It announced 'Top 10 Discriminatory Practices Corrected in Korea' in reflection of implications of its recommendations during the last decade and published an essay titled 'chun-cha-man-byul



(All Sorts of Differences)’ describing discriminatory acts that can be witnessed and experienced in everyday life.

The human rights advancement project for female emotional labor workers was focused on those who provide person-to-person services including restaurant servers, cashiers of large supermarkets, salespersons, and call center representatives. The Commission paid special attention to their working conditions where they are helplessly exposed to humiliation and insult in the form of verbal abuse and disrespectful behaviors. It organized field meetings with female emotional labor workers, published the Employers’ Guide for Human Rights of Female Emotional Labor Workers, and launched a large-scale public campaign titled ‘Good Consumers Make Female Emotional Labor Workers Smile’ to advance their human rights.

Following the 2009 On-site research on Human Rights Conditions of Female Celebrities and the 2010 initiative of organizing discussion forums on the topic, the Commission produced an animated short-film titled ‘My Dream Is...’ and distributed it to universities with broadcasting and entertainment majors as a part of continuing efforts to advance the rights of female performers in entertainment industry.

With regard to discrimination against disability, the Commission made active efforts to identify agenda and resolve issues by making recommendations and conducting review of applicable regulations and policies including the Building Act and the Broadcasting Act to promote the rights of people with disabilities. It also operated a nation-wide monitoring group consisting of people with disabilities, and their participation provided the basis for policy recommendations that appropriately reflected voices of the field. On the international front, the Commission invited the Chair of the Committee on the Rights of Persons with Disabilities and other experts by hosting an international seminar on the accessibility to information, and carried out a number of *suo moto* investigations into violations of civil rights committed by a facility for people with disabilities that drew nationwide attention.

In terms of age discrimination, it conducted two studies to improve current practices. ‘The On-site research on Discriminatory Hiring Practices by Businesses’ consisted of

in-depth interviews with Human Resources personnel and questionnaire on job seekers, aiming to improve diverse discriminations in hiring processes and research on foreign cases of discrimination in hiring. ‘The Research on Different Retirement Ages Applied by Public Organizations and Measures to Address Discrimination’ was conducted to learn about implications and types of retirement and different retirement ages applied by public organizations by position, job, gender, and type of employment. In addition, it played an active role at home and abroad by organizing meetings attended by experts on prevention of sexual harassment and sexual violence and participating in the Committee on the Elimination of Discrimination against Women.

Section 2. Major Activities

1. Complaints of Discriminatory Acts

A. By Category

The Commission has received 11,547 complaints of discrimination until the end of 2011 since its inception: 3,904 about employment (33.8%), 4,281 about supply or use of goods, etc. (37.2%) and 710 about use of education facilities, etc. (6.1%).

Of a total of 1,802 complaints filed in 2011, there were 480 were of employment (26.7%), 768 about supply or use of goods, etc. (42.6%), and 81 about use of education facilities (4.5%), indicating a slight decrease from the previous year.

480 employment-related complaints were again segmented into hiring (115 cases or 24.0%), job application (75 cases or 15.6%), wages (57 cases or 11.9%), termination (49 cases or 10.2%), and job assignment (28 cases or 5.8%). 768 complaints about supply or use of goods and services, etc. are categorized into service (439 cases or 57.2%), goods (181 cases or 23.6%), and transportation modes (64 cases or 8.3%). Of a total of 81 complaints regarding use of education facilities and vocational training institutions,



complaints of education facilities accounted for a majority (75 cases or 92.6%). There were also 473 complaints of other discriminatory acts that did not fall under the categories above and accounted for 26.2% of the total complaints of discrimination in 2011.

[Table 2-4-1] Complaints on 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		
2011	1,802	75	115	28	7	14	57	16	—	14	16	49	89	439	181	64	57	23	4	75	6	473
2010	2,680	119	112	33	5	16	66	8	1	32	18	43	126	184	1,144	75	40	21	1	96	10	530
2009	1,685	162	91	15	7	12	45	13	—	27	21	41	98	292	201	84	61	18	3	116	6	372
2008	1,380	101	59	30	11	15	67	17	—	4	12	50	101	199	149	115	62	21	5	98	4	260
2007	1,159	124	98	27	6	20	51	13	1	17	12	58	71	124	110	17	22	15	—	96	7	270
2006	824	101	97	21	2	14	52	8	—	13	18	26	35	50	91	15	3	6	—	83	4	185
2005	1,081	90	148	17	6	36	50	12	—	3	10	45	86	87	151	9	13	5	5	51	5	252
2004	389	51	22	18	—	9	12	4	—	3	5	17	34	10	40	2	1	1	—	24	2	134
2003	358	21	54	14	—	11	26	4	—	3	6	61	9	2	29	—	1	—	1	14	3	99
2002	136	6	14	1	1	7	11	3	—	—	—	8	4	3	20	1	2	1	—	7	3	44
2001	53	—	4	—	—	2	6	3	—	—	1	2	1	—	10	1	—	—	—	—	—	23
Total	11,547	850	814	204	45	156	443	101	2	116	119	400	654	1,390	2,126	383	262	111	19	660	50	2,642
(%)	100	7.4	7.0	1.8	0.4	1.4	3.8	0.9	0.0	1.0	1.0	3.5	5.7	12.0	18.4	3.3	2.3	1.0	0.2	5.7	0.4	22.9

B. By Reasons

The breakdown of complaints received in 2011 by grounds showed a similar trend as in 2010 in general, excluding decrease in discrimination against disability from 1,649 in 2010 to 874 in 2011. As for other grounds, discrimination based on academic backgrounds increased by 1.3 times (40 to 52) and discrimination using family status also increased by 1.89 times (9 to 17) year on year, while age-based discrimination complaints went down by 25.9% (197 to 51).

[Table 2-4-2] Complaints on Discrimination by Reasons

(Unit: number of cases, %)

Category	Demographic and Socioeconomic Data (2001-2011)																					
	Others	Academic Backgrounds	Medical History	Sexual Orientation	Criminal Record	Ideology	Skin Color	Race	Family Status	Pregnancy/ Delivery	Marital Status	Appearances	Ethnicity	Country of Origin	Place of Origin	Social Status	Age	Disability	Religion	Sexual Harassment	Gender	
2011	1,802	36	217	16	874	146	128	10	27	1	19	5	19	17	4	0	1	17	3	30	52	180
2010	2,680	81	212	18	1,649	197	82	7	27	3	24	5	39	9	12	4	1	13	6	41	40	210
2009	1,685	84	170	15	710	138	91	5	16	3	25	7	17	14	22	—	3	10	2	40	77	236
2008	1,380	42	151	13	640	62	103	4	28	2	15	5	14	10	7	—	3	16	3	19	23	220
2007	1,159	50	165	14	256	108	117	9	38	1	20	3	15	13	4	1	2	18	3	31	28	263
2006	824	28	107	8	116	69	208	10	28	—	11	22	9	8	1	—	2	13	4	30	24	126
2005	1,081	53	60	11	121	87	297	23	19	—	45	9	5	15	1	1	5	23	5	21	48	232
2004	389	24	1	8	54	57	64	6	10	—	6	7	4	4	—	—	—	7	1	7	12	117
2003	358	33	2	5	18	24	75	2	19	1	4	4	15	2	—	—	7	3	2	16	28	98
2002	136	10	1	4	20	6	31	2	12	—	2	2	—	—	1	—	3	6	3	8	—	25
2001	53	2	—	2	13	1	17	3	8	—	—	—	—	1	—	1	1	1	1	2	—	—
Total	11,547	443	1,086	114	4,471	895	1,213	81	232	11	171	69	137	93	52	7	28	127	33	245	332	1,707
(%)	100	3.8	9.4	1.0	38.7	7.8	10.5	0.7	2.0	0.1	1.5	0.6	1.2	0.8	0.4	0.1	0.2	1.1	0.3	2.1	2.9	14.8

2. Resolution of Complaints of Discriminatory Acts

A .By Resolution Type

A total of 11,547 complaints on discrimination have been received by the Commission since its establishment until the end of December 2011, of which 10,563 (91.5%) were closed and 984 (8.5%) are under investigation or review.

Of the 10,563 closed cases, 796 (7.6%) were resolved by recommendations including regulatory improvement, human rights education, and disciplinary action after being recognized as discriminatory acts such as a violation of the right to equality. For 8 cases,



the Commission filed criminal charges against perpetrators. 367 (3.5%) cases were settled by mutual agreement during the process of investigation and 19 (0.2%) cases reached a settlement agreement through the mediation committee. Meanwhile, 2,806 (26.6%) complaints were dismissed for lack of grounds or failure to prove significant discrimination and 6,395 (60.5%) complaints were either rejected because they fall outside the scope of the Commission or were withdrawn.

In 2011, the Commission issued recommendations for improvement measures for 188 resolved complaints, filed criminal charges for 4 complaints, dismissed 763 complaints, and rejected 872 complaints. 79 complaints were resolved by reaching a settlement during investigation and 1 case reached a settlement through mediation.

[Table 2-4-3] Complaints on Discrimination by Type of Resolution

(Unit: number of cases)

Category Year	Received	Closed*	Approved					Rejected			
			Recommendations**	Recommendation for Disciplinary Action	Refer for criminal charge	Mutual Settlement	Mediation	Dismissed	Rejected	Transferred	Suspended
2011	1,802	1,897	188	0	4	79	1	736	872	5	12
2010	2,680	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	7	0	1	2	0	18	73	1	0
Total	11,547	10,563	796	3	8	367	19	2,806	6,395	90	79

** Sum of the number of closed cases received in a year and the number of closed cases transferred from the previous year

** Recommendations for rectification or improvement of regulations, policies and practices, prevention of recurrence, or human rights education

Details of recommendations include regulation and policy improvement, human rights education, damage compensation, and upgrade of facilities. By grounds of discrimination, 119 were for disability, 15 for sexual harassment, 13 for age, 7 for social status, and 19 for others. 4 complaints about discrimination based on disability resulted in the Commission filing criminal charges and 1 case on sexual harassment reached a settlement through mediation. Other than recommendations, a total of 79 complaints including 33 against sexual harassment and 30 against disability were closed by mutual settlement in the process of investigation.

[Table 2-4-4] Complaints Resolution by Reasons for Discrimination and Type in 2011

(Unit: number of cases)

Category	Total	Mediation	Recommendations*	Criminal Charges	Mutual Settlement	Rejected	Transferred	Dismissed	Suspended
Gender	48		3			21		23	1
Religion	13					8		5	
Disability	937		119	4	30	377	4	402	1
Age	170		13		4	67		85	1
Social Status	131		7		1	70	1	51	1
Place of Origin	8				1	3		4	
Country of Origin	19		1		1	8		7	2
Ethnicity	3					3			
Appearances	20		1		2	9		8	
Marital Status	3					1		2	
Pregnancy/Delivery	20		3		1	12		3	1
Family Status	15		1			7		7	
Race	3				1	1		1	
Skin Color									
Ideology/Political Views	1					1			
Criminal Record	15		1			8		6	
Sexual Orientation	2					1		1	
Medical History	34		3		3	17		11	
Academic Background	59		2		1	21		34	1
Sexual Harassment	214	1	15		33	132		29	4
Others	182		19		1	105		57	
Total	1,897	1	188	4	79	872	5	736	12

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



B. Investigation and Remedies: Discrimination based on Gender

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, and is also considered as discrimination based on gender.

□ Policy of Maritime High School that Prohibits Application of Female Students

The Commission launched *suo moto* investigation in October 2011 after recognizing that the policy of the Maritime High School of prohibiting application of female students is a probable act of discrimination. The Maritime High School was established with 100% government funding to educate and train maritime specialists such as navigators and engineers, but it has opened its doors to male students only since its establishment in the 1970s.

During the investigation, the school responded that it could admit female students to apply if certain issues including renovation of dormitory, restrooms, and other school facilities to accommodate female students, administration with regard to boarding of foreign crew, and reluctance of maritime businesses to hire female students are addressed. Even though the Ministry of Land, Transport and Maritime Affairs did not intend to contest the policy change to admit female students since the school was a 100% government-funded public education institution, the school cited that maritime shipping and fishing companies, who are employers of graduates, were skeptical of female students. Companies complained about difficulties such as accommodating female underage

students to train on board vessels, extra cost of renovating vessels to accommodate female maritime specialists, and reluctance of women to pursue maritime career considering unique working conditions.

The school's final answer was that it would need to discuss with the government for budget increase necessary to accommodate female students if it becomes necessary to admit them.

It is true that the career of maritime specialist has been dominated by men, but the industry's claim of reluctance to hire women and assuming that female students wouldn't be comfortable training and learning on board vessels with mostly male counterparts was nothing but a gender stereotype and does not justify prohibiting female students' right to access the education, the Commission concluded. The case of the Korea Maritime University's decision to open its doors to women despite facing similar grounds proposed by the Maritime High School is clear evidence that the grounds were not reasonable. It was especially discriminatory for the school to deny admission of women, because the opportunity for maritime education was already scarce.

The Commission also reviewed the regulation that requires graduates of the Maritime High School to serve a minimum of 3 years in maritime-related field. Male students have the benefit of taking advantage of On-Board Reserve Force program of the Ministry of Defense, allowing them to meet the graduation requirement as well as mandatory military service requirement. Since female students do not have the military service duty, the Ministry of Land, Transport and Maritime Affairs should consider expanding scope of 3-year service requirement to include maritime-related positions at other government organizations such as the Coast Guard, maritime-related agencies, and local governments.

The Commission's final recommendation to the principal of the Maritime High School was to revise the application criteria to no longer prohibit application of female students. It also recommended the Minister of Land, Transport and Maritime Affairs to provide financial support to the school for facility renovation and improve regulations to accommodate female students.



□ Project for Advancement of Civil Rights of Female Emotional Labor Workers

Emotion work or emotional labor refers to a type of labor over 40% of which involves control of emotions in order to present or maintain job-specific emotional conditions and includes nurses, call center representatives, cashiers, or salespersons who provide person-to-person services. These workers are often helplessly exposed to insult and humiliation in the form of verbal abuse and disrespectful treatment of customers.

In recognition of their suffering, the Commission visited workplaces and union offices 8 times in April and May to conduct in-depth interviews with female emotional labor workers and identify diverse civil rights violations they are suffering. Based on the findings, it published the Employers' Guide for Human Rights of Female Emotional Labor Workers and launched a public campaign to raise awareness.

The guide proposes measures for employers to minimize psychological and physical exertion of female emotional labor workers such as providing chairs or floor mattresses and relieve them of work stresses resulting from emotional labor. In addition, with regard to work process improvement, it presents standard guidelines to maintain consistency of customer service standards, as well as measures to manage the work force with incentives rather than penalty, offer self-help education, and expand their authorities and responsibilities. In addition, it also suggests emergency suspension from duty when workers experience verbal and physical abuse and implementing in-house counseling office or employee complaint handling office.

The public campaign carried out under the title of "Good Consumers Make Female Emotional Labor Workers Smile" consisted of a performance and a signature campaign seeking pledges for respect and consideration of female emotional labor workers in cooperation with the National Council of Green Consumer Networks on November 29th in front of the council office. The Commission also conducted a consumer survey of 303 residents of Seoul and surrounding areas in October on the issue of female emotional labor workers, distributed a leaflet on promotion of consumer awareness in November to the Korea National Council of Consumer Organizations and its 10 member organizations, and

collected signatures online.

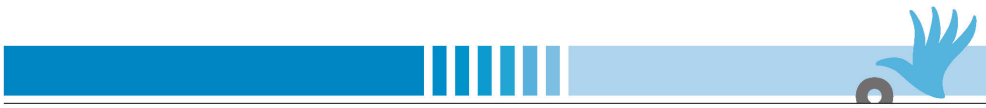
The project to advance civil rights conditions of female emotional labor workers is meaningful in that it promoted meanings and effects of human rights advancement in daily life and suggested practical standards of human rights-oriented business management by brining public attention to civil rights conditions faced by the workers and presenting solutions.

□ Producing Animated Short Film about Civil Rights of Women in Entertainment

The Commission produced an animated short film titled “MyDreamIs...” to communicate the message of civil rights of female performers in entertainment. Directed by Yelim Lee, the film highlights 4 major civil rights violations suffered by female performers identified by the ‘2009 Status Survey of Civil Rights Conditions of Female Celebrities, which are i) violation of the right to physical self-determination such as being forced to undergo plastic surgery; ii) violation of the right to sexual self-determination such as enduring sexual harassment and being forced to provide sexual entertainment; iii) violation of labor rights such as unfair contract; and vi) invasion of privacy by the public. The production was conducted under the auspices of the Labor Union of Korea Broadcasting, Film and Performance Art Community and the Human Rights Support Center for Female Performers under the Korean Women link to ensure that human rights implications were accurately depicted in describing the reality. The 5-minute-long film has been distributed to 136 universities and graduate schools that have broadcasting and entertainment-related majors, the Korean Entertainment Management Association, and other relevant parties including the media.

C. Investigation and Remedies: Discrimination based on Pregnancy or Delivery

Discrimination based on pregnancy or delivery 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 that the person is or has been pregnant or delivered or is expected to deliver a baby in all aspects of social activities including employment. The National Human Rights Commission Act distinguishes ‘pregnancy or delivery’ from ‘gender’ as reasons for discrimination, which means it bans unreasonable discrimination not just between women and men, but also between women who have been pregnant or delivered and those who have not.

□ Discrimination for Taking Pre-natal and Maternity Leaves in Incentive Payment

A complainant filed a complaint to the Commission alleging that a teacher (victim) of XX Elementary School received the lowest grade of teacher incentive payment criteria in 2010, solely because she exceeded the number of vacation days, which was 95 days including 90 days of maternity leave. The complaint claimed it is a discrimination against women that the school administration regards pre-natal and maternity leave and breastfeeding hours as vacation days and reflect them in calculation of incentive payment.

The XX Elementary School had implemented a policy to assign 16% of weight to number of vacation days out of 70 total points for incentive payment criteria. 1 point was added for teachers who took less than 1 week of vacation, and points were deducted (0.5 for 1~2 weeks, 1 for 2~3 weeks, etc.) for longer vacations. 5.5 were the maximum points that could be deducted for vacation days exceeding 11~12 weeks, and vacation days longer than 3 months automatically received the lowest incentive payment grade.

When questioned, the school argued that they were acting on a policy guideline issued by the Ministry of Education and Science Technology and Office of Education of XX Province to reflect vacation days in calculation of incentive payment. School insisted that 90% of teachers consented to the decision at meeting, and it was a consensus of most teachers that number of vacation days should be reflected to incentive payment when they adversely affect school administration even though they recognize the right to maternity leave and breastfeeding hours.

Meanwhile, the Office of Education with jurisdiction of the school expressed that they

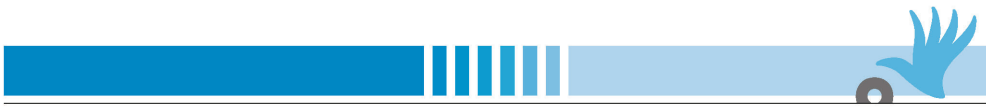
consider the matter to be best handled by individual school even though they acknowledged that female teachers experiencing motherhood could claim discrimination when pre-natal and maternity leaves and breastfeeding hours are excluded from working days.

Notwithstanding administrative justification of the policy, the Commission ruled that pre-natal and maternity leave is a guaranteed right by the government given prior to and after delivery to ensure wellbeing of female workers and babies, protect motherhood, and achieve work-life balance. There must be social acknowledgement and consideration of the policy since the protection is extended to only women but women have no direct control over the timing or duration of the maternity leave.

It also cited that not just the National Human Rights Commission Act but also the Framework Act on Women's Development and the Sexual Equality Employment Act provide that the central government, local governments and employers shall protect maternity and not offer disadvantages or take unfavorable measures on grounds of pregnancy and delivery. In addition the Labor Standards Act clearly stipulates the minimum of 90 days for pre-natal and maternity leave to be recognized as working days, which makes it difficult to accept the school's claim that teachers themselves consented to the policy. The Commission finally ruled the policy of the school to be discriminatory based on pregnancy and delivery as prohibited by law and recommended the principle to develop countermeasures to prevent the issue from occurring again.

D. Investigation and Remedies: Discrimination based on Marital Status

Discrimination based on marital status 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 their marital status in all aspects of social activities including employment. The National Human Rights Commission Act distinguishes 'marital status' from 'gender' as reasons for discrimination, which means it bans unreasonable discrimination not only between male and female, but also between



those who are married, single or unmarried, divorced, widowed, separated, or remarried and those who are not.

□ Withholding Unemployment Benefits for Resigning due to Relocation by Divorce

A former daycare center teacher filed a complaint arguing that she was unfairly denied of unemployment benefits. The complainant was forced to resign from her job as a day care teacher in XX City of Gyeonggi-do when she relocated to OO City to move in with her parents after a divorce and unable to commute. When she applied for unemployment benefits, the XX employment center of the XX Provincial Office of Labor and Employment rejected her claim that resignation due to relocation following divorce, unlike relocation following marriage, was not eligible for unemployment benefits.

When questioned by the Commission, the XX employment center responded that they can approve unemployment benefits when relocation by divorce is recognized as ‘other inevitable reasons of job change’ as set forth in Article 58 of the Employment Insurance Act and Article 101 of Enforcement Decree of the Act, but doing so required legitimate evidences to be submitted to the employment center.

Since dissolution of marriage is as important personal change as marriage that warrants the necessity and possibility of relocation, the Commission decided that the employment center’s policy to limit the scope of life-altering changes of workers to cohabitation by marriage was not reasonable and failed to fully reflect the reality where diverse forms of family status and life-altering changes are observed.

In addition, given that i) unemployment benefits are of monetary value and to be provided on time to sustain livelihood while being unemployed; ii) substantial disadvantages and inconveniences are expected in case when the unemployed enters into a request for administrative adjudication, etc. instead of seeking jobs; and iii) it is difficult to ensure effective remedies by through measures such as administrative adjudication, the Commission rejected the employment center’s claim that the policy was not discriminatory since there were legal measures to appeal the policy.

Accordingly, the Commission recommended the employment center to develop measures to recognize resignation caused by difficulty of commuting after relocation by divorce as involuntary resignation and eligible for unemployment benefits under the Employment Insurance Act.

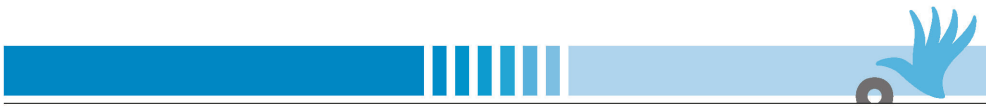
E. Investigation and Remedies: Sexual Harassment

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 HR Administrators of an Office of Education

3 complainants filed a complaint of sexual harassment against Team Leader and 2 staff of HR Team of XX City Office of Education. Complainants were new government employees assigned to the XX City Office of Education, and they were told to join a dinner party hosted by then-team leader of HR and 2 staff. After three female staff arrived at a secluded room on the 2nd floor of a sushi restaurant, three male staff committed acts of sexual harassment that included pairing man and woman to sit side by side, forcing binge drinking, forcing physical intimacy, and verbal abuse.

Even though the incident occurred more than a year ago, the Commission decided to launch an investigation considering the gravity of the situation and the fact that statute of limitation for civil charges was yet to be expired.



The Commission first ruled that the dinner in question was in fact work-related incident considering the work experience history as well as the age difference, and the fact that a work hierarchy existed between the three female complainants and three male supervisors; three male supervisors were in charge of HR; their job grading.

The Commission also verified sexual misconducts committed by the accused including forcing the complainants to drink with their arms around the women's neck or arms, forcing kisses, touching genital areas of the complainants over their clothes, and grabbing and kissing a complainant in a restroom. The men also admitted to have forced themselves on the women in a karaoke and in a taxi, and they continued to harass the complainants and inflict psychological suffering by contacting women via instant messenger services and phone offering an overnight retreat or asking women to accompany them to funerals.

Based on the evidences, the Commission determined that the behaviors of the accused men clearly contained sexual implications and obviously inflicted sexual humiliation on the complainants who were newly-appointed government officials. It was also clear that given the hierarchical relationship at work, it was hard for the complainants to express clear indications of rejection to demands or behaviors of the accused. So the Commission recommended all of the accused men to take special human rights education and pay compensation to the complainants (20 million Won by the team leader and 10 million Won by each staff). In addition, it recommended the superintendent of XX City who supervised the Office of Education employing the accused men to take actions such as ensuring that the accused and the complainants do not work in the same agency to prevent secondary sufferings on the complainants, identify the status of the XX City Office of Education in terms of sexual harassment, and come up with and implement measures including reinforcing preventive education on sexual harassment.

□ Sexual Harassment by CEO of PR Company during Job Interview

The complainant filed a complaint that she suffered serious psychological trauma including sexual humiliation as a result of multiple sexual harassment by the accused, the

CEO of a PR company, during a job interview held at a bar, demanding punishment of the accused and compensation for damage.

Even though the complainant was not an employee of the company, the Commission determined that her status as a job seeker granted her the same protection against sexual harassment as stipulated by the National Human Rights Commission Act and sexual behaviors in question are subject to workplace sexual harassment since they were committed during a hiring process and by the CEO.

The CEO did ask a number questions implying sexual natures with no work relevance during the interview process, one of which was asking her whether she could fall in love with her supervisor-to-be. After telling the complainant that she was hired, the CEO made the complainant and her immediate supervisor to dance in a karaoke where he also forced the two to hold hands and confess love to each other. All of these behaviors were deemed to be reasonable to incite sexual humiliation and detest from the perspective of a woman. The Commission judged that the CEO did abuse his power as the top decision maker and forced sexual harassment onto the complainant. The case was especially serious because the offense was committed by the very person who was ultimately responsible for supervision and management of protection of female workers from sexual harassment and sexual discrimination. To resolve the complaint, the Commission recommended the CEO to compensate the complainant 3 million Won and to undergo special human rights education class offered by the Commission.

□ Networking with Organizations for Prevention and Remedy of Sexual Harassment

In 2011, the Commission strengthened its network with organizations dedicated to prevention of sexual harassment. After receiving a sexual harassment complaint against XX University in July 2011, the Commission launched an in-depth survey of establishment and operation of sexual violence counseling centers at the nation's 4-year universities. Based on the survey, the Commission hosted a seminar for prevention of sexual harassment and sexual violence experts and counselors from 41 universities, where the



conditions of sexual harassment and sexual violence on campus and actions plans were actively discussed.

Meanwhile, the Commission established a committee on prevention and remedy of sexual harassment consisting of manager-level representatives from 5 organizations including the Commission, the Ministry of Employment and Labor, the Ministry of Gender Equality and Family, the Korean Institute for Gender Equality Promotion and Education, and the Korea Women's Rights Promotion Agency to build a powerful and steady network of cooperation against sexual harassment and discrimination. The Commission also distributed to military camps posters on prevention of sexual harassment and the 4nd volume of case book on recommendations against sexual harassment.

F. Investigation and Remedies: 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. Here the age does not refer to a specific age group (e.g. younger than 32, older than 55, age 24 to 35 or in their 20s), but includes reference to relative age such as junior or senior, and age-related designation including university graduates of the year. Age discrimination also includes disadvantages ultimately suffered by a certain age group even when they were caused by other standards than age.

With the Enforcement of the Age Anti-Discrimination Act in March 2009, age discrimination is prohibited in hiring and job application. 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/transfer/promotion, and retirement/dismissal. The Commission conducts investigations into allegations of violations of the Age Anti-Discrimination Act and makes recommendations for remedies, which are notified to the Ministry of Labor. For failing to implement recommendations without justifiable reason, the Ministry can issue corrective orders and fines are imposed if

the orders are not implemented.

□ Age Restriction in Selecting Provincial Scholarship Recipients

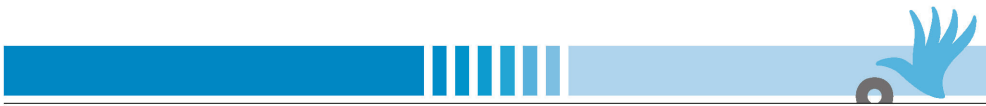
A complainant filed a complaint that provincial scholarship limited the age of applicants to younger than 32 (or 26 for those in 2-year Master's degree program and before completing the military service) as of the notification date, which was unreasonable discrimination based on age and requested a remedy.

When questioned, the XX Province argued that the purpose of scholarship was to support residents of XX Province and their children to become global experts in their fields and contribute to national and regional development upon return, and 32 years of age is a reasonable age restriction considering the time scholarship recipients can return the benefit to the society upon completion of their studies.

In response, the Commission pointed out that the national scholarship programs do not impose age restrictions and the essential purpose of scholarship programs is to support students with high academic potential or financial difficulties in pursuit of education as well as encouraging research in a certain field of studies. At the same time it was unreasonable to automatically assume that younger students who return to society earlier and remain active longer would mean more contribution. So the Commission judged the age restriction to be discriminatory and recommended the governor of XX Province to revise the Rules on Provincial Scholarship Recipients Program and lift the age restriction.

□ *Suo Moto* Investigation: Age Restriction for Village and County Leadership

Despite its previous recommendation to local governments to revise the regulation that imposed age restriction for appointment of village and county leadership since 2008, the Commission learned during a course of its investigation that many local governments continued to impose age restriction citing compliance with local ordinance. So the Commission decided to launch *suo moto* investigation into 230 local governments across



the country in January 2011.

The investigation showed that 109 local governments (47%) still imposed the age ceiling for village and county leaders, while 121 local governments (53%) did not. The former group claimed that the age restriction was necessary, because that the responsibilities of the job required certain physical strength including disaster relief, accident management, field work, and evening work. Older leaders had to deal with decrease in adaptability, judgment skill, understanding of IT, and communication skills.

In response, the Commission pointed that the best way to evaluate suitability and capability of candidates is to assess each individual's capability separately rather than imposing a generalized age requirement. The current local government policy of appointing village and county leaders does have a process of evaluating eligibility by recommendations of candidate review committee and chiefs of bigger administrative units, which can be used to assess individual capability instead of putting an age restriction. Implementing fixed service term or imposing a limit on number of terms that can be served consecutively can be another way to assess job suitability. The final decision of the Commission was that the age restriction was a discriminatory act based on age and recommended the local governments to revise applicable ordinances.

G. Investigation and Remedies: Discrimination based on Disability

Discrimination based on 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 Anti-Discrimination Act also defines it as a 'physical and/or mental damage or dysfunction that impairs a person's daily or social life activities over a extended period of time.'

□ Recommendation to Improve Accessibility of Persons with Disabilities to Financial Products and Services Offered Banks

The Commission conducted a monitoring of commercial banks, the major financial institution, in May 2011 regarding the accessibility of people with disabilities to bank amenities, ATM services, legitimate services entitled to financial services, and internet banking service.

From the monitoring, it learned that although 3 years have passed since the enactment of the Disability Anti-Discrimination Act, there was still significant discrimination against the persons with disabilities in terms of their access to financial products and services and the level of required conveniences offered to rectify such discrimination was still low.

The Commission judged that discrimination against persons with disabilities in the field of financial service was caused by lack of awareness of related organizations and understanding on the Disability Anti-Discrimination Act and recommended related institutions to develop improvement measures to advance the right to access financial services as follows. (November 24, 2011)

In order to enhance accessibility by the persons with disabilities to facilities in banks, it recommended the Chairman of Financial Services Commission to design improvement measures to prevent the persons with disabilities from being discriminated in using financial services and products offered by banks, caused by physical restriction of accessibility to banks and their facilities. Presidents of commercial banks that were monitored were also recommended to provide minimum physical and personal assistance necessary to ensure their accessibility.

Furthermore, in order to enhance their accessibility to ATMs, the Commission recommended the Chairman of Korea Communications Commission to revise and



supplement in a consistent manner the Guidelines on Accessibility to ATM and the CD/ATM Standards for Persons with Disabilities in order to manage them as a single national standards; and presidents of the banks to ensure accessibility to ATMs already installed and develop measures to maintain and manage them for actual use.

In order to provide necessary conveniences people with disabilities are entitled to access financial products and services, the Commission recommended the Chairman of Financial Services Commission to design improvement measures to ensure necessary modes of communication and physical and material assistance are provided. Lastly, with regard to web accessibility for online banking services, it recommended the Chairman of Financial Services Commission to ensure equal access is provided to the persons with disabilities by adopting technical measures for web accessibility. Presidents of the banks were recommended to immediately implement technical measures to grant persons with disabilities complete access to online banking services.

For effective implementation of the recommendations, the Commission organized a meeting with bank officials, and it is looking forward to achieving improvement in the access to financial services and products by persons with disabilities.

□ Discrimination against Persons with Visual Impairment by Restricting the Rights to Medical Service

A complaint was filed to the Commission arguing that general hospitals discriminated against persons with visual impairments by failing to provide medical records in Braille or standard text files. Even though the record is of a person with visual impairment, the hospitals provided standard medical document printed on paper and written in fonts visible by only those with no visual impairment.

When questioned, the 8 general hospitals accused by the complainant argued that they did not have Braille text printers and medical records are full of difficult and complex medical terminologies that are difficult to be translated and printed in Braille. They also cited legal ramifications of medical documents and the controversial nature of Braille

printing as a form of alternation prohibited by law, and they pointed out that applicable regulation does not stipulate different forms of medical records other than the current paper document.

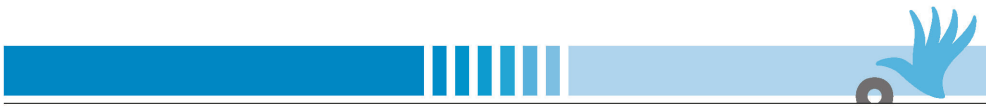
However, from its investigation, the Commission found there were technologies of converting digital text data into Braille printing or voice recording already developed and being used, and the programs supported in addition to Korean text foreign languages including English to facilitate processing of medical terms. Controversy of legal ramification or privacy issue was unfounded since medical records are strictly prohibited from being disclosed to unauthorized. At the same time, just because there were no specific regulations requiring preparation of medical records in Braille was not a sufficient enough reason to disregard the hospital's responsibility to provide necessary assistance to persons with disabilities stipulated by the Disability Anti-Discrimination Act and Enforcement Decree of the Act including providing medical records in Braille to persons with visual impairment.

After confirming the discriminatory practice, the Commission recommended heads of 8 general hospital including XXX University Hospital to adopt and provide barcode technology of converting prints to voice, Braille data, or standard text files for medical records issuance. It also recommended the Minister of Health and Welfare to supervise and guide general hospitals nationwide to ensure necessary assistance is extended to persons with visual impairment when they request medical records.

□ Civil Rights Violation and Discrimination of Persons with Disabilities in Institutional Care Facilities

Despite having undergone *suo moto* investigation by the Commission in 2006, allegations of civil rights violation against XX School operated by XX Social Welfare Corporation continued. Finally in October 2011, the Commission launched *suo moto* and on-site investigations into the school and corporation.

A number of witnesses testified that it was a routine for XX students to be forced to



provide massage services, and statements of victims detailing their experiences and witness testimonies that accurately depict hand movements also make it probable to assume that teachers in charge of student discipline did force students to give them massages, which corresponds to not only violation of the Disability Anti-Discrimination Act but also a criminal assault stipulated by the Criminal Code. Even though the school was approved as a special school for persons with disabilities, it failed to provide necessary curriculum tailored to special needs and attempt to develop such curriculum, and it violated the Disability Anti-Discrimination Act and the Act on Special Education for the Disabled Persons, etc. by denying necessary assistance entitled to persons with disabilities by law.

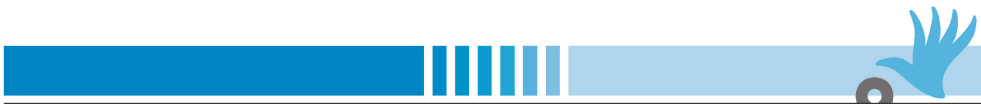
The Commission requested the Chief of XX District Police to investigate 2 former teachers on a charge of forcing students to provide massage services and 6 former teachers on charge of committing violence against students. It also recommended the superintendent of the Office of Education of XX Metropolitan City to provide legitimate conveniences and related services set forth by the Disability Anti-Discrimination Act and the Act on Special Education for the Disabled Persons, etc. in addition to offering special counseling services on sex education and sexual violence and formulating measures to prevent recurrence of sexual violence. The Commission called for implementation of a system to guide and supervise education facilities for persons with disabilities as well as measures to prevent civil rights violation and discrimination. It recommended the Head of the XX District Employment and Labor Authority to examine failure to guarantee minimum wage and denying statutory leave by the protective workshop of XXXX Facility and to take appropriate measures to guarantee the same level of working conditions including proper salary as general businesses to persons with disabilities hired by businesses under its jurisdiction. In addition, it recommended the Mayor of XX Metropolitan City to set up a committee composed of representatives from related ministries to ensure transparent operation of social welfare corporations and prevent civil rights violation and discrimination against the persons with disabilities and to set up a system for continued supervision and management of social welfare corporations and facilities for the persons

with disabilities. It also recommended the Chief of XX Gu to design countermeasures and a system for supervision and management in order to prevent civil rights violation of the persons with disabilities, sexual harassment, and other discriminatory actions under its jurisdiction and conduct a survey on demands and follow-up actions pursuant to the Social Welfare Services Act on residents transferred to other facilities after closing down problematic facilities. Moreover, it recommended the Minister of Health and Welfare to revise the Social Welfare Services Act to include introduction of public interest directors to ensure transparent operation of social welfare corporations and protection of persons with disabilities. It further recommended the Minister of Education and Science Technology to revise the Private School Act to extend the expiration period of disciplinary actions against teachers committing sexual violence, impose penalties for failing to comply with disciplinary measures against teachers of private schools; revise the Elementary and Secondary Education Act to mandate a shut-down of private schools whose operation deemed unreasonable owing to its violation of applicable regulations, and offer personal and financial support to ensure compliance of special schools and special classes with the Disability Anti-Discrimination Act and the Act on Special Education for the Disabled Persons, etc. that stipulates legitimate convenience and related services and the statutory limit in the number of teachers.

□ On-site research (studies) on Disability Types to Advance Civil Rights of the Persons with Disabilities

1) On-site research (studies) on Disability Types to Formulate Mid to Long-term Plan to Advance Civil Rights of the Persons with Disabilities

To promote social participation of the persons with disabilities, the Commission specified civil rights of the people with disabilities into employment, education, culture, travel, and access and conducted needs survey and analysis of current regulations, institutions, and policies, based on which it carried out on-site research (studies) to design mid to long-term policies for guarantee their civil rights and discrimination remedy. The



results will be published in a specific form of mid to long-term plan on guarantee of the rights of the persons with disabilities and address discrimination, after being revised and supplemented through expert discussions and hearings in 2012.

2) On-site research (studies) on Independence Level of Persons with Disabilities by Disability Type and Support System Improvement

The Commission commissioned a research to identify policy agenda and improvement measures for laws and regulations needed in each stage of independent: institutional group care facility à early integration à complete integration into the local community. The result is expected to be used for the government report on independent living (tentatively titled) to be formulated from 2012 to 2013.

3) On-site research (studies) on Guidelines to Improve Discrimination by Disability Type in Insurance Application

Persons with disabilities are subject to significant disadvantages in applying for insurance or receiving insurance benefits on the grounds of disability. The Commission compared and analyzed risk rates between the people with and without disabilities and conducted a on-site research (studies) to formulate guidelines as a basis for underwriting process of persons with disabilities based on analysis on how advanced countries prevent discrimination against persons with disabilities in insurance application. In consultation with related institutes, the Commission plans to recommend and distribute the guidelines for the insurance industry.

4) International Case Studies on the Disability Anti-Discrimination Act

The Commission established standards on concepts of disability and discrimination such as direct discrimination and indirect discrimination, provision of legitimate conveniences, and excessive burden as stipulated by the Disability Anti-Discrimination Act. Legal precedents of the U.S. and Australia were analyzed, categorized according to

areas specified by the Disability Anti-Discrimination Act, and compared with Korean precedents.

5) On-site research (studies) on Provision of Personal Assistance Service Pursuant to the Disability Anti-Discrimination Act

With a view to clearly specify the provision of personal assistance services which are described in an ambiguous manner in terms of concept and scope under the Disability Anti-Discrimination Act, the Commission conducted a on-site research (studies). The result presented guidelines by each discrimination ground and policy directions for implementation of guidelines. The guidelines and policy recommendations are likely to be distributed or subjected to policy recommendations after undergoing further review.

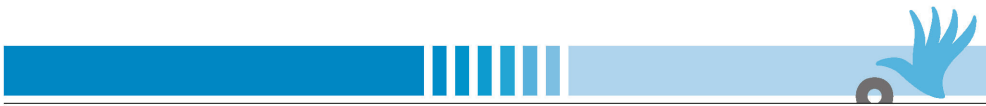
H. Investigation and Remedies: Discrimination based on Ethnicity, etc.

Discrimination based on ethnicity, etc. 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 ethnicity etc. or country of origin in all aspects of social activities including employment.

Discrimination based on race includes race, skin color, family or ethnicity, or origin of tribe. Unlike other reasons for discrimination such as religion or gender, discrimination based on race or skin color does not constitute bona fide occupational qualification in employment, and discrimination on such bases in employment, even though there is a need to do so for business purposes, constitutes a violation of the right to equality.

□ Access Restriction by a Sauna Facility based on Race

A complaint was filed by a naturalized Korean citizen (October 2009) who came from Uzbekistan when she was denied access to XX sauna located in XX City saying that the Sauna prohibited her from using the service because she was an Uzbekistan and she posed



the risk of spreading AIDS.

Owner of the sauna claimed that it had implemented the policy of denying service to foreigners since establishment to satisfy local customers who insisted as far as saying that they will boycott the sauna if they were forced to shower with foreigners. He cited the residents' prejudice against foreign women, given that so many of them were in prostitution business in the area.

Although it was understandable for the owner to consider preferences of his customers as he was running a for-profit business, but employing a policy to discriminate certain people based on race could not be a justifiable preference business owner were entitled to accommodate. Fear of AIDS contamination was also without total merit since HIV virus is transmitted only through blood, sexual contact, and other bodily fluid such as breast milk thus sharing shower posed no risk of contracting HIV. Despite the fact that XX Sauna was located in an area where sex trade business was active and a number of foreign women were hired by such businesses, its decision to deny services to people just because they were not Koreans was a clear discriminatory act.

Therefore, the Commission recommended the owner of the XX Sauna to no longer refuse its services based on grounds such as race. It also recommended the Mayor of XX City and the Chief of YY Gu to enhance supervision and management to prevent foreigners and naturalized foreigners from being subjected to unreasonable discrimination such as restriction to access to public sauna.

I. Investigation and Remedies: Discrimination based on Appearance and Physical Conditions

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.

□ Application for Police Officer Restricted to Persons with Color Vision Disorder

A complainant was diagnosed with a medium-degree color vision disorder, but his plan to join the police force could not even start because he was prohibited from even applying for the police officer exam. The application requirements stipulated by the Chief of the Police Agency prohibit persons diagnosed with color vision disorder more severe than ‘minor-degree’ from applying for the police officer exam, even though the difference between ‘minor-degree’ and ‘medium-degree’ is negligible.

When questioned, the Chief of the Police Agency claimed that it was necessary to implement color vision disorder restriction for hiring of police officers whose job responsibilities include use of fire arms during pursuit and arrest of suspects. Persons with color vision disorder more severe than ‘minor-degree’ would have difficulties in carrying out tasks such as precise use of fire arms and reading of maps during dangerous situations, and police officers should have all the qualifications to fulfill various job requirements such as civil safety, traffic, and criminal investigation.

The Commission found that although it was reasonable in some sense to impose a certain level of physical qualities when hiring police officers, imposing the color vision disorder requirement deemed applicable to recruiting officer with investigation and security specialty to other job functions such as IT that have little impact by color vision disorders was considered as to be excessively restrictive.

Furthermore, specific diagnosis of the severity of color vision disorders – minor, medium, and advanced- was done without a clear guideline, and there was no objective and scientific grounds to determine correlation between severity of color vision disorders and ability to execute certain work functions. It is true that color vision disorders could affect executing certain police officer duties such as suspect pursuit and arrest and all police officers must work in investigation division at one point of their career due to job rotation policy, simply determining persons with color vision disorders more severe than ‘minor-degree’ would be unfit to perform their duties and denying a chance to even take the exam was a form of discrimination, the Commission ruled.



Finally, the Commission recommended the accused to design and implement improvement measures not to excessively restrict the persons with medium or advanced-degree color vision disorder an opportunity to take the police examination.

J. Investigation and Remedies: Discrimination based on Academic Background

Discrimination based on academic background 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 wage, 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 as discrimination without reasonable cause.

□ Discrimination based on Academic Background by the Korea Coast Guard in Hiring Pilots

A complainant filed a complaint that the fixed wing aircraft pilot (sergeant) application criteria placed by the Korea Coast Guard that restricts the eligibility to ‘persons with a bachelor’s degree in aviation-related field who also possessed applicable certificates and have logged more than 250 flight hours’ was a discriminatory hiring practice against persons like him who obtained a proper license by studying at special aviation education institutions.

In response, the Coast Guard claimed that the 250 flight hours of requirement was actually a result of lessening of requirement from 500 hours from the previous year to boost application and solve severe manpower shortage of fixed wing pilots. They even lowered the starting rank from ‘lieutenant’ to ‘sergeant’. But they insisted on aviation

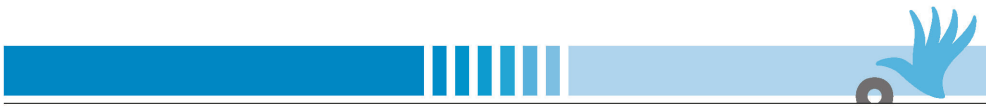
degree, because curriculum of aviation majors makes sure that graduates are equipped with well-developed knowledge of aviation theories and experiences that lead to completion of necessary certificates. They continued to argue that they were afraid that candidates without degree in aviation would lack systematically-developed professional qualities and hamper their effort for effective management, but they answered they would consider developing alternative standard for assessment of professional capabilities of pilot candidates without requiring aviation degree.

Although it was acceptable to demand aircraft pilots responsible for performing large-scale transportation to possess professional skills and expertise in the field of aircraft operation and piloting, technical skills and expertise for aviation could be obtained from trainings through diverse channels without completing a degree program at universities, as was evidenced by the complainant. There are only 3 universities in Korea that offer aviation degree programs, and 1 of the schools is yet to produce graduates. With only two schools, Korea Aerospace University and Hanseo University, supplying graduates with aviation degree, restricting the scope of job application criteria to persons with aviation degree makes it fundamentally impossible for the majority to take advantage of the application opportunity.

Therefore, the Commission accepted the complainant's claim and recommended the Korea Coast Guard to stop restricting pilot application to persons with aviation degree. The Korea Coast Guard accepted the recommendation, mentioning that it would review and announce measures to provide more objective criteria.

K. Investigation and Remedies: Discrimination based on Medical History

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



□ Rejecting Admission to High School Dormitory Based on Hepatitis B

The complainant filed a complaint in December 2010 that XX High School rejected his/her son to be admitted to its dormitory on the grounds that the son was diagnosed with chronic type B hepatitis and may infect other students.

The high school claimed that it decided not to admit the student into its dormitory after finding out that he was diagnosed with hepatitis B considering the school dormitory accommodated 4 students in one room and such close living situation could result in other students contracting the disease.

The school's understanding of hepatitis B was biased and misinterpreted the hepatitis B guideline issued by experts such as the Korea Medical Association. The prejudice and fear for hepatitis B was not based on accurate medical information, there still those who were misguided to believe that hepatitis B could spread during the course of daily activities. However, the risk of contracting hepatitis B in a group environment was extremely low given that the major causes of hepatitis B contraction were through blood transfusion, intravenous drug use, or intercourse. The Korea Centers for Disease Control and Prevention gave their official opinion on the matter confirming no medical and legal grounds for denying hepatitis B patients access to dormitory, as long as the patient is not prone to risky conditions such as habit of biting and diagnosed with hemorrhagic illnesses. The Korea Medical Association also supported the complainant's claim that there was no medical ground to isolate hepatitis B patients, and two doctors diagnosed the complainant's son to be in a reasonably good health and did not pose risks of infection.

The final ruling of the Commission determined the school's decision to deny access to dormitory based on diagnosis of hepatitis B was a form of discrimination based on medical history and recommended the principle of XX school to allow the student to be admitted to the dormitory, make sure no other form of discrimination inflicted on the student based on his medical history, revise the school policy to prohibit any future discrimination based on medical history, and provide intense public health education on prevention of contracting hepatitis B.

□ Refusal to Operate by University General Hospital based on HIV

A HIV-positive complainant was diagnosed by the XX University General Hospital in December 2010 with the need for a total hip arthroplasty. When the hospital did not schedule the operation claiming that they did not have special surgical gloves required for operation on HIV-positive patients and could not facilitate the surgery, the complainant decided to file a complaint against the hospital.

The hospital claimed that they were unable to schedule the surgery and eventually forced to transfer him, because they needed the special surgical gloves with greater durability against wear and tear for protection of other patients as well as the elderly doctor, but the surgical gloves could be obtained only by a special order placed internationally and needed time to be imported.

Although it was important to secure all necessary equipments to protect medical staff from the risk of HIV virus, such equipments including the special surgical gloves should actually have been a standard equipment to protect against all blood-borne infections including hepatitis B, the Commission found. Operating on HIV-positive patients did not require any ‘special’ protective gears, and standard equipments that could protect staff from coming into contact with blood were more than adequate. Even if there were such ‘special’ equipments necessary for facilitation of operation on HIV-positive patients, it was absurd for them to claim that a university general hospital did not have such equipments, considering the scale of their business. As for the claim of protecting the elderly doctor, he was not the only doctor thus the operating schedule could have been easily rearranged with other doctors. Moreover, the hospital transferred the patient to another hospital after repeatedly delaying the patient’s request for surgery was a clear indication of the hospital’s reluctance to operate on the patient.

Based on its investigation, the Commission confirmed that the hospital discriminated against the HIV-positive complainant by avoiding operating on him and transferring him to another hospital. Therefore, the Commission recommended the chief of XX University General Hospital to formulate preventive measures and offer human rights education. It



also recommended the Minister of Health and Welfare to enhance supervision and management of the hospital. In response, the hospital accepted the recommendation by formulating preventive measures and offering human rights conditions and the Ministry of Health and Welfare requested the Korea Medical Association to offer anti-discrimination education and local public health care center to verify all pertinent facts and take appropriate actions.

L. Investigation and Remedies: Discrimination based on Criminal Records including Lapsed Sentence

Discrimination based on criminal record including lapsed sentences refers to an act of favorably treating, excluding, differentiating or unfavorably treating on the grounds of criminal records including sentences that were expunged or lapsed that have adverse effects on a person or a group of persons without reasonable cause. Article 7 Lapse of Sentencing of the Act on the Lapse of Criminal Sentences stipulates to expunge records of sentencing in case when offenders are not subject to sentencing or suspension of qualification or higher and a certain period has passed from the date of sentencing lapse or exemption from sentencing, with the period designated as 10 years for imprisonment or confinement of over 3 years; 5 years for those of 3 years or less; and 2 years for fines.

□ Rejecting Citizenship Application based on Lapsed Criminal Record

A complainant of a Pakistani origin applied for naturalization (citizenship) in 2009 after marrying a Korean woman in 2007, and he filed a complaint when his citizenship application was rejected in December 2010 on the grounds that he had been fined for 500,000 Won for driving without license in 2005 and 300,000 Won for mutual bodily injury charge in 2008.

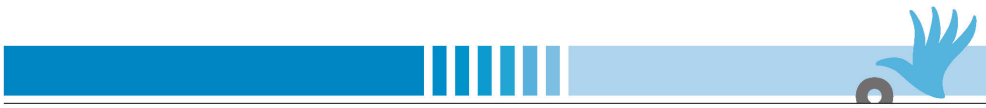
When questioned, the Ministry of Justice stated that in reviewing the eligibility for naturalization, the ability to be assimilated into society is a key element, and that it examines criminal records and comprehensively considers nature and results of measures

taken for all applicants before making the final decision. In addition, there were precedents stating that the authority to approve naturalization may take comprehensive consideration into criminal records, etc. in reviewing eligibility of naturalization and be entitled to a wide range of discretion.

The Commission concluded that although it was acceptable that the Minister of Justice had discretion with regard to review of naturalization eligibility, there should be a reasonable boundary of discretion allowed to administrative authorities. It confirmed that there were no provisions in the Immigration and Nationality Act, lower regulations including the Enforcement Decree, and internal rules including directives and established rules that may serve as the basis for the accused to perform related duties, which clearly stipulate review standards in applying Article 5 (3) of the Act providing that the applicant shall possess ‘commendable behaviors’. As such, 8.5% of rejected citizenship applications for past 2 years were based on criminal records, but it was not feasible for applicants to anticipate to which extent their criminal records are subject to rejection and how long the criminal records cited as a reason for rejection might continue to impact the appeal process, which makes the practice undesirable owing to an issue of guaranteeing transparency for review of naturalization eligibility. In addition, the Commission found that the reviewers should apply different criteria depending on severity and details of criminal records, although they may consider the criminal records.

Therefore, the Commission concluded that rejecting the naturalization application on the grounds of criminal records including lapsed sentence constitutes a discriminatory act, and recommended the Minister of Justice to include detailed guidelines for Article 5 (3) of the Immigration and Nationality Act in order to prevent discrimination based on criminal records including lapsed sentences, and to avoid subjective judgments on criminal records without objective standards concerning the severity and details of crimes.

M. Investigation and Remedies: Discrimination based on Social Status or Other Reasons



Discrimination based on social status refers to an act of favorably treating, excluding, differentiating or unfavorably treating on the grounds of social status that engenders significantly unfavorable results to a person or a group of persons without reasonable cause. Here the ‘social status’ means a status that is entailed to an individual for an extended period of time accompanying social evaluation of a certain grade, status acquired after birth, as well as one an individual was born with. The term ‘entailed for an extended period of time’ means that the individual is identified with the status for an extended period of time and it is difficult to some degree for those who are identified as belonging in low status to break free of the status.

Discrimination based on other reasons refers to an act of favorably treating, excluding, differentiating or unfavorably treating persons based on reasons other than 19 grounds set forth in the National Human Rights Commission Act that produces significantly unfavorable effects to a person or a group of persons without reasonable cause. Here the ‘other’ reasons should be based on comparative groups which are distinguished from the reasons for 19 grounds for discrimination set forth in the National Human Rights Commission Act. Distinction should be based on social norm, not by individuals’ subjective standard, and it should possess potential harm to the society.

□ Denying Pre-natal and Maternity Leave for Women in Near-Poverty Class Participating in Self-Help Labor Program

The complainant was recognized as a near-poverty class and participated in self-help labor program since September 2007 as an after-school class teacher for elementary students from low income families. She applied for a maternity leave when she was 8-months pregnant in March 2010, but she was told that employees in self-help labor programs were not eligible for maternity leave and she was forced to quit her job.

When questioned, the Ministry of Health and Welfare claimed that it was their understanding that employees participating in self-help labor programs were not eligible

for pre-natal and maternity leave granted to workers because the Ministry of Government Legislation ruled that they were not granted the regular employment status. They also claimed that the eligibility for self-help labor programs participation clearly stipulates ability to perform labor, and women on maternity leave for pregnancy and delivery does not fulfill the requirement in essence.

Despite the argument, the Commission sided with the complainant that her motherhood that should have been protected as a working woman was unfairly restricted and she was forced to resign from a job that was her only source of income notwithstanding the fact that she paid for employment insurance during her participation in the self-help labor program. Furthermore, denying the maternity leave of a pregnant worker and forcing her to resign did not coincide with the purpose of the self-help labor program of ensuring and improving the standard of living of the financially-challenged people through employment. Protection of motherhood brought on by pregnancy and delivery was a grave issue and should not be left as the responsibility and burden of an individual.

Therefore, the Commission recommended the Minister of Health and Welfare to grant the women in near-poverty class appropriate maternity leave, considering that it is a discriminatory act to exclude them from maternity protection on the grounds that they belong in the near-poverty class and participated in the self-help labor program.

□ Withholding Wage and Severance Pay for Part-time Teachers during Vacation

The complainant was hired as a part-time teacher with a contract renewal every 6 months at XX Elementary School in 2011, and filed a complaint when the school did not count the first day of a spring semester (March 1) and vacation days as working days and did not offer wage and severance pay.

The principal of the school answered the Commission's questions by arguing that they were acting on a direction by the Office of Education Support that excluded the Independence Movement Day on March 1 and vacation days from working days. However, the Office of Education Support and the Office of Education informed that part-time



teachers are hired on contracts between the principal and the teacher by mutual agreement in accordance with the Guidelines on Part-Time Teachers of Kindergarten, Elementary, Special and Secondary Schools, and it is the discretion of the principal, the employer, to decide the matter of number of working days.

Review of employment contract of the complainant for previous years found that the contracts of 2009 and 2010 recognized March 1 and vacation days as contract days but they were excluded in 2011, even though work scope of the contract remains the same from 2009 ~ 2012: ‘serve as a home room teacher, administer classes and extracurricular activities, and assist administrative duties.’

The Commission concluded that the complainant served as a home room teacher during vacations ever since March 1, 2009. Even though the official contract period did not exceed one year, in case when the excluded period was just the one first day of the semester or spent for recharging for the next semester such as research on textbooks and preparation for class, the labor relationship should be considered as continued without disruption. Therefore, it was a discrimination not to pay wage and severance pay during vacation by not counting March 1st and vacation days as contract period. As such, the Commission recommended the principal of the school to pay wage and severance pay during vacation as well as March 1st. It also recommended Chief of the Office of Education and the superintendent to deliver related guidelines on part-time teachers and enhance supervision and management in order to prevent recurrence of discrimination.

3. ‘A Decade of Addressing Discrimination: Rediscovering Discrimination’

2011 marked the 10th anniversary of the establishment of the Commission, which coincides with the time it dedicated to fighting against discrimination. In commemoration of the occasion, the Commission launched 3 special projects under the title of ‘A Decade of Addressing Discrimination : Rediscovering Discrimination’: publishing ‘chun-cha-man-byul (All Sorts of Different Stories)’, organizing seminars, and announcing

the Top 10 Examples of Discrimination Remedy.

‘All Sorts of Different Stories’ is an essay written to help the public to better understand common discriminations investigated by the Commission and aims to approach the issue of discrimination resolution progress during the past decade in a more public-friendly manner. The essay is composed in a chronological order depicting an entire lifespan of a person starting with elementary, middle and high school life through career and social life. In particular, the chapter on career life is segmented into discriminations faced at workplace including salary issues and termination. It also selected discrimination cases unique to a certain stages of life among recommendations it made. The essay stands out in that it is easy-to-read for the public as a book based on direct and indirect experiences of contributing authors on recommendations of the Commission.

For a seminar held at the Korean Chamber of Commerce on November 30th under the title of ‘A Decade of Addressing Discrimination : Rediscovering Discrimination’, the Commission compiled data on closed cases by recommendation, mediation, mutual settlement, and investigations which were segmented again by grounds and type to serve as a basis of discussion. The seminar was conducted on 3 themes: discrimination in work including employment process, discrimination in access to facilities, and approaching sexual harassment cases from the perspective of discrimination. During the seminar, participants proposed to prototype the cases by areas of discrimination, develop fair and reasonable standards for judgment, and design detailed guidelines for judging sexual harassment in terms of discrimination.

The selection of 10 most significant discrimination remedies in Korea was designed to reflect on implications of discrimination cases on the society. The list includes: 1) excluding a chief of public health center from promotion on the grounds of physical disability; 2) use of the term ‘skin color’ to name a color of crayons; 3) denying student discount rate for transportation to young persons who do not attend school; 4) rejecting the voting right of female members of Seoul YMCA in general meetings; 5) placing age limit on open hiring of government officials; 6) discrimination by the Korea Railroad on wage,



etc. against KTX female attendants; 7) withdrawal of an employment offer by the XX City Office of Education on the ground of a criminal record; 8) rejecting credit card application of stay-at-home fathers; 9) discriminating teenage single mothers in use of education facilities; and 10) rejecting an insurance application by a married migrant women on the grounds of the duration of her stay in Korea.

The special projects were a good reminder that history teaches lessons for the future and a good opportunity to enhance Korean society's sensitivity to discrimination which is essential for creation of the world without discrimination.

Section 3. Evaluation

In 2011, the Commission worked hard to enhance effectiveness of investigation and remedies into discrimination and their social implications, to identify future challenges, and to review progress of the past decade.

First, complaints against discrimination decreased yearly. By area, the number fell in hiring, retirement age, use and supply of goods, and use and supply of education facilities with regard to employment, and the number of complaints regarding services increased from 181 to 439 by 243% year on year. By grounds for discrimination, discrimination on the grounds of gender, disability, age, and pregnancy and delivery slightly decreased, and there was a slight increase in discrimination cases based on academic background.

Although the total number of complaints of discrimination filed to the Commission went down, the number of complaints resulting in remedies increased from the previous year. The ratio of resolved cases closed by recommendation, criminal charge filing, mutual settlement, mediation, and suspension recorded 30.5% with 643 resolved out of 2,106 in 2010, but the figure rose to 33.5% with 636 out of 1,897 cases closed in total in 2011, which indicates growing effectiveness of remedies in resolving complaints.

The Commission also promoted its role of preventing discrimination by distributing

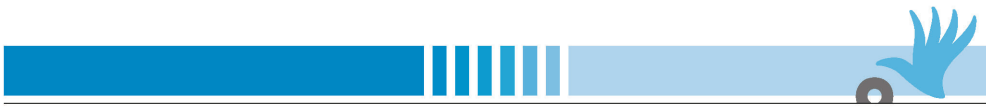
press releases on major recommendation cases to raise sensitivity to discrimination in daily life and public awareness on related standards.

In addition to resolving general complaints, it actively carried out policy and featured projects to address discrimination. The seminar titled ‘A Decade of Addressing Discrimination: Rediscovering Discrimination’, announcing the Top 10 Examples of Discrimination Remedy in Korea, and publication of the essay of anti-discrimination titled ‘chun-cha-man-byul(All Sorts of Different Stories)’ provided a good opportunity to review its progress of the past decade and identify future tasks. The on-site research (studies) for improvement of discriminatory hiring practices by businesses, the on-site research (studies) on different retirement age and anti-discrimination practices of public organizations, and *suo moto* investigation into the age limit of appointing village and county leaders by local governments effectively assisted with identifying discrimination loopholes in the society that would have gone unnoticed otherwise.

Diverse projects to advance civil rights of women also bore fruits. The project to advance civil rights of female emotional labor workers was a good opportunity to reaffirm the importance of civil rights protection viewed from the angle of emotional labor workers the public often meet in everyday life. It also produced the animated short film on civil rights promotion of women in entertainment industry to raise awareness of civil rights protection of female performers whose sufferings were being overshadowed by glamour. It also enhanced cooperation with the international community by participating in the Committee on the Elimination of Discrimination against Women. Other efforts included organizing hearings on prevention of sexual harassment and sexual violence and publishing a casebook on sexual harassment.

With regard to addressing discrimination against disabilities, the Commission sought to drive institutional changes in society as a whole by recommending improvement of policies and regulations as well as active remedies for persons with disabilities.

First, it identified demands of persons with disabilities by conducting the on-site research (studies) by type of disability, and the Commission is now in the process of



reviewing policy recommendations from the social perspective to turn them into a reality.

The Commission also conducted *suo moto* investigations to actively respond to violations of human rights against the people with disabilities under institutional group care facilities, a controversial issue, as well as resolving an increasing number of complaints brought on by the enactment of the Disability Anti-Discrimination Act in April 2008. It also pursued diverse projects to advance human rights of the people with disabilities and rectify discrimination against them by holding international seminars and planning a project celebrating the 3rd anniversary of the enactment of the Disability Anti-Discrimination Act.

However, the Commission needs to work harder to make prompt responses to diverse social issues regarding discrimination. In addition to swift resolution of complaints, the efforts to seek practical remedies will remain a key priority as long as the Commission maintains the status as an institution of fighting discriminatory practices. In addition, it also needs to reinforce *suo moto* investigation by monitoring discrimination issues and seeking projects to improve policies and regulations as a way to enhance preventive activities. The Commission also needs to further dedicate itself to advancing and protecting civil rights of the persons with disabilities as it welcomes the increase in resources assigned to eliminate discrimination against disability in October 2011.



Chapter 5

Human Rights Education

Section 1. Overview

Human rights education plays a pivotal role in promoting and protecting human rights. Human rights education is education on human rights and at the same time action-oriented education with the purpose of ensuring human rights and preventing violation of human rights. Since the right to human rights education itself is one of the human rights, human rights education is education about human rights, through human rights, and for human rights promotion.

In 1994, the UN adopted and proclaimed the ‘Decade for Human Rights Education (1995-2004)’ recommending States to establish and implement their own plans for ‘Decade for Human Rights Education’ in a comprehensive manner. The UN Decade for Human Rights Education was developed into the detailed World Program for Human Rights Education (2005-2009), which shows that the international communities unanimously agree that human rights education is making essential contribution to human rights assurance.

Through the second phase of the World Program for Human Rights Education, the HRC recommended states to implement policies on human rights education focusing on higher education and human rights training for teachers, government officials, law enforcement officers, and soldiers; and to request them to submit a final evaluation report to the Office of the High Commissioner for Human Rights (hereafter ‘OHCHR’).

The Declaration Human Rights Education adopted in December 19, 2011 by the 66th United Nations General Assembly served as a comprehensive framework for States’ obligation to provide human rights education and formulate diverse national policy

measures.

Since its inception, the Commission has focused on not only human rights remedies and recommendations on improvement of regulations and policies but also promotion of human rights education. With the goals of preventing human rights violation and discrimination and raising awareness of human rights, it has offered various human rights education programs for schools, government officials, and civic groups. It also strived to develop programs and contents to support these efforts, enhance collaboration with relevant agencies and organizations, and create a social and cultural foundation to establish human rights education programs.

As a result, interest in human rights by the public from all walks of life has been continuously on the rise. The demand for diverse education contents and expansion of human rights instructors has been steadily increasing in line with social structural changes such as the enactment and implementation of laws, local government ordinances, and ordinances on human rights for students, all of which are designed to protect and promote human rights of the socially vulnerable groups and make it mandatory for people serving them to receive proper human rights education.

Along with this trend, the Commission did its utmost to create a social and cultural environment for human rights assurance by efficiently operating the Human Rights Education Center, establishing regulatory foundations needed for strengthening human rights education programs, invigorating cooperative networks at home and abroad, and developing group-specific programs and contents.



Section 2. Major Activities

1. Expansion of Human Rights Education through Human Rights Education Center

A. Operation of Human Right Education Center and Its Contribution

The Commission established the Human Rights Education Center at the Construction Management Training Institute located in Chungju city in 2009 to actively promote human rights education by ensuring stable operation of training curriculum as well as standardization and systematization of program operation. Since then, it has offered human rights education courses in different fields and expanded the number of participants. In 2011, it provided human rights education for 121,402 persons in 1,316 sessions. In detail, 390 sessions were provided directly by the Commission, 777 were supporting lectures including human rights special lectures, and 149 were jointly operated with relevant organizations by sharing contents.

[Table 2-5-1] Human Rights Education Conducted in 2011

Classification	Total	Direct Program			Education Support		Joint Program using common contents
		Off—line		On—line	Special Lectures	Lectures on Multicultural Human Rights	
		Courses	Visit Programs	Online			
Number of Sessions	1,316	166	153	71	613	164	149
Number of Participants	121,402	7,064	3,019	14,681	54,558	34,775	7,305
Total		24,764 persons in 390 sessions			89,333 persons in 777		7,305 persons in 149 sessions

B. Diverse Human Rights Education Courses

In order to meet the rapidly growing demand for human rights education and expand a culture of respect for human rights through human rights education, the Commission offered human rights education including human rights instructor courses, human rights sensitivity enhancement courses and workshops.

[Table 2-5-2] Human Rights Education Courses Conducted by Year (2009 to 2011)

Year	Instructor Course		Human Rights Sensitivity enhancement		Workshop, etc.		Total	
	No. of Sessions	No. of Participants	No. of Sessions	No. of Participants	No. of Sessions	No. of Participants	No. of Sessions	No. of Participants
2009	7	217	109	6,057	15	782	131	7,056
2010	8	202	263 (153)2	21,525 (5,592)	16	724	287	22,451
2011	11	211	140	6,379	15	474	166	7,064

- 1) 'On-site Course for Multi-cultural Human Rights' offered by the 2010 human rights sensitivity enhancement course was operated in the form of a special lecture for less than 4 hours (education support) in 2011 and was excluded from the operation status of direct education program.
- 2) The number of sessions and participants in parenthesis in 2010 for human rights sensitivity enhancement course represent the number of sessions and participants after excluding 'On-site Course for Multi-cultural Human Rights' (15,933 persons in 110 sessions)

1) Human Rights Instructor Course

11 sessions in four fields of children and youth, mental health care, multi-cultural society, and the elderly care took place in the form of the advanced course for the current instructors and the supplementary course for those to be instructors. From the last year, the number increased by 137%.



2) Human Rights Sensitivity Enhancement Course

A total of 140 sessions were provided and 105 were for persons working in the field of mental health care as a mandatory training course. 140 sessions were offered covering 10 subjects including government officials, dealing with multicultural society, caregivers at homeless facilities, and special course for sexual harassment complaint. The number increased by 128% compared to 109 sessions in 2009, but it slightly dropped compared to 153 sessions (excluding multicultural course) in 2010.

3) Human Rights Education Workshop

15 human rights education workshops were held with 474 participants in total. Examples are ‘School Human Rights Education Expert Workshop’, ‘Textbook Monitoring Group and Student Monitoring Group Workshop’, ‘Workshop of Managers and Operators of Schools Providing Human Rights Education’ and ‘Journalist Workshop for Human Rights Promotion for the Persons with Disabilities’.

As shown in the UN action plans for Decade for Human Rights Education agreed in the 1994 General Assembly acknowledging that journalists are an important group with the ability to largely influence human rights assurance, the role of journalists as a decision-maker for human rights-related agenda has been increasingly signified. Against the backdrop, the Commission held a Human Rights Workshop targeting local news reporters with the goals of raising awareness of their role as human rights advocates and effecting social changes through human rights coverage and feature articles in 2011 for the second year. In the workshop, they discussed the role of media to improve human rights with the subject of understanding of human rights coverage guidelines and guidance for human rights of persons with disabilities.

C. Commission Visit Programs

The Commission has opened its door to visitors and offered education opportunities on

a continued basis to expand the public's understanding of the Commission's work and human rights and promote human rights education. Such experience-based human rights education aims to enhance human rights sensitivity of Korean society. The targets varied from students to police officers and general public. In 2011, 3,019 persons (on 153 occasions) visited the Commissions (head office and local offices), which is a considerable increase from the last year.

[Table 2-5-3] Visit Program Operation by Year (2009 to 2011)

Year	Total		School-Related		Public Sector-Related		General	Public
	Session	Persons	Sessions	Persons	Session	Persons	Sessions	Persons
2009	109	3,043	62	1,830	39	1,126	8	87
2010	88	1,726	55	982	25	612	8	132
2011	153	3,019	105	2,097	15	318	33	604

D. Constant Learning System with Expanded Online Education

Online human rights education started in 2007 with the goals of improving the access to human rights education, enhancing human rights sensitivity and capability through self-learning, and offering general and professional knowledge on human rights. In 2011, 71 online sessions were offered to 16,231 persons, out of which 90.4% or 14,681 persons completed the course.

‘Administration and Human Rights’ and ‘Understanding of the Disability Anti-Discrimination Act’ were added to the education course for government officials and general public. School teachers’ interest in human rights education increased thanks to a policy to recognize human rights courses as part of ‘teacher education course’ and the Office of Education made more efforts in promoting human rights education.



[Table 2-5-4] Cyber Human Rights Education by Year (2009 to 2011)

Year	No. of Persons Completed the Course					Completion Rate (%)			
	Public Officials	General Public	Teachers	Others	Total	Public Officials	General Public	Teachers	Others
2007	4,006	336	1,123	—	5,465	82.0	42.9	88.6	—
2008	4,199	884	7,011	300	12,394	81.7	72.7	72.0	100
2009	5,592	534	7,338	109	13,573	79.4	50.1	82.0	100
2010	6,276	—*	3,995	267	10,538	81.1	—*	83.3	100
2011	8,511	—*	6,139	31	14,681	91.9	—*	88.5	100

※ In 2010, the course for general public was integrated with public officials due to its deteriorated Learning Management System.

※ Others: before and after group education, online education was provided to the participants (On and off line hybrid education)

E. Support for Special Lectures

The Commission worked with various education training institutions (workplace training) and supported assistance with human rights courses and special lectures to improve human rights sensitivity of public officials and others who largely influence improvement of human rights in society. Since Korean society enters into a multicultural society with the increasing needs for human rights education, the Commission investigated the organization-level demand for lectures and offered ‘On-site Special Lectures on Multi-culture Human Rights’ to applicable institutions.

In particular, ordinances on Human Rights of Students and local governments’ ordinances on human rights stipulated mandatory human rights education and introduced a human rights education factor to social welfare institution evaluation, resulting in increase of the demand for special lectures on human rights from students, caregivers in social

welfare facilities, police officers, and government officials.

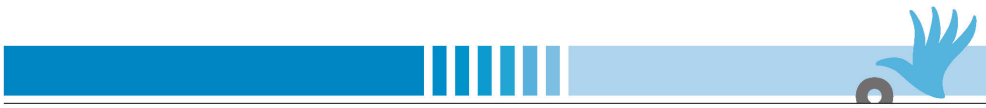
Taking a close look at the subjects of special lectures, 164 lectures were on multi-culture, 127 on children and youth, 153 on social welfare (including physical and mental disorders), 124 on law enforcement agencies (police/prosecution/correctional office/military), 87 on general human rights (including administration and human rights), 57 on sports, and 32 on the elderly.

2. Regulatory Foundations for Human Rights Education

A. Human Rights Education Act and Cooperation

Article 7 of the Declaration on Human Rights Education and Training adopted by the 66th General Assembly in December 19th 2011 stipulates that the primary responsibility to develop, implement, and improve education and training on human rights lies with the state and relevant government organizations. The 2nd phase Action Plan for the World Program for Human Rights Education (2010-2014) imposes on states the obligation to provide human rights education to institutions of higher education, public officials, and the military. Under the situation, Human Rights Education Bill was brought before the National Assembly of Korea in March 2011 to invigorate and systemize human rights education. For its enactment, the Commission held a public hearing in June 2011, briefed the National Assembly, submitted requirements to raise public support and sought cooperation of the National Assembly.

To raise public interest in the Declaration on Human Rights Education and Training and the implementation measures for the Action Plan for the World Program for Human Rights Education, the Commission invited Kaunari Fujii, chairperson of Conference of NGOs in consultative relationships with the UN (CoNGO) to a meeting held in May 2011 to share the views about the need to improve human rights education by promoting a universal human rights culture, and to encourage people participate in diverse activities for human rights assurance in their daily lives regardless of place, city, and state.



B. Establishment of Mid-and Long-Term Action Plans for Human Rights Education

The 2nd phase Action Plan for the World Program for Human Rights Education, which focuses on human rights education of higher educational institutions and human rights training for public officials, law enforcement officers, and soldiers, aims at specialization of human rights education, different from the 1st phase Action Plan that put the focus on human rights education in primary and secondary education. Furthermore, the international society with the UN taking the initiative emphasized the need for human rights education and states' obligation through various declarations and programs. Under the situation, the need to establish a mid- and long-term action plan for human rights education at the national level emerged.

The number of regions in need of human rights education has recently increased thanks to expanded human rights education for those engaged in social welfare facilities with growing interest in human rights education for disability and human rights education becoming mandatory for those working in welfare facilities for the homeless. Gwangju, Jeonbuk and Gyeongnam were local governments that enacted human rights ordinances, and the Offices of Education of Gyeonggi and Gwangju enacted ordinances on human rights of students. Human rights education focusing on diversity has also become a notable subject with increase of migrant population, and Gyeonggi province was the first to enact an ordinance on human rights for migrant residents. Systematic human rights education for soldiers became necessary in response to the firearm accident in the Marine Corps and suicides in the military. All these changing environments show that the domestic situation related to human rights education is rapidly changing.

To respond to the situation, the Commission outsourced a research to establish a comprehensive human rights action plan designed to lay a regulatory foundation for human rights education incorporating the trends of the international society including the 2nd phase Action Plan and human rights education needs demanded in Korea. The Commission is planning to conduct an objective evaluation on performance and problems of human rights education of the past 10 years based on surveys of human rights experts in diverse fields

and study of relevant documents. Building on a basic report which contains the results of the above evaluation, it will establish and implement a mid-and long-term action plans for human rights education.

3. Promoting Human Rights Awareness at Schools

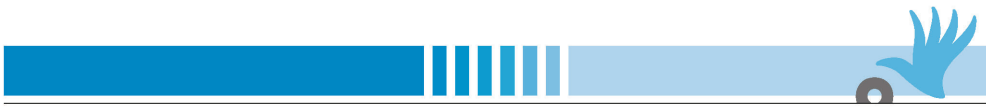
A. Textbook Project

As part of a project to build a culture of respect for human rights at schools by monitoring the implementation of the ‘introduction plan of pro-human rights education course and textbook of NAP, 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.

As a result of the textbook monitoring led by Teacher-Student Textbook Monitoring Group, the number of textbooks containing contents contradicting with human rights values or contain discriminative or prejudiced contents were decreased significantly. In particular, the effort to remove frequently criticized photos and illustrations associated with gender stereotypes was distinguishable.

As for details of 243 textbook contents with human rights implications, 41% were considered to be in contradiction with human rights values and 35% were associated with gender discrimination and stereotypical gender images. Some contents were discriminatory against ethnicity (6%), some presented biased or discriminatory opinions (5%), and the rest were inappropriate or unwarranted (4%).

Based on the result which was reviewed at a meeting, policy recommendations were made on August 18th to modify and revise textbook contents that failed to respect human rights values and standards and posed risks of promoting i) biased gender role and gender discrimination; ii) discrimination against vulnerable groups and minorities; iii) discrimination based on social and economic status; iv) discrimination against teen



pregnancy; and v) inappropriate ideas for education.

The Commission also actively promoted pro-human rights standards of textbook publication by distributing its recommendations and the ‘Pro-Human Rights Guidelines of Textbook Publication’ (which were used as on-line contents) through the Workshop on the Standards of Publication (October 20) held by the Minister for Education, Science and Technology and the Workshop on Publication Guidelines (November 15) by the Commission. In addition, it offered relevant contents to textbook publishers upon their request.

B. Measure to Improve Human Rights of Children and Youth (Students)

Celebrating the 20th anniversary of joining the CRC, the Commission held a panel discussion in April 15th on policies for human rights of student with a keynote speech delivered by Lee Yang-Hee, chairperson of the Committee on the Rights of the Child to strengthen corporal punishment prevention, search for countermeasures, review human rights ordinances for students, and identify future tasks.

The demand for human rights education is increasing in an astronomical speed with the influence of Article 30 of Human Rights Ordinance for Student enacted by Gyeonggi Province which designated human rights education training program a mandatory requirement at schools and the move to enact Human Rights Ordinance for Student by Seoul Office of Education. However, the increasing demand was faced with a lack of professional instructors for human rights education; inappropriate contents that failed to present solutions for the sensitive and diverse student human rights issues in the field; and practical and theoretical problems which occurred in the process of making human rights education as a part of compulsory education. Under the situation, the Commission held an overnight workshop (June 10) for those related to student human rights education with the purpose of improving the capacities of instructors for school human rights education by reviewing contents, methods, and standards of human rights education for students.

Faced with serious events taking place in some schools including excessive corporal punishment, violence or harassment amongst students, and suicides, the Commission founded the ‘Research Group for Establishment of Pro-human Rights School Culture’ in December 2011 to examine the overall education system from the perspective of human rights and come up with policies to establish a culture respecting human rights of all school members. It is planning to establish a comprehensive policy (draft) for human rights education in the first half of year 2012 by collecting opinions of school members, reviewing domestic and international agreements including human rights ordinances for students and the Convention on the Rights of Child, and analyzing best practices

C. School Human Rights Education Pilot Program

In 2004, to promote pro-human rights culture at school, the Commission designated pilot schools among elementary, middle and high schools for human rights education.

In 2011, metropolitan and provincial Offices of Education across the nation designated a total of 18 schools to run human rights education programs. To share the operation direction of pilot schools and provide the newly designated schools with information and experience on human rights education accumulated through the operation of pilot schools, the Commission held a ‘Workshop for Managers and Operators of Pilot Schools for Human Rights Education’. (February 23-24, 2011)

The workshop focused on understanding of human rights education at schools, methodology of human rights education, and case studies from pilot schools in order to provide practical support to pilot schools for successful implementation of human rights education. As part of the workshop, a meeting on ‘Mindset and Attitude of Principals of Pilot Schools for Human Rights Education’ was also held. To invigorate the activities of pilot schools, the Commission visited the schools to provide education for teachers and special lectures for students.



D. Human Rights Education at Universities

The Commission has pursued a wide range of collaborative projects including the signing of MOUs with universities with human rights education research emphasis since 2006 to disseminate human rights education and promote pro-human rights school culture. Incorporated in advisory opinions about the target areas or main points of the 2nd phase Action Plan for the World Program for Human Rights Education which was requested by OHCHR in 2009, the human rights education policy direction of the Commission was detailed out in the ‘Human Rights Education in Higher Education.’

As a preliminary activity for the implementation of Article 28 of the Action Plan that stipulates ‘consider offering introductory courses on human rights for students of all disciplines and introducing advanced courses addressing human rights issues specifically relevant for each course of study’, the Commission investigated the status of human rights-related courses in 433 universities of the nation in March 2011.

As a result of the investigation, it found that there were 272 courses established in 74 universities in 2010 with an addition of 129 courses established by 76 universities in 2011. Of human rights-related courses, regulatory subjects (human rights and law, human rights laws, etc.) were the most common courses. However, human rights-related education courses have been expanded from regulatory studies to social and human science with a new trend at universities that began to offer subjects related to vulnerable groups and social welfare and multi-disciplinary courses combining relations between culture, art and religion, and human rights.

4. Educational and Cultural Contents on Human Rights

A. Human Rights Films

The Commission has produced and distributed films on human rights in order to naturally raise human rights sensitivity through a cultural approach every year since 2002. The film

produced in 2011 was the 9th project of the Commission and titled “Juvenile Offender.” Despite budget restrictions and other difficulties, it was produced as a feature film.

“Juvenile Offender” was directed by Lee-Gwan Gang who directed a short film “Two Teeth” for the “If You Were Me 5” omnibus project 2009-2010. “Juvenile Offender” is a story of a 14 year-old boy living with his grandfather who faced difficulties in his search of his mother. The film calmly talks about how communication within family, social isolation, and various discriminations against criminals affect the boy. It is set for public release in 2012.

“If You Were Me 5” produced in 2009-2010 was released in 11 theaters nationwide from April to June of 2011 and were also invited to local film festivals.

B. Cultural Contents on Human Rights

The development of human rights education contents serves as the physical infrastructure and lays the foundation for human rights education of each sector. Considering that the effect of human rights education is different depending on its contents and methods, the Commission has developed and distributed contents on human rights to expand social base for human rights consciousness and facilitate human rights education.

In 2011, it developed child-appropriate contents for online human rights education (2 types)



〈At the preview of Juvenile Offender〉

and standard teaching plans on human rights education for youth, multi-culture, and businesses (3 types). Such efforts were to expand its support for educational institutions and engage people by continuously updating teaching materials and plans tailored to educational demand, and to standardize the pre-developed educational contents and data.



[Table 2-5-5] Human Rights Education Contents

No.	List
1	Guideline on Human Rights Education at Schools (UN Guideline on Human Rights Learning at Primary and Secondary Schools)
2	Understanding of Human Rights Education at Schools for Teachers
3	Basic Terms of Human Rights Education for Teachers
4	Everyone Has the Right to Happiness (human rights education program for elementary schools)
5	Human Rights, It Matters to Everyone (human rights education program for middle schools)
6	Human is the Heaven (human rights education program for high schools)
7	Diversity Program (2010)
8	Prevention of Discrimination against Disabilities (online human rights education material)
9	Incorporating Human Rights in Business Practice (jointly published by UN Global Compact–UNHCHR)

※ The list of human rights education materials can be changed depending on data availability. (Downloadable from the Commission website in PDF)

C. Development and Distribution of Human Rights Cultural Contents

As a cultural approach for education and promotion of human rights, the Commission distributed cultural contents including films and posters to different sectors of society.

In 2011, the Commission launched the third human rights poster project and produced a total of 12 posters. Different from the two previous projects, which were fully commissioned to professional visual media designers, the 2011 projects used ideas submitted by university students, minority members, and members of vulnerable groups who attended the Commission's workshops as an inspiration before being referred to professional finish. The preliminary ideas were produced through hands-on workshops where the people expressed their human rights in stories or pictures. Some reflected painful suffering of their human rights violation and discrimination, but the process of expressing such pain and suffering was therapeutic for the participants in their own right. This process called 'design by experience' was highly effective when the design was put together with human rights messages, and the final products appealed to the public more strongly.

D. Award Programs for Human Rights Contents (Essay, UCC, Video, Photography)

The Commission has hosted various award programs on diverse human rights issues affecting our daily lives to facilitate researches on the promotion and protection of human rights, expand the base of pro-human rights culture, and consolidate the knowledge base on human rights in Korea.

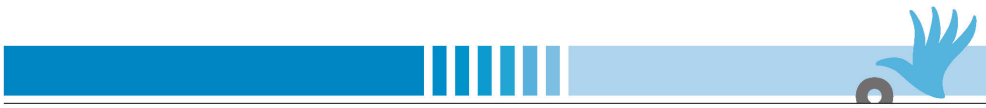
In 2011, the Commission received a total of 475 works composed of 12 theses, 146 essays, 169 photos, 87 UCC (User Created Contents), and 61 videos. After review, 99 works were awarded by the Chairperson of the Commission, and they were made available to the public through exhibitions and screening as well as (www.humangongmo.kr) to serve as human rights education material.

Section 3. Evaluation

In 2011, the Commission made a commitment to stabilizing and invigorating the Human Rights Education Center; laying the foundation for institutionalization of human rights education pursuant to UN's human rights education standards; standardizing and promoting human rights education contents; and developing and distributing such contents.

It created the manual for training course operation to stabilize the Human Rights Education Center; invigorated the Cyber Human Rights Education Center so that it could serve as a major portal site for human rights education; and in particular raised awareness of human rights of the socially vulnerable groups including immigrants, the elderly people, persons with disabilities, children, and North Korean defectors.

In accordance with the revised Mental Health Act, 17 institutions across the nation specializing in human rights education with mental health care emphasis have provided human rights education since 2009 to people who establish, manage, or work in mental health care facilities. The Commission has provided human rights education so far for



14,000 persons working in 1,455 mental health care facilities across the nation. In 2011, one third of the total or 5,428 persons received human rights education from the Commission. In addition to such efforts, it distributed its own educational materials to human rights education institutions related to mental health care sector and supported them with education methods and human rights instructors.

Social interest in human rights education has been increased thanks to regulations which expanded the mandatory human rights education requirement, including the Act on Welfare and Rehabilitation for the Homeless, etc. enacted in 2011 with its Article 20 stipulating that mandatory human rights education for workers of facilities for the homeless (to be taken effect in June 8th 2012). There were a number of local governments that enacted ordinances on general human rights and human rights of students. Despite this growing demand, the Human Rights Education Center was found to be insufficient to meet such demand. Therefore, there is a need to establish a human rights education institute which is capable of operating a systematic and comprehensive education program with the goals of improving human rights education in terms of its quantity and quality.

On the other hand, the Commission planned and produced its ninth movie project titled 'Juvenile Offender' in 2011 to adopt more natural approach to improving human rights sensitivity of the public. 'Juvenile Offender' is a youth film which talks about how a boy is affected by communication within a family, social isolation, stigma of criminals, and various discriminations. The film was produced with a close cooperation of the court, Youth Detention Center, probation offices, district offices, police stations, and other public organizations and served as an opportunity to reflect on the meaning of a public organization making a film focusing on human rights.

In commemoration of 10th anniversary of its establishment, the Commission held human rights workshops under the theme of 'Human Rights Story of My life', invited people representing different walks of life, and asked them to share their personal human rights experiences in writing or drawing. Inspired by the stories and artworks, the Commission produced human rights posters and featured them in 2012 calendar which was

distributed across the nation. The posters were the result of the ‘design by experience’ project in which diverse participants such as university students, members of socially vulnerable groups, and minorities produced preliminary inspirations and finished by design specialists. Those posters were stronger in their appeal to the public since they featured strong human rights messages the public could easily related to.

The 2011 survey of public awareness of human rights had a 90% response rate, which shows that there is a widespread support from the society for the need of human rights education to raise public awareness. However, the rate of those who had ever received human rights education was 10.9%, a number not much different from 10.9% of 2005.

Human rights education is education on human rights, and at the same time, action-oriented education with the purpose of ensuring such human rights and preventing violation of human rights. The Declaration on Human Rights Education and Training adopted by the General Assembly in 2011 stresses the obligation of States to provide human rights education and formulate policy measures at the national level. In addition, the HRC recommends States to implement human rights education policies focusing on human rights training for teachers, public officials, law enforcement officers and soldiers through the second phase Action Plan for the World Program for Human Rights Education (2010-2014).

To implement recommendations of the UN and fulfill the State’s obligation to implement human rights education, Korea pushed forward with the enactment of Human Rights Education Bill. Still, the bill is yet to be enacted although it was brought and referred to the National Assembly.

This left the Commission with the responsibility of making fresh efforts in the enactment of the bill in the next 19th National Assembly. With such enactment, Korea could institutionalize a system to implement UN recommendations on human rights education and create the infrastructure to promote a culture respecting human rights with the goal of establishing a society which appreciate dignity and values, and respect human rights in all sectors.



Chapter 6

Cooperation with Human Rights Organizations and Public Relations Issues

Section 1. Overview

The Commission committed to pursuing exchanges and cooperation with individuals and human rights institutions at home and abroad to protect and improve human rights. Despite challenging circumstances including criticisms by some human rights groups over the activities and businesses of the Commission, the Commission made concerted efforts in seeking exchanges and cooperation with the country's many civic groups. In addition, it also had various exchanges and cooperative programs with overseas human rights organizations.

First of all, the Commission had steadily pursued partnership projects with human rights groups in Korea to investigate the status of areas requiring human rights protection. The chairperson visited human rights groups and institutions to collect opinions of experts whose line of work involves human rights and tried to incorporate them into activities of the Commission.

For partnership projects, it received a total of 72 project applications, selected 16, and provided financial support of a total of 130 million won. It was also committed itself to raise human rights awareness and to promote a pro-human rights culture in society by offering active support and encouragement as requested by human rights groups.

The Commission's pursuit of exchanges and cooperation with international human rights organization and national human rights institutions (NIs) were more vigorous and substantial than ever before. Working as a member of the ICC Sub-Committee on Accreditation, it ensured that all NIs across the world are equipped with functions and capabilities satisfying the Paris Principles. As the representative of the Asia-Pacific region of the ICC Working Group on Business and Human Rights, it also actively participated in

discussions on the roles of NIs and the compliance with the international human rights standards related to business and human rights. It also delivered a presentation on best practices of the Commission in APF meeting. In particular, the Commission held an international conference jointly with the APF according to the Edinburgh Declaration of the 10th International Conference of NIs held in 2010 in Scotland which contains the provision that a workshop on business and human rights shall be held in each continent. The conference served as a venue to strengthen mutual understanding on international human rights issues and cooperative networks and discuss roles of NIs.

The Commission also earnestly pursued various public relations activities. It issued a total of 158 press releases to the media regarding its major policy recommendations, investigation results, and activities and also posted them on its website to inform the general public of concerned information. At the request of interviews of the media totaling 419 cases, it provided data and information to help deliver the roles and activities of the Commission to the public in an effective manner. As for discrimination based on age, appearance, and disabilities, the Commission sought to make those issues a part of social discourse and find improvement measures through feature articles with close cooperation with the media.

The human rights coverage guidelines set jointly by the Commission and the Journalists Association of Korea are meaningful in that they present the standards for media reports on human rights. Since a group of journalists currently working took part in the establishment of the guidelines, it can be said that the guidelines are practical.

The Commission promoted its activities through diverse channels and methods including the Internet, leaflets, video clips, and jumbotrons. As part of its on-line PR effort, it ran an official blog titled “ByueolbyeolIyagi(“HumanRightsStoriesYouNeedtoKnow)” and provided easy-to-access contents about key decisions of the Commission. “HumanRightsLetter” a bi-weekly on-line newsletter is a medium that features news on projects and activities of the Commission and delivered to 38,000 influential opinion leaders in the country. Besides, it made diverse PR effort by utilizing jumbotrons and



producing and distributing videos on Universal Declaration of Human Rights.

In 2011, 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, socially vulnerable groups, and minorities to recognize and utilize their rights and remedies and to empower themselves by covering a wide range of human rights issues. With a circulation of 24,000, the magazine was distributed to public organizations, groups, and individuals which are highly interested in human rights. It was also posted on the Commission website in the form of a webzine to ensure the access of internet users who failed to get a copy. From 2009, the Commission also 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 in Braille and silent letters. The youth honorary reporter group, which has been operating for 2 years since 2009 with an objective to expand the magazine’s contents and ensure readers participation, was expanded to include a group of citizen reporters in 2011. The citizen reporters group, a total of 30 people, participated in the planning of each issue, contributed their articles to the ‘HumanRightsPlayground,’ and played a role of promoting activities of the Commission in their daily lives.

Section 2 Major Activities

1. Cooperation with Domestic Human Rights Organizations

A. Cooperation with Human Rights Organizations

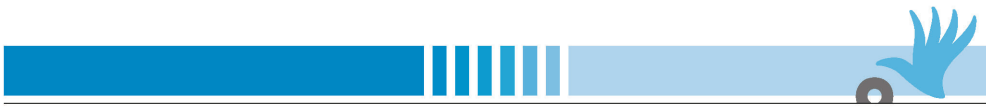
In 2011, the Commission sought close cooperation with domestic human rights organizations to learn the status of the fields in needs of human rights protection and improvement. However, some of its activities were faced with obstacles since certain

human rights organizations critical of activities and projects of the Commission refused to cooperate with the Commission. Despite such difficulties, the Commission tried to listen and incorporate diverse opinions, including criticisms, voiced by external groups. Members of the Commission include the chairperson visited human rights organizations and fields and made sincere efforts to reflect opinions gathered through meetings and field monitoring in activities and worked for human rights improvement. In the process, it also collected opinions about activities and works performed by the Commission and sought measures to enhance the working relationships with diverse human rights organizations.

B. Partnership Projects with Human Rights Organizations

Partnership projects with human rights organizations refer to projects that were difficult for the Commission to carry out without support of NGOs and the projects which could be carried out more effectively by NGOs. The 2011 budget for such partnership projects was 1.3 billion won, the same as the last year, which was allocated to 16 projects selected out of a total of 72 projects. In accordance with the strategic tasks of the Commission, the financial support was allocated evenly in pursuit of fairness among groups and issues such as persons with disabilities, human rights in North Korea, human rights and diversity, and children, youth, and women.

In particular, it selected 6 exemplary projects out of 16 partnership projects after project conclusion to teach best practices across the nation as it did in 2010, and the six projects are: i) ‘Research on the human rights status of children of North Korean defectors in abroad and measures to protect their rights,’ a research project which studied 100 children born to North Korean defectors on their psychological health and examined existing protective measures (conducted by the North Korean Refugee Center); ii) ‘Production of puppet show for communication with children born to multi-ethnic family,’ a project which recruited senior citizens and provided necessary training to produce free puppet shows for young children with the theme of cultural diversity so the young children could



easily understand and appreciate the value of diversity (offered by ‘Silver Puppet Company of Good Neighbors’).; iii) ‘Football tournament for persons with and without disabilities, the homeless, and North Korean defectors,’ a project which made an contribution to social integration and promotion of continuous exchanges between human rights organizations through sports (hosted by ‘Gomduri Saranghui,’ a disability-rights group).; iv) ‘On-site gender & human rights education for children and youth,’ a project which provided education courses (introductory and advanced) to train professional advocates of gender equality and human rights education for children and youth, and provided on-site sessions on gender and human rights (offered by ‘Neulbom, Chungbuk Women Human Rights Center’).; and v) ‘Guardians of human rights of the elderly and human rights class for the elderly in Jeonju,’ a project which offered an opportunity to the local senior citizens to reflect on their human rights through local cultural contents (offered by the ‘Jeonbuk Human Rights Education Center’).; and vi) ‘Investigation of the status of information access by the persons with disabilities in terms of Internet and mobile communication,’ a project which identified measures for improvement for internet and mobile communication to accommodate access by persons with visual impairment (conducted by the Korea Blind Union).

C. Field Visits and Networking

In 2011, the chairperson and standing commissioners made 19 visits to facilities with human rights implications as on-site investigations. The visits were to improve human rights sensitivity and identify human rights tasks closely related to daily lives from the viewpoint of socially vulnerable groups and minorities. In addition, they made efforts to listen to the voices of social workers and human rights activists who were struggling against challenges, convey their findings to relevant departments, and incorporate the findings and requests into policies and projects of the Commission.

2. Cooperation with International Human Rights Organizations

A. ICC and APF

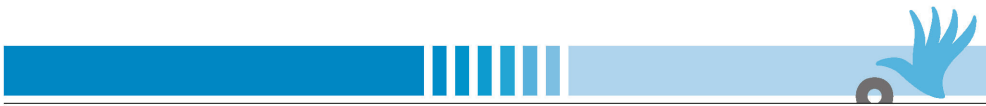
1) International Coordinating Committee of National Human Rights Institutions

The Commission served as the Vice Chair from 2007 to 2009 and attended the ICC Annual Meeting to strengthen multi-lateral exchanges and cooperation among national human rights institutions. From 2007 to 2011, it served as a member of the ICC Sub-Committee on Accreditation and the ICC Working Group on Business and Human rights. From 2012, it will serve as a member of the ICC Council.

It attended the 24th ICC Annual Conference and a meeting of the ICC Sub-Committee on Accreditation in May 2011 and participated in diverse discussions and decision-making processes. In October 2011, it held the ‘Asia-Pacific National Human Rights Institution Regional Conference on Business and Human Rights’ following the 10th International Conference of National Human Rights Institutions held in 2010 on the theme of business and human rights in Edinburgh, Scotland to step up exchanges and cooperation with NIs centering on ICC.

2) The Asia-Pacific Forum of National Human Rights Institutions

Since its joining in the APF in 2002, the Commission served as the Chair in 2004 and 2007 and attended its annual conferences in order to contribute to strengthening of exchanges and cooperation with NIs in the Asia-Pacific region. At the 16th APF Annual Conference held in September in Bangkok, Thailand, the Commission was elected as the representative of the Asia-Pacific region of the ICC Council. There, it confirmed the support from APF member NIs for the Asia Pacific NIs Regional Conference on Business and Human Rights held in Korea. In Particular, at a meeting with the head of the Southeast Asian region office of OHCHR during the annual conference, he stressed that the international society recognized and placed a high expectation on the human rights development of Korean society and the leading role of the Commission and called for the



Commission to play an active role in human rights improvement of Northeast Asian countries.

B. Cooperation and Exchanges between National Human Rights Institutions

1) NIs of the Americas: Costa Rica and Mexico

Invited by the National Human Rights Commission of Mexico, the Commission visited Mexico to sign 'Korea-Mexico NI Cooperative Agreement' in December 13, 2011. Both NIs agreed to share information and documents on common human rights issues, operate staff exchange programs, share experiences on investigation and complaints processing, and proactively respond to human rights issues of Koreans and Mexicans residing in the other country.

The Commission also visited the National Human Rights Commission of Costa Rica with a goal to strengthen bilateral exchanges and cooperation and made the same effort with Inter-American Court of Human Rights and the Institute for Human Rights of Americans located in the country.

2) NIs of former-CIS: Russia and Uzbekistan

In May 2011, the Commission visited the Office of the Commissioner for Human Rights in the Russian Federation (CHR) to discuss ways of enhancing exchanges and cooperation with each other in addition to measures for promoting human rights of Korean residents, North Korean defectors, and Koryoin (Korean diaspora) in Russia.

Invited by the National Human Rights Center of Uzbekistan, it also visited Uzbekistan to discuss measures of stepping up exchanges and cooperation and agreed to actively review a signing of a Letter of Intent for cooperation. Since there is the largest number of Koryoin in Uzbekistan, strengthened exchanges and cooperation of the two NIs will lead to discussion of ways to protect human rights of Koryoin.

C. Cooperation with UN Bodies and Other Human Rights Institutions

1) Cooperation with UN Bodies

Kofi Annan, the former Secretary of General elevated the status of the UN Commission on Human Rights to the HRC in 2006, stressing that the UN should increase its effort for protection of human rights. In particular, the year of 2011 was very important since the function and work of the HRC were reviewed according to its founding resolution of the HRC. In February 2011, the Commission attended the second working group meeting for review of the HRC where attendees reviewed the roles and functioning of HRC and the roles of human rights institutions within the UN human rights mechanism. As the representative of APF A-status members, the Commission welcomed the addition of a session separate from submission of the condensed report of NI stakeholders in the Universal Periodic Review (hereafter 'UPR') system; requested the right to speak for A-status NIs immediately after remarks of the government during UPR working group review meetings and HRC discussions with all members attending and upon adoption of their UPR report; and requested the right to ask for communication in the HRC about the human rights status of a specific country. At present, all A-status NIs including the Commission have the right to deliver oral or written statement on all agenda items of the HRC as well as the right to attend working group meetings for UPR on country-specific human rights status review, submit a separate report, and deliver oral statement at the time of adoption of UPR recommendations

In March 2011, the Commission attended the 55th Commission on the Status of Women and joined the active efforts of the ICC to expand national human rights institutions' involvement in the Commission on the Status of Women such as securing their right to speak and represent independently.

2) Cooperation with Treaty Bodies

Korea joined and ratified seven out of nine UN agreements on human rights.. The Commission has been committed to fulfill the role of the national human rights institution



which is defined in the Paris Principles (Principle relating to the Status of NIs); to ensure harmony and effective implementation of international agreements on human rights as a member State.

In 2011 where the review of the 3rd and 4th comprehensive implementation report of governments was scheduled in the Committee on the Rights of the Child, the Commission attended the working group prior to the session of the Committee on the Rights of the Child designed to prepare for written questions which are to be sent to the relevant country before the review of its government report. At the working group meeting, the Commission submitted its information note and delivered an oral statement. In September 2011, it attended the 58th Conference of the Committee on the Rights of the Child to submit its independent report consisting of a total of 9 sectors (general measures for implementation of agreements, general principles, right to freedom, family environment and alternative parenting, health and welfare, children with disabilities, education, special protection measures, and two optional protocols), helping the Committee on the Rights of the Child with their review of government reports in a constructive manner and finalization.

In July 2011, the Commission also attended the 49th conference of the Committee on the Elimination of Discrimination against Women to monitor its review process and analyzed the review results and recommendations related to the 7th government report of Korea to search for domestic policy tasks and implementation measures.

3) Others

As its recognition has been improved at home and abroad, an increasing number of international figures visited the Commission to pursue exchanges and get detailed information on the institutional founding process, roles, work, and activities of the Commission. In 2011, Jose Manuel Ramos-Horta, Nobel Peace Prize laureate, incumbent President of East Timor, Bakhtiar AMIN, former Minister of Human Rights, Taiwan delegates from the Control Yuan of the Republic of China, and other human rights-related figures visited the Commission through 17 different occasions. The visitors were informed

of the development process of Korea's democratization and human rights, and discussed future cooperative measures.

D. Hosting International Conferences

1) Civil Society Consultation on Strengthening Treaty Body System

From April 18 to April 20, the Commission and the Korea Foundation co-hosted 'Civil Society Consultation on Strengthening Treaty Body System' to respond to the call of OHCHR. The meeting was held as one of the follow-up measures recommended to the HRC by the High Commissioner for Human Rights, Ms. Navanethem Pillay, to strengthen the treaty body system. As of today, several meetings were held in the treaty body strengthening consultation process, namely in Dublin (2009), Marrakesh (2010 for National Human Rights Institutions) and in Poznan (2010 for treaty bodies chairpersons). The consultation held in Korea was to collect opinions of international civic groups to discuss the above issue.

This meeting was attended by experts of human rights treaty body systems including Yang-hee Lee, the Chairperson for the Convention on the Rights of the Child; Anwar Kemal, the Chairperson for the International Convention on the Elimination of All Forms of Racial Discrimination; and Ibrahim Salama, the Director for the OHCHR Human Rights Treaties Division. The international Non-Governmental Organizations (NGOs), which were recognized for their experience and expertise in the treaty body system, also participated in the meeting; Human Rights Watch, World Organization against Torture (OMCT), NGO Group on CRC, International Disability Alliance, Korea Bar Association and Asia Human Rights Center.

The participants presented diverse opinions on measures for strengthening of the role of the treaty body system for protection and promotion of human rights, and the result of the meeting was incorporated into the Seoul Statement which was also reported to the UN.

The Statement states the independence and professionalism of chairpersons of the treaty



bodies, guarantee of a full and comprehensive participation of civic groups at all report stages, preliminary consultation on national reports, system to discuss issues before sessions, domestic implementation and follow-ups of recommendations, States without submission of reports, and general and individual communications.

The Consultation was evaluated as a venue to strengthen the role of the international society in protection and assurance of human rights and raise awareness of the importance and functioning of the treaty body system.

2) Asia Pacific NIs Regional Conference on Business and Human Rights

The Commission co-hosted the Asia Pacific National Human Rights Institutions Regional Conference on Business and Human Rights in October 11-13, 2011 in Seoul with the APF. The conference brought together more than 200 participants from NI representatives of almost 40 countries and international organizations including the OHCHR, and it concluded by adopting the statement on the Asia Pacific NIs Regional Conference on Business and Human Rights.

Titled ‘Seoul Statement,’ participants agreed to enhance the capacity of NIs related to business and human rights; cooperate and support activities of NIs and international human rights organizations including OHCHR, APF, ICC, UN and UN bodies and working groups; create a page on business and human rights available on the APF website; and encourage governments to comply with international treaties and standards on business and human rights.

The statement reiterated the importance of developing the relationships amongst governments, businesses, and civil societies to prevent and remedy human rights violations committed by businesses. In particular, the focus was placed on the development of relationship with NCP according to the OECD Multi-national Enterprise Guideline. In this regard, the Commission recommended for improvement of Korea’s NCP in October 6, 2011, considering that the structure and operation of Korea’s NCP is closed and not transparent, which does not facilitate prevention and remedy of human rights violations by

multi-national enterprises.

In addition, participants discussed how to incorporate effective measures of handling human rights violations by business into the NAP, a long-term master plan on human rights of each country.

The Conference was served as the venue to raise awareness of human rights related to business activities at home and abroad, and at the same time, as an opportunity for the Commission to play a leading role in the international human rights community in future.

In terms of publicizing, the Commission succeeded in diversifying communication and media channels to identify the best methods of promoting its key projects, policies, functions, and roles. Through such efforts, it strived to raise public conscious, awareness, and interest in human rights. Its magazine, ‘HumanRights’, website, and newsletter conveyed its activities and contributed to publicize the Commission. In particular, the Human Rights Coverage Guideline jointly developed by the Commission and the Journalist Association of Korea considered as a significant achievement since it helped increase media’s interest in human rights and lay the foundation for reporting human rights issues.

However, the Commission still fell short of promoting its missions of elevating its status as the government authority overseeing investigation and remedy for human rights violations and discriminations and raise the public’s awareness of the important roles of the Commission. Securing necessary budget and executing more effective publicizing projects remain on the Commission’s future agenda.

3. Public Relations to Raise Public Awareness of Human Rights

A. Promotional Activities on Media

In 2011, the Commission issued 158 press releases, which were posted on its website and distributed to the media. The press releases contained Commission’s activities and their fruitful outcomes which contributed to setting social agendas on diverse human rights issues and tasks in the society.



In addition, the Commission held media briefings and seminars for nine times in total in order to deliver more accurate information on its decisions and projects. In the same context, it actively responded daily interview requests from the media, which amounted to 149 interviews in 2011.

B. Promotional Activities through Diverse Communication Channels

The Commission publicized its works, major activities, and their outcomes by utilizing various communication channels. This targeted-approach utilizing diverse communication channels such as TV, blogs, and newsletters contributed to the enhancement of public understanding and awareness of human rights issues.

Celebrating the 10th anniversary of its establishment, the Commission produced and distributed promotional materials featuring NHRCK's achievements during the last decade. It published a book titled "In the Name of Human Rights - 100 Most Important Decisions of the Decade by the National Human Rights Commission of Korea" which introduces 100 cases of major decisions among its policy recommendations and investigations results.

It also published another book for comprehensive understanding of human rights titled 'All About Human Rights.' It was written by five professors and comprised of three chapters ; 'What are Human Rights?', 'International Human Rights Mechanism' , and 'Human Rights Protection and International Human Rights Organizations.'

To respond to the new media environment including the rapid development of Internet, the Commission launched on-line promotional activities. In this sense, it promoted publicizing its work of investigating human rights violation cases and issuing remedies against them on the main page of Naver, Korea's No.1 Internet portal, for two weeks on and around its 10th anniversary.

The Commission also offered online newsletter, "Human Letter", every other week to 38,000 opinion leaders. Furthermore, the Commission opened "ByeolbyeolIyagi"(Stories You Need to Know)"as its official blog featuring easy and interesting stories with human rights perspectives.

It also actively promoted its programs through public service announcements on jumbotrons installed in major cities nationwide. Themes of announcements varied: human rights in sports (Feb), human rights of migrant workers (April), prevention of discrimination against diversity (May), human rights of children of migrants (June), business and the promotion of human rights (July), and human rights of the elderly (Sept).

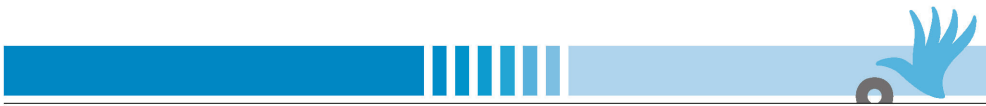
To promote the Universal Declaration of Human Rights, the Commission produced a promotional video. The Declaration, which is considered as the most beautiful promise amongst the mankind, is one of the important agendas of the Commission for it is the basic educational material on human rights. The Commission obtained a 50-minute documentary filmed by the UN in commemoration of the 50th anniversary of the Declaration and translated it in Korean with approval of the UN. The documentary is now posted on the official Commission website and being distributed to relevant organizations as an educational material.

C. Publication of Human Rights Magazine

In 2011, the Commission published six editions of its magazine, "Human Rights", with its 71st edition released in December. The Human Rights was launched as a monthly magazine in August 2003 but changed to bi-monthly publication in 2007. The magazine received exceptionally good reviews in 2011 on articles highlighting the achievements of the Commission during the past 10 years and future tasks.

With a circulation of 24,000, the magazine was distributed to everyone interested in human rights issues including government organizations, local governments, the National Assembly, Prosecutor's Office, police, Office of Education, other government agencies, institutional group care facilities, libraries, medical centers, human rights organizations, schools, and human rights activists. It was also made available for public access on the Commission website in the form of 'Human Rights Webzine'.

From 2009, the Commission also made efforts to ensure the access to the magazine of



persons with visual impairment by including voice-eye barcodes in all contents of the magazine, and publishing books containing key contents of the magazine in Braille and silent letters for persons with disability which were distributed to Braille libraries.

D. Human Rights Media Coverage Guidelines

The Commission developed the human rights media coverage guidelines in collaboration with the Journalists Association of Korea on September 23, 2011 to set ground rules for human rights coverage by the media.

The guidelines include the minimum standards that should be complied with in the process of media coverage including interviewing and reporting. It consists of preface, overall principle, and detailed guidelines of eight chapters as the following : democracy and human rights, personal rights, rights of persons with disability, gender equality, rights of migrants and foreigners, rights of the elderly, rights of the child, and rights of sexual minorities.

In addition to the guidelines, a manual on specific coverage cases and principles was also made. To set the guidelines, the Commission contributed a series of articles titled ‘Sparing Humanity by Human Rights Coverage’ in cooperation with ‘Journalist Association Newsletter’ published by the Journalists Association of Korea. The articles included messages of the Commission exploring problems and countermeasures of media coverage by monitoring it. The Commission also took the opportunity to appeal to more journalists to pursue coverage of human rights issues through advertisement on the Journalist Association Newsletter.

Section 3. Evaluation

The Commission was steadfast in its commitment to addressing human rights issues

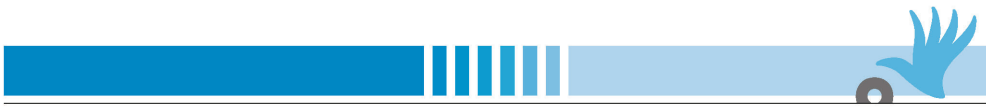
through cooperation and interactions with various organizations and groups at home and abroad. In particular, it took the lead in promoting its status by broadening its scope and bolstering its network.

The Civil Society Consultation on Strengthening Treaty Body Monitoring System was held in 2011 as a follow-up measure of recommendation from the High Commissioner for Human Rights, Ms. Navanethem Pillay in 2009 to the General Assembly and HRC for the purpose of strengthening the treaty body system as a part of series of international talks in Dublin (2009), Poznan (2010, mainly for treaty body monitoring members) and Marrakesh (2010, mainly for National Human Rights Institutions with a declaration adopted). It can be said that the Commission's leadership in the international society is recognized with its hosting of the meeting.

At the request of the APF, the Commission co-hosted the Asia-Pacific National Human Rights Institutions Regional Conference on Business and Human Rights on October 11-13, 2011 in Seoul in cooperation with the APF. At the conference which was well attended by more than 200 NIs representatives from almost 40 countries and international organizations including the OHCHR, the statement on the Asia Pacific NIs Regional Conference on Business and Human Rights was adopted. The conference was a successful venue of showing the improved status of the Commission in the international arena.

The Commission will serve as the representative of the Asia-Pacific region at the ICC Bureau from 2012. As such, it has expanded interactions and cooperation with OHCHR, ICC, APF, and other NIs via diverse channels to exercise its leadership in addressing human rights issues of the international society and improving its international leadership and status.

Discussions of human right issues and solutions are closely related to every corner of people's daily lives. With a diversified society and growing civil society, the role of non-profit organizations to serve increasing public interests has become more important. It is only natural that more and more interests in human rights issues are directed by civil rights groups. However, it is not easy for the Commission to effectively address human



rights issues occurring in many fields with limited financial and human resources. Therefore, it is foremost to establish a firm cooperative system bringing together the Commission, the government, government agencies, and private organizations to properly respond. The Commission is planning to expand and strengthen interactions and cooperation with government agencies as well as human rights groups. However, the challenged of limited budget will continue to hamper the Commission's effort to provide support for private organizations. Even in comparison with other government agencies, the budget allocated to the Commission is so insufficient to effectively address all of the issues that demands support from the Commission and present meaningful and significant improvements.

In terms of its PR and marketing front, the Commission succeeded in diversifying communication and media channels to identify the best methods of promoting its key projects, policies, functions, and roles. Through such efforts, it strived to raise understanding and interest of the public of human rights and raise human rights consciousness. Its magazine, 'Human Rights', blog, and newsletter all contributed to making the promotional activities of the Commission substantial and stabilized. In particular, the Human Rights Coverage Guidelines jointly developed by the Commission and the Journalist Association of Korea can be said as a significant achievement since they helped increase media's interest in human rights and lay the foundation for reporting human rights issues.

However, it is still regrettable that the Commission fell short of promoting its missions of elevating its status as the government authority overseeing investigation and remedy for human rights violations and discriminations and raise the public's awareness of the important roles of the Commission. Securing necessary budget and executing more effective PR and marketing projects remain on the Commission's future agenda.

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Chapter 7

Promotion of North Korean Human Rights

Section 1. Background and Aim

1. Background

The Legislative and Judiciary Committee at an extraordinary session of the Korean National Assembly in April 2003 called for measures to promote human rights of North Koreans. As an answer, the Commission established the 'North Korean Human Rights Research Team,' a non-standing body, following its 40th Plenary Committee Meeting in the same year. From 2003 to 2008 during which the team operated, it conducted researches on human rights status in North Korea and hosted annual international conferences. Based on the team's research, the Commission announced the 'Opinion on Human Rights Conditions in North Korea' in 2006, elected 'North Korean Human Rights Issues' as one of its 10 priority projects in 2007, and adopted 'Reinforcing Policy Efforts to Improve North Korean Human Rights Conditions' as one of its 6 priority projects in 2008. 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. Since North Korean human rights issues are increasingly important, the Commission again designated North Korean human rights issues as its priority project in 2009 and 2010.

2. Objectives

The objectives of promoting human rights of North Koreans are to monitor current status, seek measures for improvement 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 agencies on a regular basis, and strengthening the monitoring activities of domestic and international organizations and groups working for North Korean human rights.

To this end, the Commission performed policy activities including review of government policies with North Korean human rights implications and delivery of its recommendations or opinions. In addition, it pursued a project to strengthen exchanges and cooperation with international human rights organizations and NGOs at home and abroad as one of its priority projects. In addition to the efforts, it also conducted a policy research and investigated the latest human rights status in North Koreans; human rights of North Korean defectors wandering overseas; human rights of South Korean prisoners of the Korean War and abductees detained in North Korea; human rights of families separated in two Koreas; and human rights improvement for North Korean defectors.

Section 2. Major Activities

1. Policy Recommendations and Opinions

A. Recommendation to Establish National Policy for Improvement of North Koreans Human Rights

In October 24, 2011, the Commission formulated a policy recommendation, which presented a comprehensive policy on human rights of North Koreans to be implemented at a government-wide level with mid-and long-term perspectives. The Commission recommended the Prime Minister to establish a government-wide plan including systematic policy direction, mid-and long-term plans, and measures to ensure cooperation amongst relevant government agencies.



B. Recommendation to Demand Release of Ms. Sook-Ja Shin and Two Daughters (a.k.a. Daughters of Tongyeong)

In October 24, the Commission recommended the National Assembly to promptly adopt a resolution to demand the North Korean authority to release Shin Sook-Ja and her two daughters (Hye-Won and Gyu-Won), express the nation's interest and devise administrative measures to seek support from other countries. It also recommended the Prime Minister to put together capabilities and resources of relevant departments in an effective manner to prepare measures (including formation of a government-wide agency for release of all South Korean abductees) to achieve their release. The Commission also recommended the Minister of Foreign Affairs and Trade to attend meetings of human rights-related international organizations including the UN as the representative of the Korean government to appeal the righteousness of its demand for release of the South Korean citizens to the international community; make efforts to reflect demands for confirmation of life of death and release of the women in diverse resolutions of the 3rd Committee of the UN and the 66th General Assembly of the UN; bring the issue of the women to the HRC to be held in March 2012 so that the issue can be addressed in the Working Group on Enforced or Involuntary Disappearances; and closely cooperate with the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the situation of human rights in North Korea, the OHCHR, the Secretary General, the Special Rapporteur on the situation of human rights of the internally displaced persons, and ICRC. It also recommended the Minister of Unification to contact North Korea directly or through humanitarian channels such as the Korea National Red Cross or ICRC to make concerted efforts to confirm the status of the women, arrange meetings or communication with family members if they are alive, and demand their return to Korea.

C. Recommendation to Implement Systematic Mental Health Program to Relieve Post-Traumatic Stress Disorder Suffered by North Korean Defectors

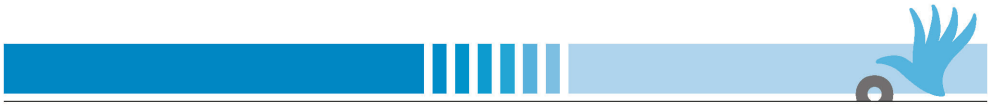
North Koreans make life or death decisions when they decide to defect North Korea,

and their life outside of North Korea such as in China continue to render their great suffering. Some of them who are arrested and returned to North Korea endure unimaginable torture, brutality, cruelty, hunger, and forced labor, and the post-traumatic stress they suffered then continue to plague them even after they found a passage to South Korea. North Korean defectors rely on relocation and settlement assistance provided by the Hana Center and the North Korean Refugee Foundation, but even these two major organizations for North Korean human rights did not have a systematic program to address psychological health and Post-Traumatic Stress Disorder(hereafter 'PTSD') treatment. Recognizing the importance of a systematic mental health program to facilitate remedies for mental suffering and better settlement in South Korea, the Commission recommended the Minister of Unification in November 24, 2011 to provide the Hana Center and the North Korean Refugee Foundation with professional staff and prepare a systematic mental health program for PTSD treatment.

D. Statement by the Chairperson Urging China to Stop Deportation of North Korean Defectors

In November 17th 2011, the Commission released a statement by its Chairperson that expressed deep concern over the human rights condition of the North Korean defectors who were being pursued by the Chinese Police and deported back to North Korea against their will.

Defectors arrested and deported back to North Korea were sentenced to political prisoner camps or even summarily executed on the charge of 'treason', and such actions were grave infringement upon the irrevocable right to life and humanity deserving the outcry of the international community. The Chairperson reminded that China is a member of the international society as a UN member and a permanent member responsible for upholding human rights. He asked for the Chinese government's respect for international treaties on human rights such as the Convention Relating to the Status of Refugees and take immediate action to stop its deportation of North Korean defectors in consideration of



the devastating infringement of right to life, physical and mental suffering, and political persecution after deportation.

2. Establishment of the Center for Reporting Human Rights Violations in North Korea and North Korean Human Rights Documentation Center & Archives

The Commission opened the Center for Reporting Human Rights Violations in North Korea and North Korean Human Rights Documentation Center & Archives with the goal to collect and record actual cases of human rights violations suffered by North Korean defectors throughout the entire process of gaining passage to South Korea, South Korean prisoners of the Korean War and abductees, and separate families. (March 15, 2011)

There have been private attempts to collect testimonies or records of human rights violations suffered by North Korean defectors, but with the number of North Korean defectors reaching almost 20,000, it became necessary for a governmental effort to put the information scattered here and there and compile them into one solid database.

Since their opening in March and until the end of December 2011, the two offices received a total of 833 cases of human rights violations committed by North Korea. 11 cases were about human rights violations in political prisoner camps, 70 were about torture in the process of detention (including correctional facilities) and interrogation, 10 were about South Korean abductees, 683 were related to separated families, 57 were about South Korean prisoners of the Korean War, and 3 others cases included abduction of Oh Gil-Nam and his family and deportation by China.

3. Strengthening International Cooperation

A. International Symposiums

The Commission hosted the International Symposium on Improving North Korean

Human Rights in July 13, 2011. The seriousness of the human rights conditions of North Koreans have long been a talk of the international society. To improve the human rights conditions of North Koreans, collaboration with international human rights organizations including the UN and the EU is essential. In particular, the Commission held the Symposium jointly with the EU Parliament delegation to Korea under the theme of ‘Role of the International Society to Improve North Korean Human Rights’. The EU was able to serve as an effective channel for improvement of North Korean human rights because they have experiences of communicating with North Korea on human rights issues and providing technological support through diplomatic channels. At the symposium attended by 100 experts related to North Korean human rights from home and abroad including Anna Rosbach and Mikolasik of the EU Parliament delegation to Korea, the Commission collected diverse opinions on measures for international cooperation to improve North Korean human rights and share their concerns over dilapidated conditions of North Korean human rights.

During its trip to Europe to prepare for the international symposium, the Commission was able to share its view on North Korean human rights and establish a network for international cooperation by visiting the International Criminal Court, the International Court of Justice, and the International Criminal Tribunal for the former Yugoslavia. On these visits, the Commission discussed ways of strengthening cooperation, information exchanges, and common interests on human rights abuses including the political prisoner camps in North Korea.

B. Overseas On-Site Survey of North Korean Human Rights Conditions

In 2011, the Commission conducted an on-site survey to examine the latest status and human rights conditions of North Korean defectors staying in the Russian Far East Maritime Province that borders North Korea. The field research was designed to collect diverse opinions on North Korean defector issues from relevant authorities and NGOs working for the interests of North Korean defectors in the region.



The Commission found from studying the immigration process of North Korean defectors that helpful protection and relief were provided by the Russian government who recognizes their rights by carrying out exchanges with the human rights commission of the Maritime Province. It also confirmed the need to expand mutual understanding on the issue with governing authorities.

4. Promote Domestic Cooperation

A. Operation of 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 and expanding the horizon of policies. Meanwhile, the Commission strengthened a cooperative network with experts and collected their opinions on a wide range of human rights issues, which served as a "venue for public discourse."

In 2011, the Commission appointed 7 new members to the Forum, which executed vigorous exchanges of opinions on various themes, including 'International Human Rights Regime and Improvement Measures for North Korean Human Rights', 'Strengthened Economic Ties between North Korea and China, and Its Implication on North Korean Human Rights', and 'Status and Characteristics of Recent Overseas North Korean Defectors.' Through such discussions, the North Korean Human Rights Forum offered a chance to collect comprehensive opinions on rapidly changing landscape of the Korean Peninsula, inter-Korean relations, and North Korean human rights issues and seek effective policy measures on the issues.

B. 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 Assembly, Prime Minister's Office, the National Police Agency, the Ministry of National Defense, the Ministry of Unification and the Ministry of Foreign Affairs and Trade to share relevant issues and maintain a cooperative and discussion channel. At the same time, the Commission held the Human Rights Policy Consultative Body meetings with the Ministry of Foreign Affairs and Trade and the Ministry of National Defense to formulate effective governmental-wide recommendations for the improvement of North Korean human rights.

C. Field Visits to Organizations and NGOs Related to North Korean Human Rights

The Commission increased its field activities including exchanges and cooperation with North Korean human rights-related organizations and consultation on their difficulties. In 2011, members of the Special Committee for North Korean Human Rights visited the Anseong Office of the Hana Center, the primary authority in assimilation and settlement assistance services for North Korean defectors, to monitor the status of residents and search for improvement measures. Experiences of supporting policies for North Korean defectors were exchanged through meetings attended by heads of civic groups related to North Korean human rights (3 times), meetings (11 times) designed to hear from support activities performed by the Family Union of Korean POWs Detained in North Korea, the Group for Improvement of North Korean Human Rights, and the Coalition for North Korean Women's Rights and so on.

Section 3. Evaluation

In 2011 with wild waves of democratization in the Middle East, there was a high expectation about such a wave in North Korea, too. Following the death of Kim Jong-Il,



many predictions hoped for improvement of North Korean human rights. Under the situation, the Commission conducted its projects more actively than ever before and made distinct achievements.

It was difficult to pursue a comprehensive and systematic project with no macro framework in place for North Korean human rights. To overcome such difficulty, the Commission detailed out the results of the commissioned research designed to establish a mid-and long-term roadmap for improvement of North Korean human rights and prepared ‘the national policy for improvement of North Korean human rights’ and delivered the recommendation to the government as an effort to lay the foundation for the governmental initiative for North Korean human rights improvement.

In addition, the Commission opened ‘the Center for Reporting Human Rights Violations in North Korea’ and ‘North Korean Human Rights Documentation Center & Archives’ to collect, record, and preserve actual and real cases of human rights violations committed by North Korea. The initiative was first of its kind as a government organization and represented a revolutionized approach to human rights in North Korea. Operation of the centers is considered as a milestone, because they are attempting to compile a vast data of the North Korea’s violation of the Constitutions, the Universal Human Rights Declaration which proclaims universal values of humankind, various international treaties on human rights, the International Covenant on Civil and Political Rights which North Korea also joined and ratified, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Rights of the Child, Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), and the Rome Statute of the International Criminal Court and international standard models.

In addition, the Commission identified policy tasks based on the data to prepare substantial supportive measures for individuals suffering from human rights violations. One example was its recommendation to the Minister of Unification to prepare a

systematic mental health program to relieve PTSD sufferings of North Korean defectors.

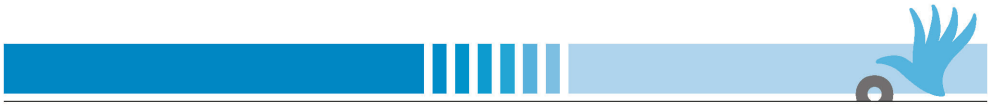
The International Symposium co-hosted by the Commission and the delegation of the EU Parliament to Korea to improve North Korean human rights, a global issue, was very meaningful in that Korea and the EU shared detailed policy directions based on principles within the human rights mechanism of the international community and Europe (the EU Parliament) and incorporated them as part of international discourse. By visiting the Maritime Province of Russia that borders North Korea and China, the Commission learned about the current status of human rights of the North Koreans who defected to the region previously less known in Korea. The visit served as an opportunity for the Commission to confirm that the local government's handling of the North Korean defectors met the international standards, and the Commission was able to lay the foundation for future cooperation with those organizations to improve human rights of North Korean defectors.

To promote domestic cooperation, the Commission expanded direct communication with civic groups including meetings with the heads of human rights civic organizations and frequent discussions and meetings attended by relevant experts. The effort was to bridge different views on North Korean human rights.

With rise of North Korean human rights issues demanding prompt responses, the Commission made concerted efforts to address newly raised issues in a proper manner. For example, it released the chairperson's statement on the issue of the Chinese government's deportation of North Korean defectors against their will, recommending the government to demand release of Sook-Ja Shin and her two daughters abducted by North Korea.

Despite its dedication and commitment, there still is one area that needs more achievements: developing regulatory agenda based on achieving a synergy effect by collecting data of new North Korean defectors entering Korea and reviewing human rights violations reported to the reporting center.

Since North Korean human rights issues are talked about by the international society with great importance, it is essential to establish a network with the international society to improve North Korean human rights. In this sense, the Commission was required to put



more efforts in strengthening international cooperation in order to generate more successful outcomes.

To facilitate such international cooperation and heightened passion for North Korean human rights, North Korean defectors entering Korea should be allowed to freely report human rights violations, which need the support of the Ministry of Unification (the Hana Center). If resources and budget are injected into increasing activities of the Center for Reporting Human Rights Violations in North Korea and North Korean Human Rights Documentation Center & Archives and strengthening the international cooperation, more achievements can be expected.

In 2012, the Commission will further strengthen its effort to extract government-wide efforts, develop productive policies, and enhance cooperation with the international society to make real improvements of North Korean human rights.



Chapter 8

Activities of Regional Human Rights Offices

Section 1. Busan Human Rights Office

It was 6 years ago when the Human Rights Office was established in Busan to provide human rights services including raising awareness of human rights in the local community and execute prompt responses to human rights violations. Since then, the Office has handled more than 24,000 cases of complaints, counseling cases, civil applications, and inquiries and has offered human rights education to almost 45,000 people. It also offered on-site human rights counseling sessions and hosted human rights festivals under expanded cooperation with organizations and government agencies of the region.

The scope of the Office's responsibilities has expanded when the authority to investigate correctional facilities were transferred to the Office in 2006, followed by the authority to investigate institutional group care facilities in 2008. By the end of 2011, the Office has resolved 1,821 complaints, 80 of which were resolved with issuing recommendations. Among them, 4 complaints were referred to be processed with a criminal charge or disciplinary warnings and 26 cases were mutually settled.

The Office was also dedicated to human rights education, promotion activities, and collaboration as evidenced by its various efforts including nationwide projects such as monitoring on the Disability Anti-Discrimination Act, human rights education for service providers of mental health facilities, Guardians of the Rights of the Elderly and human rights information system. True to its mission of serving the needs of the local community, the Office is working hard to develop activities catered to the region together with relevant organizations.

1. Human Rights Counseling and Complaints

A. Increase in Human Rights Counseling Cases

The number of complaints, counseling, inquiries, and civil applications handled by the Office reached 24,402 by the end of 2011 since its inception on October 11, 2005. The number of complaints and counseling grew steadily for the first three years, fell in 2010 due to decrease in in-person complaints from correctional facilities, but the number has resumed its ascending trend in recent days. Meanwhile, the number of phone counseling and visitors has continuously increased indicating enhanced accessibility by the public. As for the number of in-person complaints filed from correctional facilities, 193 complaints were received from 40 facilities in 2010, and the number reduced to 169 cases from 44 facilities. In particular, the number of phone counseling increased from 443 cases in 2010 to 554 cases in 2011. This seems attributable to the ‘human rights education for care providers of mental health facilities’ offered by the 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 Cases	Civil Applications/ Inquires	Total
Cumulative Total*	2,809	11,477	10,116	24,402
2011	532	1,907	1,705	4,144
2010	548	1,840	1,447	3,835
2009	659	1,776	1,729	4,164
2008	426	2,224	1,808	4,458

* October 11, 2005 ~ December 31, 2011

B. On-site Human Rights Counseling

The Office offered comprehensive human rights relief services to local residents by offering a round of on-site human rights counseling sessions(July) in connection with Gyeongnam Province and Decent Workplace Promotion Center of Korea International Labor Foundation. Particularly, Gyeongnam Province conducted on-site human rights counseling sessions for the first time since enacting Gyeongnam Province Human Rights



Ordinance to lay the groundwork for collaboration between the government agency and local government. Furthermore, on-site counseling sessions were also offered on Persons with Disabilities Day in April and Mental Health Awareness Day in May.

C. In-person Complaints from Correctional and Institutional Care Facilities

As a result of strong efforts for effective and rapid resolution of complaints from correctional facilities and promotion of complaints by mail, the average number of days taken to complete processing a in-person complaint stood at just 10 days. In line with the national trend, the number of in-person complaints decreased slightly. In contrast, 169 complaints were filed from 44 institutional care facilities, which was higher than before. Especially, compared to the number of in-person complaints, phone complaints sharply increased as more institutional care facilities allowed access to phones.

[Table 2-8-2] In-person Complaints Received and Resolved by the Busan Human Rights Office
(Unit: number of cases, %, days)

Category Year	Forwarded from previous year	Complaints	Closed							Pending	Average processing days
			Total	withdrawn		Complaints received		Counseling closed			
Cumulative Total*		5,532	5,498	946	17.2	1,114	20.3	3,438	62.5		
2011	9	797	782	182	23.3	169	21.6	431	55.1	24	10.3
2010	19	766	776	144	18.6	156	20.1	476	61.3	9	7.2
2009	22	1,046	1,049	179	17.1	256	24.4	614	58.5	19	6.5

*October 11, 2005 ~ December 31, 2011

*Includes in-person complaints received from detention facilities and protective facilities.

2. Investigations and Remedies into Violation of Human Rights

Looking into the resolutions of complaints it received in 2011, the Office endeavored for actual human rights remedies resulting in 17 cases with recommendations, 3 cases

referred for criminal charges, 8 cases reached mutual settlements, and 31 cases settled before the completion of investigation. The Office conducted continued monitoring even after issuing recommendation. In particular, the Office demanded supervisory authority to take administrative measures against a hospital for failing to provide a documented reason for denying a patient's request for discharge. The hospital was following a customary practice that took into consideration the wish of the guardian and not the patient when making a discharge decision. At the same time, the Office also recommended mental illness institutions to stop the use of one-way telephones to restrict patients from making outgoing calls citing the practice to be violation of the freedom of communication.

The biggest issue faced by the Office was crane-top protest of Hanjin Heavy Industry employees. Working with the headquarters, the Office conducted a monitoring of their safety issues, provided emergency remedy, and monitored the execution of agreement with the Hanjin management including drinking water, electricity issue, and medical care for protesters who participated in 40-day long hunger strike.

[Table 2-8-3] Complaints Resolved by the Busan Human Rights Office

(Unit: number of cases)

Category	Received	Closed**	Approved						Denied					Under investigation
			Total	Recommendation/ Recommendation for Settlement	Recommendation for disciplinary Actions	Referral for investigation or criminal charge	Legal Aid Request	Settlement	Total	Dismissed	Rejected	Transferred	Suspended	
Cumulative Total*	1,934	1,821	110	80	1	3	—	26	1,711	736	946	25	4	113
2011	469	430	28	17	—	3	—	8	402	181	220	1	—	
2010	501	490	36	27	1	—	—	8	454	179	270	1	4	
2009	562	608	41	31	—	—	—	10	567	291	266	10	—	

*October 12, 2005 ~December 31, 2011.

**Sum of the number of closed cases received in a year and the number of closed cases transferred from the previous year



3. Human Rights Education

A. Strengthened Human Rights Education by Subject to Promote Culture of Respect for Human Rights

Since its inception, the Office has witnessed a significant increase in demand for human rights education in the region. Especially, various institutions and organizations including social welfare facilities, social workers associations, and the Institution of the Education and Training for the Local Public Officials began to offer human rights education courses. In 2011, the Office conducted human rights education to a total of 12,946 persons that included police officers (540), government employees (695), students (1,773) and the elderly (210), showing dramatic increase from 7,842 persons in 2010. To properly meet the increasing demand, the Office organized a group of external human rights education experts for each significant area of human rights such as disabilities, mental disabilities, children and youth, and general human rights issues.

The year 2011 was the first year of offering human rights education to government employees and employees of social welfare facilities since the Human Rights Ordinance was enacted in Busan. The Office strived to carry out human rights protection and promotion activities by developing programs for government employees and sending professional instructors to Haedundae-gu Office, Busan Human Resource Development Center, and Gyeongnam Province. Also, the Office offered human rights education (10 sessions for 700 persons) titled ‘social welfare based on human rights’ for the Advanced Course facilitated by the city of Busan and Social Workers Association of Gyeongnam Province. By doing so, the Office created an opportunity to pay attention to the protection of human rights of patients cared by institutional facilities.

B. Human Rights Education for Workers of Mental Health Facilities for Promotion of Protection of Human Rights of Persons with Mental Disabilities

The Mental Health Act, revised and enacted on March 22, 2009, stipulates mandatory

human rights education of 4 hours per year on all workers of mental health facilities. The Office offered 28 sessions to 1,309 persons in 2010 and 42 sessions to 2,376 persons. In order to properly meet the increasing demand for education, the Office retained as instructors 14 experts including doctors, workers of social rehabilitation centers, mental health facilities, human rights organizations, and scholars and provided special training programs to enhance their expertise twice in June and August.

As an effort to discover best practices of human rights protection in mental health facilities, the Office hosted an award program inviting facilities with more than 50 patients to submit their examples. The Office then selected 10 best practice cases after reviewing all cases with internal and external experts and published them as education material for instructors nationwide.

4. Cooperation

Nine local governments of Korea enacted the Ordinance on Human Rights Promotion and Protection ('Human Rights Ordinance'). Six of the nine local governments are in neighboring Busan, and Ulsan, Gyeongnam Province, Buk-gu of Ulsan, Haeundae-gu of Busan. The Human Rights Ordinance contains creating provisions of a human rights promotion committee, human rights protection plans, and human rights education programs for the workers of social welfare facilities. To facilitate the enactment of the Human Rights Ordinance, local human rights offices provided support by recommending human rights experts in the region, creating human rights education programs and dispatching instructors, and providing data regarding formulation of human rights plans.

The Busan Metropolitan City is poised to enact the city's Human Rights Ordinance, which means Busan is now ready to address human rights issues at its government level.

5. Human Rights Advertisement



The Office advertised ‘human rights counseling call 1331’ in subways so that local residents can easily access and put articles regarding human rights in the magazines of local organizations and institutions. Especially, the Office has shown human rights films regarding migrants and multi-culture society, created by the Commission using jumbotrons run by Busan Metropolitan City.

6. Evaluation

Administrative districts served by the Busan Human Rights Office are three metropolitan cities and provinces, and it is responsible for monitoring 7 correctional facilities, one more than previous year, and 180 institutional group care facilities. A population of nearly 8 million or 16% of the total population of Korea relies on dedication and commitment of the Office for promotion of human rights and remedies for violations. To fulfill its responsibility to serve such a large population with limited resources, the Office’s activities in 2001 had to be implemented based on ‘selection and concentration’ strategy.

The number of complaints it affirmed was 28, bringing the average number of complaints affirmed by one investigator in the last two years to 4.9. In addition, the Office continued to work hard to resolve complaints by recommending settlement. The Office explored a number of handled-never-before discrimination complaints and expanded its scope of work by issuing appropriate remedies.

Major activities of the Office were projects catered to regional needs in connection with the Commission. On the front of human rights for the elderly, the Office advocated their human rights by conducting monitoring on elderly job matching system and communicating activities of the Commission by opening a policy PR center at the Busan International Silver Expo (supported by the Busan Metropolitan City). The Office hosted a panel discussion celebrating the 3rd anniversary of enforcement of the Disability Anti-Discrimination Act. Furthermore, the human rights education conducted in Busan

metropolitan area accounted for 40% of nationwide.

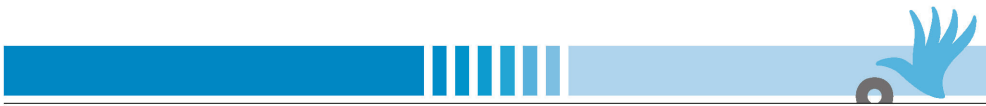
In terms of education and cooperation, the Office managed a group of instructors based on their specialties such as youth, mental health, and disability, offered advanced training for social workers, and supported programs and instructors for government employees. At the same time, the Office strived to perform duties in a wider area by conducting a demand survey to promote human rights and information technology education and organization education and discussion sessions. The Office utilized human rights reporter group, jumbotrons operated by the city, ad campaign in subway, human rights exhibition in a museum, and offering on-site education.

The Office has emerged as a dedicated organization advocating human rights of local residents thanks to significant internal and external effort. Now, the Office will endeavor to firmly affirm its status as a hub of human rights promotion by enhancing accessibility of underprivileged community members and exploring activities catered to their needs.

Section 2. Gwangju Human Rights Office

Gwangju Human Rights Office celebrated the 6th anniversary of its founding in October 2011. Two words can surmise the overall operation of the Office in 2011: 'stability' and 'concentration'. 'Stability' was noticeable in the areas of counseling and investigation. The number of counseling cases and complaints increased compared with 2010, while the number of investigation into complaints also grew. Amid such trends, the Office sought qualitative changes in 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 number of cases resolved, handling rate, and cases settled during investigation despite increased workload with more complaints.

Activities by the Office in areas excluding counseling and investigation 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 (3rd round) for the Disability Anti-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 (3rd round) and monitored complaints boxes of nursing homes. It also conducted human rights education for workers of mental health facilities, while offering education on human rights of multicultural families in Gwanggu area.

While focusing on its close engagement with the Commission’s strategic projects, the Office also deployed its own specialized projects appropriately. Especially, it offered an opportunity for students and citizens to improve their sensitivity to human rights by encouraging them to freely experience ‘Human Rights Sensitivity Program for Citizens’ regularly operated at the Human Rights Theme Station.

1. Human Rights Counseling and Complaints

A. Increase in Human Rights Counseling

The number of complaints, counseling, civil applications, and inquiries handled by the Office exceeded 20,000 in May 2011, and the total number from its opening on October 12, 2005 to the end of 2011 reached 24,284 showing upward trend every year. It indicates stabilization phase of human rights counseling and complaints claims and heightened accessibility by citizens. In particular, the number of counseling increased by 20% year on year as the Office conducted on-site human rights counseling sessions and mobile counseling sessions.

[Table 2-8-4] Complaints, Counseling Cases, Inquiries and Civil Applications Accepted by the Gwangju Human Rights Office by Year

(Unit: number of cases)

Year	Complaints	Counseling Cases**	Civil Applications/ Inquires	Total
Cumulative Total*	2,743	8,835	12,706	24,284
2011	684	1,834	3,437	5,955
2010	573	1,560	1,815	3,948
2009	421	1,485	2,087	3,993

* October 12, 2005 ~ December 31, 2011

** Include in-person counseling

B. On-site Human Rights Counseling

The Gwangju Human Rights Office offered 5 sessions of on-site human rights counseling in continuation of the Commission's strategic projects. On-site counseling sessions also coincide with the Office's attempt to concentrate its resources on targeted issues, a strategy the Office has pursued since 2010. The Office visited an institutional group care facility three times in 2011 to protect the rights of patients including sharing information of complaint filing procedure. The Office offered human rights education for workers of the facility as well. The Office also conducted a human rights counseling session at Bitgoeul Nursing Home and offered counseling for female marriage migrants in Mokpo, Jeonnam Province for the 2nd time.

C. In-Person Complaints from Correctional and Institutional Care Facilities

The number of in-person complaints from correctional facilities filed to the Office in 2011 largely remained unchanged from 2010. In total, 613 cases of in-person complaints were filed from 8 correctional facilities and 2 police detention facilities. As a result of counseling, the office accepted 190 complaints and resolved 266 with counseling, and 121



cases were withdrawn voluntarily.

The number of in-person complaints filed from 34 institutional care facilities was 186 in 2011. As a result of counseling, 62 cases were filed as complaints, 74 cases were resolved by counseling, and 38 cases were withdrawn by petitioners. Complaints from institutional care facilities sharply increased in 2008 as the Office monitored the operation of complaint boxes. It has been stabilized since 2009.

In 2011, the Gwangju Human Rights Office inspected complaint boxes in mental health facilities and required the facilities with no complaint box or poorly managed one to manage complaint box properly. By doing so, the Office substantially contributed to protecting the patient's right to raise complaints.

[Table 2-8-5] In-person Complaints Received and Resolved by the Gwangju Human Rights Office

(Unit: number of cases, %, days)

Category Year	Forwarded from previous year	Complaints	Closed							Pending	Average processing days
			Total	withdrawn		Complaints received		Counseling closed			
Cumulative Total*		4,670	4,623	732	15.8	1,282	27.7	2,609	56.5	47	
2011	11	613	577	121	21.0	190	32.9	266	46.1	47	10.9
2010	22	707	718	131	18.3	215	29.9	372	51.8	11	8.5
2009	6	726	710	98	13.8	210	29.6	402	56.6	22	6.3

* October 12, 2005 ~December 31, 2011

※ Cumulative total refers to the number of in-person complaints received from correctional and institutional care facilities.

2. Investigations and Remedies

Since the Office started investigation into protective facilities in its jurisdiction in April 2009, the number of complaints has shown upward trend every year and the Office conducted investigation in a stable manner. In 2011, the Gwangju Human Rights Office

handled 531 complaints in total showing increase from 495 cases in 2010. In terms of handling, the complaints are broken down to 15 cases of recommendation, 2 cases of accusation and investigation request, 1 legal aid request case and 19 cases of mutual agreement.

Affirmed cases in the area of correction have increased. In particular, the Office decided that it falls into human rights violation if a correctional facility classifies an inmate to whom execution of sentence is completed and additional sentence is executed into a drug offender and treats as such, hence recommended the Justice Minister to revise the relevant regulation. The Ministry of Justice accepted the recommendation and is considering revision of the related regulation.

[Table 2-8-6] Complaints Resolved by the Gwangju Human Rights Office

(Unit: number of cases)

Category	Received	Closed**	Approved						Denied					Under investigation
			Total	Recommendation/ Settlement	Recommendation for disciplinary actions	Referral for investigation or criminal charge	Legal Aid Request	Settlement	Total	Dismissed	Rejected	Transferred	Suspended	
Cumulative Total*	1,934	1,821	110	80	1	3	—	26	1,711	736	946	25	4	113
2011	469	430	28	17	—	3	—	8	402	181	220	1	—	
2010	501	490	36	27	1	—	—	8	454	179	270	1	4	
2009	562	608	41	31	—	—	—	10	567	291	266	10	—	

*October 11, 2005 ~December 31, 2011

**Sum of the number of closed cases received in a year and the number of closed cases transferred from the previous year

3. Education and Cooperation

A. Strengthening Specialized Area of Human Right Education



Since the opening of the Gwangju Human Rights Office 6 years ago, demand for human rights education in the region has remained steady. In 2011, the Office conducted 96 sessions of human rights lectures (4,940 persons), 30 sessions of diversity education (1,250 persons), 15 sessions of human rights education for workers of mental health facilities (685 persons), and 98 rounds of on-site human rights counseling sessions (1,765 persons).

While satisfying demand for human right education, the Office paid attention to establishing a system to provide human rights education for government employees of the local government. The Office reached an agreement with Gwangju Metropolitan City in 2009 and offered a 2-day human rights education course at the Institution of the Education and Training for the Local Public Officials in April 2010. In 2011, the program expanded to a 3 day-long course in Gwangju and Jeonbuk Province, and a 2 day-long course in Jeju. It also offered human rights education subject for job-training courses for both newly employed and experienced government employees.

B. PR and Collaboration Project

In 2011, the Office continued its PR projects with tenacity. It continuously promoted recommendations of the Commission and projects it carried out. Especially, in the year 2011, the Office hosted 'Human Rights Workshop for Journalists in Southwestern Korea for the first time as well as seasonal reporter conferences. The workshop was organized to raise awareness of local journalists as agenda setters and enhance their sensitivity to human rights on the occasion of enactment of 'Human Rights Reporting Guidelines', and it will be held annually with the agenda of important issues of the year.

The annual Human Rights Activists Workshop which has served as a forum of learning and communication among human rights advocates in Jeju area was convened in September. The workshop brought out a number of accomplishments in the last four years including organizing the human rights instructor group and strengthening constructive cooperation amongst local human rights groups.

4. Evaluation

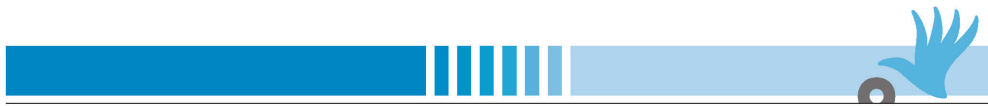
The year 2011 being its 6th year of establishment, the Gwangju Human Rights Office tried to pursue changes while maintaining stability of operation. The duties performed by the Office were counseling, investigation, education, PR and collaboration for the ultimate promotion of human rights in the region. The Office saw the biggest increase in the number of complaints in 2011, but it remained strong and delivered remedies without confusion.

In the area of human rights activities for persons with disabilities, elderly, and migrants, the Office efficiently performed duties in connection with the Commission. By adopting the strategy of 'selection and concentration' and aligning its basic activities like education, PR and collaboration with the Commission's strategic projects, the Office attempted to overcome limitations posed by budget restriction.

Especially, it offered an opportunity for students and citizens to improve their sensitivity to human rights by encouraging them to freely experience 'Human Rights Sensitivity Program for Citizens' regularly offered at the Human Rights Theme Station. The Office established itself as an agency dedicated to human rights issues in the region by aligning with the Commission's strategic projects, strengthening cooperation, exploring specialized projects in line with the Commission's strategic projects, and pushing ahead with the Office's projects by function. Such efforts led to concentration on its activities.

Section 3. Daegu Human Rights Office

In its fourth year since the establishment on January 1, 2007, the Daegu Human Rights Office wholeheartedly executed its activities as a human rights agency that included human rights counseling, receiving complaints, and handling in-person complaints in the region to fulfill its role as a guardian of human rights for citizens in the Daegu, Gyeongbuk region. It also focused on building foundation for enhancing sensitivity of local residents to human rights through human rights education, PR, and collaborative activities. In particular, it



promoted collective cooperation with related organizations on major human rights issues that included children, persons with disabilities, the elderly, and migrants, while conducting human rights education and promotional activities and greatly contributing to promoting human rights to local residents, providing remedies, and improving human rights awareness.

1. Human Rights Counseling and Complaints

A. Increase in Human Rights Counseling Cases

Interests and expectations for work of the Daegu Human Rights Office in the Daegu, Gyeongbuk region is steadily increasing, which is fully reflected in the rising number of complaints and counseling cases. The number of counseling cases increased from the previous year, while the number of counseling cases related to correctional facilities grew as a result of the Office's activities to ensure the public's access to the complaint procedure, including regular check-up of complaint boxes installed in the facilities. Also the Office has gradually expanded the areas of its counseling activities by conducting on-site counseling sessions, and it resulted in an increase of counseling cases (1,240 cases in 2010 to 1,688 cases in 2011).

[Table 2-8-7] Complaints, Counseling Cases, Inquiries and Civil Applications Accepted by the Daegu Human Rights Office by Year

(Unit: number of cases)

Year	Complaints	Counseling Cases	Civil Applications/ Inquires	Total
Cumulative Total*	2,013	4,898	5,120	12,031
2011	437	1,688	432	2,557
2010	620	1,240	1,566	3,426
2009	410	900	1,679	2,989

* July1, 2007 ~ Dec. 31, 2011. (Includes in-person sessions)

B. On-site Human Rights Counseling Sessions

The Daegu Human Rights Office offered 13 rounds of on-site human rights counseling sessions for multi-cultural families (May), the homeless and the elderly living alone (6 sessions from May to December), persons with hearing disabilities (June), the elderly (4 sessions in September), and Ulleung-gun residents (from October to December). Also the Office conducted ‘on-site counseling session promotion’ for the homeless and introduced them unfairness of discrimination and various remedial procedures (5 rounds and 30 counseling cases).

C. Monitoring Complaint Boxes in Institutional Care Facilities

The Office conducted regular monitoring of complaint boxes installed in institutional care facilities in October and November to review whether the facilities properly managed the complaint boxes as recommended by the Commission, and to inform the patients of the works of the Commission. After monitoring, the Office identified two facilities that did not implement the complaint boxes, another two failed to relay the letters submitted to the box to the Commission, and two facilities that did not place the Commission’s leaflet for complaint procedure guide. Accordingly, the office recommended the facilities to take necessary actions for remedy. Also, the Office recommended the facilities to rectify the facility policy of imposing excessive restriction on patients’ access to the use of telephone or allowing access to collect calls only.

D. In-person Complaints from Correctional and institutional care Facilities

The status of in-person complaints in 2011 is as follows;



[Table 2-8-8] In-person Complaints Received and Resolved by the Daegu Human Rights Office

(Unit: number of cases, %, days)

Category Year	Forwarded from previous year	Complaints	Closed								Pending	Average processing days
			Total	withdrawn		Complaints received		Counseling closed				
Cumulative Total*		4,476	4,432	888	20.0	850	19.2	2,694	60.8			
2011	37	720	713	215	30.2	111	15.6	387	54.3	44	16.7	
2010	39	1,104	1,106	198	17.9	185	16.7	723	65.4	37	11.9	
2009	38	1,190	1,189	209	17.6	250	21	730	61.4	39	10.7	

* July 1, 2007 ~December 31, 2011.

※ Cumulative total refers to the number of in-person complaints received from correctional and institutional care facilities

2. Investigations and Remedies

Since the Daegu Human Rights Office resumed its operation in April 2008, it received a total 556 cases of complaints and handled 437 cases in 2009. 620 complaints were received and 703 cases were handled in 2010, while 440 complaints were received and 492 cases were handled in 2011. Among them, 32 cases were affirmed (including 12 cases resolved with recommendations) and 38 cases were settled during investigation. Average number of days taken to process a complaint was 80.7 days and 100% of organizations the Office's recommendations were addressed to affirmed recommendations for remedy.

One important recommendation of 2011 was addressed to workers of mental health facilities to complete human rights training after a psychiatric hospital was found to restrict visitation rights of its patients. After learning that some mental health facilities did not fulfill their duty of properly maintaining complaint boxes, the Office recommended the facilities to protect the patients' right to file complaints by supplying complaint forms. There was a complaint filed by a patient who voluntarily admitted himself to a psychiatric hospital but was later refused by the hospital when he requested to be discharged. The

Office determined that the hospital violated the patient's right and recommended the hospital to immediately discharge the patient and offer human rights education to its employees. In particular, the Office set the standard that when a petitioner dies after filing a complaint, investigation can be continued after the death of the complainant if necessary, and recommendation can be issued.

[Table 2-8-9] Complaints Resolved by the Daegu Human Rights Office

(Unit: number of cases)

Category	Received	Closed**	Approved						Denied and Others					Under investigation
			Total	Recommendation/ Settlement	Recommendation for disciplinary Actions	Referral for investigation or criminal charge	Legal Aid Request	Settlement	Total	Dismissed	Rejected	Transferred	Suspended	
Cumulative Total*	1,900	1,826	46	20	—	—	—	26	1,780	672	1,010	73	25	74
2011	440	492	32	12	—	—	—	20	460	144	305	10	1	
2010	620	703	9	7	—	—	—	2	694	278	370	25	21	
2009	556	437	4	—	—	—	—	4	433	174	226	30	3	

* July 1, 2007 ~December 31, 2011.

**Sum of the number of closed cases received in a year and the number of closed cases transferred from the previous year

3. Human Rights Education

The Daegu Human Rights Office has offered 159 sessions of human rights education for 16,729 persons in areas of general human rights, persons with disabilities, cultural diversity, and the elderly. Compared to 118 sessions offered to 9,719 persons in 2010, demand for human rights education is clearly growing. Moreover, the Office discovered human rights education instructors in the region and offered additional training to further their expertise: 14 mental health instructors, 8 multi-culture instructors, 5 youth human rights instructors, etc. In addition, the Office offered 1 human rights sensitivity



improvement course to 14 persons.

As the revised Mental Health Act took effect from March 22, 2009, annual human rights education for workers of mental health facilities became mandatory. To facilitate the requirement, the Office offered 17 sessions for 618 persons in 2010 (around 41% of persons subject to the requirement in Daegu and Gyeongbuk region). In 2011, it offered 21 sessions (17 group sessions and 4 on-site sessions) to 1,053 persons showing an increase of 1.7 times.

4. Collaboration

A. Supporting the Enactment of Human Rights Ordinance by Local Government

The Office organized a ‘Human Right Ordinance Enactment Researcher Group’ in May 2009 as an effort to assist the local government to propose and enact the ordinance. Activities of the group included conducting a research of case studies of Germany and Japan on the subject and offering presentations to organization representatives and city council members for their support. In 2011, the Office monitored regulations of Daegu city and Gyeongbuk Province through activities such as Human Right Ordinance Enactment Researcher Group, seminars with human rights groups, and a special seminar on the 3rd anniversary of the Disability Anti-Discrimination Act, and it submitted its recommendations for revisions of local ordinance regarding disability discrimination. Thanks to such efforts, the Ordinance on Prohibition of Disability Discrimination and Human Rights Improvement (Ordinance No. 4259 of Daegu Metropolitan City) was enacted and enforced in April 2011.

The human rights of students are an important issue the Office studies carefully. The Office opened and operated in August a promotion booth at the public hearing for the enactment of Education Right Charter held by the Daegu Metropolitan Office of Education. In September, the Office offered a class on human rights of students titled ‘Trail

of Human Rights in School’, collected participants’ opinions on ‘Daegu Education Right Charter’, and delivered the result to Daegu Metropolitan Office of Education. In November, the Office ran a human rights academy for council members to raise their awareness of human rights and motivate them to take interest in political agenda with strong human rights perspectives such as the enactment of the Human Rights Ordinance.

B. Internal and External Collaboration by Issue

In 2011, the Daegu Office hosted 28 sessions of collaboration meetings with relevant organizations by human rights issue such as disability, mental health, cultural diversity and migrants, and the elderly in an effort to pursue the strategic projects of the Commission with full force. The Office successfully hosted a presentation to inform the activities and outcome of its monitoring unit for the Disability Anti-Discrimination Act and contributed to enactment of the Disability Discrimination Ordinance by the Daegu City Council, and improvement in compliance with the Disability Anti-Discrimination Act.

For the issues of cultural diversity and migrants, the Office held a meeting to collect opinions on measures for improvement of the Commission’s activities and the guidelines on human rights of migrant workers in order to develop policy improvement agenda for the Office’s Human Rights of Migrants Team. The Office also worked hard to foster greater human rights recognition by migrant workers, married female migrants, and culturally-diverse families and strengthen civil group experts through various programs catered to local needs.

Meanwhile, the Office conducted a research titled ‘monitoring the support system for senior citizens living alone’ and interviewed 97 senior citizens, after which it published a report on problems of agencies responsible for taking care of senior citizens living alone and necessary regulatory improvements.

5. Promotional Activities



From January 2011, the Daegu Office aired a weekly radio program on Daegu MBC Radio (52 times in 2011) to communicate weekly human rights news to local residents. The Office also created 15 types of PR materials (portable and fixed banner etc.) featuring the Universal Declaration of Human Rights, human rights comics, and award winning human rights artworks to be offered for counseling and education. In particular, the Office made and distributed a passport-type diary on which the Universal Declaration of Human Rights is printed, and it has been well received. Moreover, the Office inserts voice-eye code into all publications to accommodate the special needs of persons with disabilities.

6. Evaluation

The jurisdiction served by the Daegu Human Rights Office expands to include 10 correctional facilities and 378 institutional care facilities. The jurisdiction is very wide with populations of 2.54 million in Daegu and 2.74 in Gyeongbuk region. It was 4 years ago when the Office was established, and its passion for human rights counseling, investigation, remedies, human rights education, PR, and collaboration continues.

As a result of continued effort for investigation and remedies of human rights violations in correctional facilities and mental health facilities, capacity of the Office's investigators has strengthened. And thanks to weekly and monthly meetings to review remedies on human rights violations, the number and rate of affirmed cases have increased. Furthermore, 100 of agencies and organizations that received recommendations for remedy accepted the recommendations and promptly responded. The Office created a human rights counseling service map to increase the public's accessibility to human rights counseling. Moreover, the number of on-site human rights counseling sessions has increased to 13 sessions (doubled from 2010), which also improved accessibility to the Office's services by residents in remote areas such as Ulleung-gun .

At the same time, the Office faithfully fulfilled its responsibility of meeting the area's growing demand for human rights education. Also, the Office actively communicated and

promoted its activities to the public through a discussion forum for human rights movies (Cinema chatting), human rights reporter activity, and creating promotional materials. The Office compiled a database of local residents interested in human rights and activities of the Commission and used it for providing customized information and campaigns. As a result of activities online (blog, twitter, etc.) and offline promotion, the Office was able to meet and communicate with 110,000 citizens. Living library, human rights photograph contest, monthly movie screening, lectures commemorating the 63th anniversary of the Universal Declaration of Human Rights, official blog, and human rights education sessions were the activities of the Office that opened its doors wider to the public.

The Office also worked together with a number of human rights advocate groups such as the human rights reporter group, Citizens' Idea Club, Guardian of Human Rights of the Elderly, monitoring unit for the Disability Anti-Discrimination Act, and human rights education instructor groups.

In the area of disability, activities of the Monitoring Group for the Disability Anti-Discrimination Act expanded to include Daegu and Gyeongbuk region. The group monitored a total of 197 establishments in the region, making Daegu and Gyeongbuk the highest among the country's 7 regions monitored by the group. Moreover, the Office urged the local government to enact the Disability Discrimination Ordinance and amend the disability discrimination article of the existing ordinance. The Office also offered 21 sessions of human rights education (17 group sessions and 4 on-site sessions) to 1,053 workers of mental health facilities, meaning nearly 70% of all workers required to complete mandatory human rights education completed their requirement.

To study the status of senior citizens living alone and develop improvement measures, the Guardian of Human Rights of the Elderly, under the auspices of the Office and accommodated by local agencies, conducted 45 rounds of interviews with 97 senior citizens. The interviews raised areas of concerns such as abuse and failure to receive government aid.

In addressing the issues of migrants and cultural diversity, the Office tried to promote



the participation of migrant workers and families with cultural diversity through a special lecture on cultural diversity and human rights and workshops. The Office paid special attention on helping migrants and families in remote areas like Gyeongsan and Gyeongju, too.

Finally the Office urged the local government and human rights advocate groups to have more interest in Human Rights Ordinance by concluding an MOU with local universities regarding research and cooperation for the Ordinance. Since the human rights of students was one of the Office's strategic issues, the Office worked closely with relevant agencies and organizations, volunteered to serve as a member of joint task force for the promotion of rights of students, and conducted a status survey. As a result of such efforts, awareness of human rights of students by stakeholders of education increased, and the Office published the White Book on Humans Rights of Students featuring actions plans for the promotion of student rights.

Since its establishment in July 2007, the Daegu Human Rights Office has played a leading role in advocating human rights in the region. Being responsive to the local needs, it will continuously enhance its way of activities and explore areas to be improved. Most of all, the Office will endeavor to raise the accessibility to human rights remedies by residents in remote areas.

Appendix

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

1. Commissioners and Senior Executive Officers

□ Commissioners

Position/Name	Profile	Remarks
 <p>Chairperson Hyun, Byung Chul</p>	<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)
 <p>Standing Commissioner Jang, Hyang Suk</p>	<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.)
 <p>Standing Commissioner Kim, Young Hye</p>	<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.14, 2013)
 <p>Standing Commissioner Hong, Jin Pyo</p>	<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 	Nominated by the Chief Justice of the Supreme Court (Aug.10, 2006 ~ Aug.9, 2012)
 <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 	Elected by the National Assembly (Sept.4, 2008 ~ Jan.2, 2011)
 <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 	Elected by the National Assembly (Dec.29, 2009 ~ Dec.28, 2012)
 <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 	Nominated by the President (Feb.8, 2010 ~ Feb.7, 2013)



Position / Name	Profile	Remarks
 <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>
 <p>Commissioner Kim, Sung Young</p>	<ul style="list-style-type: none"> • President, Sungkyul University • Director, Korean Council for University Education • Chairman, Korea Council for College of Theology • Advisory Member, National Unification Advisory Council • Co-Chair, Korea Future Forum • Chair Professor, Baekseok University 	<p>Nominated by the President (Sept.28, 2011 ~ Sept.27, 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.1, 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. 5, 2009



□ Former Commissioners

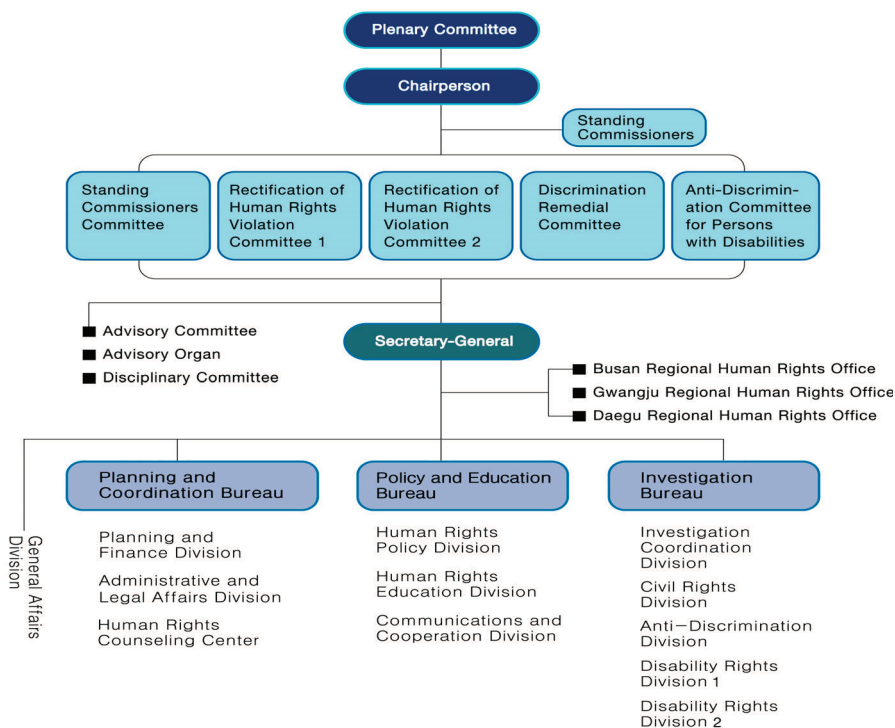
Position	Name	Profile	Term
Standing Commissioner	Park, Kyung-Seo	· First Human Rights Ambassador of Korea	Nov.25, 2001 ~ Dec.23, 2004
Standing Commissioner	Yoo, Hyun	· Presiding Judge, Seoul High Court	Nov.25,2001 ~ July. 20, 2004
Standing Commissioner	Rhyu, See-Chun	· Standing Director, Council of National Literature Writers	Nov.25, 2001~Mar.12, 2004
Commissioner	Kwak, No-hyung	· Professor of Law, Korea National Open University	Nov.25, 2001 ~ Feb.23, 2003
Commissioner	Kim, Duk-Hyun	· Judge, Seoul District Civil Court	Nov.25, 2001 ~ Mar.14, 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.29, 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	Nov.25, 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.18, 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 28, 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.23, 2007
Commissioner	Choi, Keum-Sook	· Professor of Law, Ewha Womans University	Dec.24, 2004 ~ Dec.23, 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 ~ Dec.28, 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 ~ Oct.10, 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
Commissioner	Kim, Yang Won	· President, ELIEL Welfare Foundation	Sept.10, 2008 ~ Sept.27,2011

□ Secretary-General and Senior Executive Officers

Name	Profile	Name	Profile
 Secretary-General Shon, Sim Kil	<ul style="list-style-type: none"> · Director-General, Violation Remedies, NHRCK · Anti-Monopoly Bureau, Fair Trade Commission · Economic Planning Bureau, Economic Planning Board 	 Director-General Planning & Coordination Ahn, Jung Chul	<ul style="list-style-type: none"> · Director-General, Administration and Planning · Director-General, Discrimination Investigation, NHRCK · Special Researcher in Research of May 18 Movement, Gwangju Metropolitan City Government · Executive Member, Committee on Deliberation of Reputation Recovery and Compensation for Democratization Movement Activists · Researcher, Research Center for Contemporary Korean Historical (May 18 Movement Research Center)
 Director-General Planning & Coordination Ahn, Suk Mo	<ul style="list-style-type: none"> · Director, General Affairs, NHRCK · Director, Violation investigation, NHRCK · Office of Inspector General, Ministry of Defense 	 Director-General Investigation Bureau Shim, Sang Don	<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)
 - 4 Nominated by the President, and 4 Elected by the National Assembly and 3 Nominated by the Chief Justice of the Supreme Court and Nominated by the President
 - 3 year-term (no more than 2 consecutive terms)
- The Secretariat : 1 Secretary-General, 1 Director General, 2 Bureaus, 10 Divisions, and 3 Regional Offices
 - ※ Reorganization (October 10th, 2011) led to increase in total workforce from 164 to 185 (by 12.8%)



- Plenary Committee
- Standing Commissioners/ Chairperson
- 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
- Director for General Affairs

- Director General for Planning and Coordination
 - o Director for Planning and Finance
 - o Director for Administrative and Legal Affairs
 - o Human Rights Counseling Center

- 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 1
 - o Disability Rights Division 2

3. Budget

(Unit: KRW millions)

Item		FY 2010	FY 2011	Change (%)
Total		22,285	22,079	△206 (△0.9)
Payroll Expenses		10,869	10,316	△553 (△5.1)
Overhead		6,813	6,948	135 (2.0)
Project Expenses		4,603	4,815	212 (4.6)
Details	Promotion of Human Rights Sensitivity	1,210	1,234	24 (2.0)
	① Raising awareness	422	399	
	② Preventing discrimination and creating human rights culture	289	298	
	③ Facilitating human rights education	499	537	
	Protecting rights of socially vulnerable groups and minorities	1,186	1,527	341 (28.8)
	④ Operating specialized human rights counsellors			
	⑤ Advancing human rights in vulnerable areas	240 566	240 694	
	⑥ Promoting human rights of persons with disabilities	380	593	
	Advancing laws, systems and practices on human rights	902	754	△148 (△16.4)
	⑦ Developing human rights systems			
	⑧ Researching on human rights of North Korean defectors and conditions in North Korea	571 331	554 200	
	Enhancing internal and external cooperation	558	558	0
	⑨ Pursuing international exchanges and cooperation	312	312	
	⑩ Supporting works of APF and ICC	100	100	
	⑪ Conducting joint projects with human rights institutes	146	146	
	Establishing IT system	747	742	△5 (△0.7)
	⑫ Setting up and operating human rights information system	747	742	

National Human Rights Commission
of the Republic of Korea
Annual Report 2011

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