

NATIONAL HUMAN RIGHTS COMMISSION
OF THE REPUBLIC OF KOREA

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National Human Rights Commission
of the Republic of Korea





National Human Rights Commission of the Republic of Korea

National Human Rights Commission of Korea Annual Report 2013

The National Human Rights Commission publishes and distributes this Annual Report of its activities from January 1st to December 31st of 2013 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

The National Human Rights Commission of the Republic of Korea (NHRCK) continued to make its best efforts without a letup in 2013. Our efforts encompassed not only the promotion of human rights of the social underprivileged and minorities, but also a wide variety of issues such as human rights policy including day-to-day human rights concerns, inspection and relief of human rights violations and discriminating practices, human rights education and publicity, cooperation with human rights organizations, groups, and individuals, both domestic and international.

I am proud that our efforts resulted in excellent numerical performance. In 2013, the number of receipts of complaints exceeded 10,000 and the number of counseling cases reached more than 30,000, first since the inception of the NHRCK. The number of complaint filings increased 160% compared with the year 2008. More than 170,000 persons, which increased 266% compared with the number of five years ago, participated in NHRCK's human rights education courses for the benefit of enhancing human rights sensitivity.

In addition to our achievements expressed numerically, many other projects have been carried out. The Information and Communications Technologies (ICTs) and Human Rights Report was published where problems of collecting excessive personal information were pointed out and their solutions were proposed as well. It is noteworthy that the Report has already predicted the recent personal information leakage scandal of credit card companies. In addition, the Labor and Human Rights Policy Planning Group of the NHRCK actively issued policy recommendations and

opinions on labor rights, and carried out comprehensive activities and research on the human rights friendly management of business companies by, for example, developing the Guidelines on Human Rights Friendly Management and Checklists. It should be also mentioned that the NHRCK gained sympathetic responses from home and abroad to its active program for the improvement of human rights in North Korea from the perspective of human dignity.

In the rapidly changing social environment, the NHRCK has been on the alert for the threat of human rights violations in the new areas by identifying the global trends of human rights and looking into the new human rights agenda.

We at the NHRCK will reflect on the impartial evaluation of what we did in 2013. I promise that we will build on what we have done well and come up with solutions to what we should have done better.

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

National Human Rights Commission of Korea Annual Report 2013

Chapter 1. Overview

The National Human Rights Commission of the Republic of Korea (hereinafter to be referred to as "the NHRCK" or "Commission") is an independent national institution which was established in November 2001. The mission of the NHRCK is to protect and further promote the inviolable human rights of all human beings, thereby realizing the dignity and value of people and contributing to establishing the fundamental democratic order.

The Paris Principles, a set of international standards which frame and guide the work of National Human Rights Institutions (NHRIs), stipulates that "A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence to guarantee its independence from the Government." The NHRCK, as a comprehensive National Human Right Institution created under these principles, fulfils the following responsibilities: the improvement of legislation, institution, policy, and practices of human rights; investigations and remedies of human rights violations and discriminatory acts; implementation of international human rights treaties; and cooperation with domestic and foreign human rights protection groups and organizations.

The year 2013 marked the 20th anniversary of the adoption of the Paris Principles by the United Nations, and the 65th anniversary of the adoption of the Universal Declaration of Human Rights. The year also witnessed the full swing of the implementation of the Three-Year Plan for the Promotion of Human Rights(2012~2014). The NHRCK has tried its best to live up to the roles and responsibilities expected of the national human rights institution. They include a role of medium for the introduction of the international human rights standards, a role to play for the proposal of new social human rights agenda including corporate human rights management, among others. Further, the NHRCK, as an institution of policy recommendation and human rights remedy, has kept standing firm in promoting universal human rights whenever our people face human rights problems, small or serious, in daily lives: human rights problems of the social vulnerable such as children, women, the aged, and immigrants; labor human rights problems of casual workers; discriminatory practices in employment and other areas.

1. The Domestic and Foreign Environment in 2013

The National Human Rights Commission Act, revised on March 21, 2012, newly designated more than 6,700 entities, which include private schools and entities related with the government, as the subjects of investigation by the NHRCK in case of human rights violations by such entities. As such, the NHRCK is now responsible for the investigation and remedy for the human rights violations by the new additions, and the central and local/provincial governments and autonomous bodies, or

the existing subjects of investigation. Complaints of human rights violations and discriminatory acts filed with the NHRCK have been continuously on the rise since its creation in 2001. Furthermore, our society has expectations that the NHRCK will play an active role in finding out solutions to the complex or institutional problems which may not be resolved as an individual case of complaint due to the limitations of the related laws. It can be said, therefore, that people's interest in and needs for the promotion of human rights are increasing.

In particular, local/provincial governments and autonomous bodies have established human rights charters and human rights ordinances one after another. This asked the NHRCK to make more efforts to promote cooperation with and support for them. In addition, the institutional and legal environment for human rights education has changed. For example, the necessity of human rights education was explicitly stipulated by the Child Welfare Act, the Framework Act on Juveniles, and the Social Welfare Services Act all of which were revised in 2012. The role of the NHRCK should be accordingly strengthened as the human rights educational institution for the prevention of human rights violations.

The international human rights community also expressed higher expectations on the role of the NHRCK. The Republic of Korea began to actively participated in international human rights discussions as it has been elected to the UN Human Rights Council for its third term (2013~2015) since its inception in 2006. In response, the NHRCK began to take on a more active role on the international scene as is

witnessed by its new role for leading the Asia-Pacific Region of the *ICC Working Group on BHR* (Business and Human Rights Working Group of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights). As such, the NHRCK has been asked to strengthen its capacity to respond to the request of the international society in addition to its existing challenge for the facilitation of national implementation of international human rights treaties.

2. Basic Directions for Human Rights Work

In 2013, the NHRCK carried out its work based on its mid-term plan or the Three-year Plan for the Promotion of Human Rights (2012-2014). The three-year plan reconfirms the strategic goals of the NHRCK whose vision is "A World of Dignity for All," and details the objectives and tasks to fulfill the goals.

The plan incorporates current human rights issues and mid- to long-term challenges, including five strategic goals, one special project, and two featured projects. The five strategic goals are: i) Ensuring and strengthening institutional protection for basic human rights, ii) Expanding human rights protection for the socially vulnerable groups, iii) Improving the effectiveness of investigations and remedies, iv) Spreading human rights culture through human rights education, and v) Eliminating discrimination. Strengthening the Improvement Efforts for Human Rights in North Korea was selected as the theme of the special project while Spreading Human Rights Culture in Business Management

and Promoting Human Rights in ICTs (Information and Communications Technologies) Environment as two featured projects.

As the year 2013 is in the middle of the plan, the NHRCK has tried to link the achievements in 2012 to actual improvement of human rights conditions.

Chapter 2. Achievements by Project

1. Five Strategic Goals

A. Ensuring and Strengthening Institutional Protection for Basic Human Rights

The minimum basic human rights standards are prescribed by the Constitution and statutes as well as by the international human rights treaties ratified by Korea, and international customary laws. The NHRCK has tried its best to ensure institutional protection of basic human rights. In detail, it identified five performance goals which should be achieved by implementing the 2012-2014 Action Plan for Human Rights. The five performance goals are: i) guaranteeing and reinforcing the right to freedom; ii) expanding and promoting social rights; iii) promoting the implementation of international human rights standards in Korea; iv) strengthening the foundation for human rights through the improvement of statutes; and v) developing the Human Rights Index.

In 2013, the NHRCK focused on reinforcing the institutional

foundation as a way to ensure basic rights. For example, it reviewed the status of implementing the recommendations of the second phase of the National Action Plan for the Promotion and Protection of Human Rights (hereinafter to be referred to as "NAP"). It also hosted a round table and a forum attended by experts as an effort for the enactment of a "Framework Act on Human Rights."

With regard to the right to freedom, the NHRCK carried out a *suo moto* investigation on the illegal surveillance on civilians by the Civil Service Ethics Division of the Prime Minister's Office last year. In January 2013, the NHRCK recommended, based on the findings of the investigation, the President, the Speaker of the National Assembly, and the Prime Minister to take necessary action to prevent the recurrence of similar cases and to provide the victims with appropriate remedies. In October 2013, the Chairperson of the NHRCK issued a statement on the governmental request for the revision of the Charter of the Korean Teachers and Education Workers Union. The statement emphasized that excessive government intervention in the qualifications requirements for labor union members might possibly infringe upon the freedom of association. It further reconfirmed the existing position of the NHRCK that Paragraph 2, Article 9 of the Enforcement Decree of the Trade Union and Labor Relations Adjustment Act, which disqualifies the status of the trade union for an extremely small number of union members are displaced from the workplace, should be repealed.

The NHRCK, in addition, expressed its opinion on the proposed draft of amendments to the Maritime Security Act involving the use of

weapons by maritime police officers which has a serious bearing on the life of an individual. This way, the NHRCK has carefully monitored the enactment and revision of statutes which might have influenced people's rights to life and freedom. The interest of the NHRCK further reached the strengthening of the right of life of individuals, especially the socially vulnerable groups. For this purpose, the NHRCK recommended the Minister of Health and Welfare and other related agencies that the Act for the Prevention of Suicide and the Creation of Culture of Respect for Life should be duly revised.

Furthermore, the NHRCK formed and operated the Labor and Human Rights Policy Planning Group to expand and promote the social right of people. The Group identified important issues of labor and human rights and intensively reviewed policy improvement alternatives. Further efforts resulted in the survey on the status of labor human rights violations by ICT devices; recommendations for the institutional improvement for the protection of laid-off people; recommendations for policy improvement to promote the rate of minimum wage compliance; recommendations for policy improvement to promote the treatment of school non-regular workers; and policy recommendations for the promotion of public childcare and childcare workplace environment. All these efforts are what the NHRCK has focused on to strengthen the protection of social rights including the right of labor.

In the area of strengthening the implementation of international human rights standards in Korea, the NHRCK gained a better understanding of the international human rights system by systemically

analyzing international human rights systems including the UPR (Universal Periodic Review), human rights treaty bodies, European human rights system, and American human rights system. In addition, for the foundation for domestic implementation of the international human rights standards, a research was conducted on the operations and achievements of 69 national human rights institutions around the world.

In the area of developing the human rights index, the NHRCK contracted out a research work as a second year business of the three-year national human rights index development project. The research work focused on the selection of indicators for the development of national human rights index.

B. Improving Human Rights Protection for the Socially Vulnerable

In order to promote the human rights of migrant workers by making recommendations to the related authorities for institutional improvement, the NHRCK examined the human rights practices of migrant workers in 2013 (Examination of the Human Rights Practices of Migrant Workers in the Agriculture and Stockbreeding Industries). With the complaints on the forced repatriation order to foreign minority children, the NHRCK recommended the Ministry of Justice to take necessary action to prevent recurrence of such unjust orders, which led to desirable policy changes. The achievements of the NHRCK also include: its policy recommendations for those people who reside in Korea for humanitarian reasons and their families to have access to the

national health insurance, and its expression of opinion on the draft of the enforcement decree of the Refugee Act.

In the area of promoting the human rights of senior people, the NHRCK made a recommendation for policy improvement based on the results of the Survey on the Human Rights Conditions in Senior Jobs, which was conducted in 2012. It further recommended the related government authorities to take policy actions to ensure income, the right of health, and the right of labor for the elderly, and to prevent senior abuse and senior suicides. Again in 2013, the fifth batch of the Monitoring Group on the Rights of the Elderly was formed so that seniors themselves take part in the promotion of their human rights.

As for the promotion of the human rights of children, youth, and care facilities residents, the NHRC expressed its opinion actively on relevant laws, for instance, on the draft of the Human Rights of Child and Juveniles, on the draft amendments to the Act on the Prevention of and Countermeasures against Violence in Schools, and on the draft of Act on the Support of School Dropouts outside Schools. It further made strenuous efforts for individual remedy actions. They included the on-site investigation of child welfare facilities, the *suo moto* investigation of the human rights violations at child nursing facilities, and the on-site investigation of mental health facilities.

After revision of the Act on Special Cases concerning Adoption in 2012, much concern was raised that unmarried mothers may abandon their babies in baby boxes to hide their identity because the provisions of the revised Act request birth reports for adoption applications. The

NHRCK, in response, made a recommendation, in 2103, for the improvement of the family relationship registration system to seek for a harmony between ensuring the anonymity of biological parents and protecting the right of children to know their biological parents.

C. Enhancing the Efficacy of Investigations and Remedial Actions

The NHRCK has come up with various arrangements for everybody to easily have access to the procedures, such as counseling and complaints filing, for remedy of violations. Such arrangements include circuit counselors for different groups of needs, individual issues of human rights; building the video counseling system for those who have language or hearing difficulties; and building the SNS counseling system in response to the popularization of smartphones. Additional efforts of the NHRCK include such a variety of services as counseling reservations, counseling service in English for foreigners, and sign language counseling for those with hearing difficulties. These active efforts of the NHRCK resulted in a 21.3% increase in counseling cases compared with the previous year, and 5.0% increase in complaints cases, also, with the previous year.

The NHRCK noticed that both counseling cases and complaints increased in quantity and became complicated and diversified in content. In response, it has made internal capacity strengthening efforts such as the preparation of counseling and investigation manuals for efficient processing, statisticalization of related data and information, and promotion of staff education and training.

The Commission has maintained an active posture in current social human rights issues by making *suo moto* investigations promptly and proactively, though complaints are not received, in case of issues involving human rights violations or discriminatory acts. Such *suo moto* investigations include the human rights violations claims in the facilities for the disabled and child care facilities, violence of maritime police on Chinese seamen, discrimination against the maternal line in paid leave for auspicious or funeral events in business corporations. On-site monitoring was also conducted in major areas of concern over human rights violations such as the demonstration site of *Milyang* residents who protested against the building of power transmission towers, the protest meetings against the closing of *Jinju* Medical Center, etc.

In order to improve the satisfaction with the accessibility of local communities to human rights protection, the NHRCK has built a human rights counseling network of its regional offices and regional human rights bodies to share important counseling cases, especially in such areas as migrants, children, the disabled, women, sexual violence, etc. This promoted the degree of satisfaction with regional counseling service. In addition, the Commission conducted on-site examinations on the status of complaints reception in group care facilities to guarantee the people housed in such facilities the right of complaints..

On the other hand, the NHRCK signed an MOU with the Korea Legal Aid Corporation of the Korean Bar Association for the promotion of human rights on October 29, 2013 as an effort to invigorate legal aid activities for the victims of human rights violations and discriminatory acts.

D. Fostering a Culture of Respect for Human Rights through Education

The 2011 United Nations Declaration on Human Rights Education and Training states that everyone has the right to participate in human rights education and training. The 2nd phase of the World Programme for Human Rights Education of the United Nations highlights the importance of continuous human rights education in elementary and secondary education, in educational programs for public officials, law enforcement officials, and soldiers, and in higher education.

The number of participants in the human rights education programs of the NHRCK was 168,580 or increased by 34.9% compared with that of the previous year. The Commission actively responded to various education needs by conducting a total of 1,834 education courses for such areas as police, armed forces, the aged, the homeless, multi-culture, children and youth, disability, ICTs and human rights, mental health, etc.

In particular, the NHRCK broadened the horizon of human rights education by opening a customized program for social opinion leaders who share responsibility for the protection of human rights (such as the press, members of local/provincial councils, etc.), and soldiers.

The Commission also paid attention to human rights education for the managers of group care facilities and employees in cooperation with the related entities including the Ministry of Health and Welfare in order to promote the protection of human rights, which was a recent social issue, of the disabled, children, and the aged who were housed at group care facilities. The Commission was also very responsive to the ever-increasing needs for human rights education by expanding the cyber education

programs for the general public, building the mobile Learning Management System (LMS) for the provision of education through smart devices, among others.

The NHRCK has tried to lay an institutional foundation for human rights education by organizing traveling forums under the theme of enacting a human rights statute in such cities as Busan, Gwangju, Daegu, Daejeon, etc. The Commission also braced up in-school human rights education by signing an MOU with the Education Offices of Daegu, Seoul, Gwangju, etc. to facilitate the implementation of the comprehensive recommendations for the creation of human rights friendly school culture.

The NHRCK strengthened its linkage to the international human rights education mechanism. For instance, the Commission attended the fourth International Conference on Human Rights Education, and organized a round table with the Japanese General Research Institute of the Convention on the Rights of the Child to discuss the promotion of children's human rights and fostering human rights friendly school culture, and took part in the international human rights education experts conference co-organized by the UN High Commissioner for Human Rights and the Irish National Human Rights Institution.

E. Strengthening Remedies for Discrimination

The NHRCK set as major performance goals for 2013: i) promoting human rights and preventing sexual harassment for vulnerable groups including women, ii) protecting the human rights of social minority

groups, iii) promoting the effectiveness of investigations and remedial actions through careful investigating activities, and iv) establishing the criteria for discrimination and strengthening professionalism in investigation.

Pertaining to strengthening the efforts to rectify discrimination against female workers and others, the NHRCK issued a policy recommendation for gender equality and maternity protection in military personnel based upon the results of its 2012 Survey on the Human Rights Conditions for Women in the Military. Based on the result of its *suo moto* investigation, the Commission also recommended 82 public enterprises and private companies to rectify discriminatory practices, for instance, in granting leaves for auspicious and funeral affairs with maternal grandparents. In addition, the Commission gained the status of wage disparity against non-regular female workers to find improvement measures, and prepared and distributed the human rights guidebook for female emotional workers following the previous year's human rights promotion project for such workers.

The NHRCK, the Ministry of Employment and Labor, and the Ministry of Gender Equality and Family share responsibilities and functions for strengthening preventive measures against sexual harassment. In order to provide a comprehensive guidance to the remedy procedure for sexual harassment victims, the NHRCK prepared and distributed a comprehensive guidebook on the investigation, remedy, preventive policy, and education. It also issued a policy recommendation, based on the findings of its 2012 survey, for preventing sexual violence and harassment

in universities and for protecting the victims of such violence. The Commission also took stock of the status of sexual harassment in the course of medical services to lay a foundation for proposing the guidelines for the protection of sexual self-determination of patients and the prevention of sexual harassment.

As for the protection and promotion of the human rights of minority groups, the NHRCK published the Guidebook on the Prevention of Medical History Discrimination in order to spread a correct understanding of and prevent discrimination against HIV/AIDS, whose horror often stems from ignorance and prejudice, and infection causes of hepatitis B.

Some local/provincial governments refused to hang a placard advocating the right of equality of sexual minority groups. In response, the Commission extended a recommendation for the prevention of recurrence, thereby contributing to the promotion of human rights.

As for the establishment of discrimination criteria, the NHRCK launched a two-year project for the revision of the discrimination criteria which would reflect the changes in domestic and foreign legislation related to discrimination, and the related decisions of the Commission.

2. Special and Featured Projects

A. Improving North Korean Human Rights

Concern over the human rights conditions in North Korea has heightened in both Korea and the world. The United Nations and the

international community have been actively involved in the discussion to invoke improvement in human rights in North Korea.

In 2013, the NHRCK, with regard to human rights in North Korea, issued a policy recommendation, two opinions, and two statements of the Chairperson of the Commission. In detail, they include: i) recommendation for institutional improvement in support of smooth settlement of North Korean defectors, ii) opinion on the protection of the human rights of the children to whom North Korean defector women gave birth in China, iii) opinion on the draft amendments to the Act on Compensation and Assistance to Persons Kidnapped to North Korea after the Conclusion of the Military Armistice Agreement, iv) Chairperson's statement on the establishment of the United Nations Commission of Inquiry (COI) on Human Rights in North Korea, and v) Chairperson's statement on Korean government's humanitarian support for North Korea.

The NHRCK did groundbreaking work for the institutional foundation for the improvement of human rights in North Korea on March 15, 2011. On that day, it opened the Reporting Center for Human Rights Violations in North Korea and the North Korean Human Rights Documentation Center and Archives. These two organizations are responsible for the reception of human rights violations reports and for the systematic documentation and management of the reporting cases. In 2013, the Commission conducted, as it did in the previous year, a survey on 652 North Korean defectors who newly entered the country.

In May 2013, nine youngsters who escaped from North Korea were

repatriated to North Korea against their will. This brought the NHRCK to gain understanding of the practice of processing North Korean defectors in South Asian region for the prevention of recurrence of such an incident. As such, the Commission representatives visited Thailand and the Lao People's Democratic Republic to conduct an on-site examination and to promote cooperation with the related entities. In addition, the Commission took notice of the educational difficulties experienced in Korea by those youngsters who defected from North Korea. In response, it took stock of the educational practices for the North Korean defectors and their difficulties in this regard. Based upon the result, it will issue a policy recommendation.

In April 2013, the Commission co-organized the Seoul International Symposium on North Korean Human Rights with Korea University. The Symposium served as an occasion where the Commission discussed with the international community the current status of North Korean human rights and advisable measures for improvement. In addition, as the Commission of Inquiry (COI) on Human Rights in North Korea commenced its work in July 2013, the NHRCK supported COI's activities in Korea and submitted related data and information as well.

The NHRCK has continuously managed the North Korean Human Rights Forum since its creation in 2008. In 2013, a total of 43 expert members of the Forum who represent academia, legal circles, the press, the civil society organizations, etc. convened four times to develop policies on North Korean human rights, and to reinforce the cooperation network among them.

B. Spreading the Culture of Business and Human Rights

Since the 1990's, with the growing number and influence of multinational corporations in the wake of globalization, human rights violations by companies have been on top of the agenda in the international community. In response, international organizations including the United Nations and the OECD began to seek various measures including, for instance, guidelines to prevent business enterprises from violating human rights. The NHRCK, on its part, designated Spreading Human Rights Culture in Business Management as its featured project in its 2012-2014 Action Plan for the Promotion of Human Rights. In this regard, the Commission put forward with the targets for the year 2013 including creating social rapport with regard to corporate responsibility to respect human rights, and establishing the legal and institutional foundation for respecting human rights by corporate management.

The NHRCK published, in March 2013, *A Report on Business and Human Rights* as an effort to promote the corporate awareness of human rights in the environment and to seek for desirable policy alternatives of government. The efforts of the Commission reached further to the hosting of a forum on business and human rights for the experts of all walks of life and business executives to widely spread the importance of business and human rights across the board and to promote the corporate awareness of human rights. In addition, the Commission encouraged business enterprises to check up on their compliance with human rights management standards by developing

Guidelines for Business and Human Rights and Checklist which were made available with public and private enterprises in December 2013.

The Commission expressed its opinion on the draft bill on the Support of Home Coming of Korean Foreign Direct Investment Firm. In its opinion, the Commission pointed out that support restriction provisions in the bill should be considered to exclude U-turn Korean foreign direct investment firms with a history of human rights violations in foreign countries. The Commission's Investigation on Human Rights Violations of Korean Foreign Direct Investment Firms and Research on Legal and Institutional Improvement may be cited an important effort to prevent human rights violations of Korean foreign direct investment firms and to propose improvement measures to devise remedial action for the victims.

C. Information and Communications Technologies (ICTs) and the Promotion of Human Rights

With the development of ICT devices, the problems of personal information violations by government entities and private firms have been widely dealt with. ICTs and human rights have received an increasing amount of attention both internationally and domestically along with the enactment of the Personal Information Protection Act in Korea. Under such circumstances, the NHRCK included the improvement of human rights with regard to ICTs in its Third Three-Year Action Plan as one of its featured projects. The objectives of the project are: i) promoting institutional improvements and establishing standards for the protection of information privacy, ii)

investigating into the practice of violating labor's human rights including surveillance of workers by information devices, and iii) developing measures to create a human rights friendly online culture.

With the inauguration of the new administration in Korea in 2013, the NHRCK proposed policy directions for ensuring information human rights by hosting a Seminar on New Administration's Policy Directions for Information Human Rights and Personal Information on February 4, 2013. The Commission also tried to widely collect expert views and opinions through such meetings as the Information Human Rights Forum, an advisory meeting of experts for developing recommendations for the improvement of the resident registration number system.

The practice of violating labor human rights by information devices was also an area of concern. In 2013, the NHRCK investigated labor human rights violation cases by information devices through a survey conducted among 700 workers around the country. It further carried out a practical study on the awareness of the Personal Information Protection Act.

With regard to human rights violations by government entities, the NHRCK expressed an opinion on the collection and use of personal information by using the fingerprint reader, etc. It also examined the draft bill on the Support of School Dropouts outside Schools, and concluded that persons, though they benefit from government programs, should be granted protection of their sensitive personal information.

Chapter 3. Evaluation and Challenges

In 2013, the NHRCK proposed the new administration of Korea 12 Challenges for Human Rights in the beginning of the administration. On its own part, the Commission put in a lot of efforts to achieve performance in meeting the strategic goals of the Third Three-Year Action Plan for the Promotion of Human Rights, 2012-2014.

In particular, the NHRCK has paid attention to the promotion of social rights including the right of labor. It has been very active in issuing policy recommendations and opinions with regard to how to promote the basic rights of labor and the social safety network, especially for the social underprivileged groups such as the indirectly employed workers, workers of special labor types, etc. In addition, it has been very active in securing prompt remedial action for the related complaint cases.

In order to promote the protection of human rights of the socially vulnerable groups, the NHRCK reflected the important points of the 2013 Survey on Human Rights Conditions on many of its policy recommendations including the Policy Recommendation for the Promotion of Human Rights of Female Soldiers. This way, the Commission tried its best to make actual human rights improvement take place.

Facing the emerging issues of human rights, the NHRCK enthusiastically put forward with activities to spread corporate culture of respecting human rights, to promote information human rights, to improve human rights in North Korea, among others.

The NHRCK conducted a *suo moto* investigation into the illegal

surveillance on civilians by the Office of the Prime Minister, and recommended the Office of the Prime Minister to take a corrective action. In response to the government demand for the revision of the union constitution of the Korean Teachers and Education Workers Union, the Commission issued a Chairperson's statement. In the area of the right to freedom including the freedom of expression and the freedom of assembly and association, however, it was pointed out that the Commission was short of the expectations of society in spite of its responses to the current issues.

In the area of human rights education and public relations, the NHRCK has continuously reinforced the cooperative system of human rights education by putting in operation the newly established Consultative Meeting of Human Rights Education for Seniors. The achievements of the Commission include the mid- and long-term plan for the construction of the Cyber Human Rights Education Center, 2013-2017, implementation of specialized human rights education that respects the individuality of different groups, promotion of geographical accessibility to human rights education by making closer cooperation with regional human rights offices. What is still challenging is, however, the expansion of educational facilities in response to the rising needs of education, and measures for the operational staff of educational facilities.

In the area of domestic cooperation, the Commission did cooperative activities on a regular basis. They include round tables and forums with and support for civil society organizations specializing in human rights.

In addition, it was worth mentioning to push forward with joint cooperation activities with human rights organizations. It is still demanding for the NHRCK to keep on making continuous efforts for the realization of long-term based strong arrangements of cooperation with various civil society organizations specializing in different human rights areas such as women, children, disability, migrants, etc.

As for international cooperation, the NHRCK has played a leading role in the international community by organizing the international academic conference in commemoration of the 2013 Pyeongchang Special Winter Olympics, the International Symposium for the Promotion of Human Rights in North Korea, Training Program for Foreigners funded by ODA (Official Development Assistance), among others.

As a quasi-judicial body which can take remedial action, the NHRCK continuously made great efforts in 2013 to promote the accessibility of the complaints filing system. The Commission was active in promoting the effectiveness of its investigations and remedial actions. Special investigations and *suo moto* investigations contributed a great deal to the active response to undisclosed human rights violations and conventional discriminatory acts. In recent years, the Commission's coverage, social human rights issues, and human rights sensitivity of citizens have been growing. As such, it is natural to expect the growth of complaints and featured investigations. The Commission is, therefore, asked to reinforce internal capacity building efforts to secure additional investigation manpower and to enhance the efficiency of investigation work.

On the other hand, some civil society organizations and the international community expressed concerns over the Commission. They include the transparency of the process of appointing Commissioners to the Commission, the question of which was raised by the ICC Sub-Committee on Accreditation with regard to the re-accreditation examination of the Commission in 2008; organizational downsizing in 2009; and timeliness in responding to urgent human rights violations. The Commission is called upon to make continuing efforts to help the concerned parties have an enhanced understanding of these concerns.

The NHRCK will continue to cooperate with civil society organizations to make every member of our society feel the promoted human rights conditions in everyday life. It will make its best efforts for the fulfillment of its mandates.

Part. II

Major Activities of the Commission

Chapter 1. Improvement of Laws and Regulations, Institution,
Policies, and Practices

Chapter 2. Investigations and Remedies: Human Rights
Violations and Discriminatory Acts

Chapter 3. Education and Publicity for the Promotion of
Human Rights Culture

Chapter 4. Domestic and International Exchange and
Cooperation

Chapter 5. Activities of Regional Human Rights Offices

Chapter 1. Improvement of Laws and Regulations, Institution, Policies, and Practices

National Human Rights Commission of Korea Annual Report 2013

Section 1. Overview

Pursuant to Article 19 Subparagraphs 1, 4 and 7, and Article 25 of the National Human Rights Commission Act, the NHRCK carries out various activities, including conducting investigations on human rights conditions, issuing recommendations and opinions on human rights-related laws, regulations, policies and practices as well as on the accession to and implementation of international human rights treaties in order to facilitate the implementation of the treaties in Korea.

In order to execute these responsibilities, the Commission is empowered to request cooperation from government agencies, local/provincial governments, and other public and private organizations (Article 20), hold hearings (Article 23), and submit its opinions to the competent court or the Constitutional Court (Article 28) about litigations that may have a significant impact on the protection of human rights. In addition, the Commission may present an annual report on its activities of 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 form, for different areas that are under its jurisdiction, expert committees (Article 12) and advisory bodies (Article 15).

In 2013, the NHRCK remained committed to improving laws,

regulations, policies, and practices in the areas of human rights in general, including economic, social, cultural, civil and political rights. To this end, the Commission conducted research and studies on pending issues and collected the opinions of experts by organizing various discussion sessions and meetings. Special teams were formed to deal with such pending social issues as school violence, human rights in the military and the right of the elderly. They were dedicated to publishing comprehensive proposals to improve relevant policies and institutional systems. These efforts resulted in 27 recommendations and 16 opinions, which contributed to the protection of basic human rights.

In particular, in the area of promoting social human rights, the NHRCK made some notable achievements: the operation of the Planning Group for Improving the Human Rights of Non-regular and Other Vulnerable Workers (to be referred to as the "Labor Human Rights Improvement Planning Group"), reinforcement of monitoring the implementation of the National Action Plan for the Promotion and Protection of Human Rights, the efforts to include local/provincial governments in the institution of human rights for strengthening the foundation of the institution of human rights, and drafting the bill on the framework of human rights.

On the occasion of the 20th year of the adoption of the Principles Relating to the Status of National Human Rights Institutions (Paris Principles), the NHRCK organized an international conference to form social rapport with regard to the role, function, and importance of national human rights institutions. The conference further contributed to the promotion of awareness of the international standards on the

independence in finance, organization, and operation.

Section 2. Policy Recommendations and Opinions

1. Overview of Policy Recommendations, Opinions, etc.

[Table 2-1-1] Recommendations and Opinions on Laws and Policies on Human Rights
(Unit: Case)

	Cumulative total	Recommendations	Opinions expressed	Opinions submitted
Cumulative total	493	222	252	19
2013	43	27	16	0
2012	41	23	18	0
2011	40	18	20	2
2010	45	22	20	3
2009	45	14	28	3

* Cumulative Total: November 1, 2001 to December 31, 2013

* Opinions submitted: The Commission may submit to the court of law or the Constitutional Court its opinions during the litigation that will significantly influence the protection and improvement of human rights.

2. Highlights of Policy Recommendations¹⁾

A. Recommendation on the Human Rights Conditions of the Homeless

The NHRCK found that the homeless, especially those who became homeless due to poverty, were in serious human rights conditions. As

1) For detailed policy recommendations, see respective chapters and sections: *suo moto* and on-site investigations (Section 3); North Korean human rights (Section 4.1); human rights in business practices (Section 4.2); and promotion of information human rights (Section 4.3).

such, on January 9, 2013, the Commission recommended the government authorities that government measures and actions should be taken for the protection of the right of residence, of access to medicine, and of labor of the homeless, and also for the promotion of social awareness of the homeless.

Currently, the number of emergency shelters including emergency beds is much smaller than is necessary. The government is, therefore, asked to come up with necessary measures to supplement its support for the housing of the homeless. The NHKCK asked for a more fundamental action of the government in this regard, and pointed out that the government should consider the support of the homeless an important factor in making a comprehensive plan for the housing of the people in need. In particular, the Commission recommended the Ministry of Land, Infrastructure and Transport to work out a measure to supply housing for the homeless in connection with the protection of their right of health, the promotion of their returning to normal social life, and other medical welfare services.

In addition, the NHRCK recommended, for the benefit of the homeless, the Ministry of Employment and Labor, the Ministry of Health and Welfare, and regional governments to take necessary action for the creation of jobs for the cause of self-reliance and social integration, for the expansion of medical services considering the inaccessibility of the homeless to medical facilities, and for the promotion of social awareness of the homeless, respectively. In response, the Ministries informed the Commission that they would implement the recommendations in the

coming years depending on budget availability.

B. Recommendation on Institutional Improvement for the Protection of Human Rights of Laid-Off People

Layoff is the termination of employment for business reasons, and is different from job dismissal which is ascribable to the failure of responsibility of an employee. Layoff is a threat to not only the laid-off but also the living of their families. The NHRCK issued recommendations for the protection of human rights of the laid-off. In detail, the Commission recommended, on January 17, 2013, the Speaker of the National Assembly and the Minister of Employment and Labor to reinforce the layoff requirements in the Labor Standards Act, to strengthen the protection of the right of labor and the stability of employment, and to fortifying the social safety nets.

In more detail, the recommendations for the Speaker of the National Assembly and the Ministry of Employment and Labor were: i) specifying the definition of "urgent business reasons" as stipulated in Article 24, Paragraph 1 of the Labor Standards Act in order to make the layoff requirements stricter; ii) legislation of some examples of "employer's efforts to avoid layoff" as stipulated in Paragraph 2 of the same Article, such as shortening of working hours, rotational suspension of work, change of assignments, among others.

In addition, what was recommended to the Minister of Employment and Labor included: i) presentation of guidelines detailing the positions of both employer and employees with regard to the selection criteria for

lay-off as stipulated in Article 24 Paragraph 3 of the Labor Standards Act, ii) stock-taking of the performance results of, and expansive implementing of such re-employment and livelihood stabilization projects related to the social safety nets as job change support, job finding assistance, and job skill development, iii) raising the employment continuation support fund for the stabilization of the laid-off, iv) securing fund resources for employment stabilization of the laid-off, in a longer term, the introduction of the dismissal compensation system, v) putting in efforts for the legislation of all the above-stated recommendations.

C. Recommendation on the Human Rights Conditions of the Elderly

The NHRCK found that the human rights conditions of the elderly, due to rapid aging, had a considerable bearing on the whole human rights conditions of our society. In this regard, the Commission issued policy recommendations, on January 28, 2013, to the Minister of Health and Welfare, the Minister of Employment and Labor, the Minister of Land, Infrastructure and Transport, and heads of 16 regional governments. They include: i) guaranteeing the income, the right of health, and the right of labor, ii) preparation and implementation of government measures to prevent maltreatment and suicide of the elderly.

In more detail, the recommendations proposed as follows: i) finding a measure to decrease the rate of poverty of the elderly, for example, by making transfer of public money replace more of the income of the elderly through the support of increased government fund, ii) alleviating

the inequality of health among seniors, and building a medical system, which is friendly with seniors, for their care from the primary medical service to the final medical care service, iii) alleviating the inequality of health among seniors by promoting the accessibility of seniors to medical services and nutrition service for seniors, iv) working out measures to guarantee the right of labor of seniors by extending the age limit, ensuring the labor of senior at senior job workplaces, v) expanding supply of public rental house with appropriate facilities for seniors, and establishing housing improvement standards for seniors living in bad housing to have better housing environment, and vi) establishing all-governmental cooperation and information-sharing system for the protection of low-income seniors who are liable to commit suicide.

In response to the Commission's recommendations, the government authorities replied that they would accept most of what the Commission recommended. They also replied that they would expand their services, which were recommended by the Commission, depending upon the availability of budget in the future.

D. Recommendation on the Promotion of Treatment for Non-Regular School Jobs

On June 1, 2012, the National Alliance of School Accounting Workers filed a complaint with the NHRCK. They said in the complaint that wage disparity against non-regular nutritionists working with elementary and secondary schools across the country. On November 9,

2012, the National Solidarity of Non-Regular School Workers staged a one-day strike asking for employment stabilization and treatment improvement. Like this, poor treatment for school non-regular workers and their unstable employment became a continuing social issue.

The Commission reviewed possible alternatives to resolve the above-state problems. It met with the related persons including those with school labor unions to discuss these social issues. The Commission, then, recommended the government and the Education Offices of cities and provinces that they should devise a measure to improve the wage disparity against non-regular workers at national and public schools. In addition, on March 21, 2013, the Commission issued a recommendation to the Superintendents of the Education Offices who did not take action for the change of employment type to direct employment by the Minister of Education, Science and Technology or heads of local/provincial governments. The Commission asked the Superintendents to take a more active step in this regard.

E. Recommendation on Increasing Compliance with Minimum Wage Level

The National Assembly asked the NHRCK for its opinion on the minimum wage level. This caused the Commission to issue, on May 9, 2013, a policy recommendation for increasing compliance with the minimum wage level. For this, it discussed this matter with the related authorities and hosted a round table with the experts. Further, it took notice of the considerable influence of the minimum wage level which is

cited by the Employment Insurance Act and 19 other statutes and programs. In the end, the Commission concluded that institutional improvement was needed to reduce low-income jobs and to mitigate bipolarization in the labor market.

The NHRCK paid attention to the promotion of labor human rights of the low-wage workers, and to the prevention of unjust competition by the employers who take the advantage of low wages. The Commission recommended the Minister of Employment and Labor to take necessary action against those employers who gave wages lower than the level prescribed by the Minimum Wages Act. What was recommended include: restriction of access to the Work Net, a job-seeks information system operated by the Ministry of Employment of Labor; deferring payment of support allowance from the employer-supporting fund of the employment insurance who contributes to employment stabilization; and giving penalty points in the process of selecting successful contractors for government service work. In addition, the Commission issued a recommendation to the Minister of Strategy and Finance in this regard. In the recommendation, the Commission also asked the Minister to give penalty points in the process of selecting successful contractors for government service work.

In response, the Ministry of Employment replied that the Ministry had put in various efforts to put in place the minimum wage level requirements. The Ministry cited, for instance, supervision of workplaces, various reporting channels, promoting awareness through private-government cooperation. The Ministry of Strategy and Finance

also informed the Commission of the Ministry's plan to make institutional improvement. For instance, the Ministry would review the Commission's recommendations for inclusion in the Ministry's guidelines for government contracts.

F. Recommendation to Improve the Guardianship for Adults

The recently revised Civil Act repealed the concept of incapacity of acting, and introduced the concept of guardianship for adults. The guardianship for adults was to be in effect from July 1, 2013. The Commission, however, found that related government entities and the Judiciary were not fully ready for the introduction of the concept of guardianship for adults. As such, the Commission recommended the Chief Justice, the Minister of Justice, and the Minister of Health and Welfare, on May 16, 2013 that they should make institutional improvement for full operation of the guardianship for adults system.

The NHRCK, in this regard, issued recommendations to the Chief Justice. They include: granting, in principle, the incapacitated person an opportunity of statement in the adjudication proceedings of the petition for adult guardianship; participation of a communications expert or reliable person to correctly understand the intention of the incapacitated person; hearing the opinions of various related persons to provide guardian services needed in daily life; securing necessary human resources including family affairs inspectors for the supervision of guardianship; and inclusion in the family litigation regulations of guardians' duty to report on guardian work.

The Commission also issued recommendations to the Minister of Justice. They include: establishment of the criteria to judge the existence and degree of capacity; granting the incapacitated person litigation competence, especially adjudication competence, as prescribed by the Family Litigation Act; and abolition of disqualification clauses in statutes with regard to incapacitated persons, and enactment of alternative statutes incorporating the concept of adult guardianship.

In addition, the Commission issued recommendations to the Minister of Health and Welfare. They include: legislation of public guardianship for wards who are economically vulnerable; nurturing and managing system for public guardians; revision of the Mental Health Act and the Welfare of the Aged Act to provide wards with medical and care services or establishment of legal basis for procedures of obtaining the consent of the guardian in case of bodily confinement including forced hospitalization in mental health facilities.

In response to the Commission's recommendations, the Supreme Court informed that the Court would increase the number of family affairs inspectors for the supervision of guardian work. The Ministry of Justice informed that the Ministry already, in March 2012, distributed to all government ministries the basic direction for the revision of disqualification clauses for the implementation of adult guardianship under the revised Civil Act. This action of the Ministry is considered the same as the Commission's recommendations. The Ministry added that government ministries were revising disqualification clauses on an individual basis.

The Ministry of Health and Welfare informed what the Ministry did in response. They include: establishing legal basis for the support of adult guardianship for wards with development disorder by way of the bill on the protection of the rights and support of people with development disorder and considering the enactment of the statute on (temporarily named) the Protection and Support of Person of the Wards; demonstrational operation of the project nurturing guardians of adults and the central support group; revision of the Welfare of the Aged Act and the Mental Health Act with regard to the consent of the ward in case of invasive medical treatment and segregation for treatment purposes.

G. Recommendation on Providing Convenience for the Fully Blind during Paralegal Qualifications Test

The judicial examination administered by the Ministry of Justice has provided additional support for the fully blind applicants since 2006. They include: a separate testing place, longer testing time, braille test and answer papers, and assistance support for answering the questions. In the case of civil service examinations administered in 2013 by the Ministry of Security and Public Administration, applicants with first-degree or second-degree visual disorder were granted the testing time as 1.7 times longer, use of braille test and answer papers, and provision of computers with voice recognition.

On the other hand, in the case of the paralegal examination administered by the Supreme Court, fully blind applicants were not given any exceptional

benefits while the applicants with amblyopia are granted enlarged test and answer papers, and 1.2 times longer test time.

As such, the NHRCK recommended the Minister of the Court Administration of the Supreme Court, on June 18, 2013, that the fully blind applicants should be provided with necessary convenience and assistance. In response, the Minister expressed the intention to follow the Commission's recommendation.

H. Recommendation on Improving Human Rights Conditions of Soldiers with Maladjustment to Military Service

Based on its 2012 Survey on the Human Rights Status and the Management of Those Who Fail to Adapt to the Military Environment, the NHRCK comprehensively reviewed the received complaint cases and accidents in the military. The Commission, then, concluded that the military needed human rights friendly culture and measures to improve the human rights conditions of soldiers with maladjustment to military service. As such, it recommended, on October 14, 2013, the Minister of National Defense to come up with a package of comprehensive measures to address these problems.

For example, the Commission pointed out that human rights violations against the soldiers with maladjustment should be prevented. It further proposed the necessity of human rights friendly leadership training to prevent such bad habits as "bullying the subordinates" for those enlisted soldiers when they were promoted to the rank of sergeant or appointed squad leaders.

It was also pointed out that those who were liable to maladjustment to military service could not easily be detected by a short time review of a psychiatrist during the current physical examination for conscription. As such, the NHRCK proposed that a diagnosis camp of psychiatrist, clinical psychologist, and counseling psychologist should be formed to observe and detect early the potentially maladjusted during the training for the newly enlisted.

In particular, the Commission pointed out the necessity of a comprehensive support organization for the development of psychology and personality tests for the prediction of military maladjustment in advance, establishment of the criteria for maladjustment diagnosis and method of counseling treatment, and development of the mental health promotion program. The Commission proposed the establishment of a military health support center.

The NHRCK made additional recommendations. They include: securing necessary personnel who would serve as military life counselors so that more than two counselors could be assigned to a regiment level military unit working out a plan to promote the professionalism of counselors; and securing a resting place or self-development area as a way to eliminate maladjustment-inducing factors; improving the environment of the counseling room. The Commission emphasized the importance of physical environment which would lead to the mental and emotional stabilization of maladjusted soldiers.

I. Improvement Recommendation and Opinion on Registration of Family Relationship

On October 28, 2013, the NHRCK recommended the Minister of Justice and the Chief Justice that they should take action to revise the Act on the Registration, etc. of Family Relationship (hereinafter, "Family Registration Act") to improve the registration of family relationship. The Commission also issued an opinion of the same content.

The Commission concluded that government authorities should re-establish the public disclosure principle of personal identification information, and should promote the effectiveness of the prohibition of requesting unnecessary certificates. In detail, the Commission expressed serious concerns: different kinds of certificates often release more information than is needed such as offspring out of wedlock or in previous wedlock, marital history such as divorce, re-marriage, death of spouse, and other personal information including the divorce of parents; ignorance of most people about the partial information certification system; and conventional issuing of certificates containing the whole personal information if partial information certificates are not requested.

As a result, the NHRCK made the following recommendations: i) principle of containing the minimum personal information or the current personal information, and exceptional principle of containing the past personal or the whole information; ii) principle of containing only what is asked by the requester; iii) legal requirement for public and private entities to ask for information only needed for specific purposes or

interest and penalty to be inflicted on the violation of this requirement; iv) survey on the practice of requesting family relationship certificates, and presentation of appropriate guidelines for the request of the certificates.

As for adoption permission stipulated by the Act on Special Cases concerning Adoption, it is mandatory to submit the birth report. And as a result, various family relationship certificates show the information on the biological parents. As such, there has been a rising concern that biological parents, who do not want their personal information to be released, would rather abandon their infants.

With regard to adoption, the NHRCK issued recommendations which asked for additional actions for the protection of personal information of the concerned parties. The recommendations include: institutionalization of restricting access to the personal information of biological parents, with regard to the preservation and disclosure of information, harmonizing the protection of anonymity of biological parents and the protection of the right of children to know their biological parents; exceptional legal provisions for access, with the permission of the court, to the restricted personal information in case of the medical treatment of children's genetic disease or the need to find out children's biological parents.

J. Recommendation on Promoting Female Soldiers in the Military Premises

The number of female soldiers of Korea is slightly more than 8,000,

as of June 2013, or 4.6% of the commissioned of all military services. In 1989 the female military corps joined the general arms, and in 2000, almost all arms of the army were open to females. Since then, the number of female soldier is gradually growing. With the growing number of female soldiers and integration of them into the male-oriented military services, the expertise and roles of female soldiers have been emphasized. At the same time, it has been pointed out that the work conditions of female soldiers should be improved in the male-oriented military culture. However, only part of the difficulties of female soldiers, e.g., maternity and sexual violence in the military premises, have been known through the press. It has been difficult to know the details of the human rights conditions of female soldiers.

Under these circumstances, the NHRCK conducted a survey among 860 female soldiers or 10.6% of the total, and gave focus group interviews (FGIs) to 92 persons from 16 groups from April to December 2012. The purpose was to understand the general status of human rights conditions of female soldiers, including their work performance, institutional maternity protection, and complaints processing. As the result, the Commission knew: a considerable number of female soldiers experienced discrimination in their military service including career management; they had difficulties in using the maternity protection arrangements and medical facilities; they could not take a positive action even though they experienced such grave concerns as sexual harassment or sexual violence.

Based upon the result of the surveys, the Commission organized a

round table with experts to develop detailed recommendations for the promotion of female soldiers. The Commission, then, issued recommendations to the Minister of National Defense on October 31, 2013. They include: i) presentation of the long-term vision for the growing number of female soldiers, ensuring gender equality in personnel, establishment of a rational personnel management system considering the life cycle of females; ii) improvement of the conditions for the use of the maternity protection system to maintain work-family balance, and supplement the medical service system; iii) reinforcing the measures to prevent sexual harassment and sexual violence to maintain sound organizational culture, and supplement the complaints reception system for female soldiers; and iv) correction of the discriminatory awareness of female soldiers.

K. Recommendation on Building the Foundation for Self-Reliance of the Disabled

In advanced countries, notably in Europe and the United States, they emphasize the social participation of the disabled equally with the others based upon the regional society. In the meanwhile, though Korea adopted a policy for small-scale facilities in 2011, the disabled in Korea seem to fall quite short of self-reliance mainly due to the uniform support based on the classes of disability, the weak system for conversion from the facilities to regional society, and lack of such foundational preparations as housing, income, and employment for settlement in regional society.

The United Nations Convention on the Rights of Persons with Disabilities emphasizes the importance of “living independently and being included in the community.” The Convention further mentions that states parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community. (Articles 3, and 19 of the Convention)

The Conventions makes it an obligation of the nation to provide support to the disabled in all aspects of life. Such a posture is based upon its recognition of reason for the difficulties the disabled face. It believes that the reason does not come from the individual disabled person but from the physical and institutional environment of society which bars the disabled from equal participation with the people without disabilities.

The NHRCK thought it necessary to identify and remove various physical and institutional barriers of our society which prevent the disabled from participating in our society effectively. For this, it is necessary to identify and improved various laws and regulations, institution, policies, and convention which hinder the self-reliance of the disabled.

As such, the Commission issued recommendations to the Minister of Health and Welfare on November 7, 2013. They include: i) establishing a service delivery system based on the needs and environment of the

disabled, ii) guaranteeing daily life of the disabled for the promotion of their right of selection and the expansion of opportunities, and taking measures to increase their income and to ensure their right of health, and iii) supporting the disabled living in care facilities for return to regional society.

In addition, the Commission issued recommendations to the Minister of Land, Infrastructure and Transport. They include: i) taking action for the protection of housing right of the disabled, and ii) taking action for the expansion of employment of the disabled.

The Commission also issued recommendation to the Prime Minister. They include: formulation of policies, institution, and laws based upon the individual needs and environment of the disabled, and playing an active role in inter-Ministerial policy coordination for the afore-mentioned measures can be planned and implemented across the government entities.

L. Recommendation on the Prevention of Sexual Harassment and Violence at Universities and Strengthening Remedial Action for Victims

In 2012, the NHRCK conducted a comprehensive research on the status of the remedies for the victims of sexual harassment and violence, and preventive education at 280 universities across the country. The result showed that a considerable number of universities had very weak physical and human resources for preventive education and the counseling and investigation of reports. In conclusion, there was a clear limitation in taking protective measures for the victims of sexual

harassment and sexual violence.

In response, the NHRCK issued recommendations, on November 11, 2013, to the Minister of Education, emphasizing improvement of legislations. In detail, they include: i) including the government's responsibility to create safe educational environment free from sexual harassment and sexual violence in the Higher Education Act, ii) establishing a comprehensive legal basis for the prevention of sexual harassment and sexual violence at universities, and for the remedial action for victims, and iii) establishing lower level regulations, e.g., instructional orders and guidelines for the prevention of sexual harassment and sexual violence and remedies for the victims, of the afore-mentioned legislation.

The Commission further issued policy recommendations. They include: i) designation of an organizational unit responsible for the management and support of the prevention of sexual harassment and sexual violence and remedial actions for the purpose of building a national-level management and support system, ii) supplementary revision of the practical work manual for the protection of sexual harassment and sexual violence and remedial actions, iii) reinforcing support to enhance expertise of entities responsible for the prevention of sexual harassment and sexual violence and remedial actions at universities, and iv) reinforcing preventive education for university personnel and providing educational programs and content based upon the variety of university personnel.

In addition, the Commission recommended the Minister of Gender

Equality and Family to come up with comprehensive measures for the management and support of the work to prevent sexual harassment and violence at universities, and an effective examination system thereof.

M. Recommendation on the Revision of the Road Act for Enhancing the Accessibility of the Disabled to Facilities

Small shopping buildings often build ramps connecting buildings and the pedestrian road. Local governments, however, ordered the removal of ramps as they are illegal piles of mass designated by the Road Act. The NHRCK received complaints which claim that the disabled could not approach shopping buildings due to the loss of accessibility. In response, the Commission reviewed related laws and regulations.

The Act on the Prohibition of Discrimination of Disabled Persons, Remedy against Infringement of Their Rights. etc. (hereinafter, the "Act on Discrimination Prohibition") deals with the rights of the disabled in a comprehensive manner. On the other hand, the Act on the Promotion and Guarantee of Access for the Disabled, the Aged, and Pregnant Women to Facilities and Information (hereinafter, the "Act on the Promotion of Access to Facilities and Information") deals with the basic provisions for the access of the disabled to facilities. These two statutes make the right of access to facilities of more than a certain floor (300m²) mandatory. They, however, do not protect the right of access to small shopping buildings. As to the Road Act, there were different interpretations on the access to small shopping buildings. As such, the Commission found that the right of access to small shopping buildings

was a serious concern.

The Commission concluded that the revision of the Road Act is desirable before the revision of the Act on Discrimination Prohibition or the Act on the Promotion of Access to Facilities and Information. The Commission, then, recommended the Minister of Land, Infrastructure and Transport that Article 42 of the Road Act should be revised so that road occupation charge can be exempted on the ground that ramps connecting small shopping centers and pedestrian road have a character of public interest rather than a means of private interest earning for building owners.

N. Recommendation on the Exclusion of Assistant for Civil Servants with Serious Disabilities

In 2011, the Employment Promotion and Vocational Rehabilitation of Disabled Persons Act was revised, and as a result, the provision of assistants for the severely handicapped at workplace was established. However, this does not applied to civil servants. The Commission thought that this support system is to promote the human rights of the disabled by stabilizing employment of the severely handicapped and providing them with necessary support. The Commission, hence, reviewed the related government policies and programs.

As the result of the review, the Commission found that the Ministry of Employment and Labor did not provide assistants for those civil servants with serious disabilities. The Ministry's rationale was that "civil servants are not workers for the purpose of the Labor Standards

Act.” On the other hand, the Ministry of Security and Public Administration, which is the central government entity responsible for the recruitment and welfare of civil servants, has already established the guidelines and manuals for the provision of assistants for those civil servants with serious disabilities. The reality was, however, that most of government Ministries and local/provincial governments did not know this arrangements. As a result, they did not provide assistants for the implementation of duties of the civil servants with serious disabilities.

For this reason, the Commission issued recommendations to the Minister of Security and Public Administration on November 12, 2013. They include: i) inclusion in the State Public Officials Act of provisions which will serve as a legal basis for the provision of convenience, including the support of work assistants, for those civil servants with serious disabilities, ii) coming up with and implementing practical measures for government Ministries and local/provincial governments to provide work assistants for the civil servants with serious disabilities.

O. Recommendation on the Improvement of Public Childcare and Child Caregivers' Work Environment

In 2012, the NHRCK conducted a survey on the human rights conditions of child caregivers. As a result, the Commission found that child caregivers' human rights were not guaranteed fully, and that private child care houses and home child care houses, in particular, were so weak financially and liable to corruption such as misappropriation and fraudulent reception of subsidies, and that

local/provincial government's supervision of such wrong doings was insufficient.

In response, the Commission recommended, on November 14, 2013, the Ministry of Health and Welfare and the heads of local/provincial governments to work out measures to strengthen the public nature of child care and to improve the work environment of child caregivers.

Details of the recommendations to the Ministry of Health and Welfare include: i) preparation of measures to enhance the soundness of finance of child care house, and expansion of national and public, workplace, and home child care houses, ii) preparation of measures to improve the environment, especially low-income, of the caregivers working at private and home child care houses, iii) inclusion of human rights in the educational program for caregivers, iv) inclusion of workplace environment, especially compliance with labor standards, in the accreditation criteria for child care houses, and v) review of the assignment standards for caregivers per cared children.

The recommendations to the heads of local/provincial governments include: i) expansion of personnel for the guidance and supervision of child care facilities, and ii) improvement of the workplace environment for caregivers by activating the use of replacement caregivers.

P. Recommendation on the Improvement of Human Rights of Migrants

The NHRCK recommended, in February 2012, the Guidelines on the Human Rights of Migrants to 10 related government authorities. The Guidelines include: "building a foundational institution for the

prevention of discrimination, hatred, and insult against migrants and foreigners, and racial discrimination,” and “promotion of awareness of migrants.”

In 2012, the Commission reviewed the performance of compliance with the Guidelines, and found that television programs, which have a great social influence, needed to pay more attention to preventing expressions of racial discrimination. As such, the Commission formed the Monitoring Group of Television Programs in 2013. The Monitoring Group reviewed a total of 35 television programs of four ground wave broadcasting companies and four general programming channels for five months. The programs covered news, culture, entertainment, featured program on migrants, etc.

The findings of monitoring showed that there had been considerable problems such as fostering racial and cultural prejudice against foreigners, imposing Korean culture, and using discriminatory expressions. The Commission, in this regard, issued recommendations, on November 21, to the CEOs of the eight above-stated broadcasting companies and to the Chairperson of the Korea Communications Standards Commission. In detail, the Commission recommended the broadcasting companies to take action to prevent discriminatory expression from being aired, and to come up with preventive measures. The Commission asked the Chairperson of the Korea Communications Standards Commission to pay more attention to the examination of television programs in order to see if they have discriminatory expressions against migrants and foreigners.

Q. Recommendation and Opinion on the Revision of the Act for the Prevention of Suicide and the Creation of Culture of Respect for Life

The rate of suicide of Korea is first among OECD countries as of 2013. The difference between the first and second highest rates of suicide is considerable. The government of Korea implemented two suicide prevention programs (2004-2008 and 2009-2013). The Act for the Prevention of Suicide and the Creation of Culture of Respect for Life came into effect on March 31, 2012.

In order to contribute to lowering suicidal deaths and to fostering culture of respecting the value of life, the Commission recommended, on November 21, 2013, to the Ministry of Health and Welfare the revision of the Act, and its enforcement decrees. In addition, the Commission expressed the same opinion to the Speaker of the National Assembly.

Details of the recommendations include: i) establishing legal basis for the Suicide Prevention Center to have access to the findings of suicide surveys and analysis of suicidal statistics; ii) including the suicide attempters' families in the list of psychological counseling and treatment in addition to the suicide attempters; iii) establishing legal basis for the Ministry of Health and Welfare to recommend the press the minimum coverage of suicides and the restriction of sensational expressions; iv) revision of statutes to include social welfare civil servants, social welfare workers, mental health experts, and police officers and first-aid medical staff who personally encounter suicide attempters in the list of educational program receivers for suicide prevention counseling.

R. Recommendation on Improving the Institution of Disciplinary Detention in Military Jail

According to the 2006 revision of the Military Personnel Management Act, the requirements and procedure of the action for detention in military jail were improved. Since then, however, it has been frequently pointed out that treatment for disciplinary detention and unconvicted detention is almost the same, and that there are, accordingly, concerns over human rights violations. In response, the NHRCK reviewed possible alternatives for improvement.

Disciplinary detention in the military means accommodation of those soldiers who receive administrative punishment in the jail which is for the custody of the unconvicted. For this reason, it has been pointed out that disciplinary detention is against the principle of due process of law and warrant principle. The Ministry of National Defense, in response, revised the Military Personnel Management Act to make the following improvements in disciplinary detention requirements and procedure: improving the clarity of reasons for disciplinary actions; making sure that the doctrine of exhaustion of administrative remedies to promote the prevention of misuse of disciplinary detention in military jail; establishing the legality review process by the military judicial officer; establishing a mandatory system for the family members of the soldier subject disciplinary detention in military jail to be informed of such a fact; guaranteeing the right of statement of the soldier subject to disciplinary action during the disciplinary procedure; and granting a stay of execution when an appeal is filed against the disciplinary action

for detention in jail. As to these improvements, the Commission thought that they were still not enough.

Accordingly, the Commission reviewed the existing laws and regulations related to disciplinary detention and the status of the operation of disciplinary detention system. It also gathered the opinions of the personnel of the Ministry of National Defense and the military, civil society organizations, and experts. It, then, issued recommendations to the Ministry of National Defense on November 28, 2013.

S. Recommendation on the Human Rights of Senior Workers Who Do Surveillance or Control Service

Our society experiences social and demographic changes including the increasing portion of senior population. As a result, the senior group has been becoming an important part of the labor force. Seniors are, however, considered as supplemental labor, and accordingly are not recognized as the subject of rights and duties at their workplace.

The NHRCK made a survey of the human rights conditions in senior jobs, especially surveillance and control jobs whose working environment is worse than others. As a result, the Commission found that more than 39% of the seniors doing surveillance or control jobs were under all-inclusive wage labor contracts. Because of the contracts, it was found that the seniors could not be given remuneration for additional work or their severance pay were illegally included in the all-inclusive wages.

In order to minimize the unreasonableness of the all-inclusive wage

labor contract, the Commission issued recommendations to the Minister of Employment and Labor. They include: clarification of included items for all-inclusive wages in the labor contracts; and making a standard labor contract, which stipulates remuneration for additional work, and making it available for use.

The Commission's recommendations issued on November 28, 2013, also include: in order to secure resting hours of seniors, making sure that "the requirements for approval of excluding working hours, resting and holidays," as prescribed in Article 63 of the Labor Standards Act, include stipulations on the provision of sleeping and resting facilities and guaranteeing use of welfare facilities in the general terms and conditions of the labor contracts; prohibition of an en masse applications of the afore-mentioned exclusion by large labor service firms, and making arrangements, instead, for each workplace to make such applications directly to the Office of Employment and Labor which has regional jurisdiction.

T. Recommendation on the Human Rights Conditions of Migrant Workers in the Agricultural and Livestock Industries

The provisions regarding working hours, resting, leaves, etc. of the Labor Standards Act do not apply to the migrant workers in the agricultural and livestock industries. As such, their long-time working and low wages have been a controversial issue of the press, the National Assembly, and human rights organizations. The NHRCK, in response, decided to have an understanding of the general human rights

conditions of the migrant workers in the agricultural and livestock industries by contracting out a research on the “status of the human rights conditions of the migrant workers in the agricultural and livestock industries” in 2013.

The research findings showed that there were human rights violations against the migrant workers in such various areas as labor contracts, working conditions, living environment, and industrial disasters. It recommended, on December 5, 2013, institutional improvement options to the Minister of Employment and Labor.

In detail, the Commission asked for reinforcing legal protection of the work conditions of the migrant workers. For example, it recommended that Article 63 of the Labor Standards Act, which excludes the application of provisions on working hours, resting, and holidays for the whole agricultural and livestock industries, should be revised for selective application to detailed types of the industries depending upon their characteristics; and that during the off-season, migrant workers should be given permission to change their workplaces through voluntary agreement with the owners of the workplaces.

The Commission made further recommendations on institutional improvement. They include: i) detailed information should be included in the work contract; ii) procedural requirements should be set up for prior review of the contract to see if it violates the provisions of labor-related legislation; iii) standard work contracts should be produced and distributed for detailed types of jobs in the agricultural and livestock industries; and the owners of workplaces should take

educational courses in labor-related legislation and the human rights of migrant workers.

Further recommendations were also made. And they include: i) institutional improvement should be made for migrant workers to be provided with more than minimum level housing; ii) for this, legal basis should be made for the standards on housing or disadvantages should be imposed on the owners of workplaces if they do not meet the housing standards; iii) standard work contracts should have provisions which prohibit the deduction of a certain ceiling amount of housing and meals from the wages of workers if housing and meals are to be deducted from the wages.

U. Recommendation on the Discriminating Practice in Building Mental Health Institutions in Aesthetic Areas

In December 2012, The NHRCK received a complaint claiming that the city ordinance, which restricts the building of mental health institutions in city downtown, is discriminatory against the persons with mental disorder. Many similar provisions have been found in the ordinances of other local/provincial governments. In response, the Commission saw if there are reasonable reasons for the restriction of building mental health facilities (clinics, hospitals, and other large medical institutions) in the city aesthetic areas.

The Commission found that many local/provincial governments cited the aesthetic aspect of urban areas for the reason of restriction. The Commission, however, reached different rationale of judgment. Mental

health facilities do not have any characteristics which may be considered marring the aesthetic aspects of urban areas. A typical prejudice is that view that mental health facilities will increase the possibility of accidents by persons with mental disorder. The Commission also had an understanding: it is important that increased availability of mental health facilities will help general citizens receive mental care and rehabilitation more easily.

The Commission expressed more reasons for the inappropriateness of restriction. As to the claim that mental health institutions in the aesthetic areas will lead to the decrease of the value of immovable properties, bad influence on educational environment and regional image, and aversion of the regional society, the Commission replied that those claims reflect a wrong social notion that persons with mental disorder should be kept apart, not those who should be treated. It further said that local/provincial governments, which are responsible for rectifying the discriminatory practices, should make strenuous efforts to eliminate unreasonable social prejudice and discrimination.

As such, the Commission recommended, on December 9, 2013, to 139 local/provincial governments that they should revise their ordinances which restrict the building of mental health facilities in their aesthetic areas.

3. Highlights of Opinions²⁾

A. Opinion on Improving the Provisionson the Prohibition of Excessive Group Activities in Detention Areas for HIV Patients

The NHRCK received many complaints with regard to the treatment of HIV patients detained in facilities. The Commission could not help but dismiss or reject individual complaints according to the result of examining the requirements of complaints or investigations results in accordance with the provisions of the National Human Rights Commission Act. It found, however, that institutional or practical improvement should be made in this regard.

The Commission, therefore, informed the Minister of Justice that excessive prohibition of HIV patients, in case they do not adversely affect their own and others' health and safe life in detention areas, may fall into the sources of discrimination. Accordingly, it expressed its opinion, on January 16, 2013, that the Ministry should revise Article 15 of the Guidelines on the Medical Management of Detainees.

B. Opinion on the Standards on Voting Age

The NHRCK expressed its opinion to the Speaker of the National Assembly with regard to the standards on voting age. In detail, the Commission asked the Speaker to review the lowering of voting age as prescribed in Article 15 of the Public Official Election Act, Article 5 of the

2) For detailed opinions, see respective sections: North Korean human rights (4.1); human rights in business practices (4.2); and information and communications technologies and human rights (4.3).

Residents' Voting Act, Article 15 of the Local Autonomy Act, and Article 49 of the Local Education Autonomy Act. It also informed the Speaker that it would be advisable to separate the age of accession to political parties as prescribed by the Political Parties Act from voting age and to lower the age of accession to political parties than voting age.

The current related statutes grant persons aged 19 or higher the right of voting, residents' voting, asking for the making, revising, and repeal of ordinances, and the qualifications for promoters and members of political parties. The Commission thought that the standards on voting age influences very much on the basic human rights such as the right of voting and the freedom to political expressions as the elections are the core institution of representative democracy. As such, the Commission reviewed the statutes governing voting age in accordance with the provisions of Article 25 Paragraph 1 of the National Human Rights Commission Act.

The Commission concluded that voting age as prescribed by the Public Official Election Act, etc. should be lowered, and expressed the following reasons. First, most of the citizens enjoy the benefit of public education, and they have an easy access to information in information society. They have, therefore, a high level of knowledge and consciousness as well as the capacity to make political judgments. Second, it is difficult to expect that lowered voting age will lead to politicalization of high schools or sources of trouble for schooling. It should be also pointed out that there are persons younger than the present voting age who are already university students. Third, other statutes allow persons aged 18

or older to take on military duties and public offices. In other words, other statutes already have those aged 18 or above take part in the formation of the nation and society. It is, therefore, unreasonable to judge that only those persons aged 19 or older have independent cognition or judgment. Fourth, as of 2011, about 92.7% or 215 of 232 countries of the world stipulate the minimum age of voting to be 18. In short, the world trend is that more than 90% of the countries set age 18 as the minimum age of voting.

In addition, the Commission concluded that an option to have different age standards depending on purposes should be considered. For instance, in case of electing superintendents of education offices, although most of the youth are influenced to a great degree in education policy and school management the responsibility of which rests with superintendents, the youth cannot take part in their elections. The youth have the right of being respected as the citizens of the nation. It is also reasonable to think that social participation of the youth will encourage them to develop into sound grown-ups. It is, therefore, meaningful to go over the lowering of the voting age for the elections of superintendents.

Another aspect the Commission reviewed was that the character of joining political parties or political activities is different from that of voting right. It is, therefore, advisable to separate the age of accession to political parties, or age 19, from voting age for making it lower than general voting age. The Commission, in conclusion, expressed its opinion: it is congruent with the principle of democracy to make the age

of accession to political parties younger than voting age, thereby allowing as many people as possible to join political parties or free associations of citizens.

C. Opinion on the Draft of the Enforcement Decree of the Refugee Act

The NHRCK reviewed the draft of the Enforcement Decree (whose pre-announcement of legislation was made on February 24, 2013) of the Refugee Act. It, then, expressed its opinion, on March 21, 2013, to the Minister of Justice on the improvement measures for the protection and promotion of human rights of refugees.

The draft governs the necessary matters for the enforcement of the Refugee Act on July 1, 2013. The Commission reviewed the draft, and found that some provisions of the draft were insufficient or should be complemented. The Commission further believed that there were matters to be specified by the draft as they remained unspecified in the Refugee Act.

As such, the Commission expressed the following opinions. First, legal basis should be made for the applicants for refuge at the port of entry and departure to receive support from such external helpers as lawyers, the United Nations Refugee Agency, and interpretation service. Second, the draft should expressly stipulate that refugee examiners shall do such examining work as interviewing refuge applicants at the port of entry and departure. Third, the qualifications requirements of refugee examiners should be specified. Fourth, legal basis should be established to guarantee the right of refuge applicants to ask for voice and video recording. Fifth,

the draft should specify the content and procedure for omission of part of the examining procedure in case of the provisions regarding the partial omission of the examining procedure. Sixth, the draft should include provisions so that treatment for refugee applicants can be applied *mutatis mutandis* to visitors staying for humanitarian reasons.

D. Opinion on the Partial Revision Draft of the Maritime Security Act

The Commissioner of the National Maritime Policy Agency asked for the opinion of the NHRCK with regard to the partial revision draft of the Maritime Security Act. The draft contains provisions which allow maritime police officers to use arms if their maritime activities fall under the category of legitimate self-defense as defined by Article 20 of the Criminal Act.

With regard to the draft, the Commission expressed its opinion on March 28, 2013. The rationale of its expression was: because the use of arms gravely influences the life and body of human beings, the reason proposed by the draft does not seem to be inevitably necessary or reasonable, and accordingly allowing the use of arms is not advisable, especially from the perspective of the protection of human rights.

E. Opinion on the Draft Bill on the Human Rights of Children and Youth

The Ministry of Gender Equality and Family asked for the opinion of the NHRCK with regard to the draft bill on the human rights of children and youth. In response, the Commission expressed its opinion,

on May 10, 2013, in favor the enactment of the statute. The details of its opinion were the following reasons. First, the Commission recognizes the need for clearly defining children and youth as the subjects of human rights, and the basic principle and the list of human rights. Second, it also recognizes the need for domestic accommodation of international human treaties, and for the measures to follow the provisions of international human rights. Third, it further recognizes the principles the draft proposes the framework for the enactment and revision of other statutes related to children and youth.

The Commission also expressed additional opinion. Its details were the following proposals. First, it is proposed that the term "deviation" should be replaced by a more human rights friendly term. Second, it is proposed that the right of access to information should be added to the information human rights of children and youth, that the content should be expressed in a detailed manner. Third, it is proposed that clear definitions should be regarding the basic plan for the protection of human rights of children and youth and the Policy Committee on the Human Rights of Children and Youth. Fourth, it is proposed that legal basis should be established for the NHRCK to recommend the basic plan for the protection of human rights of children and youth to the government, and to ask the heads of government Ministries, etc. to submit the its action plans to the Commission. Fifth, it is proposed that legal basis for the NHRCK to establish a committee to deal exclusively with children and youth within the Commission. Sixth, it is proposed that measures should be considered to define the obligations of business

enterprises and the nation to protect the human rights of children and youth.

F. Opinion on the Whole Revision Draft of the Mental Health Act

On May 23, 2013, the Ministry of Health and Welfare made a pre-announcement of legislation for the whole revision draft of the Mental Health Act. The NHRCK reviewed the draft, and expressed its opinion on July 2, 2013.

The Commission expressed its opinion on the hospitalization procedure of the draft, mentioning that the following two points should be included in the draft. First, those patients who are hospitalized at the request of the heads of local governments are hospitalized for less than two weeks, and they are reviewed to see if they continuously need hospitalization every three months. The Commission asserted that the same hospitalization period and review of the need of continuous hospitalization should apply to those patients who are hospitalized at the request of their guardians. Second, it is needed to ensure a due process for the restriction of the freedom of the person. As such, when extension application of hospitalization is applied more than three times, the regional mental health review committee should replace the local mental health review committee in screening the application.

The Commission expressed an additional opinion with the following points. First, in case those patients who were hospitalized at the request of the heads of local governments do not have their guardians, the heads of local governments should support their rehabilitation and

adjustment to society by devising their housing facilities, etc., and reinforce their interaction with their society. Second, measures to restrict the freedom of the person should be based on specific legal basis and the due process. It is, therefore, necessary for the details requirements of segregation, constraint, etc. to be specified in the enforcement decree. Third, guidance for and supervision of the management of mental health facilities should be promoted by, for example, making the documentation of entries to and visitor's interview with the patient mandatory.

G. Opinion on the Revision Draft of the Framework Act on Employment Policy to Eliminate Discrimination in Recruitment

In September 9, 2013, the NHRCK reviewed, in response to the request of the Ministry of Employment and Labor, 11 revision drafts of the Framework Act on Employment Policy pending in the National Assembly. The Commission reviewed the drafts and confirmed that six of the drafts addressed the violations, in a certain manner, of the right of equality with regard to employment. The Commission said that the six points were: establishing provisions to prohibit the request of the submission of information which may cause discrimination in the process of recruitment and employment; addition of some reasons for the prohibition of discrimination; establishment of punishment provisions against discrimination.

The Commission proceeded with consulting with related government entities and asking for expert advice, and then on October 24, 2013, it

expressed its opinion on the drafts to the Speaker of the National Assembly. The Commission's opinion included the following points.

First, it is advisable to restrict the submission of information on the education, occupation, and properties of the applicant as they may cause discrimination in the process of recruitment and employment. Second, it is desirable to include education in the list of discrimination prohibition items considering the fact that educationalism causes such undesirable side effects as excessive wage disparity, unemployment of the highly educated, and imbalance in demand and supply of human resources due to inflationary education.

In addition, the Commission expressed its opinion that the use of the capacity based application form made by the Ministry of Employment and Labor should be encouraged to address the undesirable practice of collecting personal information which is irrelevant to job performance.

As to the establishment of punishment provisions against recruitment discrimination in the Framework Act on Employment Policy, the Commission stated that such an establishment should be reconsidered citing the following reasons: as individual statutes have their own punishment provisions against the discrimination of reasons such as age, gender, and disability, new provisions against discrimination will cause the decrease in the effectiveness of remedy and confusion due to the duplication of remedial procedures, and the increase of confliction resolution cost.

Section 3. Research, Surveys and Studies on Human Rights Conditions

The NHRCK conducted various research, study and survey projects to comprehend various human rights issues and their actual conditions in Korea. The reports of the surveys, studies and research were reviewed and used as the basic materials for establishing human rights policies and laid the groundwork for developing policy recommendations. In 2013, the Commission conducted a total of 15 projects, as shown in the following table.

[Table 2-1-2] Research, Surveys and Studies on Human Rights Conditions in 2013

No.	Title	Details	Research Period
1	Survey on the human rights conditions of Social workers	<ul style="list-style-type: none"> • Research on poor work conditions of social workers to improve their work environment 	Mar.27~ Oct.26
2	Survey on the practice of warrant system and improvements measures	<ul style="list-style-type: none"> • Research and analysis of the domestic statutes related to the warrant system • Study on the practice of warrant application, examination, issue, implementation under the current warrant system, and seizure and search without warrant • Analysis of international human rights standards with regard to the warrant system and related laws and systems of major countries • Review of policy options for the improvement of the warrant system 	Apr. 1~ Sept.20
3	Survey on the human rights conditions of senior workers who do surveillance or control service	<ul style="list-style-type: none"> • Survey on the national-level practices in making work agreements, and work Environment (about 830 samples) • In-depth interviews with senior workers who do surveillance or control service and employers • Analysis of foreign cases 	Apr.11~ Aug.10
4	Survey on education for North Korean defector children and youth	<ul style="list-style-type: none"> • Research on improving educational indices, practices, and environment 	Apr.26~ Aug.25

No.	Title	Details	Research Period
5	Research on the human rights violations of Korean foreign direct investment companies, and legal and institutional improvement	<ul style="list-style-type: none"> • Survey on the human rights violations by Korean foreign direct investment companies and policy improvement options 	May 1~ Oct.31
6	Research on international human rights system	<ul style="list-style-type: none"> • Understanding and analysis of international human rights system including the UPR, human rights treaty bodies, European human rights system, American human rights, etc. 	May 21~ Nov.20
7	Research on the expansion of universal design products through public supply	<ul style="list-style-type: none"> • Bibliographical study and understanding of the status of universal design products • Bibliographical study and expert advice on legal framework on public supply and system • Bibliographical study on the status of public supply markets, and study tour of public supply offices • Bibliographical study on domestic cases and cases of EU, USA, Germany, etc. • Gathering opinions universal design of the associations of the disabled 	May 23~ Nov.22
8	Survey on the medical management system of the military	<ul style="list-style-type: none"> • Analysis of the military medical delivery system and medical information system • Survey and analysis on the status of guaranteeing the access to military medical services, and survey and analysis of the promptness and appropriateness of medical treatment in the military • Survey and analysis of the use of civilian medical services • Survey and analysis of the status of the military medical management systems of foreign countries • Proposal of policy improvement options for the military medical management system, and the role of the Commissions thereof 	May 23~ Nov.29
9	Survey on the status of wages for non-regular female workers	<ul style="list-style-type: none"> • Analysis of the status of non-regular female workers, and wage statistics • Survey on the status of wages and work conditions of non-regular female workers by company size, employment type, and type of business • Analysis of the causes for low wages of non-regular female workers, and analysis of the causes for gender wage disparity • Analysis of domestic and international legal frameworks for non-regular workers and work conditions • Identification and proposal of policy objectives for the improvement of discriminations 	May 28~ Nov.27

No.	Title	Details	Research Period
10	Research on the selection of indicators, and development of national human rights indices	<ul style="list-style-type: none"> • Selection of indicators by expert review and Delphi method among a pool of indicators which were formed in 2012, a second year project for the development of national human rights indices, and research on calculating methods for index selection by item • Measuring human rights indices on a trial basis to prove the effectiveness of the method of selecting indicators and indices • Study of the ways of using the measured indices 	Jun.15~ Dec.14
11	Survey on the standards to prevent sexual harassment during medical service	<ul style="list-style-type: none"> • Research and analysis on the situation where a sense of sexual humiliation takes place • Analysis of views and opinions of medical professionals and related information • Analysis of related laws and the existing related research findings • Development and policy proposal of the standards for the prevention of sexual harassment during medical service 	Jun.12~ Dec.11
12	Research on the expansion of guaranteeing employment of the disabled and its supporting system	<ul style="list-style-type: none"> • Group interviewing of the officials of the Ministries of Health and Welfare, Employment and Labor, and Education all of which are responsible part of employment support framework as defined by employment-related statutes • Analysis of domestic and foreign employment support systems to propose improvement options for the current support system which is not a physical integration of related Ministries • Development of a support system to guarantee and expand the employment of the disabled, which is one of the policy challenges 	Jun.17~ Dec.16
13	Study on national human rights institutions of the world	<ul style="list-style-type: none"> • Study on the practices of the compliance of 69 national human rights institutions of the world with the Paris Principles 	Jun.21~ Nov.20
14	Research on the criteria for appropriate convenience provision (especially focusing on persons with developmental disorder)	<ul style="list-style-type: none"> • Study on the criteria and methods for provision of appropriate convenience with persons with developmental disorder, focusing on such areas as employment, education, culture and arts, judicial administration, and political rights • Analysis of the Act on Discrimination Prohibition to find provisions which are difficult in application for persons with developmental disorder or nominal provisions; Discovering current programs and projects which do not have legal basis for the provision of appropriate convenience to persons with developmental disorder, or identifying those programs or projects which have little effectiveness • Developing government policy challenges for persons with developmental disorder, and selecting those policy challenges which need improvement 	Jun.21~ Dec.20

No.	Title	Details	Research Period
15	Survey on the status of violations on the rights of labor by mobile devices	<ul style="list-style-type: none"> • Questionnairing and case study of violations of privacy including work surveillance through developed ICTs, and violations on the rights of labor such as imposing extra work on workers after working hours 	Jul.21~ Dec.21

Section 4. Special and Featured Projects

1. Special Project: Reinforcing Activities to Promote North Korean Human Rights

A. Overview

1) Background

In April 2003, the Legislation and Judiciary Committee of the National Assembly, among others, requested that the NHRCK, as the national human rights institution, should play a role for the promotion of human rights in North Korea, for example, by conducting necessary projects. In response, the Commission established the "North Korean Human Rights Research Team," an *ad hoc* body, after its 40th Plenary Committee Meeting in 2003. From 2003 to 2008 when the team was in place, it conducted research into the 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, selected "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 for 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. The Commission designated the promotion of North Korean human rights issues as its special project in 2009 and has carried out the project so far.

Human rights conditions in North Korea has remained unchanged since the accession of Kim, Jong-un to power. Contrary to the expectation, the number of North Korean defectors who enter Korea has rapidly decreased due to the strengthened control and surveillance. In Korea, interest in and discussions on the human rights in North Korea has become more active than the past. For example, the 19th National Assembly proposed five bills on North Korean human rights and two bills on North Korean human and economic rights (bills on the promotion of human rights of North Korean residents).

On international scene, international reaction to North Korean human rights has taken specific form in 2013. The 22nd Meeting of the UN Human Rights Council adopted the resolution on North Korean human rights by consensus, and the UN Commission on Inquiry (COI) was formed to conduct investigations actively on the human rights in North Korea. In May 2013, North Korean young defectors in Lao People’s Democratic Republic was forcefully repatriated. This caused escalated concern over the human rights of North Korea, and clearly showed the necessity of international cooperation.

2) Objectives

The objectives of promoting the human rights of North Koreans are to i) conduct objective and specialized research and investigation on the human rights conditions in North Korea, ii) systematically collect and manage data and information related to North Korean human rights, iii) vigorously pursue cooperation with international organizations and experts related to North Korean human rights, iv) hold policy consultations with government agencies on a regular basis, and v) understand the current state of human rights conditions in North Korea by strengthening the monitoring activities of domestic and international organizations and groups working in the field of North Korean human rights, and iv) developing the measures to improve and promote the human rights in North Korea.

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

B. Major Activities

The NHRCK has put forward, despite the actual difficulties due to the special characters of the two-Korea relations, with such activities as: diagnosis of the human rights conditions in North Korea; development and recommendation of policies to promote North Korean human rights; domestic and international activities and networking to publicly discuss North Korean human rights; and systematic collection and management of documentation related to North Korean human rights.

The Commission also conducted the activities to develop policies for the promotion of North Korean human rights. They include: surveys; policy recommendations; Chairperson's statement; operation of the Reporting Center and Archives for Human Rights Violations in North Korea; policy consultations with related government entities; operation of the Special Committee on the Human Rights in North Korea; and discussions and round tables. In addition, the Commission carried out such international activities as hosting an international symposium to form an international network to promote human rights in North Korea, support for and cooperation with the UN COI (Commission of Inquiry), meeting with ambassadors of major countries, and visit to the related entities of foreign countries related to the human rights of North Korean defectors.

1) Policy Recommendations, Opinions and Chairperson's Statement

In 2013, the NHRCK issued one recommendation, two opinions, and

two Chairperson's statements with regard to the human rights in North Korea. Details are as follows.

(1) Recommendation to improve institution for the support of settlement of North Korean defectors

The Commission issued recommendations to the Minister of National Unification on October 17, 2013 for smooth settlement of North Korean defectors and the protection of their human rights. First, it was proposed to devise measures to link vocational training to employment to promote self-reliance of North Korean defectors. Second, it was requested to promote awareness of North Korean defectors, and to try to, if necessary, revise the Act on the Protection and Settlement Support of Residents Escaping from North Korea and other statutes so that such statutes could include provisions for awareness promotion and publicity. Third, it was recommended to amend Article 9 of the Act on the Protection and Settlement Support of Residents Escaping from North Korea as the Article allows government authorities to exclude the application of North Korean defectors whose stay in Korea goes beyond one year from government protection.

(2) Opinion on the protection of human rights of children who were born in China by North Korean defector women

The Commission conducted a survey on the human rights conditions of North Korean defectors' children in 2012. It was found that the children of North Korean defector women and Chinese fathers were especially in serious human rights conditions due to the forceful

repatriation of mothers or disorganization of families because of run-away mothers.

As such, the Commission issued its opinion on July 25, 2013. First, the Commission asked the Minister of Foreign Affairs to exert diplomatic efforts to persuade the Chinese government to stop repatriating North Korean defector women. Second, the Commission asked the Minister of National Unification to grasp the situation of the children born in China by North Korean defector mothers, and to come up with measure to provide them with substantial support.

(3) Opinion on the revision of the Act on Compensation and Assistance to Persons Kidnapped to North Korea after Conclusion of the Military Armistice Agreement

The Commission expressed its opinion to the Speaker of the National Assembly on August 22, 2014. With regard to the revision draft of the Act on Compensation and Assistance to Persons Kidnapped to North Korea after Conclusion of the Military Armistice Agreement, the Commission said that the protection and promotion of human rights of the kidnapped and their families are the responsibility of the nation. The Speaker was, therefore, asked to promptly pass the revision bill to provide those victims with the extension of period for the application for consolation allowances by securing legal basis for such subsidies.

(4) Chairperson's statement on the establishment of the UNCOI

As for the resolution of the 22nd Meeting of the UN Human Rights Council to establish a commission of inquiry as defined by the resolution, the Commission expressed its opinion, on March 28, 2013,

that such a resolution is a very significant step forward for the promotion of North Korean human rights, and expected that such a resolution will serve as a turning point for the promotion of North Korean human rights. The Commission also promised to provide the COI with support and cooperation for its activities.

[\(5\) Chairperson's statement on the humanitarian support of the Korean government for North Korea](#)

The Korean government approved the humanitarian support for North Korea by five private organizations including the Headquarters for the Support of Medical Goods and Equipment for Children, and make a decision to provide support North Korean infants and children through the UNICEF. In response, the Commission expressed a welcome statement on July 30, 2013.

2) Establishment of Institutional Foundation for North Korean Human Rights

[\(1\) The Reporting Center for Human Rights Violations in North Korea and the North Korean Human Rights Documentation Center and Archives](#)

The NHRCK opened the Reporting Center for Human Rights Violations in North Korea and the North Korean Human Rights Documentation Center and Archives with the goal of collecting and documenting actual cases of human rights violations suffered by North Korean defectors over the entire process of their gaining passage to Korea, Korean War prisoners and abductees, and separated 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 is significantly meaningful that a governmental effort is firstly being made to collect the information scattered here and there and compile it into one single database.

Since March 2013, the center has documented and kept actual cases of human rights violations experienced or witnessed by 619 in 2012 and 652 in 2013 of North Korean defectors by conducting surveys.

Meanwhile, the Commission, in 2012, produced an educational documentary titled "Are you listening to our story?" which illustrates cases of human rights violation in North Korea. In 2013, the Commission produced the documentary with Korean and English captions for a wider use. It also published the Korean version of *The Hidden Gulag: Exposing North Korea's Prison Camps* published by the U.S. Committee for Human Rights in North Korea.

(2) Survey on the status of education for young North Korean defectors

The NHRCK conducted a survey to have an understanding of the difficulties young North Korean defectors had suffered in receiving education for the purpose of working out the improvement measures thereof.

As of October 2012, the number of those who fall into the category of ages 10 to 19, among the whole North Korean defectors in Korea, is 2,835. As of April 2012, the number of young North Korean defectors in Korea, who are enrolled at elementary, middle and high schools, is

1,992 while the number of those who go to full-day alternative educational institutions is 213.

It is found that young North Korean defectors have had serious difficulties in adaptation to school life and catching up with their peers in learning. These difficulties are found to come from the difference in learning subjects and school system between the two Koreas, the long hiatus of learning during escaping period including their stay in a third country including China, language and cultural differences between the two countries.

The education suspension rate of young North Korean defectors has continuously decreasing, from 6.1% in 2009 to 3.3% in 2012. In the case of high school students, their rate of education suspension has rapidly dropped from 28.1% in 2008 to 4.8% in 2012. Compared with the rate of education suspension of the students in general, or 1.8% in 2012, the rates of young North Korean defectors are still higher.

Based on the survey findings, the researchers proposed policy challenges for the improvement of education for young North Korean defectors in Korea. The proposed policy challenges are detailed in the following. First, young North Korean defectors should be guaranteed the right of selecting education they need during the initial adaptation process, should be given an opportunity to take the advantage of various educational programs developed for them, and should be given the right of education fit to the types of young North Korean defectors. Second, the right of access to education at school should be guaranteed for young North Korean defectors. For this, a lot of efforts should be

made for such measures as improving enrollment procedure, increasing the number of educational leaders, expanding counseling opportunities and guidance teachers, guidance for problematic behaviors, and improving the content of education. Third, a guidance manual for the education of children at home and educational materials should be available to guarantee the right of access to education for young North Korean defectors at home. Fourth, psychological treatment and counseling service should be available to address problems coming from various family members.

Based on the survey results, the Commission will invite opinions from experts and related organizations for developing necessary policy recommendations.

3) Strengthening International Cooperation

(1) International symposium for the promotion of human rights in North Korea

The NHRCK has organized an international symposium every year since 2004 to inform the international community of the Commission's activities for the promotion of human rights in North Korea and to strengthen cooperation with the international community in policy directions strategies for the promotion of human rights in North Korea.

In 2013, the Commission co-organized an international symposium with Korea University at its Centennial Memorial Hall under the theme titled Promotion of Human Rights in North Korea on April 30. At the symposium, Suzanne Scholte, Chairperson of Defense Forum Foundation of the United States and Yoon, Nam Geun, Chair of the Special

Committee on the Human Rights in North Korea of the NHRCK, delivered their keynote speeches. In addition, two North Korean defectors delivered their testimonies. At Session I of the symposium, participants discussed the status of human rights conditions in North Korea and their improvement measures by comprehensively going over the problems of human rights in North Korea. At Session II, participants dealt with how to enhance awareness of North Korean human rights by countries around the Korean peninsula, European countries, and the United Nations. In this regard, they also discussed ways to cooperate with each other.

(2) Monitoring and Support of the COI of the United Nations

As the COI got down to work from July 2013, the NHRCKs began monitoring the activities of the COI, and supported its investigations in Korea. The COI, which is composed of Michael Kirby (Chair), Marzuki Darusman, and Sonja Biserko, visited Korea in August to host a hearing, and to meet with defectors and related parties. The Commission took part in the hearing held on August 22 to deliver a presentation on the problems of North Korean human rights, and to submit the materials of the Commission to the COI.

(3) On-site investigation in foreign countries

In 2013, nine young North Korean defectors were arrested and repatriated against their will to North Korea. This led to a heightened concern over the safety and human rights of North Korean defectors in South East Asian countries. The Commission visited Thailand and the

Lao People's Democratic Republic to have an understanding of their policy and processing practices of North Korean defectors, and to strengthen cooperation with the National Human Rights Institution of Thailand, the Thai branch of the UNHCR, etc.

The Commission also visited the National Human Rights Institutions and other related agencies of Germany and Poland to build an international cooperation network for the promotion of human rights in North Korea, and to strengthen international exchange and cooperation.

(4) [Inducing the international community to pay more attention to the cooperation for the promotion of human rights in North Korea](#)

The NHRCK encouraged the ambassadors to Korea of Ireland, the EU, Germany, and Japan, and other important foreigners who visited Korea to pay more attention to mutual cooperation for the promotion of human rights in North Korea. The Commission also tried to strengthen its relationship with the visitors.

In June 2013, the Commission sent Chairperson's letters to five international organizations including the UN Secretary General to ask for their attention to the young North Korean defectors who were forcefully repatriated to North Korea. In November 2013, the Commission sent out a letter to the Human Rights Research Institute of China to ask for their efforts for discontinuation of forceful repatriation of North Korean defectors arrested in China. In December, the same year, at the news of public execution of Jang, Sung-taek, the number two leader of North Korea, Chairperson's letter was sent to five international organizations including the UN High Commissioner for Human Rights to ask for their

interest in the human rights problems in North Korea.

4) Promoting Domestic Cooperation

(1) Operation of the North Korean Human Rights Forum

In May 2008, the Commission formed the North Korean Human Rights Forum composed of experts on North Korean human rights from academia, legal circle, the media, and civil society groups. The Forum provides a venue for the systematic development of policies on North Korean human rights by promoting communication on major issues and expanding the horizon of their awareness. The Forum also activates social discussion of various human rights issues.

In 2013, the Commission designated 43 people as members of the Forum, and hosted four meetings, a meeting per quarter. The meetings dealt with different themes: Settlement in Korea of North Korean Defectors and Improvement Measures at the 18th meeting (April 12-13); International Trends on North Korean Human Rights and Reactive Measures at the 19th meeting (June 19); Korean Peninsula Reliability Process and Its Implications on Policies and Proposals on the Human Rights in North Korea at the 20th meeting (October 18); and the Status of the Right of Equality in North Korean Society at the 21st meeting (December 2).

(2) Review of the implementation of national policy recommendations for the promotion of human rights in North Korea

The NHRCK issued its national policy recommendations for the

promotion of human rights in North Korea on October 24, 2011. On June 4, 2013, the Commission hosted a meeting of the Consultative Council of Human Rights Policy Officials to review and encourage the implementation of the recommendations. In addition, at the end of November 2013, the Commission examined the implementation of the recommendations by two government Ministries for the last two years, and found that most of the recommendations were in the process of implementation.

(3) Hosting discussion meetings

The NHRCK hosts discussion meetings and round tables to collect the opinions of the related entities and stakeholders on policy options on the human rights in North Korea and to form popular rapport. On February 19, 2013, the Commission expressed its opinion at the discussion meeting on the measures to promote the human rights of the children of North Korean defectors staying in foreign countries. The Commission co-organized a seminar on the enactment of a statute on the human rights in North Korea with the Forum on Unification and Future and the Forum on Human Rights on March 19, 2013. The Commission co-organized a discussion meeting to enhance the awareness of human rights in North Korea with Hanyang University and the Association of Lawyers for Human Rights and Unification of the Korean Peninsula on December 9, 2013.

(4) Cooperation with organizations for the promotion of human rights in North Korea

The NHRCK hosted more than 10 round tables to exchange views and

opinions on the human rights with domestic and foreign human rights organizations and to discuss ways of cooperation with them. In the meanwhile, the Commission tried to make concerted efforts for the promotion of human rights in North Korea by actively participating in discussion meetings hosted by human rights organizations.

2. Featured Project I: Human Rights in Business Practices

A. Overview

The growing business activities beyond the national borders and rapidly expanding influence of multinational corporations over the global economy have made the issue of business enterprises and human rights an important global policy agenda since the 1990. With the enhanced social awareness of the influence of business enterprises over human rights, the international community including the United Nations and the OECD has sought various measures for the prevention and remedy of the human rights violations by business enterprises.

It is notable that the United Nations Human Rights Council adopted the Guiding Principles on Business and Human Rights in June 2013. The Guiding Principles covers three main points: the duties of the state to protect human rights, the responsibility of business to respect human rights, and establishment of remedial action against human rights violations. In the meanwhile, the OECD Guidelines for Multinational Enterprises were first created in 1976. In May 2011, the OECD issued its fifth revision of the Guidelines where a new chapter on human rights was created.

The international community, notably the UN and the OECD, have put in their best efforts to spread their Guiding Principles and Guidelines over the business enterprises of the world. They try to bring the importance of human rights before the footlights by doing such activities as hosting forums, best practice meetings, working group meetings, etc. Respect of human rights has become, therefore, an avoidable issue of not only multinational enterprises but domestic business enterprises.

It is regrettable, however, that Korean businesses have a low level of awareness of and interest in business and human rights. They regard donations and volunteer activities as the synonym for business and human rights. For this reason, the NHRCK made a variety of efforts in 2013 to enhance the awareness of business and human rights, and to spread the notion to the whole business firms for their action.

The Commission published a *Report on Business and Human Rights*, which contains national policy proposals, to promote the awareness of business and human rights among business enterprises and to encourage voluntary respect for human rights. The Commission also hosted three meetings of the Forum on Business and Human Rights in May, July and November, respectively. The Forum met to make the issue of business and human rights widely known, to spread the respect of human rights by business, and to enhance the consciousness of respecting human rights.

The Commission developed the Guidelines on Human Rights Friendly Management and Checklists, and distributed them to public and private

enterprises for voluntary examination of their own implementation of human rights management and voluntary improvement of shortcomings. The Commission also expressed its opinion on the bill on the support for the return-home of Korean foreign direct investment firms. In detail, it stated that it is advisable to exclude those Korean firms from the list of beneficiaries in case they have violated human rights overseas.

In addition, the Commission contracted out an Investigation on Human Rights Violations of Korean Foreign Direct Investment Firms and Research on Legal and Institutional Improvement (May ~ October), which analyzes the human rights violations of Korean foreign direct investment firms by country and business type, and then proposes legal and institutional improvement measures for the prevention of human rights violations and remedial actions thereof.

B. Major Activities

1) Opinion on Human Rights Laws and Policies

□ Opinion on the bill on the support for the return-home of Korean foreign direct investment firms

The press and civil society organizations have continuously brought into question the human rights violations (e.g., interference with trade union creation, battery of workers and swearing, overdue wages) of Korean foreign investment firms. The bill on the support for the return-home of Korean foreign direct investment firms, which was proposed on March 21, 2013, however, have provisions for the support

of home-returning benefits such as tax reduction and exemption, funding support, and personnel support while it does not have any provisions for the exclusion of benefits for those Korean foreign direct investment firms which have done human rights violations overseas.

In response, the Commission expressed its opinion to the Minister of Trade, Industry and Energy on June 13, 2013. In detail, the Commission proposed that those foreign direct firms, in case they have done human rights violations overseas, should be excluded from the benefits for home-returning by law. The criteria for the selection of beneficiaries, the Commission added, should be stipulated by the Presidential Decree.

In addition, the Commission proposed that the bill should be revised to provide for examinations of the status of human rights violations by Korean foreign direct investment firms overseas before the selection of beneficiaries. The Commission added that such prior examinations will clearly show if those home-returning companies have violated the provisions of the related statutes.

2) Investigation on Human Rights Conditions and Key Findings

□ Investigation on human rights violations by Korean foreign direct investment firms and study on the improvement of related laws

The press and civil society organizations have repeatedly brought into question the human rights violations by Korean foreign investment firms. In response, the NHRCK conduct an investigation to have an understanding of the status of the violations and to propose the

improvement measures.

The Commission carried out documentary study, questionnairing, and on-site investigations by visiting three countries, namely the Philippines, Myanmar, and Uzbekistan. To select the countries for visit investigations, the Commission chose the Philippines as a country where many Korean firms do business, Myanmar as a country where Korean investments have rapidly increased recently, and Uzbekistan as a country of high risk where Korean public enterprises are involved directly or indirectly in human rights violations through the supply chain.

The purpose of documentary study and questionnairing was set at analyzing the types and causes of human rights violations by country and business type. In detail, violations were classified into the violations against the right of environment (devastation of farms and fishing places) by the mining and oil exploitation industries; the violations against the right of reasonable remuneration and the right of association, e.g., interfering with the creation of trade unions, by the textile, footwear, and clothing industries; and the violations against the right of working in safe workplaces by the electronic parts industry.

The investigation identified the reasons of human rights violations. First, Korean firms do not have sufficient awareness of local statutes, the OECD Guidelines for Multinational Enterprises, and international human rights treaties. Second, they depend too heavily on the value of MOUs with local or central governments where they do business while they shy away from consultation with local people who are influenced by

the Korean firms. Third, Korean firms do not make enough efforts in creating safe work environment or installing pollution treatment facilities. Fourth, the corrupt judicial system may be a cause. Fifth, the parties concerned do not have access to judicial or non-judicial remedy procedures of Korea.

It is expected that the improvement measures proposed by the investigation team will be used for reference in developing policy recommendations or opinions on the statutes on business and human rights.

3) Discussion meetings

The NHRCK hosted three meetings of the Forum on Business and Human Rights to enhance the awareness of corporate respect of human rights among business enterprises and citizens.

The Commission co-organized the first meeting, on May 23, 2013, with the Korean branch of the United Nations Global Compact, the Sustainable Management Center of the Korean Chamber of Commerce and Industry. The meeting was attended by more than 200 people comprising those who are in charge of corporate social responsibility and safe management of public and private enterprises, citizens, and university students. The meeting mainly discussed the measures to prevent safety accidents with regard to handling dangerous articles at a dimension of the protection of human rights.

The second meeting was co-hosted by the Commission and the Korean Public Law Association on July 30, 2013. The meeting dealt with two

main points from the perspective of public law: the status of various human rights violations during the process of business management, and policy recommendations to spread corporate respect of human rights.

The Commission co-hosted the third meeting on November 26, 2013 with the Global Social Responsibility Center of Ewha Woman's University. Three domestic companies took part in the meeting and delivered their presentations on their practices of corporate respect of human rights. The meeting also discussed the measures to prevent human rights violations by Korean foreign direct investment firms, and judicial and non-judicial remedial actions, and institutional improvement measures.

4) Publication of a Report on Business and Human Rights

The NHRCK published *the Report on Business and Human Rights* in March 2013. The publication contains national policy proposals to achieve the following objectives: preventing various human rights violations taking place during business activities; inducing business enterprises to voluntarily respect the value of human rights; enhancing the awareness of corporate respect for human rights by the business enterprises; and encouraging implementation and spreading the practice of business and human rights.

In May 2011, a working group of business and human rights experts was formed to make the report. For the publication of the report, it studied international standards on business and human rights, foreign cases, domestic policies; visited business enterprises for interviewing

related persons; and did final evaluation work.

The Report includes policy proposals on the following: i) the content of business and human rights; ii) international trends on business and human rights; iii) the role of the state for business and human rights, and public sector human rights policies; iv) corporate respect of Korean business enterprises for human rights, v) the action plans and basic directions for corporate respect for human rights.

Details of the policy proposals are as follows:

- (1) Change of awareness of corporate respect for human rights and its institutionalization: The government is asked to take the lead in advocating the value of corporate respect for human rights to encourage business enterprises to have enhanced awareness of business and human rights.
- (2) Reflection of corporate respect for human rights on public supply service: The government and public sector entities are asked to reflect the business and human rights indices of supplying companies in the public procurement process.
- (3) Publication and implementation of the guidelines for business and human rights: The government is asked to include business and human rights in the criteria for evaluating public enterprises, and to make public a report on business and human rights.
- (4) Reflection of business and human rights in the criteria for selecting investment items of public pensions and funds: The public pensions and funds are asked to make business and

human rights a criterion institutionally for selecting investment items.

- (5) Prevention of human rights violations by subcontractors: Executives of large business enterprises are asked to pay attention to possible human rights violations by their subcontractors, and to take action, if needed.

5) Publication of *the Guidelines on Human Rights Friendly Management and Checklists*

The NHRCK has tried to give momentum to the expansion of corporate culture of respecting human rights and the voluntary implementation of human rights friendly management. The Commission's efforts for this purpose culminated in the publication of *the Guidelines on Human Rights Friendly Management and Checklists* in December 2013. For the publication, the Commission received advice from the business and human rights experts of academia, research institutions, and civil society organizations; and the exposure draft was distributed to public and private enterprises for their comments. The final version was distributed to public entities, and public and private enterprises.

The Guidelines contain general and operational principles Korean business enterprises should consider when they adopt and implement human rights friendly management together with related cases. They also provide self-diagnostic checklists for business enterprises, by themselves, to check and assess possible adverse influence of business activities on human rights in advance.

The Guidelines propose general principles that business enterprises should protect and respect the human rights of all stakeholders who are adversely influenced by business activities. The Guidelines also propose ten operational principles business enterprises should respect for business and human rights: (1) building a human rights friendly management system; (2) non-discrimination in employment; (3) guarantee of the freedom of association and collective bargaining; (4) prohibition of forced labor (5) prohibition of child labor; (6) guarantee of industrial safety; (7) responsible management of supply chains; (8) protection of the human rights of local residents; (9) guarantee of the right of environment; and (10) protection of the human rights of consumers.

Business enterprises are able to know the state of their human rights friendly management by doing self diagnostic check-up of the practice of human rights friendly management by taking the advantage of the Guidelines. They are also able to take preventive measures against managerial weaknesses which may lead to human rights violations potentially.

3. Featured Project II: Information and Communications Technologies and Human Rights

A. Overview

As Korea is considered a leading country in informatization, the NHRCK published, in January 2013, a comprehensive national report on

ICTs and human rights which correspond to international human rights treaties and ICTs-related international standards. The Commission, then, gathered the comments to this report from the experts of various areas. It also issued its opinions on such controversial issues of information human rights as the fingerprint reader, sharing the personal information of civilians among government entities, and the compatibility of web browsers.

With regard to the problem of surveillance of workers at workplace, especially due to the development of ICTs, the NHRCK led discussions for institutional improvement by conducting an Investigation on Violations on the Right of Labor by Information Devices. The Commission attended, for monitoring purposes, domestic and international meetings which discussed tapping of countries, collection by ICT companies of personal information, censorship violating the freedom of expression, digital divide, etc.

B. Major Activities

1) Opinion on the Improvement of Laws and Policies Related to Human Rights

□ [Opinion on the violability of human rights by the fingerprint reader for recording attendance of military medical officers](#)

The Military Medical Command asked for the opinion of the Commission on the violability of human rights by the fingerprint reader for recording attendance of military medical officers. As the personal information ownership is protected by the Constitution, the Commission thought, only statutes can limit the ownership even taking into

consideration the special character of the military and of the chain of command among public officials. The Commission, then, reviewed the violability with the Personal Information Protection Act as standards.

For use of the fingerprint reader, several conditions should be met. First, personal information owners, after clearly recognizing the implications of the fingerprint reader, should agree. Second, personal information owners should be granted the right of refusing. Third, a different way of recording attendance should be available. The Commission checked with the process of agreement conducted by the Military Medical Command, and found that the Command received agreement from military medical officers after the fingerprint readers had been put in operation.

As such, the Commission issued, on May 23, 2013, its opinion that military medical officers should be allowed to freely choose to make agreement. The rational for such an opinion was that personal information owners should be complete freedom to refuse to agree in accordance with the provisions of Article 15 of the Personal Information Protection Act.

□ Opinion on the bill on the support of school dropouts outside schools

As the Bill on the Support of School Dropouts out of Schools was proposed, the Minister of Gender Equality and Family asked for the opinion of the NHRCK. The bill purports to, among others, provide for an information system for school dropouts outside schools so that their supporting services may not have blind spots.

The Commission concluded that such information as the

discontinuation of school work is so important to affect the formation of personal character of the dropouts in a society where education is highly valued; such information may be, on the part of the dropouts, sensitive information they do not want to release; school student information records contain sensitive information of personal information owners including their personal particulars, and various other detailed information on privacy; and that it was not desirable for the bill to enable the Minister of Gender Equality and Family to collect, keep, and manage the whole records of school student information. The Commission, therefore, issued its opinion, on June 27, 2013, that the Minister is asked to collect, keep, and manage the least information as needed for the conduct of the Minister's responsibilities.

□ Opinion on the compatibility of the homepages of government entities

The NHRCK received a complaint that it was not possible to fill out service application forms on the homepage of the Ministry of Employment and Labor if the users did not use the Internet Explorer. As such, the complaint urged that other web browsers should access the service application forms. The Commission reviewed the complaint to see if such an arrangement might infringe on the right of access or the right of use of web services.

With the recent technology development and mobile-oriented access to the Internet, the Commission found, that the market share of the Internet Explorer had continuously decreased. Most of web services, including those of government entities, nonetheless, were found to be optimized for the Internet Explorer. As such, the Commission found

that the users of e-government services had continuously had inconvenience. The Commission, at the same time, found that most of such inconvenience could be resolved by following the web standards and web compatibility as they stipulate selective use of the Active-X and equal services on more than three web browsers. In conclusion, the Commission found that government web services violated the universal service clause of the web compatibility guidelines, and infringed on the right of access to information and the right of using government services for citizens. On December 5, 2013, the Commission, hence, informed the Ministry of Employment and Labor of its opinion of human rights violations, and also informed the Ministry of Security and Public Administration of its opinion of the need for additional supervision.

2) Investigation of Human Rights Conditions and Key Findings

□ Investigation of violations of the right of labor by ICT devices

In 2007, the NHRCK recommended the institutional and legislative improvement for the protection of the human rights of workers at workplace. Nonetheless, counseling cases in this area have been on the rise. The cumulative total of the counseling cases reached 663: the number at the end of 2012 was 169, which was three times more than 57 in 2008.

The development of ICTs has caused more violations of the right of labor: for example, violations of privacy including surveillance of working; extra working after work hours or in the weekend. In response, the NHRCK chose 700 workers to conduct surveys and case

studies among them with regard to their awareness of work environment and the Personal Information Protection Act.

It is meaningful that 700 workers across the country were selected for the investigation taking into account the characteristics of regions and working population; and that in-depth case studies were conducted by using the methods of interviewing and structured interview questions. The Commission also proposed the draft guidelines on electronic surveillance at workplace and institutional improvement options.

Chapter 2. Investigations and Remedies: Human Rights Violations and Discriminatory Acts

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Section 1. Overview

Pursuant to Article 19 Subparagraphs 2 and 3 of the National Human Rights Commission Act, the NHRCK has made investigations into and provided remedies for human rights violations and discriminatory practices.

The scope of its investigations includes violations of and/or discriminatory acts against human rights that have been stipulated in Articles 10 to 22 of the Constitution of the Republic of Korea, and discriminatory acts committed by legal entities, organizations or individuals, in relation to the work of governmental organizations; local/provincial government; schools; public service-related organizations or detention facilities and care facilities.

In general, investigations into the aforementioned human rights violations and discriminatory acts begin with the victim filing a complaint. Complaints can be filed by the victims themselves or by a third party, e.g., an individual or an organization knowing the case. Also, in-person complaints³⁾ are utilized for people being held in custody whose right to

3) In-person complaint: For the people being held in custody who find it difficult to file complaints via oral statement or phone calls, public officials of the NHRCK visit the detention facilities or care facilities to receive complaints in writing or orally.

file a complaint is difficult to protect.

On receiving complaints, the Commission performs investigations. If the findings turn out to be violations of human rights or discriminatory acts, the Commission recommends the defendant or the supervising authorities of the defendant to prevent the recurrence of such violations or discrimination and to take necessary action for *restitutio in integrum*. In case the complaints do not fall under the category of matters subject to the investigations of the Commission, or turn out to be short of human rights violations or discrimination, they are dismissed or refused.

The Commission thinks highly of the promptness of and access to remedy through the procedure for complaints. It offers counseling desks of counselors and executive counselors who provide exclusive reception and counseling service. It also tries to make a variety of efforts to improve the quality of counseling service and to promote the access to the procedure of remedy through counseling.

In 2013, the Commission added the video, chatting, and SNS counseling system to the CTI (Computer Telephony Integration) which was built in 2012. This is expected to help those who have language and auditory disorders to use the visual counseling system. The Commission also offered SNS counseling taking advantage of the popularization of smartphones. Improvement of the work of the Commission also includes booking of counseling appointments, counseling in English for foreigners, and counseling in sign language for those who have hearing difficulties.

The Commission also increased the access to counseling. For the underprivileged groups and social controversial issues of human rights, circuit counselors provided customized services for each of such different groups (the disabled, multicultural families, migrant workers, regional residents, etc.). For those who are housed in detention and group care facilities which are considered as the blind spots of human rights, the Commission tried to protect the right of filing complaints by continuously inquiring into the status of installation of complaints boxes.

In 2013, the Commission received 10,050 complaints, a 5% increase compared with 9,582 in 2012. Among them, complaints of human rights violations were 7,455 or 74.2% while complaints of discriminatory acts 2,492 or 24.8%.⁴⁾

Article 30 Paragraph 3 of the National Human Rights Commission Act provides that the Commission can perform a *suo moto* investigations, "in case of no complaint, but if the Commission admits that there are considerable grounds of human rights violations or discriminatory acts, and that they are serious."

The Commission's *suo moto* investigations were performed, in 2012, on the following cases: the illegal surveillance of the Office of the Prime Minister; delayed reaction by the police hotline to the murder of a female; and deep-rooted sexual violence and brutal behavior in the military. In 2013, it carried out a total of 11 *suo moto* investigations.

4) Sections 3 and 4 discuss detailed classifications of human rights violations, and the status of investigations and remedial actions.

Among them are: violence by the maritime police against Chinese seamen, violence and sexual harassment scandals in an army division, the overcrowded jails in big cities, human rights violations against the people with intellectual disorder who have no relatives in group care facilities; discrimination against the maternal line in granting auspicious and funeral leaves and allowances. In addition, five visit investigations were performed on military detention facilities, children's communal living families, and care facilities for foreigners.

Section 2. Human Rights Counseling and Complaint Filing

In 2013, the NHRCK received 10,050 complaints, 35,508 counseling applications, and 36,670 civil petitions and inquiries for instructional information (regarding investigations, the filing process, and other organizations). The figures were increased by 468 (5.0%), 6,241 (21.3%), and 5,728 (18.5%) respectively compared with 2012.

In case of civil petitions and inquiries, the rate of increase is not very high because simple inquiries of, for example, telephone numbers have not included since 2009. Since 2012, however, the rate of increase has grown by a great degree.

1. Human Rights Counseling

A. Counseling

[Table 2-2-1] Counseling by Year

(Unit: case, %)

	Cumulative Total		Human Rights Violations		Discriminatory Acts		Others		In-Person Complaints Resulting in Counseling	
	Case	%	Case	%	Case	%	Case	%	Case	%
Total	202,083	100.0	73,233	36.2	17,855	8.8	89,986	44.5	21,009	10.4
2013	35,508	100.0	13,787	38.8	2,978	8.4	17,421	49.1	1,322	3.7
2012	29,267	100.0	11,823	40.4	2,529	8.6	13,549	46.3	1,366	4.7
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	8,806	35.6	2,141	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

* Cumulative Total: November 2001 to December 31, 2013.

* The in-person complaints resulting in counseling are not categorized into further details, e.g, human rights violations and discrimination.

B. Counseling on Human Rights Violations

The most notable peculiarity of counseling for human rights violations in 2013 was that counseling in schools of all grade levels surged compared with the previous year. The number of counseling applications nearly doubled in just one year from 453 in 2011 to 868 in 2012, and 815 in 2013. This was not only because all levels of schools were subject to the investigation of the Commission after the revision of the National Human Rights Commission Act on March 21, 2012, but also because school violence, suicide and social outcast have emerged as serious social issues. Counseling on group care facilities constantly

increased for several reasons. First, there has been an increasing concern for the human rights of people being held in mental hospitals. Second, remedial actions by the Commission have gradually increased. Third, standard complaint boxes have been distributed and employees in group care facilities have received education since 2008. Fourth, the Commission presented a country report on the mentally challenged in 2009. The number of counseling sessions in group care facilities has been constantly rising, from 2,623 (38.9%) in 2009 to 7,589 (55.0%) in 2013, to account for more than all counseling applications. Counseling for human rights violations relating to the prosecution, the police, law enforcement agencies, and detention facilities gradually increased to 2010, showed a slight decrease in 2011, and rebounded since 2012. Counseling for human rights violations perpetrated by local/provincial governments and other governmental entities in 2012 and 2013 stayed on the decrease and unchanged, respectively.

C. Counseling for Discriminatory Acts

Pertaining to counseling for discrimination, counseling on disabilities has been in first place since 2008 when the Act on Discrimination Prohibition was enacted. The number of counseling cases slightly decreased in 2011, but increased again by 104 (12.5%) to 937 in 2012, and increased by 175 (18.7%) to 1,112 in 2013. Counseling related to sexual harassment (764 or 25.7%), social status (231 or 7.8%), other discriminatory acts (217 or 7.3%), and age (197 or 6.6%) followed.

2. Reception of Complaints

The NHRCK has received a total of 78,305 complaints since its establishment in November 2001. 59,562 (76.1%) cases were related to human rights violations, 16,590 (21.2%) discrimination, and 2,153 (2.7%) others. The number of human rights violations changed from 5,282 (75.6%) in 2009, 6,460 (70.5%) in 2010, 5,424 (73.7%) in 2011, 6,946 (72.5%) in 2012, to 7,455 (74.2%) in 2013. The number of cases in 2013 increased by 509 (7.3%) compared to 2012.

[Table 2-2-2] Complaint Filing by Year

(Unit: case, %)

	Cumulative Total		Human Rights Violations		Discriminatory Acts		Others	
	Case	%	Case	%	Case	%	Case	%
Cumulative Total	78,305	100.0	59,562	76.1	16,590	21.2	2,153	2.7
2013	10,050	100.0	7,455	74.2	2,492	24.8	103	1.0
2012	9,582	100.0	6,946	72.5	2,549	26.6	87	0.9
2011	7,357	100.0	5,424	73.7	1,803	24.5	129	1.8
2010	9,168	100.0	6,460	70.5	2,681	29.2	27	0.3
2009	6,985	100.0	5,282	75.6	1,685	24.1	18	0.3

* Cumulative Total: November 2001 to December 31, 2013

* The number of cases may increase because there are cases which are divided into two or more cases after having been filed.

3. Circuit Counseling

The NHRCK conducted a total of 12 circuit counseling sessions in 2013, in which the circuit counselors of the Commission visit the socially vulnerable and minority groups. Circuit counseling services began on April 22, 2013 for the disabled in Cheongju, and continued in Seoul and the capital area, and in such regions as Choongnam, Gangwon, and Ulsan in cooperation with local governments and human rights organizations.

The Commission is committed to planning circuit counseling for remedial action which will help the counseling applicants and complainants. It also made its best efforts to promote friendship with local people by conducting circuit counseling in connection with local social welfare expositions.

4. In-Person Complaints

Article 31 of the National Human Rights Commission Act guarantees that people being held in detention or group care facilities have the right to personally file complaints with commissioners or the staff of the NHRCK in writing or orally. From 2001 to 2013, 43,071 out of 43,247 in-person complaints filed from people in detention and group care facilities were processed completely, and 177 remain pending. Of the closed cases, 11,572 (26.9%) were received as complaints, with 21,009 (48.8%) closed during counseling, and 10,490 (24.4%) withdrawn by the complainants.

[Table 2-2-3] In-Person Complaints by Year

(Unit: case, %, day)

	Carried Over from Previous Year	Complaints Submission	Closed								Average Processing Time
			Subtotal		Withdrawn		Complaints		Complaints Resulting in Counseling		
Cumulative Total		43,247	43,071	100.0	10,490	24.4	11,572	26.9	21,009	48.8	
2013	202	3,068	3,094	100.0	991	32.0	781	25.3	1,322	42.7	22.3
2012	201	3,070	3,069	100.0	989	32.2	714	23.3	1,366	44.5	27.9
2011	139	3,117	3,055	100.0	1,019	33.4	675	22.1	1,361	44.5	20.9
2010	106	3,949	3,916	100.0	1,129	28.8	787	20.1	2,000	51.1	19.9
2009	119	5,009	5,022	100.0	1,096	21.8	1,282	25.5	2,644	52.6	9.6

* Cumulative Total: November 2001 to December 31, 2013

5. Civil Petitions and Inquiries

The NHRCK is the national human rights institution whose mandates are to process and investigate complaints, and to respond to civil petitions and inquiries. In case the Commission is not able to process the complaints according to the National Human Rights Commission Act, it tries to help the complainants by introducing them to remedial procedures prescribed by other laws and other entities, by providing them legal consultation and simple advice.

Civil petitions are, in most cases, matters regarding human rights violations among citizens, violence of tongue on the Internet, credits and liabilities between individual citizens, and inquiries on remedies for administrative actions. In 2013, civil petitions and inquiries were received through various channels: 7,108 (53.1%) petitions and inquiries through

the Internet (Commission's homepage, e-mail); 3,321 (25.1%) by mail and fax; and 2,839 (21.5%) through *Shinmungo* (literally meaning "Big Drum", e-people or the main portal for the whole people).

Section 3. Investigations and Remedies: Human Rights Violations

1. Reception and Processing of Complaints

A. Reception of Complaints

In 2013, the NHRCK received a total of 7,455 complaints of human rights violations, which was an increase by 509 (7.3%) compared with the previous year. There has been a steady increase in the number of complaints of human rights violations with slight annual fluctuations. For the recent three years, complaints on the human rights violations by group care facilities, local/provincial governments, all levels of schools, and entities closely related with the government have been increasing.

[Table 2-3-1] Complaints on Human Rights Violations Filed Against Entities

(Unit: case, %)

Year	Total	Prosecution	Police	Detention Facilities	National Intelligence Service	Military	Other National Institutions	Protective Facilities	Judiciary Institutions	Legislative Institutions	Local Gov	Immigrant Office etc	Schools	Public Service-- Related Organizations	Other
2013	7,455	147	1,259	1,687	15	136	309	2,676	67	4	339	23	393	176	224
2012	6,946	147	1,221	1,731	16	184	424	2,115	85	0	335	27	480	133	48
2011	5,425	139	1,107	1,360	15	132	530	1,555	71	3	247	40	199	0	27
2010	6,460	234	1,582	1,885	17	116	486	1,372	156	14	295	10	218	0	75
2009	5,282	142	1,210	2,027	17	96	452	490	50	5	214	0	4	0	575
2008	4,892	172	1,106	1,946	25	89	307	685	70	2	323	0	0	0	167
2007	5,067	226	1,131	2,004	36	80	327	586	62	8	449	0	0	0	158
2006	3,335	136	797	1,427	12	65	394	255	56	2	177	0	0	0	14
2005	4,199	214	937	1,918	11	64	525	234	63	2	194	0	0	0	37
2004	4,627	164	688	1,835	11	60	1,553	126	41	8	115	0	0	0	26
2003	3,041	174	701	1,686	5	73	201	57	35	2	81	0	0	0	26
2002	2,833	299	839	1,114	33	110	236	34	70	1	66	0	0	0	31
Total	59,562	2,196	12,595	20,620	213	1,209	5,744	10,191	826	51	2,835	100	1,295	309	1,377
%	100	3.7	21.1	34.6	0.4	2.0	9.6	17.1	1.4	0.1	4.8	0.2	2.2	0.5	2.3

* The statistics in the table may differ from the previous statistics due to revision of errors.

The NHRCK has received a total of 59,561 complaints on human rights violations since its establishment until the end of 2013. By entity, the largest number of complaints were about detention facilities (20,620 or 34.6%), the police (12,595 or 21.1%), group care facilities (10,191 or 17.1%), and other governmental institutions (5,744 or 9.6%). With the complaints on detention facilities and the police group accounting for the

largest portion, complaints on group care facilities have rapidly increased since 2010.

B. Processing of Complaints

Over the past three years, the NHRCK resolved more and more complaints: 5,158 complaints of human rights violations in 2011, 6,938 cases in 2012, and 7,451 cases in 2013. The increase of the number of complaint resolutions is analyzed to be mainly due to increased complaints and the promoted capacity of investigators of the Commission.

The rate of remedies has also remarkably increased. In 2013, 360 complaints, or an increase by 96 (36.4%) compared with the previous year, were admitted. In detail, they were 113 recommendations for remedial actions, 2 recommendations for disciplinary action, 242 consensual settlements, 1 accusation and request for criminal investigation, and 2 requests for legal aid.

Of the 4,541 rejected cases in 2013, 3,192 cases (70.3%) were voluntarily withdrawn, 644 cases (14.2%) were deemed to be beyond the scope of the Commission's investigation, 190 cases (4.2%) were rejected because remedial actions were underway or completed by other authorities, 107 cases (2.3%) were rejected due to the passage of negative prescription for investigation by the Commission, and 408 cases (9%) with no reason for complaining or with no investigability.

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

(Unit: case)

Year	Filed	Closed	Complaints Admitted								Complaints Not Admitted			
			Total	Accusation & Request for Criminal Investigation	Recommendation for Disciplinary Action	Emergency Relief	Recommendation for Settlement	Consensual Settlement	Legal Aid Request	Mediation	Rejected	Transferred	Dismissed	Suspended
2013	7,455	7,451	360	1	2	0	113	242	2	0	4,541	18	2,511	21
2012	6,946	6,938	264	2	1	1	155	103	2	0	4,392	22	2,229	31
2011	5,425	5,158	260	6	4	0	130	117	2	1	2,935	35	1,908	20
2010	6,460	6,264	331	6	3	1	198	122	1	0	3,907	130	1,831	65
2009	5,282	5,108	365	5	5	1	235	118	0	1	2,974	78	1,637	54
2008	4,892	5,288	308	12	30	2	213	48	1	2	3,177	99	1,644	60
2007	5,067	4,757	239	13	16	0	147	61	2	0	3,152	116	1,215	35
2006	3,335	3,250	207	17	2	0	164	23	1	0	2,019	70	933	21
2005	4,199	4,132	244	6	6	1	156	73	2	0	2,378	147	1,318	45
2004	4,627	4,931	145	6	2	0	79	54	4	0	3,306	148	1,280	52
2003	3,041	3,137	94	9	3	2	57	23	0	0	2,210	116	717	0
2002	2,833	1,365	29	3	16	2	8	0	0	0	1,174	26	136	0
Total	59,562	57,779	2,846	86	90	10	1,655	984	17	4	36,165	1,005	17,359	404

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

* The statistics in the table may differ from the previous statistics due to revision of errors.

Among the withdrawn cases which account for the majority of the rejected cases, most cases were withdrawn because the causes of complaints were removed during the course of investigations or because complainants do not want the continuation of procession complaints.

In 2013, the Commission received 1,687 complaints on detention

facilities, and processed 1,662 complaints including those carried forward; received 2,676 complaints on group care facilities, and processed 2,649 complaints including those carried forward; and received 1,259 complaints on the police, and processed 1,456 complaints.

[Table 2-3-3] Processing of Complaints on Human Rights Violations by Entity and Resolution in 2013
(Unit: case)

Category	Received (A)	Closed (B)	Complaints Admitted								Complaints Not Admitted				Under Investigation	%
			Total	Accusation & Request of Criminal Investigation	Recommendation for Disciplinary Action	Emergency Relief	Recommendation of Settlement	Legal Aid Request	Consensual Settlement	Mediation	Rejected	Transferred	Dismissed	Suspended		
(No. of Case)	7,455	7,451	360	1	2	0	113	2	242	0	4,541	18	2,511	21	1,783	100
(%)	—	100	4.8	0	0	0	1.5	0	3.3	0	61.0	0.2	33.7	0.3	—	—
Prosecutor's Office	147	169	4	0	0	0	3	0	1	0	106	1	56	2	23	2.3
Police	1,259	1,456	80	0	0	0	32	2	46	0	665	9	691	11	265	19.5
Detention Facilities	1,687	1,662	7	0	0	0	3	0	4	0	916	5	734	0	342	22.3
National Intelligence Service	15	13	0	0	0	0	0	0	0	0	10	0	3	0	5	0.2
Military	136	165	9	0	0	0	6	0	3	0	95	0	60	1	32	2.2
Other Government Entities	309	324	5	0	0	0	5	0	0	0	236	1	80	2	104	4.3
Protective Facilities	2,676	2,649	224	1	1	0	53	0	169	0	1,780	2	640	3	440	35.5
Judiciary	67	93	2	0	0	0	2	0	0	0	59	0	32	0	6	1.3
Legislative Institutions	4	4	0	0	0	0	0	0	0	0	2	0	2	0	0	0.1
Local Gov'ts	339	297	4	0	0	0	3	0	1	0	196	0	97	0	171	4.0
Immigration Office, etc.	23	25	2	0	0	0	1	0	1	0	15	0	8	0	3	0.3
Gov't-Related Entities	176	127	1	0	0	0	0	0	1	0	109	0	16	1	94	1.7
Schools	393	422	22	0	1	0	5	0	16	0	307	0	92	1	144	5.7
Others	224	45	0	0	0	0	0	0	0	0	45	0	0	0	154	0.6

2. Central Government Entities and the Military

□ Recommendation on the illegal surveillance by the Civil Service Ethics Division of the Office of the Prime Minister

In March 2012, the press reported that the Civil Service Ethics Division of the Office of the Prime Minister had conducted illegal surveillance over public officials and civilians from 2009 to 2010. This has caused social controversy. In response, the NHRCK opened its 8th plenary committee meeting to discuss this matter, and concluded that this matter was larger in the scope of surveillance than the suspicions of illegal surveillance over civilians, and incurred blame for considerably reliable and grave reasons. As such, the Commission decided to conduct a *suo moto* investigation in accordance with the provisions of Article 30 Paragraph 3 of the National Human Rights Commission Act.

The Commission carried out a wide investigative work on the victims and involved personnel of the surveillance scandal. The findings of the Commission included the following several points. The illegal surveillance was performed contravening the organizational set-up, scope of work, and the goal of establishing public discipline of the Civil Service Ethics Division. It was found that illegal surveillance was made over those civilian people, public officials, and the executives of public entities who opposed government policies and programs. The surveillance looked into even personal wrongdoing, political dispositions, and personal connections. The surveillance led to unreasonable pressure over the people under the surveillance through government audit,

personnel, criminal investigation, tax investigation, etc. The staffs of the Civil Service Ethics Division were blamed for abusing their power by using illegal means of collecting information such as tailing, illegal recording and search. As such, the Commission concluded that the illegal surveillance violated the provisions of Articles 10 and 17 of the Constitution which guarantee personal rights, the ownership of personal information, and the secret and freedom of privacy.

Based on its findings, the Commission issued its recommendations, on January 28, 2013, for taking necessary action to prevent recurrences and to remedy victims. The details of the recommendations have the following several points. First, the Commission recommended the President of the Republic to take popularly reliable action to prevent the recurrence of illegal surveillance by government entities. Second, the Commission recommended the Speaker of the National Assembly to identify legal lacunae and deficiency which might have allowed such illegal surveillance and information collection, and to take legislative action, if necessary. Third, the Commission recommended the Prime Minister to make guidelines which clearly define the strict compliance with the legitimacy of the purpose and procedural legality of public discipline. It further recommended that such guidelines should be made public, and that necessary actions should be taken for the remedy of victims and the prevention of recurrence.

□ Death resulting from deficient medical treatment in the military

The NHRCK received a complaint, on June 18, 2013, from the Military Human Rights Center, a civil society organization. The

complaint said that, "the victim felt grave pain in the head, after the cold spell military training, and asked for medical treatment outside the camp. The commander, however, turned down the victim's request, and sent the victim to another military unit where the victim was put on guard. As the commander did not take necessary action, the victim, at last, became dead."

The Commission performed investigation, and confirmed that the victim joined the military on January 31, 2012, and he had not received any appropriate medical treatment until he became dead on June 17, 2013. The platoon leader of the victim was turned out to know that the victim's symptom did not get better from January 14, 2013 when the victim complained first about his pain until January 23 when he received medical treatment at military hospital A. The platoon leader, however, did not take any action, for example, arrangement for face-to-face medical treatment, except for his arrangement for the victim to consult with a military medical officer two times at night. The victim's company commander did not take any appropriate action either though he had known that the victim's symptom did not get better several days from the day of first complaint. After eight days, the company commander reported such a fact to the battalion commander. In particular, the company commander sent the victim to a different military unit for performing guard work one day after the civilian hospital expressed a diagnosis, on January 19, 2013, that the victim's symptom, if not disappear, might mean cerebral meningitis. In addition, on January 17, the victim was ordered to do cleaning work in spite of

the victim's symptom. It was further confirmed that the interviewing and observation records were written *en masse* belatedly after the doctor diagnosed the victim's case cerebral meningitis.

The NHRCK concluded that the commanding officers of the victim did not take necessary action for the victim to have opportunities for military medical services, and this led to the violations of the right of health and of access to medical services of the victim, which is guaranteed by Article 10 of the Constitution. The Commission, therefore, recommended that the responsible commanding officers should be given warning and caution and job training.

As for the victim's claim the lower than the standards military medical treatment to failure in diagnosis of brain tumor, the Commission expressed its opinion that it was difficult to make a judgment on the violation of necessary caution principles because such a judgment belonged to the highly professional area of medicine. In light of the gravity of this incident which may be attributable to medical negligence, the Commission concluded that recurrence should not take place. The Commission, therefore, recommended, on October 31, 2013, the Ministry of National Defense to that a military medical arrangement should be established for military medical officers to provide prompt medical service for patients in the military.

□ Recommendation on the reexamination of the self-injured due to cruelties including violence

A father submitted a complaint about his son, a soldier in army unit A. The complainant said, "My son, during military service, suffered from

violence and indecent assault by his senior soldiers. In agony, my son attempted to commit suicide by hanging himself in the toilet of his military camp. The aftereffect was cerebral palsy first class. Nonetheless, my son was not recognized in sustaining on-duty or war injury because his injury was self-made. In conclusion, such a judgment is not fair.”

The war and on-duty injury screening committee of the Army Headquarters said that the victim was not assimilated with life in the camp due to internal irregularities including his introverted character, seniors’ frequent fault-finding and foul language, and that he was in agony, and then attempted to commit suicide. The committee added that its judgment was made in accordance with the criteria. The committee, however, informed that re-screening might be possible as the instructional orders of the Ministry of National Defense on the judgment of war and on-duty injuries were revised on July 1, 2012.

According to the revised instructional orders, suicide or self-injuries during military service, if they are due to performing public duties or due to cruelties such as battery or violent language, may be recognized as death on duty or on-duty injury. If a government entity with investigative power, like the Commission, makes a different decision or recommendation to the contrary of the military, the military is asked to accept the decision or recommendation.

According to the findings of the Commission, the victim did not have psychological disorder before he joined the army. In the army, however, he was harassed by cruel behavior of his seniors. He gravely complained

about his hardship. Nonetheless, his commanding officers did not take fact-finding efforts. At last, the victim could not endure extreme insecurity and despair, and resorted to self-injury.

The Commission found that the right of health and the person of the victim was violated, and that such rights are guaranteed by Articles 10 and 12 of the Constitution. It further concluded that there was room for the victim's self-injury to be recognized as war and on-duty injury by the instructional orders of the Ministry of National Defense. The Commission, therefore, recommended, on October 31, 2013, that the Army Chief of Staff should re-examine the eligibility of the victim's case for being recognized as on-duty injury.

□ Visit inspection on military detention facilities

The NHRCK have made visit inspections four times (2007, 2008, 2009, 2011) on military detention and correctional facilities since its inception. These visit inspections led to the improvement of the environment which was sources of violating human rights. Nonetheless, batteries and other cruelties have taken place continuously, and complaints on military detention facilities have been continuously received by the Commission. In 2013, the Commission visited eight detention facilities of the army, the navy, and the air force for inspection.

The Commission found that military detention facilities were managed appropriately in compliance with the military detention facilities standards. As for the treatment for inmates, most detention facilities took actions to guarantee human rights in accordance with related rules

and regulations. With regard to the problems found during the visit inspections, the detention facilities took correctional measures on the spot or said they would take necessary action soon.

The Commission, however, found that the human rights of inmates could be promoted by way of spreading some best practices, etc. and establishing the unified standards. The Commission issued its recommendation, on November 29, 2013, to the Ministry of National Defense.

Major points of the recommendation were: i) prohibition of conversation within the room and demanding of sitting up straight should be improved; and guidelines should be established with regard to the restriction of behavior of the inmates; ii) the convention of restricting interviewing and telephone using without any standards should be improved; iii) inmates should be given enough time for exercise on the ground and appropriate sports goods and equipment; iv) facilities or goods should be prepared to prevent the exposure of physical examination of inmates; and v) disgracing terms used on the records of inmates should be improved.

3. Prosecutions Authorities, Police, and Judicial Entities

□ Human rights violation: detention in prison workshop without presentation of punishment execution order

The NHRCK received a complaint saying that "I myself visited the prosecutor's office to apply for the installment payment of fine. My installment application was turned down. Then, staff of the prosecutor's

office detained me in the prison workshop without presenting the punishment execution order.”

Article 12 of the Constitution guarantees the freedom of the person, and expressly mentions the due process for arrest and detention, and mentions that a warrant issued by the judge should be presented for detention. In addition, the provisions of Article 492 of the Criminal Procedure Act stipulates that provisions for the execution of liberty punishment should be applied *mutatis mutandis* to the execution of detention in the prison workshop, and that a punishment execution order should be presented to arrest a person to detain in the prison workshop.

As for this case, the Commission found that the complainant visited the prosecutor’s office to apply for installment payment, was not arrested for the execution of punishment. The Commission, therefore, found that detaining the complainant in the prison workshop without presenting the punishment execution order had violated the freedom of the person guaranteed by Article 12 of the Constitution.

The Commission, in this regard, issued a recommendation, on October 31, 2013, to the head of the branch office of the A regional prosecutor’s office. The head of the branch office was recommended to give caution to the staff of the prosecutor’s office and to provide the staff with education in human rights.

□ Human rights violation: use of restraining devices for criminal devices

The NHRCK received a complaint saying “When I was in the jail, a criminal investigator called me, in my capacity as a plaintiff, for

investigation. The investigator, however, refused my request that he should release my handcuffs and rope. At that time, the correctional officer in charge of safe custody did not release the handcuffs and rope either.”

Article 12 of the Constitution guarantees the freedom of the person. Article 202 of the Safe Custody Guidelines of the Ministry of Justice provides that the handcuffs and rope should be release during the examination in the examination room. In addition, the Constitutional Court ruled that “use of the restraining devices for the suspect may be granted when there is a possibility of escape, destruction of evidence or for maintaining the safety and order within the examination room. (May 26, 2005. 2001heonma728 decision)

The NHRCK found that it was a violation of the freedom of the person guaranteed by Article 12 of the Constitution to investigate the complainant in handcuffs and rope without detailed reason. Although the responsibility of safe custody of arrested suspects rests with correctional officers in charge of safe custody, criminal investigators cannot escape from the responsibility because they are in the position to have actual control of the use of restraining devices.

The Commission recommended the head of the prosecutor’s office, on November 29, 2013, to give caution to the criminal investigator who examined the complaint. During the investigation of the Commission, the defendant institution established the guidelines on the use of restraining devices in the examination room. The guidelines provided the principle of releasing restraining devices during examination in the

examination room. As such, the Commission decided not to take any action on the responsible correctional officer.

□ Recommendation to put the black box of police cars in operation

The NHRCK received a complaint which said, "After I was arrested and examined by policemen, I was hit on the face and the head by the policemen in a police car on the way to a police station having custodial facilities."

According to the finding of the Commission's investigation, one of the policemen, or the defendants of the complaint, beat the complainant on the head and other parts of the body more than 10 times, in the police car. The reason was that the complainant did not reflect on his bilking restaurants. Another policeman was turned out not to hold his colleague from beating the complainant.

The Commission found that the above-stated behavior of the policemen fell under the category of violation of Article 8 of the police guidelines on the protection of human rights (prohibition of violence and cruelties) and the freedom of the person as stipulated by Article 12 of the Constitution.

As the policemen were investigated on this case by the police authorities, and punished respectively: one dismissed and the other suspended from work for one month. In addition, investigation was still under way on the suspicion of corruption and violence. The Commission, as such, concluded that no action was needed to bring the policemen to account.

However, the Commission came to know that the police authorities

made it mandatory, from 2011, to install the black box in all police cars, and to put it in operation during car service. It further confirmed that the defendant policemen did not put the black box in operation. As such, a recommendation was issued, on March 20, 2013, by the Commission to the chief of the police station. In the recommendation, the Commission asked for the strict compliance with the guidelines of the police stipulating the operation of the black box of police cars. It further requested the police chief to provide the policemen with job training.

□ Human rights violation: arresting a misdemeanor culprit with fixed abode in the act of crime

Article 212 of the Criminal Procedure Act stipulates that any person may arrest a flagrant offender without a warrant. However, Article 214 of the Act stipulates that the provisions of Article 212 shall apply to the flagrant offenders punishable with fine not exceeding 500,000won, penal detention, or minor fine only if their dwelling is uncertain. Therefore, if the personal identity of a suspect has been identified, the culprit of a misdemeanor shall not be taken as a flagrant criminal in the act of crime, citing the general requirements for arrest and detention, e.g., likeliness of escape or destruction of evidence.

Entry without permission is just a misdemeanor which falls under the category of the Punishment of Minor Offenses Act. It is punishable with fine, and is not a flagrant offense whose committer should be taken in the act of crime. Also, the Commission found that the complainant and others did not even try to escape, that they cooperated fully with the

ID checking of policemen by presenting their ID cards or personal particulars orally. Even the persons related with the construction work claimed that they did not take the suspects as flagrant criminals on the site.

In conclusion, the policemen did not consider the relevant legal provisions governing the arrest of flagrant offenders in the act of crime. They just took the suspects to the police station. The Commission found that the behavior of the policemen violated the provisions of Article 214 of the Criminal Procedure Act, and ultimately leading to the violation of the freedom of the person stipulated by Article 12 of the Constitution.

The Commission emphasized that recurrence of similar cases should not take place, and recommended the police chief of the region, on April 9, 2013, to provide job training for the defendants and other policemen. The police chief accepted the recommendation and took necessary action in response.

□ Human rights violation: visiting and informing the family of the fact of committing crime

The NHRCK received a complaint which said, "I was caught while driving drunk in City A. After two days, a policeman visited my home, and told my mother about my drunk driving, suspension of driving license, and imposition of fine. This is inappropriate and unreasonable."

The Commission concluded that the behavior of the defendant policeman violated Article 9 of the Police Guidelines for the Protection of Human Rights and Article 54 of the Criminal Investigation Regulation. Article 9 of the Guidelines says, "policemen should not let out personal information obtained on duty to any other than the owner

of personal information.” Article 54 of the Regulations reads, “when policemen ask for the appearance of suspects or people for reference, the request for appearance should be issued by the name of a judicial police officer.

In addition, the complainant was allowed to go home after breathalyzing and identification of domicile on the day of his offense. With regard to the request for appearance, it was not so urgent that a policeman should visit the complainant’s home to confirm his domicile. Though the policeman could easily expect that the old mother of the complainant would be surprised at the news of his son, the policeman visited the domicile of the complainant for the purpose of identifying the domicile, and told the mother about her son’s offense. Considering these facts, the Commission concluded that the policeman’s behavior violated the due process of law, and ultimately violated the right of privacy of the complainant, which is guaranteed by Article 17 of the Constitution.

As such, the Commission recommended the relevant police chief, on April 9, 2013, to take two measures. First, the police chief was called upon to establish clear standards for requesting the appearance of suspects. Second, the police chief was asked to provide his staff with job training on the prohibition of leaking personal information. The police chief accepted the recommendation and took necessary action.

□ **Human rights violation: ordering voluntary break-up to the beleaguered protesters**

The Assembly and Demonstration Act and its enforcement decree provide that assemblies and demonstrations, though they are prohibited, should be requested to dissolve voluntarily, and if they do not respond,

they should be given the order of dissolution more than three times; and if they still do not follow the order of dissolution, then direct means of dissolution may be used.

Assemblies and demonstration, though they should be dissolved, should be dissolved, in case of forced dissolution, following the procedures prescribed by the related laws. In addition, physical clashes and infringements on the human rights of citizens should be minimized. However, the defendants of the complaint made more than 200 protesters beleaguered for about 20 minutes; and they asked the beleaguered protesters to break up voluntarily and, then, gave orders of dissolution without giving the protesters guidance for gradual dissolution or a path of retreat. Further, already dissolved protesters were forced into the besiegement. It was also confirmed that the protesters were told that the crime of not following the order of dissolution might be punishable with imprisonment for more than two years, though it is only punishable with fine not exceeding 500,000won, penal detention, or minor fine.

The Commission found that the defendants of the complain violated Article 21 (the freedom of assembly) and Article 12 (the freedom of the person) of the Constitution. The Commission, therefore, recommended, on May 8, 2013, the regional police chief to give caution to the defendants of the complaint, and to provide the policemen with job training on the procedure of dissolving assemblies. The police chief accepted and implemented the recommendation.

□ Human rights violation: restricting access to legal counsel during police investigation

The NHRCK received a complaint which said, "I was investigated by

the police as a suspect, but not in arrest. During the investigation, I tried to have legal counsel from the attorney-at-law accompanying me, but in vain, because the police officer restricted me to do that.”

The Commission found a couple of points in this regard. Although two police officers allowed, as a whole, the complainant to have access to legal counsel except for stopping it four times during the seven-hour examination, they expressed intimidating remarks several times from the beginning. For example, they said, “The lawyer may be in attendance, but not be able to provide consultation or advice for the complaint,” “The lawyer will be forced to leave,” and “You are warned.” This strong language has eventually dwarfed the lawyer’s will to defend the suspect. This resulted in infringing on the right of the complainant to have legal counsel.

The Commission considered the right to have consultation and advice from the lawyer as the core of the right to have access to legal counsel. To restrict this right, there should be a situation where examination is seriously disturbed or leakage of investigation secret takes place. The Commission, however, saw no such a situation. The Commission, therefore, found that the behavior of the police officers fell under the category of violating the basic human right as prescribed by Article 12 Paragraph 4 of the Constitution.

The Commission also found that the provisions of Article 59 of the Criminal Investigation Regulation of the Police Agency were not delegated by the Criminal Procedure Act which stands above the Regulation. In conclusion, this is against the principle of reservation of

human rights by statutes.

As such, the Commission recommended the Commissioner General of the National Police Agency, on May 27, 2013, that the Criminal Investigation Regulation should be revised to guarantee the right to have access to legal counsel during the examination of suspects; and measures should be taken to improve the current practice of criminal investigation of the police which restrict the consultation and advice of lawyers. The Commission also issued its recommendation to the relevant police chief to provide job training on the guarantee of the right to have legal counsel during the examination of suspects.

□ Excessive use of handcuffs: caution to police officers, and re-recommendation to the Commissioner General of the National Police Agency

The NHRCK received a complaint which said, "I was arrested for the obstruction of the performance of official duties. During two-hour stay in the police office, I asked the police officers several times to loosen my handcuffs which were so tight to hurt my wrists. But they ignored my request, and as a result, my wrists were wounded."

The Commission made two recommendations, on November 2, 2011 and on May 24, 2012, on the material, management and operation of handcuffs; and the institutional improvement based on the findings of *suo moto* investigation on the excessive use of handcuffs, respectively. The Commission believed that implementation of these recommendations would have prevented incidents like this case.

In detail, in 2011, the Commission made a recommendation that the guidelines of using the handcuffs, including the principle of

double-locking handcuffs, should be established. In 2012, the Commission issued a recommendation that institutional improvement should be made to strengthen the ex post control procedure of using handcuffs. Despite these recommendations, the Commissioner General of the National Policy Agency has not informed the Commission of the Agency's action on the implementation of the two recommendations.

The Commission issued recommendations in this regard on June 12, 2013. First, the Commission recommended the Commissioner General of the National Police Agency to implement the previous two recommendations, and to have front-line police officers be fully aware of this complaint case to prevent the recurrence of cases like this. In addition, the Commission recommended the pertinent police chief to give caution to the defendants of this case, and provide job training for the police officers on his staff to prevent the recurrence of cases like this.

□ Legal aid for the loss of vision due to accidental discharge from police taser gun

The NHRCK received a complaint saying, "Police officers moved out to the scene of fighting in front of a restaurant. The police officers tried to handcuff me unjustifiably. As I resisted, a taser gun was shot to me in the near distance. As the result, my left eye lost vision."

With regard to this complaint, the Commission produced some findings. First, two police officers, or the defendants of the complaint case, snatched the liquor bottle and the pliers from the complaint and her husband. After the police officers, then, broke up the couple and looked into the damages to the restaurant, the dangerous situation calmed down. As such, the police officers should have put the gun in a

safe place with the gun safety lock on. One of the police officers, however, put the taser gun in the pocket on his jacket with the gun safety lock off. Afterwards, the taser gun fell onto the ground while hand cuffing the complainant on charges of violence. The taser gun was discharged while the police officer holding the complainant with one hand, and with the other hand holding the gun.

The Commission admitted that those police officers who were on the site needed to carry a tasergun with them in preparation against possible danger or threat. The police was, however, to be blamed for his negligence of care because he could not fully think of a possible accidental discharge. The negligence of care, in the end, led to the loss of vision in her left eye, which infringed on the freedom of the person of the complainant violating Article 12 of the Constitution.

As the accountable police officer was under criminal investigation on charges of injury by occupational negligence of care, the Commission decided not to make a recommendation of taking disciplinary action. The Commission, however, decided to request for legal aid in accordance with Article 47 of the National Human Rights Commission Act so that the complainant could receive an appropriate indemnity for her serious bodily mayhem. On July 5, 2013, the Commission emphasized the prevention of recurrence of this case, and for this purpose, it recommended the relevant police chief to improve the educational program for the police officers to familiarize themselves fully with using the taser gun by charged firing and sham training session. In response, the police chief expressed his intention to accept the recommendation.

□ Human rights violation: meeting with the arrested suspect without prior notice for investigative purposes

The Commission concluded that the defendants of the complaint conducted investigative examinations, without prior notice, on a suspicion which is different from the reason of the arrest, thereby violating the criminal suspect's right of defense, which is guaranteed by Article 12 of the Constitution, and the right of equality, which is guaranteed by Article 11.

The Commission regarded the case of this complaint as a conventional problem arising from institutional defection of rules and procedures, not from the non-implementation of the responsibility of individuals. The Commission, therefore, issued a recommendation, on July 5, 2013, to the Commissioner General that a procedure should be established for prior notice of the fact of suspected crime and examination time for investigative examination of a case similar to the present complaint.

□ Human rights violation: including the record of criminal history in the notice of arrest and detention

The NHRCK received a complaint saying, "The police informed my family of my arrest. In the notice, however, the record of my criminal history was printed in the notice. As a result, my family came to know my previous crime on narcotic drugs, which is a violation of my human rights."

The record of a person's criminal history, among personal information, is sensitive personal information which may adversely influence on the person. Such sensitive information should not be released for any other

purposes than those stipulated by the law.

The Commission concluded that including detailed criminal records in the notice of arrest or detention, in case the notice is given to the family, violated the complainant's right of privacy, which is guaranteed by Article 17 of the Constitution.

The Commission came to know that the information stored in the Korea Information System of Criminal Justice (KICS) is automatically recorded in the notice of arrest or detention. As such, the Commission thought it unnecessary to hold the defendant of this complaint accountable. It, however, thought it necessary for the Commissioner General of the National Policy Agency to spread this case to police officers for the purpose of preventing the recurrence of similar cases. It also thought it advisable for the Commissioner General to improve the KICS to confirm the exclusion of unnecessary information in the notice of arrest or detention. The recommendation, as stated above, of the Commission was issued to the Commissioner General on September 30, 2013.

□ Human rights violation: searching the residential place and photo-taking without a warrant

The NHRCK received a complaint saying, "The police entered my residential place for search purposes without permission. And the police took pictures of my wife's photos hung on the wall, and they despised me showing the pictures."

According to the findings of the Commission, Article 7 Paragraph 1 of the Act on the Performance of Duties by Police Officers provides that when risk on the life, the person or property is imminent in the event

of dangers, a person may enter the land, edifice, etc., to the minimal extent, of the other person for the prevention of dangers or of rescue of human life. When the policemen reached the complainant, he was in a state of calm down after his evacuation to the hospital after he committed an attempted suicide. Therefore, the afore-stated provisions of Article 7 Paragraph 1 do not apply to the entry to the complainant's residential place in this case.

If entry into the residential place of the complaint was unavoidably needed for obtaining evidences of crime or complainant's safety, the provisions of Article 215 should be followed: for example, seizure and search should be conducted after presentation of the warrant. Therefore, the policemen or defendants of this complaint did not respect these provisions. In addition, taking pictures of the photos of the complainant's girl friend meant the violation of the right of privacy of the complaint. In detail, such photo-taking disrespected the clear procedure prescribed by Article 12 Paragraph 3 of the Constitution, and infringed on the freedom of residence and the freedom of privacy, which are guaranteed by Articles 16 and 17 of the Constitution.

As such, the Commission recognized the importance of preventing similar cases, and issued a recommendation, on October 31, 2013 to the police chief that he should give caution to the defendants and provide job training on the legitimate procedure of seizure and search.

□ Human rights violation: police visit to the child's school to know the whereabouts of the child's parent

The NHRCK received a complaint saying, "The police tried to arrest

me who was given the stay of prosecution. For this, police officers drove their patrol car to the elementary school where my child attended as 4th grader. They asked my child who was in class and said, "Tell me where your mom is and her telephone number." This made my child, whose health was not good enough, so shocked mentally that he was hospitalized for treatment."

According to the findings of the Commission, it was difficult to admit the urgency of arresting the complainant who was under the stay of prosecution even by going as much as visiting the complainant's 10-year child in class; it might be easily guessed that pressing the child to answer the questions before teachers would have caused the child horror and shame; the child, as a result, was not able to attend school and was under the medical treatment of child psychology for several months. All these, the Commission found, constituted the violation of the guarantee of the personal rights and the freedom of the person as protected by Articles 10 and 12 of the Constitution.

The Commission decided not to take any further action because the defendants had already given disciplinary action. The Commission, however, decided, on October 31, 2013 to request for legal aid for the indemnity for the complainant and complainant's child in accordance with Article 47 of the National Human Rights Commission.

□ Violation of the right to know: restriction of entry to the open colloquium hosted by the court

The NHRCK received a complaint saying, "I was about to attend a court-hosted colloquium on "Courts, Judges and the Social Network."

The colloquium was an open event, but the guards did not allow me to attend the colloquium.”

According to the court authorities, the colloquium was an academic event of a study group of the court which was open to everyone. The complainant attended another colloquium on “Communication 2012: Into the Mind of People” held four days ago. At the meeting, the complainant, however, made a rumpus by, for example, shouting to disturb the progress of the colloquium. The court authorities added that they had concern over the complainant’s behavior several days ago, and did not allowed him to enter the colloquium where he might keep up a rumpus again.

According to the court authorities, the open colloquium was a fully academic event hosted by a study group within the court. However, as the host of the colloquium itself declared the meeting open to everyone, it should protect the right to know of the people to the greatest possible extent. Although the complainant had made a rumpus before, the Commission found, the court authorities should have warned the complainant about his behavior, or should have devised an effective method to control the problems in case of the recurrence of the complainant’s behavior. As such, the Commission concluded that the controlling measure of the court authorities was a degree of the means far more than the degree of the goal, which ultimately violated the right to know guaranteed by Article 21 of the Constitution.

Therefore, the Commission issued a recommendation, on June 12, 2013 to the Chief Judge of Court A to establish guidelines for the

managements of open meetings and events, and provide job training for the staff responsible for the management of court buildings. The Chief Judge informed the Commission that he would implement the recommendation.

4. Detention and Protection Facilities

□ *Suo moto* investigation on population density in correctional facilities

It had been a social issue that correctional facilities around urban areas accommodated 20-30% more than the capacity, thereby humiliating the human rights of inmates. The Commission performed a *suo moto* investigation on 13 correctional facilities, which were high in population density, around the capital and urban areas. In detail, the Commission examined such indices as accommodation rates, standard per-inmate area, and inmate population per correctional officer to address high density in correctional facilities. Then, the Commission issued a recommendation, on September 11, 2013, to the Minister of Justice to come up with a comprehensive plan to address high density in correctional facilities around large cities.

□ Investigations on complaints about detention facilities

In 2013, the Commission issued three recommendations to rectify irregularities pointed out by three complaints on detention facilities.

Concerning the case where an inmate in a detention facility died of a liver disease due to being unattended, the Commission issued recommendations, on July 8, 2013, to the supervisor of the medical

director of the complainant and to the Minister of Justice. The Commission asked the supervisor to give caution to the medical director for the director's partial responsibility. The Commission, then, asked the Minister of Justice to work out measures to prevent the recurrence of similar cases.

As for the complaint that the right of interviewing was violated by correctional officers who were listening to, and recording, and video-recording of the complainant's interviewing with his visitors to the interviewing room of the detention facility, the Commission concluded that such a behavior violated the complainant's right of interviewing, which derives from Article 10 of the Constitution. As such, the Commission recommended on November 19, 2013 that appropriate measures should be made so that inmates' interviewing cannot be violated by excessive involvement of correctional officers.

Concerning the complaint that an inmate had been unattended to the terminal liver cancer in spite of the medical observation of further check-up, the Commission found that the medical director responsible for the inmate had never taken medical action and had never put the inmate's regular medical check-up findings in the medical information system. The inmate, therefore, could not take further medical service provided based on his medical records. As such, the Commission recommended, on December 23, 2013, that the medical director, who was short of completing his duty of professional care, should be given human rights education.

□ Visit investigations on child care facilities

Since 2013, the Commission has expanded visit investigations on child

care facilities. On May 21, 2013, the Commission decided to investigate child care medical facilities and children's communal living homes. From June 19 -20, the Commission investigated a child care medical facility in Choongbuk Province; from October 19 - November 2, it 10 children's communal living homes in Seoul and Gyeonggi Province. In case of child care facilities, the Commission chose an institution which was badly evaluated to see if how much improvement had taken place. This inspection was performed without the support of outside experts in a prompt manner. The Commission confirmed that a lot of improvement had been made.

As children's communal living homes were became the subject of the Commission's investigation, a basic examination was carried out to have an understanding of their operation with the support of outside experts. The Commission identified the merits and demerits of very close relationship between head and children of the institution. The Commission also identified the difficulties it would face if it would apply its experience in investigating large scale child care facilities when it would investigate the children's communal living homes in the future. In addition, such children's communal living homes as owned by individual persons were identified to have peculiarities in facility operation and intimacy among children depending upon the home heads. The Commission concluded that peculiarities of the home should be considered in future complaint cases to avoid factual distortion.

□ Visit investigations on child care facilities

In May 2012, during the examination of two complaints, the

Commission could listen to the evidences of two children who run away from child care facilities and a couple of teachers of child care facilities. As the evidences were very grave and were found to be in violation of human rights, the Commission decided to begin *suo moto* investigation in September 2012.

For investigation, the Commission interviewed 52 children who stayed or had stayed in the past, 22 teachers, and 8 reference people including experts; and it also met with people working with the related agencies including local governments.

The Commission examined institution A, and found that the institution punished those children who violated rules and spoke foul language with conventional corporal punishment (using wood or plastic rods) and cruelties (feeding raw garlic and hot red peppers forcefully). Since 2010, certain teachers had beaten children with wood or plastic rods, or brooms; or slapped them on the cheek. In addition, it was found that institution A forcefully locked those who did not listen in a punishment room, which was actually forceful detention.

In addition, institution A excluded the participation of children in establishing their rules of living on clothes, TV watching, meal time, use of hot water, pocket money, attending private educational institutions. As for the claim that the children were restricted in the freedom of expression, the right of behavior, and self-determination, and even in basic subsistence, the Commission examined statements of children and staff, and documents, and confirmed that such violations of human rights had existed.

The Commission concluded that corporal punishment, cruelties, forced detention, excessive restriction of children's behavior, and leaving the disabled children unattended held the institution's actual operations manager blamable for infringing on the provisions of Article 5 (Responsibilities of Guardians, etc.), Article 57 (Responsibilities of Child Welfare Agencies and Heads of Child Welfare Facilities), thereby violating Article 17 of the Child Welfare Act.

As such, on March 26, 2013, the Commission reported an institution head and a teacher to the public prosecutions office; and it issued recommendations to local/provincial governments which supervise the child care facilities and the Minister of Health and Welfare to take action including changing of the institution head, and to come up with measures to prevent the recurrence of violations of the human rights of children and to make improvement options.

5. Foreign Citizens

□ Onsite Investigations on protective facilities for foreigners, and recommendations for the improvement of human rights

An inspection team of the NHRCK was formed including outside experts to perform visit investigations on the protective facilities of five immigration offices of the Ministry of Justice, from August to September 2013. The five immigration offices are Busan (August 29), Gimhae (August 30), Incheon Airport (September 5), Yeosu (September 13), and Jeju (September 25)

The Commission carries out visit investigations on the protective facilities for foreigners every year on the basis of the spirit of the Constitution that their dignity and human rights should be respected. Visit investigations are based on the provisions of Article 24 of the National Human Rights Commission Act, Article 3 of the Enforcement Decree of this Act, Article 3 (Prohibition of Use as Custody Camp) of the Foreigners Protection Regulation of the ministry of Justice.

The goals of the Commission's visit investigations for 2013 were to guarantee the rights of those people who applied for refugee status at the airport and the seaport, which is a controversial point of the Refugee Act, and to protect the human rights of such vulnerable groups as the pregnant, children, etc. The investigations focused on the promotion of the human rights of foreigners in protective facilities and to make the environment of protective facilities more human rights oriented.

As the result of the visit investigations, the Commission issued six recommendations, on November 19, 2013, on institutional and policy improvement: i) reasonable measures should be worked out to reduce the protection period of those who are in the protective facilities waiting for the grant of refugee status; ii) protective environment should be created in consideration of the vulnerable including pregnant women; iii) appropriate measures should be made so that the human rights of those who applied for refugee status could be violated at airports or seaports which do not have refugee waiting rooms as prescribed by the Refugee Act; iv) interviewing rooms in the protective facilities for

foreigners should be improved so that the right of privacy cannot be violated; v) it should be guaranteed for foreigners in the facilities to make a phone to the outside; and vi) toilet environment should be improved to provide better privacy.

□ Recommendations on human rights violations during crackdown on illegal migrants

The NHRCK received three complaints on human rights violations: i) entry into the workplace without permission of the owner during crackdown on illegal migrants; ii) using excessive control means including violence; and iii) failure in complying with the due process of law.

Based on its investigations, the Commission recommended three immigration offices on March 26, September 11, and October 18, 2013: i) laws and guidelines on crackdown should be respected; ii) measures should be established to prevent the recurrence of the human rights violations of examinees; iii) human rights education should be provided for the staff of the immigrations offices. All of the three immigration offices expressed that they would implement the recommendations.

□ Recommendation on unreasonable repatriation of minor foreign students

On November 9 2012, the NHRCK received a complaint saying "On October 2, 2012, immigration office A issued a forced repatriation order and protection order to a Mongolian high school freshman. The student or the victim was repatriated in three days to his country of nationality or Mongolia. During the process, immigration office A informed the victim of wrong information on the filing of objection and temporary

release of protection, which led to the separation of the victim, who is a minor and high school freshman, from the parents and the ensuing forceful repatriation. As such, the high school freshman is a victim of human rights violations.”

The Commission found that the immigration office did not do its best to regard the victim’s best interest as the top priority matter. By this reason, immigration office A infringed on Article 3 Paragraph 1 and Article 9 Paragraph 1 of the UN Convention of the Rights of the Child, and violated the dignity of human beings guaranteed by Article 10 of the Constitution.

On the other hand, although a minor lives in Korea with the parents, if she/he is unregistered (illegal) migrant, she/he is subject to forceful repatriation, exit recommendation, or exit order according to the immigrations laws. As there is no legal basis for extension of visit period, the Commission concluded that similar cases might take place again.

As such, the Commission issued a recommendation, on June 24, 2013, to the Minister of Justice: i) the Minister should take necessary remedial action for the best interest of the victim as a priority consideration; ii) the Minister should come up with measures to prevent the recurrence of similar cases by establishing legal basis in the immigrations laws so that unregistered children should not be repatriated in separation of their parents.

The Minister of Justice, in response, decided to allow the victim’s entry to Korea, on a humanitarian basis, if the victim, after completion

of high school in Mongolia, wants to enter Korea to accept the admission notice of a university in Korea. In addition, the Ministry decided to expand the application of the Measures to Support the Right of Illegal Migrant Children to Learn (September 7, 2010), which had been applied to illegal migrant children in elementary and junior middle school, to those illegal migrant children in high school.

□ Recommendation on policy improvement for subscription restriction to the national health insurance

On January 14, 2013, the NHRCK received a complaint from a humanitarian migrant. According to the Refugee Act, humanitarian migrants (G-16) are not allowed to subscribe to the National Health Insurance. As such, the complainant, a humanitarian migrant, and the complainant's family could not see a doctor because of the expensive medical services.

The Commission found that humanitarian migrants and their families stayed out of the National Health Insurance, and that their right to "live in health and safety" had not been guaranteed. The right to live in health and safety is the premises to the human dignity and happy life. As such, the Commission concluded that institutional improvement should be made for humanitarian migrants to receive medical services at the least cost in Korea.

The Commission, therefore, recommended the Minister of Health and Welfare, on November 19, 2013, that the Minister should establish legal basis to include humanitarian migrants and their families in the list of beneficiaries of regional health insurance systems.

□ Visit to Australia for benchmarking alternative protective facilities

The NHRCK sent a study team to Australia to benchmark the operation of alternative protective facilities and related legislation and institutional frameworks. The Commission will refer to the study results when it conducts research on the institutional improvement for the promotion of human rights of foreigners in protective facilities due to special reasons. For this purpose, the study team visited Australia from May 22 to 30, 2013. There were alternative facilities for the protection of foreigners such as "Immigration Residential Housing," which supports foreign families, and "Immigration Transit Accommodation," which supports transit to regional society. Considering the Korean operation of protective facilities for foreigners is control-oriented, the study team thought that the Australian systems have meaningful implications for Korea.

During their stay in Australia, the team members visited such alternative protective facilities for foreigners as Sydney Immigration Residential Housing, BaptCare Sanctuary, and Melbourne Immigration Transit Accommodation. They also had round tables with IDC (International Detention Coalition) and the Australian Red Cross to discuss the operation and effectiveness of alternative protective facilities for foreigners and the related aspects of legislation and institution.

Protective facilities, which takes the form of detention facilities, for foreigners may restrict the basic human rights and the right of access to legal aid of the vulnerable groups such as the pregnant women, children, and refugee applicants. They also hinder the possibility of

searching for other means of stay. In some cases, they may lead to exit or forceful repatriation before the completion of exercising the rights of the vulnerable groups. As such, the Commission hopes that the discussion of alternative detention (protection) facilities will be more promoted to promote the human rights of foreigners in protective facilities, especially most vulnerable groups like children.

6. Local/Provincial Government and Schools

□ Forceful requests: discharging from hospital and moving for another hospital

The NHRCK received a complaint from a civil society organization. According to the complaint, the defendant of this complaint or Governor A, and Acting Head of the Medical Center B, which is a public corporation of a certain province, decided to close the medical center unilaterally without respecting provincial ordinances and the center's articles of corporation. They repealed the employment contracts of physicians and did not filled the replacements; stop the supply of pharmaceutical products; or had public officials under them force hospitalized patients leave the hospital or move to another hospital. By this way, they rid the hospitalized patients of their rights of life, health, and access to medical services.

The Commission found that the defendants of the complaint, though they were responsible for securing necessary medical staff in accordance with the Medical Service Act, kept the medical staff from doing medical services by repealing employment contracts before the procedure of

suspension or closure of service had not been completed. Such an act led to non-availability of emergency medical service. What was more, the mobilized public officials forced the hospitalized patients to move to other hospitals.

There were old patients with serious diseases of internal medicine. Their diseases could be aggravated at any time. In addition, the responsible provincial government and the medical center were negligent in providing continual medical services for the serious patients. The Commission, therefore, concluded that the defendants were held blamable for the violation of the right of health guaranteed by Article 10 of the Constitution and Article 10 of the Framework Act on Health and Medical Services.

The legitimacy and procedural legality were already under the investigation by the National Assembly and the Prosecutor's Office. In addition, it was practically difficult to clarify the correlation between the defendants' behavior and the violation of the right of life. The Commission, therefore, decided not to make any recommendation to the defendants. Instead, however, it issued a recommendation, on July 22, 2013, to the Minister of Health and Welfare, who has the overall supervisory responsibility, to make institutional and legal improvement so that the right of patients to have access to public medical services without discontinuation even during the process of suspension or closure of local/provincial medical centers.

□ Negligence in protecting the personal information of the evacuated by the press

The NHRCK received a complaint from a person who works for company

A. In the morning of a day in April, the complaint fell to the ground due to acute shock, and was evacuated by the 119 ambulance car to emergency medical service. After several days, regional emergency service *B* released, through Internet newspapers, complainant's personal information including home address, company name, and even the branch name of the company. In response, the victim filed a complaint with the Commission for the violation of human rights.

In response, regional emergency service *B* claimed that the victim's name was not specified in the press release. The press release, they said, was made for publicity purposes, and as such the victim was anonymous in the press release.

Though the victim remained anonymous, he could be specified if other specific personal information on workplace, age, sex, address, etc. was released. The Commission found, therefore, that excessive personal information had been released.

In addition, though the information was released just for publicity purposes, such a release should be made after gaining agreement from the victim, in accordance with Article 17 Paragraph 2 of the Personal Information Protection Act, to such matters as the recipient of his personal information, purpose of using his personal information, scope of the released information, and the right to refuse to agree. All these combined, the Commission found, violated the freedom of privacy.

The Commission, therefore, issued a recommendation, on October 18, 2013, to Mayor of city B, who is the supervising agency of regional emergency service B, that the Mayor should give caution to the person

in charge of the press release, and that the Mayor should arrange human rights education by the National Emergency Management Agency to prevent the recurrence of similar cases.

□ Violation of the freedom of conscience: imposing assignments on university students in an irrational manner

In October 2012, the NHRCK received a complaint from a university student. According to the complainant, he took a course in metaphysics, a required subject for his major, taught by professor A. Professor A gave the students an assignment which should be uploaded a particular Internet site using the real name of the student. The students, with regard to the assignment, felt mental conflict between "Should I stick to the freedom of conscience?" and "Should I follow the professor's instructions to graduate from the university?" The complaint claimed that professor A violated the freedom of conscience this way.

In this regard, the Commission thought about what is meant by Article 22 of the Constitution. The Article reads, "All citizens shall enjoy the freedom of learning and arts." The freedom of learning, however, includes the freedom of presenting the result of learning, and the freedom of teaching. The freedom of teaching at university purports to protect the academic activities within the premises of academic institutions. As such, if teaching is not related with academic work, is conducted outside academic institutions, or is provided for not students but general citizens, the freedom of teaching is not considered part of the basic human rights.

In addition, Article 19 of the Constitution guarantees the freedom of

conscience. The freedom of conscience means the right of not being forced to beliefs or behaviors against conscience, and of acting following what conscience says. In other words, the freedom of conscience means “the freedom from coercion imposed on conscience.” The content of the freedom of conscience includes one’s view of the world and life, ideology, beliefs, and personal judgment of values and ethics; the freedom of the inner mind to make ethical judgments; and the freedom of not being forced by the government to make known the ethical judgments, which may be rephrased as the freedom of silence with regard to one’s ethical judgments. As such, the Commission found that forcing the students to upload their assignments on a particular Internet site was a deviation from the freedom of learning and teaching, which is guaranteed by Article 22 of the Constitution. The Commission, therefore, recommended the head of the university, on December 27, 2013, that professor A should be given disciplinary action.

7. Mental Health Facilities

□ Sexual violence on a mentally disabled female within mental health facilities

The NHRCK received a complaint on sexual violence. According to the complaint, “I was hospitalized in the hospital for alcohol dependence. My peer patient was sexually attacked several times by a male alcohol dependence patient. Around November 2011, I informed the hospital of this fact, but no action was taken.”

According to the findings of the Commission, the victim could not

make remarks on the dates and times of her being attacked. However, there were some areas such as staircases and corridors where CCTV cameras were not installed until the complainant presented the issue to the head of the mental health institution. Other patients witness that they frequently saw the victim and the defendant of the complaint being together. Putting together the circumstances and witnesses' remarks, the Commission concluded that it is quite likely for the defendant to call the victim in the early morning to a place out of the vision of other patients for raping or forced sexual harassment. The victim had a tendency to refrain or escape from detailed descriptions of her damages. She also had a heavy psychological burden when she remembered and talked, crying and with her head falling down, about her damages. She said that she felt pain and serious annoyance when sexually attacked. It was admitted, therefore, that the victim suffered considerable physical and mental damages.

Putting together all the facts, the Commission concluded that the victim was sexually attacked more than several times in places like the shower room or the staircases of the hospital. As such, the Commission took two necessary actions on February 20, 2013. First, in accordance with the provisions of Article 34 Paragraph 1 of the National Human Rights Commission Act, the Commission asked the public prosecutor's office to conduct criminal investigation on violations of Articles 7 and 32 of the Act on the Prohibition of Discrimination of Disabled Persons, and Remedy against Infringement of Their Rights, etc.; Articles 297 and 298 of the Criminal Act; and Article 6 of the Act on the Punishment of

Sexual Crimes and Protection of Victims Thereof. Second, the Commission recommended the hospital to make a thorough managerial and supervisory work to prevent sexual crimes among the patients.

□ Violations of human rights by physical abuse

The NHRCK received a complaint which claimed that "I am a patient hospitalized in hospital *B* in county *A*. Medical staff of the hospital saw me drunk when I returned from an outing. For being drunk, they kicked me in the abdomen with their feet, and took me to the protection room to rope me around my body pounding on my waist. This excessive violence caused me hurt in my waist."

A protection assistant in hospital *B* explained that he kicked the victim in the abdomen in reflex to the victim's hitting him in the stomach. The protection assistant added that the victim shouted in a loud voice in a fully drunk state. The Commission, however, could not see any reason for the justification of the medical assistant's violence as he was responsible for protecting patients.

As for the victim's wound in the waist, the protection assistant used violence to make the complainant fall on the ground. Then, the complaint, fully controlled by the protection assistant, was moved to the protection room. There were three protection assistants and one nursing assistant in the protection room. As such, there were enough people to get hold of the victim. However, the protection assistant stepped on the body of the complaint to make him unmovable. This behavior could be considered excessive and motivated sentimentally taking into account the victim's resistance. The Commission found that this behavior

violated the provisions of Article 43 Paragraph 2 and Article 2 Paragraphs 1 and 2, thereby leading to violating the freedom of the person of the complainant, which is guaranteed by Article 12 of the Constitution.

On July 16, 2013, the Commission issued recommendations to the head of hospital B, and the head of county A who exercises supervisory power over the hospital. First, the Commission recommended the head of hospital B that he should give caution to the medical staff involved in the control of the victim, and that he should provide his staff with human rights education on the separation and control of patients. Second, the Commission recommended the head of county A that he should examine illegalities of the hospital, and should play a thorough guiding and supervisory role for the hospital.

□ Violation of due process of law in the hospitalization procedure

The NHRCK received a complaint which claimed that “While taking a nap at home in the afternoon, I was forcefully hospitalized in the hospital I complain about by the police and some unidentified persons.”

According to the findings of the Commission, the hospital or the defendant of this complaint, was negligent in confirming the existence of the victim’s family members in the direct line two times, namely on May 24 and 30, 2013. In addition, the hospital discarded the paper showing the agreement to hospitalization. Further, there was no evidence that the victim lived with his sisters and brother in the same living quarters. However, the hospital institutionalized the victim with his sisters and brother as legal guardians.

The Commission found that this behavior of the defendant hospital violated the provisions of Article 18-2 and Article 24 Paragraph 1 of the Mental Health Act, thereby violating the victim's right of the person guaranteed by Article 12 of the Constitution. As such, the Commission issued recommendations, on November 12, 2013, to the head of the defendant hospital and the mayor of city A. First, the Commission recommended the head of the hospital that hospitalization by the agreement of legal guardians should strictly follow the requirements and procedures stipulated by the Mental Health Act; and that he should provide human rights education for his staff. Second, the Commission recommended the city mayor that he should take administrative action with regard to the violations of the Mental Health Act, and should take a thorough guiding and supervisory service over the hospitals in the city's jurisdiction to prevent the recurrence of similar cases.

Section 4. Investigations and Remedies: Discriminatory Acts

1. Reception and Processing of Complaints

A. Reception by category

The NHRCK has received a total of 16,590 complaints of discrimination since its inception until the end of 2013, and to be specific, 5,291 (32.0%) about employment, 6,356 (38.2%) about the supply or use of goods, and 994 (6.0%) about the use of educational facilities and others.

Of the total of 2,492 complaints filed in 2013, there were 615 cases (24.7%) related to employment, 969 cases (38.9%) the supply or use of goods, and 104 cases (4.2%) the use of educational facilities and others.

615 complaints about employment were again segmented into recruitment (57 or 9.3%), hiring (158 or 25.7%), wages (46 or 7.5%), retirement age (31 or 5.0%), and termination (53 or 8.6%). 969 complaints about the supply or use of goods and services were categorized into goods (448 or 46.2%), service (378 or 39.0%), and commercial facilities (83 or 8.6%).

Of a total of 104 complaints regarding the use of educational facilities and vocational training institutions, complaints about educational facilities accounted for the majority (96 or 92.3%). There were also 804 complaints of other discriminatory acts that did not fall in the above three categories and they accounted for 32.2% of the total complaints of discrimination filed in 2013.

[Table 2-3-4] Complaints on Discrimination by Category

(Unit: case, %)

Year	Received	Employment												Supply or Use of Goods						Educational Facilities			Others		
		Subtotal	Recruitment	Hiring	Assignment	Education	Promotion	Wage	Non-Wage Payment	Loan	Retirement Age	Retirement	Termination	Others	Subtotal	Service	Goods	Transportation	Commercial Facilities	Residential Facilities	Land	Subtotal		Educational Facilities	Vocational Training Facilities
2013	2,492	615	57	158	39	8	15	46	26	2	31	11	53	169	969	378	448	40	83	20	-	104	96	8	804
2012	2,549	773	125	138	27	11	21	112	35	1	58	23	44	178	1,094	473	420	56	107	37	1	179	170	9	503
2011	1,803	480	75	114	28	7	14	57	16	-	14	16	49	90	768	440	180	64	57	23	4	82	76	6	473
2010	2,681	578	118	112	33	5	16	66	8	1	32	18	43	126	1,467	184	1,146	75	40	21	1	106	96	10	530
2009	1,685	532	162	91	15	7	12	45	13	-	27	21	41	98	659	292	201	84	61	18	3	122	116	6	372
2008	1,380	467	101	59	30	11	15	67	17	-	4	12	50	101	551	199	149	115	62	21	5	102	98	4	260
2007	1,159	498	124	98	27	6	20	51	13	1	17	12	58	71	288	124	110	17	22	15	-	103	96	7	270
2006	824	387	101	97	21	2	14	52	8	-	13	18	26	35	165	50	91	15	3	6	-	87	83	4	185
2005	1,081	503	90	148	17	6	36	50	12	-	3	10	45	86	270	87	151	9	13	5	5	56	51	5	252
2004	389	175	51	22	18	-	9	12	4	-	3	5	17	34	54	10	40	2	1	1	-	26	24	2	134
2003	358	209	21	54	14	-	11	26	4	-	3	6	61	9	33	2	29	-	1	-	1	17	14	3	99
2002	136	55	6	14	1	1	7	11	3	-	-	-	8	4	27	3	20	1	2	1	-	10	7	3	44
2001	53	19	-	4	-	-	2	6	3	-	-	1	2	1	11	-	10	1	-	-	-	-	-	-	23
Total	16,590	5,291	1,031	1,109	270	64	192	601	162	5	205	153	497	1,002	6,356	2,242	2,995	479	452	168	20	994	927	67	3,949
(%)	100	32.0	6.3	6.7	1.6	0.4	1.2	3.6	1.0	0.0	1.3	0.9	3.0	6.0	38.2	13.4	18.0	2.9	2.7	1.0	0.1	6.0	5.6	0.4	23.9

B. Reasons of complaints

The reasons of the complaints received in 2013 showed a trend similar in general to that of 2012. The annual number of complaints on discrimination against disabilities was more than 1,300 in both 2012 and 2013. As for other reasons, discrimination cases on educational background increased 2.6 times more than the previous year, and discrimination cases on nationality and race sharply increased 5.3 times more than the previous year, from 10 to 53.

[Table 2-3-5] Complaints on Discrimination by Reason

(Unit: case, %)

Year	Received	Gender	Pregnancy/Delivery	Marital Status	Family Status	Sexual Harassment	Sexual Orientation	Appearance	Religion	Disability	Age	Social Status	Place of Origin	Country of Origin	Ethnicity	Race	Skin Color	Ideology	Criminal Record	Educational Background	Medical History	Others
2013	2,492	63	18	5	24	241	8	31	11	1,309	141	145	13	35	—	18	1	4	19	124	39	243
2012	2,549	45	27	6	8	228	15	40	12	1,340	166	185	6	9	1	1	1	2	20	47	34	356
2011	1,803	35	19	5	17	216	3	19	10	886	146	127	10	27	1	4	—	1	17	52	30	178
2010	2,681	45	39	5	8	210	6	24	14	1,695	196	81	7	27	3	12	4	1	13	40	41	210
2009	1,685	83	17	7	14	166	2	23	14	725	138	91	5	16	3	22	—	3	10	77	39	230
2008	1,380	42	14	5	10	151	3	15	13	640	62	103	4	28	2	7	—	3	16	23	19	220

C. Complaints by resolution type

A total of 16,590 complaints of discrimination were filed with the NHRCK since its establishment until the end of December 2013, of

which 15,980 cases (96.3%) were closed.

Of the 15,980 closed cases, 1,073 cases (6.7%) were resolved by making recommendations on institutional improvements, human rights education and disciplinary actions after they were acknowledged to be discriminatory acts, such as a violation of the right to equality. For 10 cases, the Commission held, by requesting for criminal investigation or reporting criminal charges, that criminal punishment should be imposed. 524 cases (3.3%) were settled by mutual agreement during the process of investigation, and 23 cases (0.2%) reached a settlement agreement through the mediation procedure defined by Article 42 of the National Human Rights Commission Act.

Meanwhile, 4,793 cases (30.0%) were dismissed for lack of grounds, a failure to prove unreasonable discrimination, or no need for remedial actions. 9,333 cases (58.4%) were rejected because their remedial actions were under way according to different statutes or were withdrawn by the complainants.

2,886 among the dismissed and rejected cases were dismissed or rejected during the process of investigation thanks to the active efforts of investigators in providing remedial actions, such as investigators persuading the defendants or finding another solution. 2,886 cases accounted for 18.1% of the cumulative total of the closed complaints on discrimination until the end of 2013.

[Table 2–3–6] Complaints on Discrimination by Resolution Types

(Unit: case)

Year	Received	Closed*	Cases Admitted					Cases Not Admitted			
			Recommendation*	Disciplinary Action	Criminal Charges	Mutual Settlement	Mediation	Dismissed	Rejected	Transferred	Suspended
2013	2,492	2,858	101	1	1	111	2	979	1,631	11	21
2012	2,549	2,559	170	2	1	41	2	1,007	1,312	2	22
2011	1,803	1,898	187	0	5	79	1	737	872	5	12
2010	2,681	2,108	103	0	3	100	1	626	1,224	23	28
2009	1,685	1,660	78	0	0	90	1	589	875	9	18
2008	1,380	1,143	88	2	0	27	2	240	765	14	5
2007	1,159	1,253	111	1	0	37	3	171	901	22	7
2006	824	899	115	0	0	23	10	183	552	11	5
2005	1,081	837	55	0	0	7	0	121	650	2	2
2004	389	368	21	0	0	4	1	74	263	3	2
2003	358	296	30	0	0	3	0	48	215	0	0
2002	189	102	8	0	0	2	0	18	73	1	0
Total	16,590	15,981	1,067	6	10	524	23	4,793	9,333	103	122

* Recommendation: Rectification or improvement of laws and regulations, institution, policies and practices; prevention of recurrence; or human rights education

* Closed cases: The sum of the number of closed cases received in the year and the number of cases carried over from the previous year but closed in the year

In 2013, among the total 2,857 closed cases on discrimination, the Commission issued recommendations for institutional improvements or disciplinary action against defendants for 102 cases, asked criminal investigation to be initiated for 1 case, closed 111 cases due to settlement between complaint/victim and defendant during the process of investigation, and helped to reach settlement by mediation for 2 cases.

Many discrimination cases were resolved by making recommendations for

institutional improvement, improvement of practices, human rights education, compensation for damages, and the improvement in convenience facilities. Of these discrimination cases, 28 were related to disabilities, 5 related to gender discrimination including gender, pregnancy/delivery, marital status, family status, and sexual orientation, 9 related to sexual harassment, 6 related to age, 19 and 4 related to social status and educational background respectively, and 29 related to other reasons.

Of 111 closed cases based on mutual agreement, 79 cases or the majority related to disabilities, and 23 related to sexual harassment. In addition, 2 sexual harassment cases were settled through mediation.

The dismissed and rejected cases were 979 and 1,631 respectively. Of these, 527 include the cases dismissed because no remedy was needed due to the disappearance of problems during the process of investigation or the cases withdrawn because the complainants were satisfied with the resolution of the problems.

[Table 2–3–7] Complaints on Discrimination by Reason and Resolution in 2013
(Unit: case)

Category	Total	Mediation	Recommendation	Criminal Charges	Mutual Settlement	Rejected	Transferred	Dismissed	Suspended
Gender	56	–	2	–	–	35	–	19	–
Pregnancy/Delivery	21	–	1	–	1	16	–	3	–
Marital Status	3	–	–	–	–	3	–	–	–
Family Status	11	–	1	–	–	6	1	3	–
Sexual Harassment	245	2	9	–	23	164	–	40	7
Sexual Orientation	8	–	1	–	–	6	–	1	–
Appearance/Physical Conditions	30	–	–	–	–	22	–	8	–
Religion	7	–	1	–	–	5	–	1	–
Disabilities	1,563	–	28	1	79	755	1	699	–
Age	157	–	6	–	2	90	–	57	2
Social Status	179	–	19	–	2	114	–	40	4
Place of Origin	12	–	–	–	–	7	1	4	–
Country of Origin	27	–	–	–	1	23	–	3	–
Ethnicity	–	–	–	–	–	–	–	–	–
Race	18	–	–	–	–	16	–	2	–
Skin Color	–	–	–	–	–	–	–	–	–
Ideology/Political View	3	–	–	–	–	3	–	–	–
Criminal Record	22	–	–	–	–	18	1	3	–
Academic Background	130	–	4	–	–	110	1	13	2
Medical History	43	–	1	–	2	28	–	7	5
Others	323	–	29	–	1	210	6	76	1
Total	2,858	2	102	1	111	1,631	11	979	21

* Recommendation: Rectification or improvement of laws and regulations, institution, policies and practices; prevention of recurrence; or human rights education

2. Gender

□ Discrimination: stewardesses who are ordered to wear only skirts

Labor union *B* filed a complaint with the NHRCK in June 2012. The complaint claimed that "Airline *A* ordered female flight attendants to wear only skirts, and a bun in the back of the head, and not to wear glasses. This is a discriminatory act."

In response to this complaint, airline *A* claimed that they did not adopt trousers for female flight attendants to emphasize the elegant classical beauty of Korea. The looks and attire of the flight attendant is part of the quality of services to satisfy the customer needs, and indispensable means of competitive power in the global era of competition. They added that what they asked for did not hamper on-flight safety work. As such, they claimed that what they asked for was not discriminatory. In addition, they said that they simplified the attire standards for attendants, and eliminate or soften detailed restrictive conditions and had them in effect since January 2013. They further said that they would make a decision of adopting trousers for the attire of attendants based on the views and opinions when they change attendants' uniforms next time.

The Commission admitted that the looks and attire of the airline might be used as a means of signifying the corporate identity. The airline company, however, failed in presenting the ground for adverse influence in case they soften the restrictions on the attire and hair dress. In addition, they could not persuasively object to the view that

the concept of trousers for men and skirts for women is related to the biased concept of gender discrimination.

What the Commission found included several points. First, it was hard to admit that female flight attendants, with skirts on and hair style not strictly restricted, would have difficulties in doing their responsibilities. On the contrary, they, with skirts on, would have hardship if emergency takes place during flight. Other airline companies than company *A* have already decided to allow their flight attendants to choose pants on a selective basis. The Commission concluded, based on all these facts, that the restrictions of airline *A* were excessive.

Such detailed restrictions on clothes and the looks would produce uniform looks of "beauty" and "neatness" expected of a set image of women as service providers. The Commission, therefore, concluded that this kind of concept implies gender discrimination, and would possibly promote the fixed idea which stresses females instead of the role of flight attendants.

As to the opinion that skirts would put the wearer on alert and the bearer, as a result, would pay more attention to her attitudes or posture, the Commission found that such an opinion reflected the idea of the flight attendant as a service provider, not safety provider at all. In conclusion, this attitude was based on gender discrimination.

As such, the Commission thought that allowing female flight attendants to wear only skirts would be a discriminatory act without any reasonable ground, and proceeded to issue a recommendation, on January 16, 2013, to the CEO of the airline that appropriate measures

should be taken to allow female flight attendants to wear pants. Airline A, in response, took measures for their flight attendants to wear pants.

3. Pregnancy, Delivery, and Marital Status

□ Possible pregnancy and delivery ruled out an opportunity of becoming a teacher

The NHRCK received a complainant, in December 2012, from a woman who applied for an adjunct teacher position at high school *B*. The complainant said, "I knew that I was the only applicant for the teacher position of the subject. As I thought I was not disqualified, I expected I would be invited to teach at the school. To the contrary, however, I was informed I failed. I asked for the reason, and they said, "You were recently married, and chances are that you would get pregnant soon." This is the reason I am filing a complaint with the Commission."

In response to the complaint, high school *B* explained that the school management committee met to examine the applicants and discussed the possibilities of pregnancy of the applicants. High school *B* continued to explain that the decision was made by secret vote, and as such, the complaint was not ruled out because of the possibilities of pregnancy and delivery.

Findings of the Commission showed several important points. High school *B* identified such information on marriage years and children, among others when the school received applications in December 2012. In addition, when the school management committee met, only the

complainant's information on age, marriage years, children (nochild) was provided to the committee members. As a result, the committee had controversially discussed the possibilities of her pregnancy. Though the final decision was made by secret vote, it was certain that such personal information had badly influenced the members of the committee.

As such, the Commission concluded that high school *B* discriminated against the complainant on account of the possibilities of pregnancy and delivery, and proceeded to issue a recommendation, on February 28, 2013, to the superintendent of education office *A* who supervises the school that he should give warning to the principal and vice principal of the school. The Commission further asked the superintendent to come up with measures to prevent the recurrence of such discrimination.

In response to the recommendation, the superintendent gave caution to the defendants, and sent an official letter to ask the schools under the control of education office *A* to pay more attention in eliminating discrimination by reason of such inappropriate information as gender, marital status, etc.

4. Sexual Harassment

□ [Sexual harassment by an instructor of sexual harassment prevention education program](#)

A complaint on sexual harassment was filed with the NHRCK in September 2013. The complaint dealt with an instructor of workplace

in-house education program on sexual harassment prevention. According to the complainant, the instructor or the defendant of this case, during his sexual harassment prevention class, said, "Dirty dress is a cause of sexual harassment." The defendant was further blamed for having talked about the description of sexual intercourse in an outspoken manner, how to do sexual harassment and sexual harasser's skills of escaping, and outspoken illustrations of prostitution. As such, the complaint claimed that the instructor gave a lecture against the provisions of the related laws and caused a sense of sexual humiliation.

In response, the defendant said that the whole class did not pay attention to the lecture and they seemed to take a nap. He said that he was told to give an interesting lecture. As such, he said he just tried to make detailed descriptions without any sexual intention. Irrespective of his intention, however, sexual harassment does not necessarily need the sexual intention of the harasser. In addition, his many descriptions, explanations, and illustration could not be regarded inevitably necessary. They include: the claim that indecent clothes cause sexual harassment; an outspoken description of sexual intercourse, an explanation of the harasser's skills of escaping, and an outspoken illustration of prostitution. Females accounted for about 14% of the whole audience, and the instructor gave a lecture focusing the male audience by, for example, talking about the harasser's skills of escaping. The Commission, putting together all these facts, concluded that the instruction was enough to cause sexual humiliation and indignity to females.

As such, the Commission recommended, on November 13, 2013, the defendant to attend the special human rights education program of the Commission. In addition, the Commission recommended the Minister of Gender Equality and Family and the President of the Korean Institute of Gender Equality Promotion and Education to come up with effective measures to prevent the recurrence of similar cases by reviewing the practices of the training and management of instructors, and conducting lecture assessments.

5. Age

□ Age Restriction in selecting transportation supporters

The NHRCK received a complaint from *B* (aged 66) in June 2012. *B* complained that "it is discrimination for the Mayor of city *A* to recruit transportation supporter within the age range of 55 to 65." City *A* replied that transportation supporters needed mobility and energy, possibility of work disaster due to old age, concern over excessive competition, and difficulty in working out the screening criteria for job implementation capacity. As such, city *A* said that the age requirement was set at age 65.

The NHRCK concluded that human capacity does not necessarily change at age 65. The physical and mental capacity of human beings varies with persons. Therefore, it is impossible to judge the capacity of human beings based on a certain age.

In addition, the Commission also considered the following several

points. First, work disasters of city A did not take place in proportion to age. Second, job application is a matter of selection by individuals. Third, city A put in place a procedure to find the health, capacity, knowledge on transportation of applicants through interviewing. Fourth, city A, if necessary, can strengthen the afore-mentioned procedure. Fifth, transportation supporters of city A are positions for the elderly. Sixth, many local/provincial governments lifted the age limit for guiders for traffic order. As such, the Commission concluded that the age restriction set by city A was discriminatory. The Commission, therefore, issued a recommendation, on January 16, 2013, to Mayor A that the age limit should be changed upward. The defendant, later, responded to the recommendation by elevating the age limit to 70.

□ Age Restriction in selecting new employees

The NHRCK received a complaint in December 2012. The complainant criticized: "I applied for an opening at chamber of commerce A. However, I was failed in document screening, and I asked for the reason. 'We need new employees, and we must consider the age of applicants,' they said."

In response to the complaint, chamber of commerce A claimed that they did not do any discriminatory acts based on age. They added that consideration of age was not an official answer. The defendant, however, said that the complainant's application was well-done, but the complaint was as old as directors of chamber of commerce A.

The findings of the Commission's investigation presented several

points. Chamber of commerce A made public their notice of recruiting two new employees in December 2012. 92 persons applied, and 14 passed the screening of document examination. The ages of the 14 applicants ranged from 24 to 29. As to the statement of the employee of chamber of commerce A that the complainant was too old, the Commission believed that such a statement was a reflection of certain internal information, and confirmed that some of the directors of the defendant were as old as the complainant. Putting together all these facts, the Commission concluded chamber of commerce A adversely treated some applicants based on their age.

The Commission concluded that leaving out old-aged applicants including repeat applicants from document screening, irrespective of their capacity, was a discriminatory act. The Commission, therefore, proceeded to issue a recommendation to the Chairperson of the chamber of commerce, on February 13, 2013, that age should not be a factor and measures to prevent the recurrence of similar cases should be made accordingly. In response, chamber of commerce A accepted the recommendation and decided to lift the age limit.

□ Age Restriction in selecting local/provincial government officials for long-term training

A public official (aged 52) of a local government filed a complaint with the NHRCK in January 2013. According to the complainant, "he wanted to apply for a training program of city A to nurture Grade 6 officials. He was not able to apply for the program because of the age limit set at 50.

The NHRCK conducted its investigation, and came up with several

finding. The Commission admitted that long-term training programs of local governments may need some restrictions in selecting trainees taking into consideration the purpose, effectiveness, and mandatory service period of program completers of the programs. In case of the local government where the complainant worked, the average age of the successful applicants for Grade 9 was about 31. It took about 20 years for them to be promoted to Grade 6. Therefore, the Commission paid attention to the fact that they are unable to apply for the program at issue. The Commission confirmed that 42.3% of all Grade 6 officials were in the range of age 51 to 58. It was, therefore, excessive to rule out those people from the program at issue. In addition, it was noteworthy that the average age of Grade 6 public officials of local governments increased from 48.2 in 2009 to 49.1 in 2011. The retirement age also increased from 58 in 2009 to 60 in 2013. Putting together all these facts, the Commission thought it reasonable to set the age limit upward considering these changes.

The current age limit for the training application of Grade 6 officials was so low that most of the Grade 6 officials who began public service as Grade 9 officials could not even apply for the training program. Therefore, such age limit could be said to be a discriminatory act violating the right of equality. As such, the Commission issued a recommendation, on April 17, 2013, to the Mayor of city A that the operational guidelines for the training of public officials of the local government should be revised to change the age restriction. City A accepted the recommendation by revising the guidelines, and set the age limit upward to 53.

6. Disabilities

□ Violations on the human rights of the disabled in the living quarters for the disabled

The Commission received a report that the living quarters for the disabled in city *A* and province *B* should be blamed for such irregularities as poor treatment of residents and problems in accounting owing to the heads of the quarters. The Commission began a preliminary examination, and found that the quarters might be blamed for the violation of human rights. As such, the Commission decided to perform a *suo moto* investigation on August 22, 2012.

The investigation findings presented many points. The quarters were turned out to have violated the residents' right of health. For example, the staff of the quarters assaulted and bullied the residents. Some residents were not attended at night, were given shabby foods, and were not given opportunities for health check-up for many years.

In addition, the staff of the quarters did not let the residents know how the quarters spent their disability allowances and pensions, thereby violating the right of self-determination of residents. This led to the violation of Article 30 of the Act on Discrimination Prohibition. Further, the quarters management instigated the violation of human rights among the residents by building a hierarchical structure of residents. The quarters management also connived or instigated violence and making social outcasts among the residents. This way, the quarters management violated Article 64-4 by giving up the duties of the quarters management to protect the human rights of the disabled, and

to eliminate discrimination.

Further findings were confirmed by the Commission. The living quarters misappropriated facilities operation expenses for private purposes, thereby violating the provisions of the Criminal Act. The quarters went as far as to withdraw money from the residents' accounts without permission, spent special purpose subsidies for residents without permission, and collected consignment fees from the guardians. This was in violation of Article 32 of the Act on Discrimination Prohibition which prohibits molestation.

As such, the Commission accused the person under Commissions' investigation of embezzlement, asked the Minister of Health and Welfare to come up with a comprehensive plan to prevent the recurrence of similar acts in the living quarters, and recommended the Minister that guidelines of control and supervision should be made, especially for the living quarters for the disabled operated by individuals.

In addition, the Commission issued several recommendations on March 13, 2013. First, the Commission asked the heads of relevant local governments to take strict actions in accordance with Article 62 of the Welfare of the Disabled Persons Act, for example, for the closure of the living quarters as punishment for the violation of human rights, discriminatory acts, and occupational embezzlement. Second, the heads of relevant local governments were also asked to take necessary action for the residents to move to different living quarters fit to their needs. Third, they were called upon to work out detailed measures for the control and supervision of the living quarters in their jurisdictions, and

to provide their officials with education on the human rights of the disabled.

□ Sports facilities do not offer the required convenience for the disabled

The Commission received a complaint from a person with visual disorder. He said he visited the community hall to enroll in a sports program. He added that "the community hall did not offer a guidebook for the persons with visual disorder, and the staff said that the facilities were not available with the disabled."

Local/provincial governments should make arrangements for the sports program they manage or support to be operated respecting the gender of the disabled, types and degree, and characteristics of disabilities. They are also asked to provide appropriate convenience for the disabled to promote their participation.

The defendant of the complaint said that they were not able to recruit helping hands due to the constraint of budget, and presented his intention to invite volunteers for the assistance of the disabled. However, the defendant organization is obliged to respect the request of the disabled for helping hands. The excuse of the defendant was also groundless considering the budget amount of the local government which provided financial support for the defendant organization. As such, the Commission found that the behavior of the defendant violated Articles 24 and 25 of the Act on Discrimination Prohibition.

The Commission, therefore, issued a recommendation, on April 3, 2013, that appropriate convenience should be provided immediately for the disabled so that they could enjoy cultural and sports activities as much as

the persons without disabilities. The recommended local government and the relevant facilities management corporation informed the Commission of the acceptance of the recommendation.

□ Discrimination against athletes with disabilities

The media reported that the boccia coach assaulted an athlete and blackmailed his money during the 2012 London Paralympics. Considering the fact that the victim was a severely handicapped athlete and assault took place during the Paralympics, chances were, the Commission thought, that assaulting athletes were a common practice and conventional. As such, the Commission began to conduct a *suo moto* investigation in September 2012.

The Commission confirmed that some sports leaders of the member organizations of the Korean Paralympics Committee attacked athletes with disabilities with foul language, did sexual harassment against female athletes by talking about the parts of the body, slapped them on the cheek or kick them on the chest, or received money from them.

The Commission found that this behavior clearly fell under the category of molestation. As such, the Commission issued recommendations, on May 6, 2013, to the President of the Korean Paralympics Committee and the Minister of Culture, Sports and Tourism. First, the Commission asked the President of the Korean Paralympics Committee to i) include understanding of disabilities, human rights education, and sexual harassment prevention education in the program to nurture sports leaders; and ii) come up with a long-term plan to protect and promote the human rights of the athletes with disabilities including the availability of

expert counseling on human rights violation and survey on violations of human rights. In addition, the Commission urged the Minister of Culture, Sports and Tourism to i) work out thorough measures to prevent the recurrence of similar cases by reinforcing control and supervision; and ii) devise institutional measures, especially for the improvement of the qualifications system for sports leaders, and the development of sports culture for the disabled.

□ **Negligent convenience for the disabled takers of the Korean language proficiency test**

A complainant who had cerebral palsy (class 2 disability) filed a complaint with the NHRCK with regard to the refusal of the provision of convenience. He claimed that "he asked for the provision of convenience for his taking the Korean language proficiency test administered by research center A." He added that the test was needed for a job at a public corporation.

After investigation, the Commission came to know several facts. First, in case of Korean language proficiency test *B*, the administering agency provided convenience for the test takers with disabilities according to their disability types and degree. Second, research center *A* claimed that they needed to spend additional cost for the provision of convenience to the disabled test takers. However, the Commission found that such a cost was not excessive or burdensome.

For this reason, the Commission concluded that research center *A* did a discriminatory act by providing no convenience to the disabled test takers. As such, the Commission issued a recommendation, on June 18, 2013, to the Chairperson of the foundation of the research center that the research

center should provide convenience for the disabled person having cerebral palsy. In response, the Chairperson of the foundation replied that he would implement the recommendation.

□ Insurance subscription denied for intellectual disability and taking psychiatric medications

A complainant who had intellectual disability filed a complaint with the NHRCK. The complainant blamed insurance company A for "refusing to accept his insurance subscription application by reason of intellectual disability and taking psychiatric medications."

According to the findings of the Commission's investigation, insurance company A did not examine the disability and the possibility of accident occurrence of the complaint. The company, only citing the intellectual disability and taking psychiatric medications, refused to accept the complainant's insurance subscription application.

The Commission thought that insurance companies should not discriminate against the disabled without legitimate reasons. Insurance companies should consider verified statistics, scientific and medical data, the disability and judging capacity of individual person with disabilities in a comprehensive manner to make a decision on the acceptance of the insurance subscription application. However, insurance company A did not consider the individual conditions of the complaint. The insurance company took only a specific disability and psychiatric medication into consideration to refuse the insurance subscription application. As such, the Commission concluded that the insurance company violated the Act on Discrimination Prohibition.

As a result, on August 21, 2013, the Commission issued recommendations to the CEO of insurance company A and the Chairperson of the Financial Services Commission. In detail, the Commission recommended the CEO of the insurance company that i) it should re-examine the insurance subscription application; ii) it should provide its subscription examination staff with human rights education; and iii) it should come up with detailed examination guidelines based on the Commission's Guidelines for the Improvement of Discrimination against the Disabled in Insurance. On the other hand, the Commission recommended the Chairperson of the Financial Services Commission that he should impose penalty surcharge and fine for negligence on insurance company A for the violation of Article 97 of the Insurance Business Act, and that he would conduct more thorough control and supervision over insurance companies to prevent the recurrence of similar cases.

The CEO of the insurance company and the Financial Services Commission informed that they would accept the recommendations and take necessary actions.

□ Violations on the human rights of the disabled in the living quarters for the disabled

The Human Rights Violations Prevention Center for the Disabled informed the Commission of the violations of human rights of the residents in communal living quarters. The informant told that the residents of the living quarters were molested, and harassed sexually. The information also said that the residents were excluded from the exercise of their right of self-determination and the right of property. The Commission thought that the informant's reporting had good

grounds, and decided to initiate a *suo moto* investigation.

The investigation findings showed several important points. First, the staff of the living quarters assaulted and molested residents, left them unattended, and threw them out of the quarters. By doing this, the staff infringed on the human rights of residents, thereby violating Article 32 of the Act on Discrimination Prohibition. On the other hand, there had been more than 10 sexual violence accidents among the residents. The living quarters management, however, did not take any necessary action including treatment or counseling. This was thought to violate Article 32 of the Act on Discrimination Prohibition and Article 60-4 of the Welfare of the Disabled Persons Act.

In addition, the welfare staff kept the bankbooks of the residents, and did not let them know the bank transactions. Further, they forced those residents having no relatives to write their wills. The Commission considered this to infringement on the right of self-determination as defined by Article 30 of the Act on Discrimination Prohibition. On the other hand, the living quarters management did not take any action with regard to the molestation of residents by the staff and sexual violence among the residents. The living quarters did not provided any program for the residents based on the age and characteristics of the residents. The Commission considered all these facts to constitute a violation of the provisions of Article 60-4 of the Welfare of the Disabled Persons Act.

As such, the Commission issued a recommendation to the head of the local government who had the responsibility of control and supervision

over the living quarters. First it was recommended to revise the move-in qualifications requirements to rule out the possibility of discrimination. Second, it was recommended to come up with a comprehensive plan for institutional improvement and support of self-reliance by conducting a survey of the group homes under the jurisdiction of the local government. Third, it was recommended to conduct monitoring work on possible human rights violations. Fourth, it was recommended to build a system to effectively respond to accidents or problems which might happen within the group homes.

In addition, the Commission also issued a recommendation, on September 24, 2013, to the head of the living quarters. First, the head was recommended to consider the degree of disability of the move-in applicants, and the opinions of the applicant, her/his guardian, and social rehabilitation teachers when the living quarters choose their residents. Second, it was recommended to devise a system where self-determination could be respected. For this, strengthened monitoring and regular individual counseling service should be put in place. Third, the wills of the residents should be discarded. Fourth, it was recommended to devise a plan to realize the right of self-determination of the residents with regard to financial management and program activities.

□ Restriction on the right of the disabled to move

A complaint was filed with the NHRCK by some people regarding the right to move. According to the complainants, "crossroads *B* and intersection *C* in metropolitan city *A* do not have pedestrian crossing. As such, the disabled using wheelchairs cannot help making a long

detour to cross the road or jaywalking the road.”

The investigation found several facts in this regard. First, there were underpass crossings around the crossroads and the intersection. However, the disabled could not use the underpass crossings because they were not equipped with facilities for the disabled using wheelchairs. The disabled, therefore, should make a long detour to cross the road. To make matters worse, the pedestrian walk to the zebra crossing was not safe enough for wheelchair users. The Commission confirmed that the right of the disabled to move around the places at issue was seriously restricted.

Based on the provisions of Article 2 Subparagraph 3 Item b of the National Human Rights Commission Act and Article 3 of the Act on the Promotion of Transportation Convenience of the Mobility Disadvantaged, the Commission confirmed that no pedestrian crossing around crossroads *B* and intersection *C* fell under the category of discrimination against disabilities. As such, the Commission issued recommendations, on November 12, 2013 to the relevant government officials. First, the Commission asked the police chief of metropolitan city *A* to make a pedestrian crossing around the two places for the benefit of wheelchair users. Second, the Commission asked the Mayor of metropolitan city *A* to provide administrative and financial support for the making of pedestrian crossings and the improvement of pedestrian roads around the two places.

□ Discrimination: no convenience facilities for the disabled

A complaint was filed with the NHRCK, saying that “wheelchair users

cannot use the library because there are no convenience facilities for the disabled.”

The main access road to the library may be accessed by wheelchair users. But the main road was also served for vehicles. The main access road was, therefore, not safe for the wheelchair users. The library did not have elevators, and its toilets were not separated for division of men and women. This was considered as infringing on the right of self-determination and the right of selection guaranteed by Article 24 Paragraph 1 of the Act on Discrimination Prohibition, and as being a discriminatory act against the disabled, which is prohibited by Article 30 Paragraphs 1 and 2 of the same Act.

As such, the Commission recommended, on December 13, 2013, that: i) the pedestrian environment should be improved so that the safety of the main access road can be ensured; ii) elevators should be installed for the access of the disabled to the second floor; and iii) men and women should be provided with separate toilets.

7. Educational Background

□ University graduation required for taking national technology qualifications tests

The complainant tried to obtain the certificate of clinical psychologist after graduation of a 2-year vocational college. The complainant, however, could not apply for even the lowest class (class 2) of the certificate of clinical psychologist because legal provisions stipulated that only those who graduated a 4-year university can apply for test.

As such, the complainant asked the NHRCK to investigate his case in June 2013.

The Ministry of Employment and Labor and the Ministry of Health and Welfare administer the related legal provision. They said that just the qualification test questions have limitation in verifying the occupational capacity of test takers. They added that the test takers are, thus, required to satisfy a certain level of the educational background or career. As clinical psychologists deal with the life, physical safety, and health of patients, and they thus need a high degree of professionalism, the Ministries added. For this reason, only 4-year university graduates can apply for the test.

The Commission, however, found some contraction in the current qualifications test arrangement. For instance, those who have graduated from 2-year vocational college majoring in psychology or related disciplines and those who have 2-year college level educational background by obtaining more than 80 credits of psychology-related subjects from cyber universities are not qualified to take the test for the qualifications of clinical psychologist class 2. It is not reasonable, however, 4-year college graduates, who have never taken even one psychology-related course can apply for the same test. It is unreasonable to allow only 4-year university graduates to take the test, regardless of their major or what they have studied at school. Considering the fact that clinical psychologists deal with the health and safety of patients, the Commission could not recognized the rationality of the test system, and thus concluded that such a restriction was a discriminatory act.

Further, discrimination by reason of education level ignores the peculiarities of individuals, thus distorting the distribution and utilization of human resources. Such discrimination also gives birth to inflationary education. It is also notable that the National Assembly proposed a bill on "the prohibition of discrimination against education level and remedy of right," as a way of rectifying such unreasonable discrimination the society has denounced. Putting together all these facts, the Commission concluded that restriction by reason of education level, irrespective of the level of occupational knowledge, should be removed.

As such, the Commission issued a recommendation to the Minister of Employment and Labor and the Minister of Health and Welfare on September 10, 2013. In detail, they were asked to revise the Enforcement Decree of the National Technical Qualifications Act to come up with the rational eligibility requirements for the test takers.

Chapter 3. Education and Publicity for the Promotion of Human Rights

National Human Rights Commission of Korea Annual Report 2013

Section 1. Overview

The NHRCK, in accordance with Article 19 Subparagraph 5 and Article 26 of the National Human Rights Commission Act, has been involved in human rights education and promotional activities that are necessary to awaken and enhance people's awareness about human rights.

Human rights can be enjoyed only after one has become aware that he or she is entitled to them. In this sense, human rights education and promotion aimed at enhancing awareness about human rights and forming a pro-human rights culture is the very cornerstone on which to create an egalitarian society without discriminatory practice and where human rights are respected. Bearing this in mind, the Commission actively facilitated various projects in the areas of human rights education and their promotion in 2013.

The Commission established the 2013 Human Rights Education and Training Basic Plan to make an effort to stabilize and facilitate the operation of the Human Rights Education Centers. The Commission thereby laid down an institutional foundation that could fulfill the requirements suggested by the human rights education standards of the United Nations. Additionally, it standardized and disseminated human

rights educational content, and developed and distributed human rights cultural content.

The improvement of human rights education programs for public officials, law enforcement officials and military personnel was reiterated in the 2nd phase of the World Programme for Human Rights Education of the United Nations. The Commission, in order to meet these objectives, has tried to promote a human rights-friendly military culture and establish regular human rights education programs within military camps by, for example, fostering human rights instructors in the military, providing human rights sensitivity improvement courses for commissioned officers and non-commissioned officers, and providing special traveling lectures on human rights for military officials. In addition, the Commission provided human rights policy programs for public officials around the year. In 2013, the protection and promotion of the human rights of the disabled, children and the elderly became a socially hot issue involving their care facilities. In this regard, the Commission provided human rights education for the management and staff of those group care facilities in cooperation with related government entities including the Ministry of Health and Welfare. In addition, the Commission also provided human rights education for the staff of mental health institutions and homeless care facilities to fulfill the Commission's duties as defined by related laws.

There has been a rapidly increasing demand for human rights education across various fields which, combined with the advent of an information society, is creating a greater need for online human rights

education. The NHRCK has, therefore, developed a mid- to long-term plan for the period of 2013 to 2017 related to the establishment of the Online Human Rights Education Center. The Commission also launched online human rights education courses in 2013 for citizens using smart devices (smartphones, tablet PCs, etc.), and built its Learning Management System (LMS) to promote the accessibility and convenience of mobile learners from 2014.

Human rights education should be provided to people in different fields throughout society, such as infants, youth and university students; educationists such as teachers and school commissioners; public officials; military personnel; employees in the social welfare sector such as social workers; migrant women; human rights education experts; NGO activists; and journalists. To provide courses in human rights education for these diverse groups of people, the NHRCK cooperated with related organizations and closely collaborated with regional Human Rights Offices, and accordingly, has improved accessibility to human rights education in local areas as well as the efficiency of work and the quality of education.

Furthermore, the NHRCK focused on reinforcing cooperative networks with related organizations by operating the Human Rights Education Committee, the Human Rights Education Council for Schools, and the Human Rights Education Council for the Military, as well as by establishing and operating the Human Rights Education Council for Homeless People.

A variety of promotional activities were actively conducted to improve

awareness about human rights. First, press releases regarding the NHRCK's policy recommendations, investigation findings, projects and activities were distributed to the media and were also made public by being posted on its official website. Also, the Commission actively responded to the interview and data requests of the media so that the Commission's values and activities could be widely known to the citizens.

The NHRCK established the Human Rights Reporting Awards in 2012 in close cooperation with the Journalists Association of Korea. The second award giving ceremony was successfully held, enhancing the popular awareness on the role of the media for the promotion of human rights.

It is noteworthy that the Commission staged a campaign titled "Human Rights Are A Way of Life" using four interesting resolutions of the Commission in cooperation with the YTN broadcasting company. The Commission tried to enhance social sensitivity to the promotion of human rights by making Commission's activities known through various media including the Internet, printed matters, and video footages. In addition, the Commission continued to use blog, on-line news letters, and facebook for the promotion of its investigation findings, programs and projects, and activities.

In 2013, the NHRCK published six issues of its bi-monthly magazine *Human Rights* which was first published in August 2003. *Human Rights* is a specialized magazine for the general public which touches upon a variety of human rights issues so that the general public as well as the socially vulnerable and minorities can learn about their own

rights and remedial actions, and use them to strengthen their capacity. A total of 24,000 copies were published and distributed to public organizations, public service-related bodies, and people who are interested in human rights issues. *Human Rights* was posted on the official website of the NHRCK in the form of webzine to guarantee the right of access for people who do not receive the printed version. From 2009, the Commission also made an effort to ensure that people with visual impairment have access to the magazine by including voice-eye barcodes in all content of the magazine and by publishing books containing braille and silent letters. The corps of honorary youth reporters were appointed in 2009 to widen the extension of the magazine and to promote the participation of readers. In 2011, the corps was enlarged and renamed the corps of honorary citizen reporters. The corps, composed of 40 citizen reporters, took part in the magazines' planning meetings and submitted articles to the "Interesting Human Rights Stories" section of the magazine. They also played a publicity role for the Commission on an individual basis.

The Human Rights Content Contest, established to promote human rights sensitivity and human rights friendly culture, invited essays, posters, and UCC to apply for awards in three sections: elementary school pupils, middle and high school students, grown-ups. In response to the promoted publicity of the contest, more people than the previous year participated in the contest and prize winning works were used as materials for publicity and education.

Section 2. Major Achievements

1. The Institutional Foundation for Human Rights Education

A. Legal foundation for human rights education

Article 26 of the Universal Declaration of Human Rights, Article 33 of the Vienna Declaration and Programme of Action adopted by the 1993 World Conference on Human Rights, and the Declaration on Human Rights Education and Training adopted by the 66th General Assembly in 2011 emphasize the importance and necessity of human rights education. Article 7 of the Declaration stipulates that the primary responsibility to develop, implement, and improve education and training on human rights lies with the state and relevant government organizations. Article 26 of the National Human Rights Commission Act mentions that human rights education is one of the major responsibilities of the Commission. It is the only government entity which is responsible for human rights education.

Since its inception in 2011, the Commission emphasized the importance of human rights education, and provided education programs for schools, public entities, and the general public. It has also made efforts to develop and distribute the content of human rights education. The efforts of the Commission resulted recently in mandatory human rights education clauses for public officials in the Mental Health Act, the Act on the Support and Welfare of the Homeless and Others, and ordinances of local/provincial government.

There are, however, a lot of difficulties in conducting human rights

education in a comprehensive and systematic manner without a basic law for human rights education. The enactment of such a law may be called the core factor for the institutional foundation for human rights. The enactment is needed if we want to guarantee the right of access to human rights education for all people, to clarify the responsibility of the state and other public sector entities to conduct human rights education, and to promote human rights education in all parts of our society on a voluntary basis.

As such, the Commission hosted four colloquia in four different parts of country, namely, Busan, Gwangju, Daegu, and Daejeon, to discuss the role of the national human rights institution for human rights education, and the necessity of the legislation of human rights education and controversial issues thereof. Law makers, professors, civil society organizations, and human rights experts took part in the colloquia.

Through the colloquia, the Commission encouraged to discuss the issues and challenges for the legislation of human rights education, thereby promoting the awareness of human rights education and collecting different ideas and views. The Commission will build on the successful results of the colloquia to reinforce its efforts for the legislation of human rights education.

As a follow-up on the UN Decade for Human Rights Education (1995-2004), the United Nations adopted a resolution (59/113) on the World Programme for Human Rights Education at its general assembly meeting on December 10, 2004. The first phase (2005-2009) of the Programme focused on the human rights education in the syllabus of

the primary and secondary schools while the second phase (2010–2014) emphasizes the human rights education for the higher education system, teachers, public officials, law enforcement officer, and the military personnel.

In this regard, the Commission issued its opinion to the Minister of Security and Public Administration in August 2012. In detail, the Minister was asked to review the laws, institution, and policies on the education and training of public officials for the promotion of human rights education; and was encouraged to reflect human rights education in the guidelines for annual education and training for public officials. The Commission expressed its view to the heads of government education and training institutions that human rights education should be included for their programs.

In 2013, the Commission conducted a survey on the human rights education of the previous year at 40 education and training institutions for public officials (central and local/provincial governments) and 99 education and training institutions for teachers of primary and secondary schools (institutions of cities and provinces, and institutions associated with universities).

According to the survey results, in 2011, the education and training institutions for public officials provided a total of 152 human rights education sessions, namely 10 human rights programs and 142 special human rights lectures while the education and training institutions for the teachers of primary and secondary schools provided 296 human rights lectures; and in 2012, the institutions for public officials provided

212 sessions while the institutions for teachers 346. The human rights education sessions increased considerably in 2013 compared with the previous year in the case of the institutions run by local/provincial government while the number of session decreased a little in 2013 compared with the previous year in the case of institutions run by universities.

The striking phenomenon in the system of human rights education in recent years is to include provisions on human rights education in the statutes like the case of the Mental Health Act and the Act on the Support and Welfare of the Homeless and Others; and to include mandatory human rights education in the newly established ordinances on human rights of local/provincial governments and the ordinance on the human rights of students. This phenomenon evidences that human rights education for the employees of the facilities for the socially vulnerable has been reinforced for the prevention of the violations of human rights.

In the case of the human rights education for the disabled and the homeless, the Commission is appointed to provide mandatory education programs. For the effective operation of human rights education by local/provincial government, the Commission helps them with nurturing instructors and developing education materials.

B. Building domestic and international cooperation system for human rights education

For the universal implementation of human rights education, the

NHRCK has made efforts to build a domestic cooperation network with human rights partners. The Commission strengthened cooperation with Education Offices. For example, in 2013, the Commission signed an MOU with Daegu Office of Education (March 6), Seoul Office of Education (July 9), and Gwangju Office of Education (December 18) to promote school culture which respect human rights. The Offices of Education agreed to implement the Commission's Comprehensive Policy Recommendations for the Promotion of Human Rights Friendly School Culture; and they and the Commission agreed to make joint research on human rights education.

For the promotion of cooperative network with the organizations related with human rights education, the Commission convened the Human Rights Education Council for the Military, the Human Rights Education Council for Schools, the Human Rights Education Council for Homeless People, and the Human Rights Education Council for the Elderly to discuss with them methods of human rights education for the employees of the relevant areas.

The Commission also tried to understand the trend of international human rights education, and controversial pending issues, and to strengthen cooperation with international human rights education institutions. For this purpose, the Commission participated in the International Conference on Human Rights Education (Taiwan, November 21-22), and the International Conference on Human Rights Education and Training for the Civil and Public Service (Ireland, December 3-5). During the conferences, the Commission increased the understanding of other countries' human rights education, and presented

the best practices of human rights education in Korea while sharing the information on pending issues of human rights education and strengthening the international cooperation network.

2. Creation of Human Rights Friendly Culture in Schools

A. Human rights friendly textbooks

The NHRCK, for the purpose of creating a human rights-friendly educational environment and textbooks, has continuously monitored the textbooks of primary and secondary schools that have been upgraded in stages since 2009 and recommended improvements. In 2013, the Commission organized the 5th Textbook Monitoring Student Group and promoted the constant monitoring of human rights educational activities and textbooks. It also organized the Teacher Monitoring Group for the purpose of intensively monitoring the revised textbooks. The Monitoring Groups went over the textbooks, which were first used in 2013, to see if the content, illustrations, photos, and data contained in the textbooks are in compliance with the human rights standards. Based on the results of monitoring, the Commission has issued recommendations to make the textbooks human rights friendly.

Most notably, an analysis concluded that descriptions, photos and illustrations that may stir up prejudice against a certain gender or the socially vulnerable that have been frequently criticized so far have remarkably decreased, and the human rights friendly cases whose content itself has educational value have been gradually increasing.

Some cases, which are not in compliance with the human rights

standards, have been identified in the textbooks published in 2013. They include: i) cases fostering prejudice on the gender role and gender discrimination; ii) cases fostering a stereotype on the multicultural families and the socially vulnerable; iii) cases fostering prejudice and discrimination against the elderly; iv) cases fostering prejudice on children and youth or cases restricting the human rights of children and youth; v) cases which were not objective nor educational. With regard to the afore-mentioned findings, the Commission recommended the Minister of Education and the Superintendents of 17 Offices of Education, in September 2013, that the cases in the textbooks should be reviewed for improvement.

The Commission monitors what has been written about the Commission and human rights education in the textbooks every year to analyze the trend of changes. It also makes efforts for the textbooks to deal with more about human rights.

In November 2013, the Commission held a workshop on Developing Human Rights Friendly Textbooks to discuss the "guidelines for writing human rights friendly textbooks" based on its recommendations for the improvement of textbooks. The guidelines were re-developed and published on-line. The Commission also developed the "guidelines for school human rights education" for distribution to schools and teachers.

B. Human Rights Education at University

Since 2006, the NHRCK has pursued a wide range of cooperation in human rights education by signing MOUs with and supporting 11

universities. The Commission designated the universities as centers of human rights education, study, and regional human rights network. The major points of the MOUs are: development and promotion of human rights education; co-development of human rights programs; establishment of human rights education programs and implementation; research and implementation work for the promotion of human rights in regions; exchange of data and information on human rights; establishing human rights libraries; and exchange of personnel for practical human rights work.

On December 4, 2013, the Commission co-organized a seminar on Human Rights Education with Chungnam University to discuss the role of universities in creating social culture which respects human rights. In connection with this seminar, the Commission hosted the 2103 Council Meeting of the Commission and MOU Universities to discuss: i) establishment of an human rights institution associated with the university and strengthening human rights activities; ii) expanding human rights courses at university; iii) reinforcing on-the-job training of law students; and the creation of human rights friendly culture.

The Commission has contributed to nurturing human rights experts by providing on-the-job training opportunities for laws students of, chiefly, universities which signed MOUs with the Commission. As of the end of 2013, the Commission provided on-the-job training opportunities for 133 law students (8 batches).

Through the 2nd phase (2010–2014) of the World Programme for Human Rights Education, the United Nations asked for the promotion of

human rights education at higher education institutions. In response, the Commission has conducted a survey, every year, on human rights courses of the universities across the country to gain an understanding of human rights education at universities and develop its policy for university human rights education.

In 2013, the Commission put together more than 100 syllabi of university human rights courses and developed them into a publication titled *University Syllabi for Human Rights Courses*. The publication includes all syllabi the release of which the professors agreed. The Commission expects that sharing information in the publication will lead to enriching the content of the courses.

3. Expansion of Human Rights Education by the Human Rights Education Center

A. Efficient operation and performance of the Human Rights Education Center

The NHRCK, in an attempt to facilitate human rights education by reliably providing courses and offering standardized and systematic educational programs, opened the Human Rights Education Center in Chungju in 2009. The Human Rights Education Center has provided human rights education courses that span various fields, and extended the scope of its courses as well as the number of participants in the courses.

The Commission offered a total of 1,834 sessions for 168,580 persons

in 2013, which was a 134.9% increase in the number of participants compared with 124,937 persons in the previous year. All areas of human rights education have grown every year at almost same level.

[Table 2-4-1] Human Rights Education by Year (2002 to 2013)

Year	Total		Training Course		Visit Program		Online Course		Special Lecture	
	Session	Person	Session	Person	Session	Person	Session	Person	Session	Person
Total	8,063	722,082	1,164	65,280	831	22,397	536	122,940	5,532	511,465
2013	1,834	168,580	245	11,382	159	4,588	150	39,654	1,280	112,956
2012	1,300	124,937	214	10,456	119	2,204	109	21,550	858	90,727
2011	1,167	114,097	166	7,064	153	3,019	71	14,681	777	89,333
2010	1,069	90,079	287	22,451	88	1,726	65	10,538	629	55,364
2009	732	54,716	131	7,056	109	3,043	60	13,573	432	31,044
2008	826	63,258	45	2,643	66	1,972	31	12,394	684	46,249
2007	516	52,501	30	2,171	46	1,673	37	9,435	403	39,222
2006	226	15,356	20	1,197	34	991	12	973	160	12,195
2005	155	16,864	11	372	21	1,072	1	142	122	15,278
2004	89	7,161	6	180	23	1,224	-	-	60	5,757
2003	117	10,591	5	186	13	885	-	-	99	9,520
2002	32	3,942	4	122	-	-	-	-	28	3,820

To improve the human rights of homeless people who are economically and socially vulnerable, the Commission assumed exclusive responsibility for the human rights education of employees in facilities for homeless people which has become obligatory under the law. In addition, the Commission ran human rights education courses for child care teachers and kindergarten teachers, directors and vice-directors so that a human rights education system that matched the developmental stages of children could be established. In addition, the Commission provided

"Traveling Special Lectures on Human Rights" for 104 schools on the prevention of school violence, for 65 schools on the promotion of human rights of the disabled, and for human rights in the multicultural environment.

B. Diverse human rights education courses

For the sake of properly responding to the rapidly growing demand for human rights education and to spread a culture of respect for human rights by providing human rights education, the NHRCK offered a total of 245 human rights instructor courses, human rights sensitivity enhancement courses and workshops to a total of 11,382 persons in 2013. Those who participate in such courses include employees in such areas as school children and the youth, public officials of administrative organizations and employees of protective facilities (social workers and employees in mental health, disabilities, multicultural, and homeless care facilities); employees in the military (commissioned officers, non-commissioned officers, and enlisted men); journalists, business people, and the socially vulnerable groups (migrants, North Korean defectors, and senior citizens).

An analysis of the human rights instructor courses showed that a total of 10 sessions in four areas were provided in 2012; and a total of 30 sessions in 10 areas (police, military, elderly, homeless, multicultural, children and youth, disabled children, welfare facilities for the disabled, ICT human rights, and mental health) were provided in 2013. The Commission placed emphasis on both quantitative and

qualitative growth in human rights education actively in response to the demand for human rights education in many different areas. In particular, while the Commission provided only off-line courses in the past, it introduced a combination of on- and off-line courses. Participants were requested to take on-line courses in advance, and then, they took the off-line courses, thus promoting the effectiveness of learning.

Human rights sensitivity enhancement courses included 112 mandatory sessions for employees in mental health facilities, and 27 sessions for employees in homeless people's facilities. In addition, human rights sensitivity enhancement courses were provided for public officials, military personnel, university and graduate school students, employees in multicultural fields, operators of the facilities for the disabled, employees in the facilities for the elderly, officials in charge of information and communication technologies and human rights, school managers and school commissioners, and directors and vice-directors of kindergartens.

1) Human rights policy leader course for public officials

Since 2010, the Commission has provided human rights policy leader courses for public officials. This course aims at reflection of human rights factors in the process of policy making and policy implementation. In 2013, the Commission provided 5 sessions attended by 218 public officials from 45 government entities including the National Assembly, the Supreme Court, the Board of Audit and Inspection, the Ministry of

Justice, the National Police Agency, the Ministry of Education, Seoul Metropolitan Government, and Jeju Special Self-Governing Province.

The graduates of the human rights policy leader course represent not only the executive branch but the legislative and the judicial branches of government. Grade 4 or below officials were invited to this course in the past. From 2013, however, executive sessions were operated for Grade 4 or higher officials.

2) Human rights education course for the military

In response to the increasing social attention to firearm accidents and suicide in the military, the NHRCK made a lot of efforts to help the military foster human rights friendly culture and establish self-initiated human rights education. For this purpose, the Commission developed human rights programs in compliance with the principles and standards of the United Nations. In detail, the Commission provided human rights instructor courses and year-round human rights sensitivity enhancement programs for the commissioned and non-commissioned officers of the army, the navy, and the air force, thereby contributing to the promotion of mutual respect and human rights awareness.

In 2013, the Commission provided 4 sessions of human rights sensitivity course for 164 persons including not only soldiers but civilian employees and military life counselors. The participants, by rank, range from sergeant first class to lieutenant colonel; and in case of civilian employees, from Grade 9 to Grade 4. The Commission provided three different phases of instructor courses, namely, basic course, intensive

course, and refining course for 34 persons in two sessions. 17 military personnel, who have completed all three phases, have been listed, first time, as the military human rights instructors recognized by the Commission. A small number of participants take the instructor course where their participation is essential. They are requested to present their case studies on the violations of human rights and improvement options.

3) Human rights education course for mental health institutions

According to the mandatory human rights education stipulated by Article 6 of the Mental Health Act, the Commission began human rights education in 2009 for more than 14,000 persons including the founders, operators and employees of 1,455 mental health facilities across the country. In 2013, the Commission provided two different courses for medical staff and non-medical staff respectively to increase the rate of satisfaction with human rights education as the Commission found that the two groups have different levels of human rights recognition. Geographically, the Commission held regional sessions in four regions.

Every Wednesday is designated by the Commission as "Human Rights Education Day for Mental Health." Following the previous year, the Commission provided education on every Wednesday in a systematic and uniform manner at the head office and regional human rights offices. In 2013, the Commission provided education for 6,866 or about 1/2 (49%) of all personnel employed by the facilities.

It is notable that participants were very interested in the education of

the Habeas Corpus Act which protects the human rights of persons with mental disorder. Most participants did not know the protection of the person as they were not taught about the concept at their workplace. As mandatory education lasts more than five years, participants seemed to feel fatigue. The Commission, therefore, changed education mode from instruction-oriented to participation-oriented, increasing the effectiveness of human rights education.

To ensure an efficient use of instructors in the area of mental health, and to strengthen the professionalism of instructors and the network of instructors, the Commission provide a nation-wide instructor course in 2013 for 27 persons for three days (April 24-26). The Commission provided a refining course for 14 among them (October 24-25).

With the Act on Discrimination Prohibition in effect, demand for the elimination of prejudice and discrimination against the disabled and the protection and promotion of human rights has been on the rise in all areas of society such as the public sector, social and welfare sector and the business sector. In the meantime, the school sexual violence scandal or *Dogani* (literally meaning "crucible") scandal drove social attention to the human rights of disabled children. As the result, the Social Welfare Services Act was revised and put in effect on August 5, 2012. The revised Act stipulates that social welfare services should provided in a manner that human rights are respected and human rights education should be strengthened.⁵⁾

5) The Social Welfare Services Act. Article 4 (Responsibility for Promotion of Welfare and Human Rights) (6) The State and local governments shall provide social welfare services in a manner that the human rights of persons in need of social welfare services are fully respected and shall

Violations of human rights, in the case of the disabled in their care facilities, should be considered especially serious. For this reason, human rights education is in critical need for the group care facilities for the disabled. The Commission, in response, provided human rights sensitivity courses for the managers of 452 group care facilities for the disabled and similar facilities across the nation. The Commission also provided human rights sensitivity courses for public officials in charge of the support of the disabled in Gyeonggi Province where the largest number of group care facilities for the disabled are located.

The Commission paid attention to the promotion of knowledge in human rights of the employees of the group care facilities for the disabled, and the broadening the base of human rights education. First and foremost, the Commission provided instructor courses for Gangwon Province, which has low geographical accessibility, in cooperation with the regional association of group care facilities for the disabled. The Commission, then, provided instructor courses for group care facilities for the disabled and organizations related to the disabled across the nation.

4) Human rights education course in the care of the homeless

The Act on the Support and Welfare of the Homeless and Others was enacted in June 2011. Article 20 of the Act stipulates the compulsory human rights education of more than four hours for the employees of group care facilities for the homeless (effective on June 8, 2013). The

enhance human rights education pertaining to social welfare.

Commission has an exclusive responsibility for this education. As such, in 2013, the Commission established a medium-term plan, created and operated the Human Rights Education Council for Homeless People, provided a basic level instructor course for 1,476 persons of 160 group care facilities across the country, provided two sessions of human rights sensitivity program for the new employees of group care facilities, and provided 27 sessions of education for employees of group care facilities for the homeless.

The instructor course was provided first for the area of the homeless. The Commission invited participants by taking recommendations from the Human Rights Education Council for Homeless People, and by accepting the applications of experts in this area. The Commission asked the participants to submit their instruction materials before class. They were requested to present their materials, and the Commission monitored the capacity and characteristics of participants during class. Brain writing skills were used for the discussion of on-the-spot problem cases (e.g., hygiene regulation) so that they can promote their capacity as instructors.

5) Human rights education course in multicultural environment

For the realization of human rights friendly society, the Commission began various activities from 2010. They include: cooperation for human rights education with and support for the agencies related with multicultural, developing and delivering the subjects of human rights education, provision of human rights sensitivity enhancement course for

multiculture project officials, and provision of traveling human rights education for infants, primary and secondary school students, employees of group care facilities, and immigrants.

The Commission provided human rights education for North Korean defectors and related agencies (592 defectors/12 times at *Hanawon* or settlement support center for North Korean defectors 2 workshop with related agencies; and 61 persons/11 times at *Hana* Centers or living support centers for North Korean defectors). The Commission has been in close cooperation with the Ministry of National Unification to reinforce human rights education for North Korean defectors.

With regard to the visiting instructors for multicultural families, the Commission asked the Korean Institute for Healthy Family to reflect multicultural human rights education in their 2013 visiting instructor course so that visiting instructors can contribute to the protection of human rights.

The Commission paid attention to the human rights sensitivity of public officials in charge of multicultural projects. For the purpose of enhancing their human rights sensitivity and building a network with regional multicultural activists, the Commission provided a policy capacity enhancing course in 2013 for public officials in charge of immigration of Seoul Metropolitan Government and Gyeonggi District Office of Incheon, and the activists of the regions.

Since 2010, the Commission has provided refining courses for the groups of instructors specializing in multicultural human rights. In 2013, the Commission appointed immigrants as instructors. The

Commission tried to promote the professionalism of instructors by arranging demonstrational presentation by instructors representing their regions. The Commission also made efforts to the quantitative and qualitative growth of the corps of instructors.

6) Human rights education course in the care of the elderly

The population of the aged (65 years old or older) in Korea stood at slightly more than 5.8 million as of 2012, or 11.6% of the whole population. According to the Korea National Statistical Office, Korea is expected to enter an aging society (14.3%) in 2018.

As international society adopted "A Society for All Ages" as the activist slogan for aging, it is advisable to change the perspective on aging from "the increase of social cost" to "guaranteeing the right of labor of the elderly" and "promotion of social participation by the elderly." For the promotion of the quality of life of the elderly, human rights education should be provided for the elderly and all related people in families, work places and regional societies.

With the introduction of long-term care insurance in 2008, government and society took the responsibility of supporting the elderly, and gradual increase of various convenience facilities and related people for the elderly followed. At the same time, various violations and discriminatory acts take place in the course of welfare delivery to the elderly. It is necessary, therefore, to provide reinforced human rights education for the managers, employees, and care-givers to prevent the violations of human rights of the elderly.

The Commission has placed importance on the promotion of human rights of the elderly, changing the perspective towards the human rights of the elderly, and the prevention of human rights violations in the welfare facilities. For this purpose, the Commission has provided human rights education for the area of the elderly since 2011. In 2013, the Commission formed the Consultative Meeting of Human Rights Education for Seniors which is a cooperation partner for delivering instructor courses and sensitivity enhancing courses.

The Commission provided five instructor courses for a total of 105 persons, mostly employees at professional care facilities for the elderly; four sensitivity enhancing courses for 219 persons, mostly employees of related organizations and senior people themselves.

7) Human rights education course in the care of infants, middle and high school students

The international community emphasizes that human rights education should begin for infants and very young children, places importance on the responsibility of the State for delivering human rights education which will foster an environment where young children, parents and teachers understand the overall concept of human rights and respect human rights.

It is believed that care-givers and kindergarten teachers provide comprehensive human rights education, free of prejudice and discrimination, for young children aged 4-6. It is also important that their human rights sensitivity and advocacy of rights should be promoted. For this purpose, the

Commission provided education for the managers of kindergartens and children's homes.

For the prevention of human rights violations and discriminatory acts by way of enhanced human rights sensitivity, the Commission provided "Human Rights Sensitivity Course for Human Rights Friendly School Course" for 44 teachers of secondary schools in August 2013. Participants studied human rights friendly vision for the school by discussing non-violence dialogue skills, presenting conflict resolution programs, playing a mock conference of the student council.

In addition, the Commission put in its efforts to promote the implementation of the guidelines for the promotion of sports human rights that the Commission recommended in 2011. For this purpose, the Commission provided traveling lectures in 2012. In 2013, the Commission continued to provide, in collaboration with Seoul Office of Education, 20 traveling lectures for 3,895 middle and high school sportsmen and their leaders.

Popular concern over human rights in school has heightened with frequent school violence and the implementation of the student human rights ordinance. The Commission issued a policy recommendation, in 2012, to the responsible government entities including the Ministry of Education, Science and Technology. Since then, the Commission has monitored the implementation of the recommendation named "Comprehensive Policy Challenges for the Creation of Human Rights Friendly School Culture." In reply to the monitoring, they informed the Commission that they work out the action plans for 51 out of 52 policy

challenges. For continuing monitoring work, the Commission signed MOUs with the Offices of Education of Seoul, Daegu, and Gwangju.

In 2013, the Commission provided the instructor course three times to foster new instructors in the area of children and youth, and to help build a national network of human rights instructors. In detail, the participants attended the basic course in April, and the course completers attended regional workshop in August, and finally they and some youth counseling experts, 31 persons in all, attended the intensive course in November.

8) Human rights education course in ICTs

The advent of information society in the 21st century has cast doubt on the protection of privacy. Protection of personal information has become the order of the day as advanced information technologies facilitate the flow of information across the national borders and a lot of personal information is exposed every day, even to foreign countries.

The Commission provided a refining course for instructors in the area of ICTs and human rights. In this area, the Commission aims at helping to ensure that the right of self-determination of personal information is respected in the information society where human rights and the basic rights of freedom are harmonized.

In particular, the Commission made efforts to promote the capacity of instructors in the area of ICTs and human rights, thereby reinforcing the foundation to prepare for the rising demand for human rights education in this area. During the course, instructors were introduced to

the recent issues of ICTs and human rights and case studies, and theories and practical use of teaching skills.

9) Workshop on human rights education

The Commission co-hosted an academic conference on the prevention of school violence and its solutions with Dankook University in January 2013. At the conference, participants discussed how to monitor school violence and conflict from the perspective of human rights and how to enhance popular awareness in this regard. In addition, the Commission held five attended by a total of 460 person workshops. They were organized, for instance, for the textbook monitoring groups, journalists, and business people.

The UN Decade Rights Education was adopted by the UN General Assembly in 1994. The UN, in the afore-mentioned document, defined journalists as a group that influences the actualization of human rights. Since then, the role of the media, as an agenda setter with regard to human rights, has ever become greater. Under these circumstances, the Commission made efforts to enhance the awareness of the media as the advocate for human rights, and to bring change to society by helping the media deal with human rights reporting. For this purpose, the Commission has provided a workshop for journalists specializing in human rights every year since 2010.

In 2013, the Commission hosted a workshop, the first of its kind, for team leaders or equivalent of the media companies who deal with social issues. At the workshop, the Commission stressed the importance of

journalists as the champion of the protection of human rights, and asked them to strictly comply with human rights reporting standards which contain manuals on such various sections as democracy and human rights, right of personality, human rights of the disabled, gender equality, human rights of migrants and foreigners, human rights of the elderly, human rights of children, and human rights of sexual minorities).

Recent decades witnessed the growth of business influence on society and integration of national economies on a global dimension. Accordingly, international standards on the social responsibility of business have been in place, and people in Korea have been paying more attention to this trend. Recently, public enterprises have been added to the list of entities subject to investigation by the Commission. As such, the Commission responds actively to the new demand for human rights education. For example, in 2013, the Commission provided human rights education for the employees of such public enterprises as Pyeongtaek Port Authority, and related entities including Gwangju Chamber of Commerce, and managing executives of business enterprises (206 persons, 4 times).

C. Commission Visit program

The NHRCK has provided onsite educational opportunities on a continuous basis to make people more familiar with human rights education by making people understand the Commission's work and human rights. This onsite education provides experiential human rights

education which enhances human rights sensitivity. The participants represented schools, public entities, social welfare entities, and civil society organizations. In 2013, 4,588 persons visited the Commission (head office and regional Human Rights Offices) on 159 occasions.

A variety of activities with different themes were prepared depending on the audience, including lower graders and higher graders of primary schools, students of secondary schools and universities, people residing in social welfare facilities, and adults, in order to create opportunities for them to become more sensitive to human rights issues and practice human rights of their own accord, resulting in the protection of human rights and respect for the human rights of other people. The Commission's major policies and recommendations as well as current issues were presented in Q&A sessions and discussions, which consequently improved the effectiveness of the onsite experience.

D. Constant learning system with expanded online education

The Commission has provided online human rights education since 2007. The purpose of online education is to improve the access to human rights education, enhance sensitivity to human rights, develop capacity through online self-learning, and provide general and professional knowledge about human rights. In 2013, 150 online sessions were taken by 39,654 persons, or an increase of 18,104 persons (184%) compared with 2012.

The subject of on-line education which was taken by the largest number of person was "Prevention of Discrimination of Disabilities."

Then, "Prevention of Gender Discrimination" followed. These two subjects were available with the participants of three groups from public officials, citizens and groups, and teachers. In the meanwhile, "Human Rights for Teachers +", available only with teachers, was the subject taken by the largest number of participants, or 10,984.

In 2013, the Commission put in operation the LMS (Learning Management System) for mobile devices. Thanks to the LMS, users can take their courses by using smartphones or tablet PCs. As a result, user's accessibility to on-line education and learning efficiency have been greatly increased.

Since 2008, government entities at all levels have used the content of on-line human rights education, which was developed by the Commission, by accessing the On-line Human Rights Learning Center for Public Officials operated by the Central Officials Training Institute. The users of the content developed by the Commission have been increasing. In 2013, 11,743 persons from 23 government entities took the advantage of 8 kinds of content⁶⁾ on human rights education.

6) 1. Human Rights Capacity in the Military 2. Human Rights Capacity in the Process of Criminal Investigation 3. Prevention of Discrimination in Day to Day Life 4. Understanding of Human Rights 5. Enhanced Understanding of Human Rights 6. Prevention of Discrimination against the Disabled 7. Prevention of Gender Discrimination 8. Public Administration and Human Rights

[Table 2-4-2] Details of the 2013 Online Education for Human Rights

Attendance	Subject	Applicant	Completer	Completion Rate	%
Total		65,012	51,397	79.0	100
Public officials	Understanding of human rights, Enhanced understanding of human rights, Public administration and human rights, Discrimination against disabilities, Gender discrimination, Understanding of the Discrimination Prohibition Act	11,141	9,944	89.2	19.4
Citizens and groups	Understanding of human rights, Public Administration and human rights, Discrimination against disabilities, Gender discrimination, Understanding of the Discrimination Prohibition Act, Teachers and human rights+	7,692	5,338	69.3	10.4
Teachers	Human rights for teachers + (Teachers and human rights +), Discrimination against disabilities, Gender discrimination	27,657	24,372	88.1	47.4
Combined attendance	23 organizations including the Ministry of National Defense	18,522	11,743	63.4	22.8

E. Provision of Special Lectures on Human Rights

The NHRCK, in order to improve the human rights sensitivity of public officials who have a great influence on the improvement of human rights in society, has been offering human rights courses at various educational institutions (including workplace training) and provided special lectures about human rights for organizations and groups on request. In 2013, a total of 1,280 sessions were provided to 112,956 persons. Analysis of the lecture audience revealed that the number of special lectures for mandatory education in elementary and secondary schools increased.

In response to heightened social concern over human rights conditions in school, the Commission paid attention to fostering human rights

friendly school culture, the prevention of violence in school, and correcting discriminatory attitudes against migrants and the disabled. For this reason, the Commission provided “traveling human rights education for schools” for schools across the country, thereby broadening the base of beneficiaries.

In addition, as the necessity for human rights education has been highlighted for transition to a multicultural society, the Commission has constantly provided “traveling special lectures on multiculturalism and human rights” since 2008. In 2013, a total of 282 sessions were provided for 35,851 persons including Korean citizens (children and youth, and employees in the fields), and migrants residing in Korea.

4. Educational and Promotional Content on Human Rights

A. Developing and distributing educational content on human rights

Development of educational content on human rights upholds the infrastructure for human rights education. The effect of human rights education varies with educational content and modes of delivery. Since 2002, the NHRCK has continuously developed and distributed human rights educational content for the purpose of spreading the awareness about human rights in society and facilitating human rights education.

In 2013, the Commission endeavored to standardize human rights education through the development of human rights educational content for each field. It, therefore, established a system for content development by, for example, setting up a standard for manuscript fees and a manual for human rights educational content development. The

Commission developed three customized human rights educational materials (preventing school violence, business, welfare facilities for the disabled) and three types of online human rights educational content on the police, mental health (persons with mental disorder, and migrants).

Learning material for preventing school violence helps readers see school violence from the perspective of human rights, and teachers and human rights education activists can take advantage of the material for their use on site. The material presents various interesting activities through which student themselves feel that school violence is the violation of human rights. As the material reflects perspectives of family therapy across the whole content, parents may take it a valuable reference.

Learning material for business and human rights has been developed to enhance the awareness of business and human rights. The material explains what is meant by business and human rights, list of human rights business enterprises should respect, controversial issues, and interesting case studies. In addition, the material presents practical knowledge for business and human rights considering different roles and characteristics of organizational units and personnel within the enterprises. Readers also can benefit from the material by getting necessary knowledge on the methods of remedies.

Learning material for welfare facilities for the disabled regard the employees of the facilities as human rights advocates. The material explains various human rights conditions by presenting various cases. It also introduces related laws and practical guidelines for the protection

of human rights to readers to promote the human rights sensitivity of readers, and to help readers find solutions to various human rights conditions. Further, the material stresses the promotion of human rights within the facilities, and explains the role of facilities to help the disabled find solutions to self-reliance.

The content of on-line educational material provides an easy way of understanding, especially for the human rights friendly job implementation of the police, and the human rights of the persons with mental disorder and migrants by presenting various complaint cases. It also uses storytelling techniques using animation which promote understanding and intrigue interest. Users with visual and auditory impairment will have a promoted accessibility to the content of on-line educational material because they can adjust the place and size of the sign language screen section.

Article 6 of the United Nations Declaration on Human Rights Education and Training encourages to use the arts such as plays and music, as a means of education in the field of human rights. Respecting the recommendation, the Commission endeavored to include various cultural items in the learning material. The Commission has continuously distributed its human rights publication titled *I am not comfortable. But I'm OK.*

In 2013, the Commission developed a book on discriminatory social notions implied in comments to the Internet postings and criticism of logical errors examined from the human rights perspective. The book will come in the form of a monograph for distribution to school students

and the general public to promote human rights sensitivity and spread human rights friendly culture.

Since 2002 when the Commission first began developing learning material, many stakeholders have done their best bring change to the human rights conditions. As such, the domestic and international environment, in relation to human rights, have changed and developed a great deal. The Commission takes note of the changes and developments, and reflected them on four kinds (police and human rights, learning material for the elderly, learning material for mental health, and basic vocabulary for human rights education) of learning material by publishing revised editions.

B. Developing and distributing promotional content on human rights

1) Human rights films

The Commission has produced and distributed films on human rights since 2002 in order to raise people's consciousness of human rights.

The film produced in 2013 was the 11th project of the Commission titled *The Golden Carriage in the Sky*. The 11th project was directed by O, Muel who also directed *Jiseul* (meaning "potato" in Jeju dialect, a film depicting the April 3 Jeju Uprising) where he sublimated the uprising artistically. Director O won many awards at the Sundance Film Festival and other film festivals. *The Golden Carriage in the Sky* presents the reality of our society, which does not seem to respect the weak, and agonies of the elderly using beautiful images. Cinema-goers will see how the film describes the aged and human rights after its

release in 2014.

The film produced in 2012 was the 10th project of the Commission titled *If You Were Me 6*. The film was released at 32 theaters across the country in November 2013. The film met many viewers through community viewing. The audience of the film is the second largest, after the audience of 30,000 of the Commission's first project *If You Were Me*.

If You Were Me 6 is an omnibus film, comprising three short films. *To Doohan*, the first short film directed by Park, Jung Bum, describes a story of a middle school student and a friend who has cerebral palsy. The film depicts true friendship that does not know disabilities. The second short film is titled *Bong-gu on Delivery* co-directed by Shin, Aga and Lee, Sang Cheol. The film depicts what happens between an old man in his 60s and a six-year boy to discuss the meaning of youthfulness and aging, and communication and consolation. The third short film is titled *Ice River* directed by Min, Yong Geun. The film tells in a quiet manner about the story of conscientious objection to military service and human rights against the background of family stories. The Commission will make *If You Were Me* a DVD for distribution to public entities and related organizations for more people watch the film.

In 2013, the Commission implemented the Traveling Theater for who failed to watch the film *Juvenile Offender* at the theater. The film was screened in many different places including Daegu, Busan, Gangwon Province, correctional facilities, etc. The Commission also implemented a cinema viewing program with *Changbi* Publishers under the name of

Viewing Human Rights Films Together: I am not comfortable, but I am OK. Under the program, citizens and directors watches together many movies on various human rights issues such as migration, fleeing from North Korea, appearance, sexual minorities, personal information, and juveniles; then they exchanged views and opinions, and thought about the present and future of human rights.

2) Award programs for human rights content (Essays, Posters, UCC)

The Commission has hosted various awards programs to facilitate research into the protection and promotion of human rights, and to foster human rights friendly culture. In 2013, the Commission newly accepted posters, and designated sections for certain groups of people to encourage primary and secondary school students to apply for the awards. In 2013, the Commission received 56 essays, 269 posters, 191 UCC video clips, totaling 516 submissions. 51 submissions were selected and cited by the Chairperson of the Commission. Award-winning pieces are posted on the program site (www.humangongmo.kr), and also used for human rights education.

The Commission compiled the award-winning essays into a book. Copies of the published book were distributed to the library of the Commission, the National Library of Korea, the Library of the National Assembly, and the National Archives of Korea. For those who do not have access to libraries, the Commission posted the award winning pieces on its homepage. Copies of the book were also distributed to the Commission's regional offices for the benefit of regional residents.

Award-winning posters were presented at various exhibitions, thereby contributing to the promotion of human rights friendly culture and awareness of human rights. Award-winning posters will be exhibited in the future across the country.

Award-winning UCC video clips were played at the Busan human rights festival where a great number of people gathered. In addition, a formal premiere ceremony was conducted with the presence of award winners and users of welfare facilities. The Commission has an intention to make a calendar capitalizing on the award-winning pieces for further sharing of human rights friendly culture.

5. Public Relations to Raise Public Awareness of Human Rights

A. Promotional activities through the media

In 2013, the NHRCK issued 163 press releases, which were distributed to the media and posted on its official website. The press releases contributed to putting diverse human rights issues and challenges on the social agenda, and also to enhancing popular understanding and concern over human rights issues. The releases include Commission's pending policy issues, and various human rights issues arising from the investigative and remedial process.

In addition, the Commission has been very responsive to the press inquiries and interviews. In 2013, the number of cases that supported the media amount to 596. The Commission tried to take the advantage of press inquiries and interviews to make known its policies, programs and projects, investigations, and remedies in an effective manner.

B. Promotional activities through diverse communication channels

The NHRCK publicized the human rights aspects of daily life, the Commission's status, role, major policies and their performance by utilizing various techniques involving communication channels, and particularly strengthened the strategic promotional activities by using diverse sources such as printouts, broadcasting, the Internet and video clips.

The Commission performed various promotional activities according to the comprehensive plan. First of all, it launched a collaboration work with YTN, a leading 24-hour news channel. YTN broadcast a special campaign program titled *Human Rights Are Life* which depicts the resolutions of the Commission and the background stories. The campaign program dealt with four themes: age discrimination (March 13-25), physical discrimination (March 26-April 8), disability discrimination (April 9-22), and status discrimination (April 23-May 13). The campaign was very successful, and was broadcast more than 900 times by YTN and YTN Science.

The Commission capitalized on comics to promote human rights. Publishing company *Changbi* published a comic book titled *Bosom Friends* comprising comics of 10 comic artists in February 2013. The comic book describes human rights stories about business, students, the elderly, and peace together with introductions to the history of human rights and illustrations important aspects of human rights. 10,000 copies of the book were printed.

The year 2013 marked a full-scale new media promotion utilizing

on-line media and mobile devices. The Commission stressed the participation of citizens, and put more emphasis on participation and understanding than on delivery of content.

To respond to the new media environment, the Commission carried out various online promotional activities. Importantly, however, the Commission continued to utilize its traditional communication channels of its official blog and its online newsletter "Human Letter." The Human Letter was sent to approximately 38,000 policy customers every month to provide updates on the Commission's press releases and activities. The official blog *Byeol-byeol-i-ya-gi* (literally meaning "so many interesting untold stories") featured interesting and convincing stories that we encounter in daily lives. A total of 198 pieces of promotional content were released including contributions from the citizen press corps. The Commission's official Facebook page posted 157 interesting stories about human rights except for the recommendations and articles on pending issues. It was operated in a stable manner as is witnessed by the rapidly increasing number of visitors from about 3,000 in 2012 to more than 15,000 in 2013.

The NHRCK took further steps to facilitate online promotional activities. The Commission publicized five on-paper advertisements to make its online activities known widely, and published six webtoons.

C. Promotion activities through the Bi-Monthly *Human Rights*

The NHRCK launched its magazine *Human Rights* as a monthly in August 2003, but changed to a bi-monthly in 2007. To December 2013, a

total of 83 issues were published, including 6 issues in 2013.

Every issue was published with a circulation of 24,000 copies and distributed to various groups of society including government entities, local/provincial governments, the National Assembly, the prosecutions authorities, the police, the Offices of Education, other public entities, institutional group care facilities, libraries, medical centers, human rights organizations, schools, and human rights activists.

The magazine is also made available for public access on the Commission's official website under the name *Human Rights Webzine*. In December 2013, the magazine's mobile web and mobile app were developed for smartphones.

Every article of the magazine has a conversion-to-voice (VOICEYE) code which enables the visually impaired to listen to the content of the magazine.

The magazine purports to be a specialized magazine on human rights issues, and a general educational magazine for all walks of life. The Commission has endeavored to make the magazine function not only for readers but for listeners. As for the content of the magazine, the Commission focuses on the point that the magazine should be edited for Commission's policies, and domestic and international human rights issues to be easily and interestingly understood by using diverse methods and forms such as essays, articles, reports, photos, comics, and pictures. The concept of the magazine's cover design seeks warmth, elegance, friendliness, and comfortableness. The design also values the story-telling concept reflecting the theme of featured articles.

On the other hand, the corps of honorary youth reporters were appointed in 2009 to widen the extension of the magazine and to promote the participation of readers. In 2011, the corps was enlarged and renamed the corps of honorary citizen reporters. In 2013, the third corps of 40 honorary citizen reporters submitted articles to the "Interesting Human Rights Stories" section of the magazine, and to the Commission's blog *Byeol-byeol-i-ya-gi* as well. They have contributed to the promotional activities of the Commission by writing their stories.

D. Human rights reporting awards and survey on the media compliance with human rights reporting standards

The NHRCK established the Human Rights Reporting Standards with the Journalists Association of Korea on September 23, 2011 in order to spread and practice the notion of human rights reporting by the media. For the sake of promoting the early adoption of the standards, the Commission and the Association created the Human Rights Reporting Awards in 2012.

In 2013, the second awards were given to the winners as described in the table below. The Commission received 28 nominations: 15 from newspapers, 8 from TV channels, 3 from news agencies, and 2 from the Internet news agencies.

[Table 2-4-3] Details of the Second Human Rights Reporting Awards

Media	Name	Report Title
Newspapers	The Kyunghyang Shinmun	North Korean Human Rights: Beyond the Progressive and the Conservative
	The Dong-A Ilbo	Report on Forced Repatriation of North Korean Defectors in China
	The Segye Daily	Violence within Us
TV	KBS	Two Perspectives on Refugees
	KBS (Reset News)	Serial Reports on Surveillance on Civilians: Disclosure of Documents
Internet	Oh My News	The Series of the Shade of Hyundai Motors

The NHRCK invited Media Monitoring Group of Korea Women link to monitor programs of 3 ground wave broadcasting companies, 10 daily newspapers, and 4 general programming channels to assess their compliance with Human Rights Reporting Standards. As the result, the Commission earned the data and information that may be used as basic reference material to come up with measures to encourage further compliance with the standards, and to improve the standards in the future.

Chapter 4. Domestic and International Exchange and Cooperation

National Human Rights Commission of Korea Annual Report 2013

Section 1. Overview

The NHRCK, in accordance with Article 19 Subparagraphs 8 and 9 of the National Human Rights Commission Act, is committed to protecting and promoting human rights through exchange and cooperation with individuals, human rights-related domestic and foreign groups, and international human rights organizations.

For the purpose of promoting human rights in regions and invigorating civil societies, the Commission held round tables in some areas without regional human rights offices such as Chuncheon, Gangneung, and Sockcho in Gangwon Province. The case of Daejeon Human Rights Office is a success story. The Commission formed rapport for the need of a regional human rights office by building a strong network with civil society organizations in Daejeon and Chungchung. The Daejeon Human Rights Office is the fourth regional office of the Commission.

For cooperation with civil society organizations, the Commission has continuously carried out collaborative projects with other human rights organizations. In spite of limited resources, the Commission selected 14 projects and provided total financial support of KRW 115 million for the implementation of the projects. The projects were related with such

important human rights themes as the elderly, the disabled, migrant workers, refugees, whistle blowers, etc. The projects supported practical human rights promotion under the areas of the afore-mentioned themes, and worked out improvement challenges by doing survey work.

Also, the chairperson of the Commission visited human rights organizations and group protection facilities to listen to the voices of those involved with human rights issues, and made efforts to reflect their opinions on the Commission's activities.

The Commission has been engaged in vigorous exchange and cooperation with international human rights organizations and national human rights institutions. The Commission is a member of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC), and was elected, in 2012, a member of the ICC Bureau for a three year term representing Asia Pacific region. In 2013, the Commission attended 26th annual meeting of the ICC to participate in the decision-making process of important agenda items, and present best practices of Korea.

In 2012, the Commission was reappointed to the ICC Working Group on Business and Human Rights. In that capacity, the Commission attended the first Global Forum on Responsible Business Conduct in June 2013. The Commission delivered a presentation on the role of national human rights institutions in relation to the OECD guidelines for multinational enterprises. In December 2013, the Commission attended the second United Nations Forum on Business and Human Rights. At the forum, the Commission identified the recent

developments of the international cooperation framework for the implementation of the UN guiding principles, and reconfirmed the roles expected of national human rights institutions by the international community.

In order to strengthen the network of national human rights institutions, the NHRCK attended the 18th annual meeting and the 2nd biennial conference, held in October 2013, of the APF (Asia Pacific Forum of National Human Rights Institutions) to take part in discussions and decision-making of the organization. In addition, the Commission strengthened cooperation with the international community by visiting OHCHR (Office of the High Commissioner for Human Rights), IOM (International Organization for Migration), and WCC (World Council of Churches).

With regard to the implementation of international human rights treaties, the Commission attended the 57th session of the CSW (United Nations Commission on the Status of Women), the 10th meeting of the UN Committee on the Rights of Persons with Disabilities, and the 5th UN Forum on Minority Issues.

The Commission signed an MOU with Kazakhstan's Human Rights Ombudsman for the promotion of mutual cooperation. The Commission carried out the 2013 APF Staff Placement Program. Another notable work of the Commission for strengthening the international cooperation network was the International Fellowship Program for Human Rights Policy Development. The Commission hosted the Fellowship Program for 16 public officials from 8 countries.

The Commission play an significant role in promoting exchange of views and opinions on important human rights issues of the international community by hosting such international meetings as: The 20th Anniversary of Paris Principles International Conference, Seoul International Symposium on North Korean Human Rights, 2013 PyeongChang Special Winter Olympics International Seminar for the Promotion of Human Rights of Persons with Developmental Disorder, and International Conference on Adult Guardianship for Self-Determination.

Section 2. Major Achievements

1. Exchange and Cooperation with Domestic Human Rights Organizations

A. Routine cooperation with human rights organizations

In 2013, the Commission made special efforts to promote cooperative relations with the areas which suffer difficulties in cooperation with the Commission due to non-existence of Commission's regional office, and small- and medium-sized cities where more active human rights activities were needed. The Commission hosted round tables to identify and respond to regional human rights issues in Chuncheon, Wonju, Gangneung, and Sockcho in Gangwon Province. In Daejeon, the Commission held a round table to discuss cooperation with Daejeon and Chungcheong region, especially for the establishment of Commission's office for the region.

These cooperation efforts culminated in the establishment of the Daejeon Human Rights Office. The Commission also organized a round table for such cities as Youngju, Andong, and Jinju for the introduction of Commission's activities and collection of regional residents on human rights issues.

The executives, including the Chairperson, and staff members of the NHRCK visited human rights organizations and the actual locations where human rights issues have occurred. They have been making sincere efforts to reflect opinions gathered at the meetings in the activities of the Commission.

In addition, the Commission actively reviewed and responded to some 30 requests from human rights organizations. The Commission also has been very responsive to the needs of human rights civil society organizations, for example, by opening Commission's study room for their events on human rights such as seminars and colloquia (126 times).

B. Partnership projects with human rights organizations

The NHRCK remains committed to partnership projects with human rights organizations, as have been carried out since 2003 when the Commission was established. The goal of such projects is to identify and embark on various new projects that facilitate human rights movements and improve human rights conditions in civil society. The selection criteria for partnership projects are: i) new areas for the promotion of human rights, and ii) timeliness of and impact on pending human rights issues.

Selected partnership projects are financially supported by the Commission. In 2013, the Commission received 56 candidate projects. The Commission made necessary arrangements so that balance on subject areas, e.g., disabilities, migrant workers, refugees, North Korea, whistle blowers, ICTs and human rights, can be maintained. In the end, the Commission selected 14 candidates as partnership projects. In order to spread the performance of model projects, five projects were selected out of 14 after project completion. The five high-performance projects dealt with: i) publicity and counseling for the promotion of human rights of the elderly, ii) movement to present petitions to the UN for detainees in political prisoners camp in North Korea, iii) Protecting the human rights of migrant seamen, iv) protection and promotion of the human rights of whistle blowers: and v) prohibition of discrimination in the use of neighborhood facilities by the disabled, and guidelines for the provision of proper convenience.

C. Field visits and networking

The goal of making visits to the actual locations where human rights issues have taken place is to take stock of the human rights conditions that involve minorities in society, listen to their voices in person and incorporate them into human rights policies as well as to raise sensitivity about human rights and identify new tasks by experiencing and understanding their sorrows.

In 2013, the Chairperson of the NHRCK made 13 visits to 20 sites which had human rights implications. They visited sites include: center

for foreign residents; protection facilities for unmarried mothers; protection facilities for persons with developmental disorder; protection and medical treatment facilities for children; comprehensive welfare facilities for the elderly; protection facilities for the victims of family violence; protection facilities for the homeless; and counseling center for migrant workers. Efforts were made to listen to the voices of social workers and human rights activists who work on site, to share their advice with relevant officials of the Commissions, and incorporate the findings and proposals into the policies and projects of the Commission.

2. Cooperation with International Human Rights Organizations

A. ICC and APF

1) The International Coordinating Committee of National Human Rights Institutions (ICC)

The NHRCK began serving its three-year term as a member of the ICC Bureau in 2012 as the representative for the Asia Pacific region. The Commission attends the ICC annual meeting and the ICC Bureau meeting every year, and strengthens multilateral exchange and cooperation amongst national human rights institutions. In 2012, it was re-elected as a member of the ICC Working Group on Business and Human Rights.

The NHRCK attended the 26th ICC annual conference in May 2013, and participated in discussions and decision-making on important agenda items: i) 20th anniversary of the Paris Principles, ii) Report of

the Special Rapporteur of the UN Human Rights Council on Human Rights Defenders, iii) Follow-up on Amman Declaration (Human rights of women and girls) adopted by the 11th International Conference for National Human Rights Institutions, iv) Post 2015, and v) The right to participation. During the discussions at the conference, the Commission presented its best practices. In addition, the Commission, in its capacity as a member of ICC Bureau representing Asia and Pacific region, took part in the decision-making of the agenda for the management of ICC: i) Sub Committee on Accreditation report, ii) ICC Finance Committee report, and iii) Report of the ICC Working Group on Business and Human Rights.

In addition, the Commission, as a member of the Working Group on Business and Human Rights, was requested by ICC to make a statement representing the Working Group at the 1st OECD Global Forum on Responsible Business Conduct held in June 2013. In response, the Commission attended the Forum and delivered a presentation on the role of national human rights institutions with regard to the OECD guidelines for multinational enterprises, and on the activities and performance of the Commission.

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

The Commission attended the 18th APF Annual Meeting and second Biennial Conference held in Doha, Qatar in October 2013. The Annual Meeting discussed the following agenda items and made necessary decisions: i) Election of Chairperson and Deputy Chairperson, ii)

Revision of provisions on the admission of members of the APF Constitution, iii) Replacement of the ICC Bureau member representing the APF, iv) Election of NHRIs to host annual meetings in 2014 and 2015 respectively, v) Report on APF activities and financial performance for 2012-2013, vi) Annual Plan for 2014-2015. In June 2013, the Commission participate in Secretary Generals' Meeting of APF Members held in Sydney, Australia to discuss such important agenda items as: i) The role and responsibilities of Secretary General, ii) Implementation of capacity assessment, iii) Governance and corruption, iii) Strategy for utilizing the media, and iv) Organizational design and development of national human rights institutions. The Commission made a report, in relation to strategy for utilizing the media, on the production and distribution of films made by the Commission.

B. Exchange and Cooperation with National and International Human Rights Institutions

1) National Human Rights Institutions in Central Asia and Europe: Kazakhstan, Uzbekistan, and Denmark

In August 2013, the NHRCK visited Astana, Kazakhstan at the invitation of the nation's Human Rights Ombudsman to attend the Constitution Day International Conference on *The Constitution - a Basis of Strategy of Development of Society and the States*. At this conference, the Commission delivered its congratulatory message which stressed the need of expanding legal interpretations, from the perspective of human rights and democracy, to raise the level of the

protection of human rights.

The Commission also visited the national human rights institution of Uzbekistan, and signed an MOU which stipulates cooperation between two institutions including the protection of the two countries' people residing in each others' territories. The Commission strengthened its cooperation with the Danish national human rights institution by discussing the ASEM human rights seminar, and enhancing cooperation in the area of business and human rights taking advantage of the meeting of ICC Bureau in the latter half of the year.

2) International Human Rights Institutions

The NHRCK made efforts to promote exchange and cooperation with international human rights institutions. For this purpose, the Commission visited OHCHR (Office of the High Commissioner for Human Rights), IOM (International Organization for Migration), and WCC (World Council of Churches). The Commission discussed the international conference in commemoration of the 20th anniversary of the Paris Principles with OHCHR. When visiting the IOM, the Commission talked about the human rights of migrants and policies for them. While visiting the WCC based in Geneva, the Commission had a meeting with the WCC people to have an in-depth discussion of religious minorities for application their experience to Korea.

C. Cooperation with United Nations Bodies and Other Human Rights Institutions

1) Participation in the meeting of the United Nations Commission on the Status of Women (CSW)

The NHRCK attended the 57th session of CSW held in New York in March 2013, increasing its understanding of global trends in women's rights, human rights education, and human rights cities, and allowing it to respond to emerging issues. Also, the Commission attended a meeting of national human rights institutions held in New York UN Headquarters building. During the meeting, the Commission enhanced the awareness on the national human rights institutions, and joined the efforts of the ICC and the APF to ensure the right of national human rights institutions to participate in the Women's Status Council on an independent basis. The Commission also took the advantage of the stay in New York to visit organizations related to women's human rights for the publicity of the Commission's activities, and to collect data and information on human rights issues and activities of foreign countries.

2) Participation in the UN Committee on the Rights of Persons with Disabilities

The NHRCK attended the 10th meeting of the UN Committee on the Rights of Persons with Disabilities held in New York in September 2013. At the meeting, the Commission observed the examination process of the country reports of Austria, Australia, El Salvador, and others to prepare for the examination of the country paper of Korea in 2014.

3) Participation in the UN Forum on Business and Human Rights

The NHRCK attended the second United Nations Forum on Business and Human Rights held in December 2013. At the meeting, the Commission got the knowledge of the trend of international cooperation for the implementation of the UN guiding principles, and reconfirmed the role of national human rights institutions expected by the international community. In addition, the Commission, in its capacity as a member of the ICC Working Group on Business and Human Rights, attended the meeting of the Working Group held during the forum period. During the Working Group meeting, the Commission actively took part in establishing the 2014-2016 Strategic Plan of the ICC, and tried to take lead in dealing with the issues of business and human rights. The Commission capitalized on the meeting to strengthen cooperation with Danish and German human rights institutions which have played a leading role in business and human rights.

4) Participation in the UN Forum on Minority Issues

The NHRCK attended the 6th UN Forum on Minority Issues held in Geneva at the end of November 2013. During the Forum, the Commission shared the awareness of the human rights of religious minorities and discrimination against them with other participants such as UN bodies, government delegate, and national NGO activists, among others. In addition, the Commission and the other participants had in common recognition of best practices of regions and discussed problems and future solutions in the area of international cooperation for the

protection of the human rights of minorities. The Commission also visited international NGOs specializing in the protection of the human rights of religious minorities and children to join the efforts of the international community to tackle international agenda on minorities.

D. Invitation Program for National Human Rights Institutions of Developing Countries: Nepal

The NHRCK offered the 2013 APF Short-term Staff Placement Program from March 11 to 22, 2013. This program purports to support capacity building of newly emerging countries, to build the network of cooperation and information sharing among national human rights institutions for coping together with regional and international human rights issues.

This program was agreed upon when the Commission visited the national human rights institution of Nepal in 2012. In 2012, two staff members of the Nepali human rights institution visited Korea to discuss the best practices and challenges of the two countries.

During their stay in Korea, the two program participants were introduced to the Commission's major activities, investigation techniques, cases of provision convenience to the disabled, practical human rights education, human rights films, and human rights libraries. They also visited government entities such as the National Assembly, and Center for Supporting Foreign Residents in Ansan. They contributed to the capacity building of the staff of the two institutions and building the network of national human rights institutions in Asia Pacific region.

E. International Human Rights Education: 2013 Human Rights Policy Development Program

The Commission, jointly with the KOICA (Korea International Cooperation Agency), held the International Fellowship Program for Human Rights Policy Development from March 10 to 30, 2013. The program invited 16 public officials from 8 countries, including Belarus, Bhutan, Burundi, Haiti, Kenya, Moldova, Mongol, and Nigeria. The participants were in charge of the establishment of national human rights institutions and national human rights policies. The participants studied theories and reviewed case studies, including the introduction to national human rights institutions, the international human rights system, and human rights policies and education, and business and human rights.

In 2012, the Commission held the Human Rights Policy Development Program from March 6 to 30, 2012. The program invited 14 public officials from 7 countries, including Nepal, Bangladesh, Cambodia, Pakistan, Nigeria, Uzbekistan and Kyrgyzstan. They learned knowledge on the establishment of human rights institutions and capacity to develop human rights policies. This program shows the ongoing commitment of the Commission to promoting human rights globally by sharing Korea's experience of democratization and improved human rights.

3. Hosting International Conferences

A. Paris Principles 20th Anniversary Commemoration Workshop

The NHRCK hosted the Paris Principles 20th Anniversary

Commemoration Workshop in Seoul on September 13, 2013. In commemoration of the Paris Principles, the Workshop was held to look back on the historical meaning of the Paris Principles, and to discuss the capacity building and future development directions of national human rights institutions.

The Workshop comprised three sections: Section I (Meaning of the 20th Anniversary of the Paris Principles); Section II (Capacity Building and Role Expansion of National Human Rights Institutions in the International Human Rights Mechanism); and Section III (Future Development of National Human Rights Institutions). Human rights experts delivered keynote addresses and presentations on each of the sections. Participants gained an enhanced understanding of the influence of the Paris Principles and the ICC on the international community, and the contributions of the development of national human rights institutions to the international human rights society. In addition, they discussed how the Paris Principles can be applied to the national environment at the present time.

The international community showed heightened interest in the Workshop as is seen by the presence of the current and former Chairpersons of the ICC, Chairperson of the APF, and Chief of National Institutions and Regional Mechanisms Section of the OHCHR. They agreed that the UN and national human rights institutions should cement cooperation for the development of national human rights institutions. The Workshop was also attended by foreign human rights experts and many members of the National Assembly, both from the ruling and opposition camps. All participants had in common

recognition of the role, functions, and importance of national human rights institutions. In addition, they reviewed the aspects of finance, organization, and operational independence of national human rights institutions.

Papers of the presenters and discussants were posted on the homepage of the Commission's library for the general public so that they could contribute to enhancing the social awareness of human rights.

B. Seoul International Symposium on North Korean Human Rights

The NHRCK and Korea University co-hosted Seoul International Symposium on North Korean Human Rights in Korea University on April 30, 2013.

In 2013, the international community expressed interest and concern over the human rights of North Korea more than ever before. In January 2013, Navanethem Pillay, UN High Commissioner of Human Rights, issued a statement on the human rights in North Korea. On March 22, 2013, the UN Human Rights Council decided, by consensus, to establish the COI (Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea). The Symposium, which was held in April, was attended by many people and attracted a lot of attention like the heightened international concern over North Korea at that time. Not only domestic and foreign academics and researchers, civil society organizations, and government officials but domestic and foreign journalists, and foreign embassies to Korea attended the Symposium. As it was held in Korea University, presence of younger generations including university students was salient.

The Speaker and members of the National Assembly, and many other people representing many different sections of society ruminated on the meaning of the Symposium in their congratulatory message, addresses, and presentations. In Session I, participants discussed general North Korean human rights conditions with emphasis on the right of freedom and social rights, political prisoners camps, Korean prisoners of war, those who kidnapped to North Korea, separated families, the human rights conditions of North Korean defectors residing in foreign countries. In Session II, participants focused on the views and roles of the international community on North Korea. In particular, participants also discussed the policies of the US, the UK, Germany, and Japan toward North Korea. The roles of the UN and international NGOs were also discussed. It was noteworthy that the embassies of the US, the UK, and Germany delivered their presentations and paid a high degree of interest in North Korea. Some foreign correspondents took part in discussion and shared international views and opinions with other participants.

C. International Academic Conference on the Promotion of the Human

Rights of Persons with Developmental Disorder in Commemoration of the 2013 Pyeongchang Special Winter Olympics

The NHRCK and the Organizing Committee of the 2013 Pyeongchang Special Winter Olympics co-hosted the International Academic Conference on the Promotion of the Human Rights of Persons with Developmental Disorder in Pyeongchang on January 31, 2013.

Participants of the Conference include: those who were involved in drafting the UN Convention on the Rights of Persons with Disabilities (Luis Gallegos, Ecuadorian Ambassador to the UN, Geneva; and William Alford, Professor, Harvard Law School), about 20 Korean academics of mental disability and human rights law who delivered presentations, and other people involved in the human rights of persons with developmental disorder. A total of more than 70 persons attended the Conference which had three sessions on, namely, protection of the human rights of the persons with developmental disorder, related laws and policies, and research.

The Commission went over its activities for the human rights of persons with developmental disorder through this conference, and gained an enhanced understanding of the roles of foreign governments and civil society organization for the promotion of the human rights of persons with developmental disorder. Further, this Conference contributes to forming international agreement for the elimination of social stigma on persons with developmental disorder and for the promotion of their human rights.

D. International Conference on Adult Guardianship for Self-Determination

The NHRCK and the Korean Association of Adult Guardianship co-hosted an International Conference on Adult Guardianship for Self-Determination in Hanyang University on May 10, 2013. The purpose of the Conference was to review the practice and problems of the adult guardianship systems of foreign countries, and to identify

their implications for the implementation of adult guardianship system in Korea.

Three main presentations were delivered. First, Daniel Koh, head of the Singaporean Adult Guardianship Office, delivered his presentation on Singaporean Adult Guardianship System and the Role of the State. Second, Suga Fumie, Professor of Law at Hosei University, delivered her presentation on Performance of Adult Guardianship in Japan and Future Challenges. Third, the Commission delivered its presentation on A Better Adult Guardianship for the Respect of Self-Determination. Presentations and discussions proceeded with the presence of psychologists, government officials, lawyers, organizations of the handicapped, academics and experts.

Chapter 5. Activities of Regional Human Rights Offices

National Human Rights Commission of Korea Annual Report 2013

Section 1. The Busan Human Rights Office

The Busan Human Rights Office, which marked its 8th anniversary in 2013, has promoted activities as a guardian of human rights in the cities of Busan and Ulsan as well as in South Gyeongsang Province. The population of the region under the Busan Human Rights Office accounted for 7.71 million (16% of the total population). The responsibilities of the Office include: counseling and reception of complaints, reception of in-person complaint applications from detention or protective facilities, management of complaint boxes in detention or protective facilities, preliminary on-site investigation of urgent human rights violations or discriminatory acts, remedial action, examination of the implementation of Commission's recommendations, investigation of the complaints on human rights violations from correctional and group care facilities, enhancing the consciousness of human rights by human rights education and publicity, and expanding the human rights friendly though exchange and cooperation with related entities.

Thanks to the efforts of the Busan Human Rights Office for the past years, counseling and complaints on human rights violations have been on the rise. Demand for human rights education of entities, schools, and civil society organizations also increases higher than the past. The projects, in which citizens can take part, have become expanded. In

2013, the Busan Human Rights Office focused on the prevention and remedy of human rights violations, creation of human rights friendly culture, and spreading of human rights consciousness.

Over the past 8 years, the Busan Human Rights Office processed approximately 37,000 human rights counseling cases (including reception of complaints, inquiries and civil petitions), 7,300 in-person complaints, and 3,200 complaints. In particular, complaints from group care facilities (mental health facilities) have been increasing. In 2013, the number of complaints from group care facilities first exceeded the number of complaints from correctional facilities. It is expected that complaints from group care facilities will continue to grow gradually. The Busan Human Rights Office investigated 430 complaints in 2011, 733 in 2012, and 691 in 2013. The time needed for processing of complaints has been shortened. It took 81 days in 2011, 69 days in 2012, and 62 days in 2013, thus enhancing the promptness of remedies. The Busan Human Rights Office also examined the management of complaint boxes in mental health facilities in the region under the jurisdiction of the Office. A lot of efforts were also made to guarantee the accessibility of people living in the facilities to human rights counseling and remedial action.

[Table 2-5-1] Complaints, Counseling Cases, Inquiries and Civil Petitions Received by the Busan Human Rights Office

(Unit: number of cases)

Year	Complaint	Counseling	Civil Petition/ Inquiry	Total
Cumulative Total*	4,344	21,517	11,351	37,212
2013	748	3,162	687	4,597
2012	786	3,651	548	4,985
2011	533	2,549	1,705	4,786

* Cumulative Total: October 11, 2005 ~ December 31, 2013. (Counseling cases include in-person counseling for complaints.)

[Table 2-5-2] Complaints Resolved by the Busan Human Rights Office

(Unit: number of cases)

Year	Received	Closed**	Admitted					Not Admitted					
			Total	Recommendation/ Recommendation for Settlement	Recommendation for disciplinary Actions	Accusation or criminal charges	Legal Aid Request	Consensual Settlement	Total	Dismissed	Rejected	Transferred	Suspended
Cumulative Total*	3,349	3,245	213	111	2	3	-	97	3,032	1,335	1,663	26	8
2013	692	691	52	13	1	-	-	38	639	315	320	1	3
2012	723	733	51	18	-	-	-	33	682	284	397	-	1
2011	469	430	28	17	-	3	-	8	402	181	220	1	-

* Cumulative Total: October 11, 2005 ~ December 31, 2013

** The number of closed cases received in the year and the number of the cases closed in the year, but carried over from the previous year

In 2013, there were many urgent pending issues of human rights in the jurisdiction of the Office, including residents' gathering to protest against installing power transmission towers, and gathering to object to the permanent closure of Jinju Medical Center. The Office, as a human rights defender, made on-site work by doing monitoring on these issues. With a small number of personnel, it was difficult to do on-site work and in-office investigation at the same time, but thanks to the efforts of the investigators, the Office has been very prompt in responding to the pending human rights issues.

Demand for human rights education under the jurisdiction of the Office has been ever increasing. The reason was that ordinances of local/provincial governments were revised to stipulate mandatory human rights education. As a result, demands for human rights education from public officials and employees of public entities have increased remarkably. In addition, more people involved in human rights and social welfare applied for human rights education, and human rights consciousness of citizens was also a contributing factor to growth.

In 2013, the Office provided education for a total of 20,153 persons (348 times), or an increase of 4,572 (129times) compared with the previous year. The Office has been very responsive to the demand for education of Social Workers Association, local governments, and schools. The Office also tried to increase the efficiency of education.

In 2013, the Office made efforts to ensure stable operation of its exhibition hall. The functions of the hall, as the local center of the publicity of human rights, were strengthened, and the hall served in

many different ways for the benefit of the socially vulnerable such as the disabled, the elderly, and migrants.

Section 2. The Gwangju Human Rights Office

The Gwangju Human Rights Office marked its 8th anniversary in 2012. The jurisdiction of the Office includes Joennam and Joenbuk Provinces and Jeju Special Self-Governing Province. Since its establishment in October 2005, the Gwangju Office, has seen a rapid increase in its workload every year throughout the many areas of education, cooperation and promotion in addition to counseling, fielding inquires and handling complaints that have been filed. This increasing workload means that the Office has settled as the representative entity for the remedy of human rights violations.

The total number of complaints, counseling cases, inquiries, and civil petitions the Office processed since its inception amounted to 38,557 cases as of the end of 2013. In 2013, the Office received a total of 6,327 complaints, counseling applications, inquiries and civil petitions, which is slightly smaller than the previous year. This may mean that the growing trend has reached a certain stable point.

670 complaints received in 2013 may be divided into 620 cases (92%) on human rights violations, 47 cases (7%) on discriminatory acts, and the rest could not be categorized into one of the two complaint areas. It has not been changed that most of the complaints are against the government or public entities.

[Table 2-5-3] Complaints, Counseling Cases, Inquiries and Civil Petitions Received by the Gwangju Human Rights Office

(Unit: number of cases)

Year	Complaint	Counseling	Civil Petition/ Inquiry	Total
Cumulative Total*	4,141	14,143	20,273	38,557
2013	670	2,245	3,412	6,327
2012	731	2,178	4,155	7,064
2011	684	2,159	3,437	6,280
2010	573	1,776	1,815	4,164
2009	421	1,645	2,087	4,153

* The number of received complaints accounts for the complaints received by the Gwangju Human Rights Office, and excludes the complaints transferred for the head office.

** Cumulative Total: October 11, 2005 ~ December 31, 2013.

In 2013, the Office processed a total of 720 cases including those transferred from the head office and those carried over from the previous year. From the perspective of effective remedies, the Office made 13 recommendations and 43 consensual settlements. The number of admitted cases in 2013 increased by 16.6% compared with the previous year.

[Table 2-5-4] Complaints Resolved by the Gwangju Human Rights Office
(Unit: number of cases)

Year	Received	Closed	Admitted						Not Admitted				
			Total	Recommendation	Accusation	Recommendation for Disciplinary Action	Legal Aid Request	Consensual Settlement	Total	Dismissed	Rejected	Transferred	Suspended
Cumulative Total*	3,400	3,308	203	89	2	3	1	100	3,105	1,635	1,429	39	2
2013	675	720	56	13	-	-	-	43	664	336	324	4	-
2012	750	718	48	28	-	-	-	18	670	392	276	2	-
2011	562	531	37	15	1	2	1	19	494	231	262	1	-
2010	517	495	27	18	1	-	-	8	468	243	215	8	2
2009	338	309	27	14	-	1	-	11	282	133	144	5	-
2008	307	314	4	1	-	-	-	3	310	163	132	15	-

* Cumulative Total: October 11, 2005 ~ December 31, 2013

The year 2013 marked the 8th anniversary of the Gwangju Human Rights Office. The Office has grown as the leading human rights office in the region by doing, among others, i) linking with strategic projects of the Commission and strengthening cooperation; ii) developing unique regional projects related to the strategic projects of the Commission; and iii) linking component projects of the Office to the major projects.

With regard to the human rights ordinance of local governments, the Office have tried to actively help local governments within its jurisdiction establish their human rights ordinances according to the standard human rights ordinance recommended by the Commission. As a result, all *Gu* (ward, component local governments of city) governments

established their human rights ordinances.

The Office was very responsive to the growing demand for human rights education. In 2013, the Office provided 104 special human rights lectures for 6,793 persons. It also provided human rights education (23 times) for 1,192 persons working for mental health facilities, and conducted traveling lectures (125 times) for 3,395 persons.

In the case of traveling lectures, multicultural human rights education was provided 102 times for 2,352 persons. In particular, the Office first began to do "traveling lectures for schools" in 2013. The Office provided human rights education (23 times) for 1,043 persons. In addition, traveling lectures were provided (36 times) for 1,468 persons.

Section 3. The Daegu Human Rights Office

The city of Daegu and Gyeongbuk Province are under the jurisdiction of the Daegu Human Rights Office, which is an area that includes 10 correctional facilities and 378 institutional group care facilities. The population of Daegu and Gyeongbuk Province is 2.54 million and 2.74 million people, respectively. The Daegu Human Rights Office, in its sixth year, has continuously carried out its roles of providing human rights counseling, conducting investigations, providing remedies and human rights education, and carrying out promotional and cooperative activities.

The Office conducts investigations into the human rights violations taking place in correctional facilities and mental health facilities, and comes up with remedies. As the result of continuous capacity building for

the staff of the Office, the number of closed cases increased a great deal, and time for processing has been remarkably shortened. In addition, the Office has tried to identify institutional and conventional problems or contradictions by thoroughly examining the submitted complaints. In case such problems or contradictions are found, the Office has considered making it a recommendation.

To cite a few recommendations of the Office are: i) a recommendation to the Ministry of Health and Welfare that institutional improvement should be made, considering the fact that the hospitals did not examine the need of continuing with hospitalization; ii) a recommendation to the Ministry of Health and Welfare that improvement measure should be devised considering the fact that care facilities and mental health facilities connived at long-term hospitalization and applied for subsidies in appropriately; and a recommendation to the Ministry of Justice that institutional improvement should be made considering insufficient medical preparedness within correctional facilities.

[Table 2-5-5] Complaints, Counseling Cases, Inquiries and Civil Petitions Received by the Daegu Human Rights Office

(Unit: number of cases)

Year	Complaint	Counseling Cass	Civil Petition/ Inquiry	Total
Cumulative Total*	3,026	11,891	6,457	21,374
2013	703	2,330	878	3,911
2012	533	2,249	457	2,888
2011	366	2,097	435	2,585
2010	415	1,963	1,566	3,426

* Cumulative Total: July 1, 2007 ~ December 31, 2013 (Counseling cases include in-person counseling for complaints.)

[Table 2-5-6] Complaints Resolved by the Daegu Human Rights Office
(Unit: number of cases)

Year	Received	Closed**	Admitted					Not Admitted					Under Investigation	
			Total	Recommendation/ Recommendation for Settlement	Recommendation for disciplinary Actions	Accusation or criminal charges	Legal Aid Request	Settlement	Total	Dismissed	Rejected	Transferred		Suspended
Cumulative Total*	3,062	2,985	140	66	-	-	-	74	2,845	1,025	1,716	77	27	77
2013	668	651	62	22	-	-	-	40	589	194	394	1	-	77
2012	494	508	32	24	-	-	-	8	476	159	312	3	2	-
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	-

* Cumulative Total: July 1, 2007 ~ December 31, 2013

** The number of closed cases received in the year and the number of the cases closed in the year, but carried over from the previous year

The Office made efforts to do promotional activities. For example, the Office distributed a map of the human rights counseling services in Daegu and launched a website for easy access. By conducting circuit counseling service, the Office increases the accessibility of residents living in remote to the services of the Office. The Office also examined the complaint boxes at facilities and cooperated with local governments to enhance efficiency.

At the same time, the Office was successful in spreading human

rights culture. The Office signed an MOU with the Daegu Office of Education to foster human rights friendly culture. Then, the Office opened the human rights experience hall for human rights education. The Office also encouraged citizens to identify problems or contractions in the system or practice. The Office, then, asked them to join the Office to discuss such issues with experts and related government officials.

The Office has been faithfully responded to the growing demand for human rights education. In the area of promotional activities, the Office supported youth musical concerts, human rights film watching and talking groups, and honorary citizen reporters. On-line promotional activities (blog and twitter) have been actively done in addition to the off-line publicity. Thanks to these efforts, the Office had on-line or off-line interaction with more than 120 thousand persons. Participation of citizens was encouraged by hosting the Monday film watching event, and providing human rights education. In addition, the Office is supported various human rights advocacy groups such as honorary human rights reporters, monitoring group on the rights of the elderly, monitoring group of the Act on Discrimination Prohibition, and human rights instructors.

The Office has been in close cooperation with Daegu Metropolitan Government, Education Offices, etc. It also maintained close cooperative relations with many civil society organizations specializing in different human rights issue areas: human rights of the elderly (1); student human rights (5); human rights of the disabled (10); human rights of

migrant women (1); alliance of civil society organizations (30). The Office has taken this opportunity for more partnership opportunities including partnership projects and co-operation of human rights programs.

In the case of discrimination by way of disabilities, the Office operated a monitoring group for the Act on Discrimination Prohibition. 36 persons from 6 different areas were appointed to the monitoring group. As the Office is responsible for offering human rights education in the area of mental health, it provided education (25 times) for 1,784 persons, or 80% of those who should receive education.

In the area of human rights of the elderly, the Office has supported local groups or associations specializing in the human rights of the elderly. The Office did monitoring work on the housing of the elderly, and identified improvement challenges. It signed an MOU with Daegu Office of Education for the promotion of student human rights. According to the MOU, the Office provided further and broader use of the human rights experience hall for students, and expanded the quantity of traveling human rights education.

In the area of migration and multiculture, the Office developed, jointly with a human rights organization of migrant women, a human rights experience program focusing on migration and multiculture. This program has been used for students who visited the human rights experience hall, and they responded to the program very positively.

In addition, the Office provided advisory service for the council of Gyeongbuk Province with regard to the establishment of the ordinance

on the promotion of human rights. It is expected such cooperation will continue.

The Office will continue to innovate the job implementation system, and make more efforts to promote human rights conditions in weaker areas. As for those people living far away from the Office, it will also endeavor to enhance their accessibility to the services of the Office.

Appendix

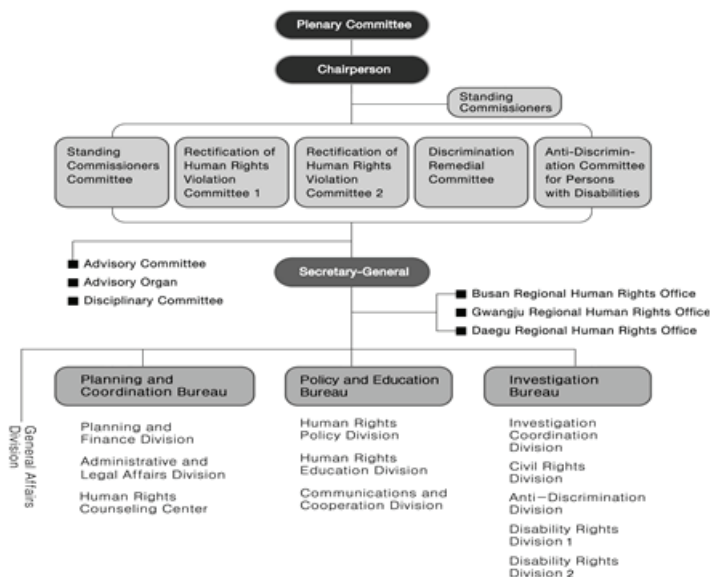
1. Organization and Budget
2. Commissioners, Senior Executive Officers
and Former Commissioners
3. The Three-Year Plan for the Promotion of
Human rights(2012–2014)

1. Organization and Budget

A. Organization

- Commission: 11 Commissioners (1 Chairperson, 3 Standing Commissioners, and 7 Non-Standing Commissioners)
 - The President of the Republic of Korea appoint 11 Commissioners: 4 (including 2 Standing Commissioners) elected by the National Assembly, 4 nominated by the President, and 3 nominated by the Chief Justice
 - Four or more Commissioners should be females.
 - Three-year term (Only one consecutive term is allowed.)
- Secretariat: 1 Secretary-General, 1 Director General for Planning and Coordination, 2 Bureaus, 12 Divisions (Directors), and 3 Regional Offices
 - Total workforce: 188 (as of December 31, 2013)

〈Organizational Chart〉



B. Budget for FY 2013

<Summary>

(Unit: million KRW)

Item	2012	2013	Increase or Decrease(%)
Total	23,055	24,091	1,036 (4.5)
Personnel	10,770	11,368	598 (5.6)
Basic Expenses	7,222	7,047	△175 (△2.4)
Major Project Expenses	5,063	5,676	613 (12.1)

<FY 2013 Budget: Major Project Expenses>

(Unit: million KRW)

Project Name	Subproject Name	FY 2013
Social Spreading of Human Rights Sensitivity		909
	① Raising awareness of human rights	308
	② Preventing discrimination and creating human rights culture	320
	③ Spreading human rights culture	221
Reinvigorating Human Rights Education		880
	④ Human rights education through Human Rights Education Center	582
	⑤ Research on human rights education and content development	298
Human Rights Protection for the Socially Vulnerable and Minority Groups		1,664
	⑥ Promoting the accessibility of counseling service	439
	⑦ Promoting the human rights of the vulnerable	804
	⑧ Promoting the human rights of the disabled	421
Advancing the Human Rights System		811
	⑨ Policy development and institutional improvement	629
	⑩ Promoting human rights in North Korea	182
Strengthening Human Rights Cooperation with Domestic and Foreign Partners		523
	⑪ International exchange and cooperation	292
	⑫ Supporting the activities of APF and ICC	100
	⑬ Concerted cooperation among human rights organizations	131
Informatization of the NHRCK		889
	⑭ Building and operating the human rights information system	889

2. Commissioners, Senior Executive Officers and Former Commissioners



A. 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 	<p>Nominated by the President (July 17, 2009~ Aug. 12, 2015) * Consecutive nomination: Aug. 13, 2012</p>
 <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, C&B, Lee Law Firm 	<p>Nominated by the President (Nov. 15, 2010~ Nov. 14, 2013) * Consecutive nomination: Nov. 28, 2013</p>
 <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 <i>Zeitgeist</i> • Member, National Election Broadcasting Debate Commission 	<p>Elected by the National Assembly (Feb. 21, 2011~ Feb. 20, 2014)</p>
 <p>Standing Commissioner Jang, Myung Sook</p>	<ul style="list-style-type: none"> • Head, Counseling Center on Sexual Violence Against Women, Korean Differently Abled Women United • Standing Chair, Korean Differently Abled Women United • Standing Co-Chair, Disability Discrimination Act of Solidarity in Korea • Director, Korea Disabled People's Development Institute • Director, Korea Employment Agency for the Disabled • Member, Employment Promotion Commission for Disabled Persons, Ministry of Employment and Labor • Member, Vulnerable Women Policy Council, Ministry of Gender Equality and Family • Member, Policy Coordinating Committee for Disabled Persons, Prime Minister's Office 	<p>Elected by the National Assembly (Mar. 8, 2012~ Mar. 7, 2015)</p>

Position/Name	Profile	Remarks
 <p>Commissioner Han, Tae Sik</p>	<ul style="list-style-type: none"> • Dean, Buddhism School, Dongguk University • President, International Electronic Buddhist Text Society • President, Jungto Academy • Professor, Department of Zen Buddhism, Dongguk University • Member, 14th Central Council of Jogye Order of Korean Buddhism • Chief Priest, Chunggae Mountain Buddhist Jungto Temple 	<p>Nominated by the President (Feb. 8, 2010 ~ Apr. 17, 2016) * Consecutive nomination: Apr. 18, 2013</p>
 <p>Commissioner Yoon, Nam Geun</p>	<ul style="list-style-type: none"> • Judge, Daejeon District Court, Seoul High Court • Senior Judge, Seoul Eastern District Court • Vice President, Korea Dosan Jurisprudence Society • Chairperson, Subcontract Conflicts Mediation Committee, Korea Fair Trade Commission • Arbitrator, Korean Arbitration Board and Executive Member, Korean Arbitrators Association • Member, Legal Ethics and Professional Conduct Council • Member, Judge Personnel System Improvement Committee of the Supreme Court • Professor, School of Law, Korea University 	<p>Nominated by the Chief Justice of the Supreme Court (Jan. 19, 2011 ~ Jan. 18, 2014) * Consecutive nomination: Jan. 19, 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>

Position/Name	Profile	Remarks
 <p>Commissioner Kwak, Ran-joo</p>	<ul style="list-style-type: none"> • Prosecutor, Incheon (Bucheon) and Daejeon (Cheonan) District Public • Special Prosecutor, Suspicious Oilfield Exploitation of the Korean Railway • Spokesperson, Korean Bar Association • Lawyer, Sanji Law Firm • Member, Traffic Broadcasting Holding Power (present) • Member, Online Advertising Mediation Committee (present) • Public Interest Commissioner (Adjudication), Seoul National Labor Relations Commission (present) • Lawyer, Min Law Firm (present) 	<p>Elected by the National Assembly (Jan. 3, 2012~ Jan. 2, 2015)</p>
 <p>Commissioner Han, Wee Soo</p>	<ul style="list-style-type: none"> • Judge, Seoul District Criminal Court, Seoul District Civil Court, Masan District Court • Judge, Seoul and Busan High Court • Professor, Judicial Research & Training Institute; Research Director, Constitutional Court of Korea • Senior Judge, Seoul and Daegu High Court • 5th President, Korean Society for Media Law, Ethics and Policy Research • Member, Central Environment Mediation Committee (present) • Member, Human Rights Committee, Korean Bar Association (present) • Lawyer, Bae, Kim & Lee Law Firm (present) 	<p>Nominated by the Chief Justice of the Supreme Court (Aug. 10, 2012~ Aug. 9, 2015)</p>
 <p>Commissioner Kang, Myeong Deok</p>	<ul style="list-style-type: none"> • Director, Human Rights Violation Investigation Division 1; Director General, Human Rights Violation Investigation Bureau; Director General, Human Rights Policy Bureau; Acting Secretary-General; NHRCK • Director General, Immigration Control Bureau, Ministry of Justice • Lawyer, Kang Myeong Deuk Law Office (present) 	<p>Elected by the National Assembly (Aug. 13, 2012~ Aug. 12, 2015)</p>

B. Secretary-General and Senior Executive Officers

Name	Profile	Name	Profile
 <p>Secretary-General Sohn, Sim Kil</p>	<ul style="list-style-type: none"> • Director-General, Planning & Coordination • Director-General, Violation Remedies, NHRCK • Director, General Affairs, NHRCK • Director, Discrimination Investigations I, NHRCK • Anti-Monopoly Bureau, Fair Trade Commission • Economic Planning Bureau, Economic Planning Board 	 <p>Director-General Planning & Coordination Kim, Seong Jun</p>	<ul style="list-style-type: none"> • Director, Disabilities Discrimination Investigations II, NHRCK • Director, Violation investigations, NHRCK • Director, Administration & Legal Affairs, NHRCK • Director, Remedial Actions I, NHRCK • Director, Policy Coordination, NHRCK • Director, Legal and Audit Affairs, NHRCK
 <p>Director-General Policy and Education Bureau Ahn, Suk Mo</p>	<ul style="list-style-type: none"> • Director-General, Planning & Coordination, NHRCK • Director, General Affairs, NHRCK • Director, Violation investigations, NHRCK • Director, Remedial Actions III, NHRCK • Director, Budget & Administration, NHRCK • Office of Inspector General, Ministry of Defense 	 <p>Director-General Investigation Bureau Shim, Sang Don</p>	<ul style="list-style-type: none"> • Director, Investigation Coordination, NHRCK • Director, Personnel and Innovation, NHRCK • Director, Policy Coordination, NHRCK • Director, General Affairs, NHRCK • Personnel Bureau, Ministry of Public Administration and Security

C. Former Commissioners

Name	Profile	Term
1st Chairperson Kim, Chang Guk	• 40th President, Korean Bar Association	Nov. 25, 2001 ~ Dec. 23, 2004
2nd Chairperson Choi, Young Do	• Chairperson, Human Rights Commission, Korean Bar Association	Dec. 24, 2004 ~ Mar. 22, 2005
3rd Chairperson Cho, Young Hwang	• Chairperson, Ombudsman of Korea	Apr. 4, 2005 ~ Oct. 1, 2006
4th Chairperson Ahn, Kyong Whan	• Dean, College of Law, Seoul National University	Oct. 30, 2006 ~ July 5, 2009

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 Hyun	• 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, Korean 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

Position	Name	Profile	Term
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, The One Law Firm	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 Adjudication, 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
Commissioner	Choi, Uni	• Dean, College of Law, Konkuk University; President, Konkuk University Law School	Sept. 4, 2008 ~ Jan. 2, 2012
Commissioner	Chang, Chu Young	• Managing Partner, Sangrok Law Firm	Dec. 29, 2009 ~ June 27, 2012
Standing Commissioner	Jang, Hyang Suk	• Member of Executive Committee, International Paralympics Committee	Oct. 11, 2010 ~ Jan. 12, 2012
Commissioner	Kim, Tae Hoon	• Lawyer, Yoon & Yang Law Firm	Aug. 10, 2006 ~ Aug. 9, 2012

3. The Three-Year Plan for the Promotion of Human Rights (2012~2014)

Vision	A World of Dignity for All
Mission	To create a society in which human rights are respected and the dignity and value of humanity are realized in all spheres of activity

Five Strategic Targets	Goals
I. To provide institutional protection for and reinforce basic human rights	<ol style="list-style-type: none"> 1. Protect and reinforce the right to freedom 2. Expand and improve social rights 3. Implement international human rights standards 4. Improve the human rights of soldiers and the conscription system 5. Lay a foundation for human rights through the enactment and amendment of related laws 6. Develop "the Human Rights Index"
II. To improve human rights protection for the underprivileged and underrepresented	<ol style="list-style-type: none"> 1. Improve the human rights of migrants in a multicultural society 2. Enhance the human rights of the elderly 3. Improve the human rights of children and youth 4. Guarantee the human rights of people residing in social facilities
III. To enhance the efficacy of investigations and remedial actions	<ol style="list-style-type: none"> 1. Expand investigation planning 2. Strengthen efficacy of investigations and remedies 3. Increase the degree of satisfaction with human rights counseling services 4. Improve accessibility to human rights for local residents
IV. To foster public understanding of human rights by enhancing educational programs	<ol style="list-style-type: none"> 1. Establish an institutional foundation for human rights education 2. Strengthen and expand human rights education 3. Form a human rights-friendly culture by developing human rights related content

Five Strategic Targets	Goals
<p>V. To strengthen remedies for discrimination</p>	<ol style="list-style-type: none"> 1. Reinforce remedies for discrimination against people with disabilities 2. Strengthen gender discrimination remedies 3. Get rid of discrimination based on age and educational background 4. Strengthen activities for preventing sexual harassment 5. Get rid of discrimination caused by religion
<p><Special Tasks></p>	<ol style="list-style-type: none"> 1. Improve North Korean human rights
<p><Featured Projects></p>	<ol style="list-style-type: none"> 1. Spread a culture of human rights in company management 2. Improve information-related human rights
<p>The Process for Achieving the Goals (Strengthening the capacity of the NHRCK)</p>	<ol style="list-style-type: none"> 1. Strengthen independence of the Commission 2. Promote domestic and international cooperation 3. Enhance the expertise of the staff

**National Human Rights Commission
Of the Republic of Korea
Annual Report 2013**

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