NATIONAL HUMAN RIGHTS COMMISSION OF KOREA

ANNUAL REPORT 2016

National Human Rights Commission of Korea

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Human Rights
Commission of Korea

Symbol of the National Human Rights Commission of Korea

To signify the mandate and credibility of the National Human Rights Commission of Korea (hereafter “NHRCK” or “the Commission”) as a national institution for the promotion and protection of human rights, a simple symbol of formative beauty was designed. For the color of the symbol, the Commission used blue, which represents 'creation' and 'life' as well as 'spring', particularly according to the Yin-Yang Theory. It was chosen to express the identity of the Commission and its commitment to human beings.

The symbol also combines the image of a dove and a hand to embody the message of 'peace' and 'tolerance'. It is placed next to a circle, the most primal shape, to communicate the following ideas: 'centeredness and concentration', 'diversity and positivity', 'sun and brightness', 'harmony and tolerance', and 'justice and fairness'.

Annual Report 2016

This book is an annual report of the Commission on its activities from January 1st to December 31st of 2016. The Commission publishes and submits this book to the President and the National Assembly of the Republic of Korea, in compliance with Paragraph 1, Article 29 of the National Human Rights Commission Act.

Foreword

The Commission will faithfully carry out its mission
To foster a society where people's dignity is honored
And where every person is respected equally

The Commission, established on 25 November 2001 to safeguard people's dignity and value by protecting the basic human rights of all, and to establish a basic democratic order, celebrated its 15th anniversary in 2016. Over the years, the Commission has endlessly worked to promote and protect human rights across society. The year 2016 was, however, marked by a number of human rights issues including the death of an in-house subcontracted worker, atrocities in a housing facility for the persons with disabilities, and a person with mental disabilities forced into slavery at a cattle shed, and the death of, a farmer activist, Baek Nam-gi. These incidents are indication that the Commission still has a long and rough road ahead.

Meanwhile, the maturity and restraint demonstrated by those taking part in the peaceful candlelight vigils showed that the way ahead for human rights is bright in Korea. Some positive decisions also showed that the overall human rights situation is taking a major step forward, including the ruling by the Constitutional Court that the involuntary hospitalization of the persons with mental disabilities, which excessively limits their personal freedom, is incompatible with the Constitution.

In 2016, the Commission was accredited with "A" status by the Global Alliance of National Human Rights Institutions (GANHRI). The Commission became the chair institution of the GANHRI Working Group on Ageing. In that role, the Commission actively facilitated discussions on the human rights of the elderly within the United Nations. As a result, the Commission gained approval to open the ASEM Global Ageing Center at the 11th ASEM Summit held in August 2016.

The Commission made 71 policy recommendations, which is two times more than in the previous year. These policy efforts included the establishment of the 3rd National Action Plan for the Promotion and Protection of Human Rights (2017-2021), which is the national policy blueprint, as well as the National Action Plan on Business and Human Rights; policy recommendation for the prevention of child abuse and protection of child human rights; policy recommendations to promote the human rights of women public health workers and improve

the human rights of emotional labour workers; and the introduction of a refugee application system and improved operation of departure waiting rooms at ports of entry and departure. The Commission's conciliation efforts also resulted in 38 cases received and 18 conciliated in 2016 alone. This is a great achievement considering that there was only a total of 19 conciliation cases received in the last five years combined. This shows the Commission's active work to offer prompt, custom-tailored relief in support of the victims.

The Commission also stepped up its outreach effort by strengthening exchange and cooperation with relevant stakeholders and civil society organizations, and by working to expand the value of human rights across society through human rights education and professional training for individuals and groups from public and private spheres. The Commission also verified its strong partnership with the National Assembly, the judiciary, and the Constitutional Court through seminars, discussions, and the ceremony commemorating the 68th anniversary of the adoption of the Universal Declaration of Human Rights.

This annual report outlines many of these efforts to the best extent possible. I hope that this document will serve as a valuable record of the reach of human rights throughout the Korean society.

I sincerely thank you for your critical feedback as well as your continued interest in our Commission's activities. I and all the other members of the Commission will do our best to foster a society where people's dignity is honoured and where everyone is respected equally without discrimination.

Lee Sung-ho
Chairperson
National Human Rights Commission of Korea

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Part I

Introduction

Chapter 1 Overview of the Commission

Chapter 2 Domestic and International Environment

Chapter 3 Basic Directions and Key Achievements

Chapter 4 Evaluation and Challenges

National Human Rights
Commission of Korea Annual Report 2016

Part I Introduction

Chapter 1 Overview of the Commission

1. Establishment

The Commission was established on 25 November 2001, pursuant to the National Human Rights Commission Act (the "NHRC Act"). The Commission is a national institution advocating human rights protection based on the Principles relating to the Status of National Institutions (the Paris Principles[1]). The Paris Principles, which stipulate the competence and responsibilities of national institutions, their composition and guarantees of independence and pluralism, and methods of operation, is the international standards for national human rights institutions.

2. Purpose and Identity

The Commission is a national institution in charge of promoting and improving human rights in Korea. By structure, the Commission is legally separated from all branches (legislative, executive, judicial, and election) of the Republic of Korea to ensure its independence.

3. Key Missions

1) Research of human rights-related laws and regulations, institutions, and policies, and recommendation for improvement
2) Investigation of human rights violations and discriminations, and remedies thereof

1) The principles were adopted by the United Nations Human Rights Commission Resolution 1992/54 of 3 March 1992, and by the UN General Assembly Resolution 48/134 of 20 December 1993. Since they were defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights held in Paris, they are often referred to as the "Paris Principles."

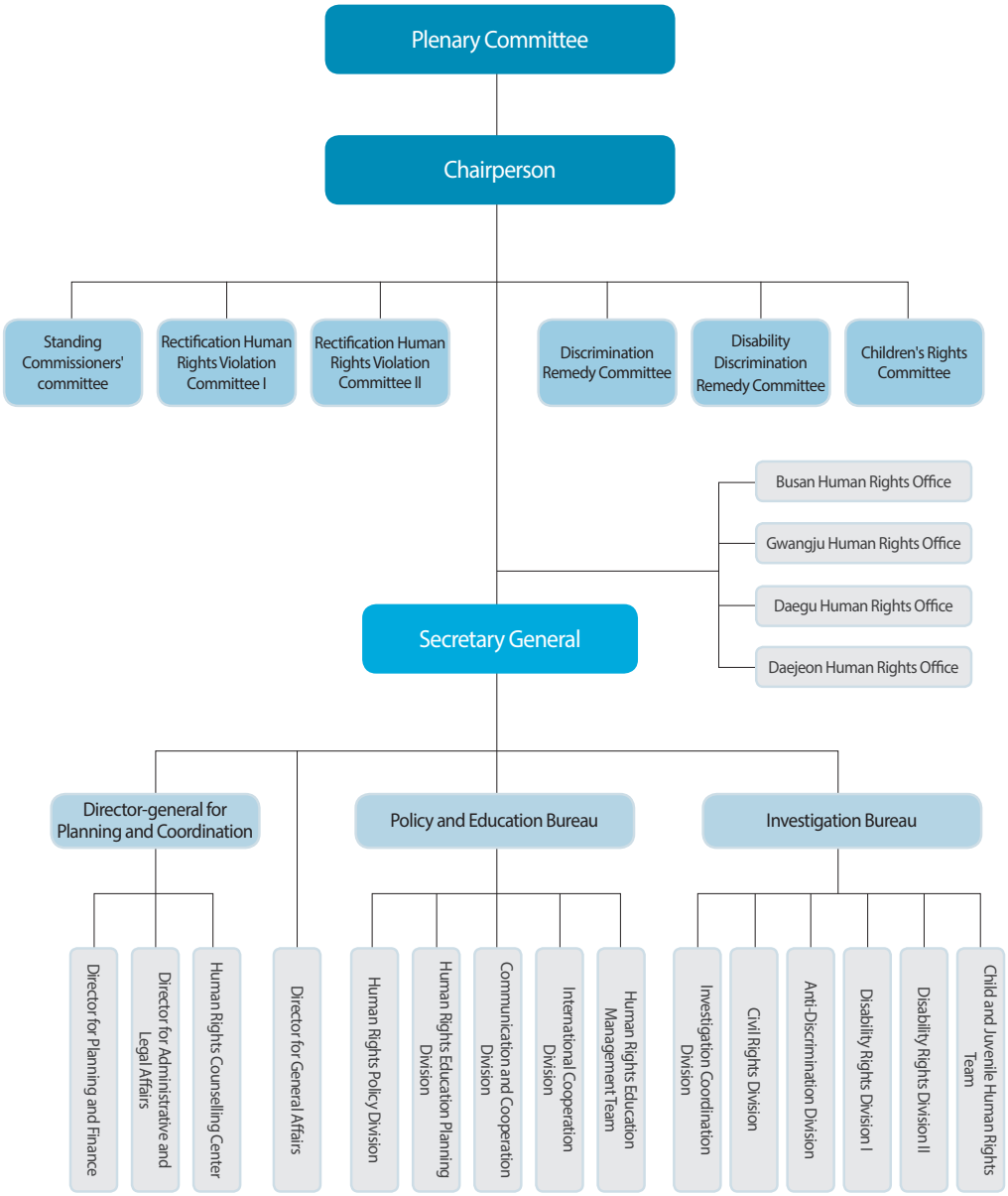
3) Education and promotion of human rights
4) Recommendation pertaining to adhesion to and implementation of international human rights treaties
5) Cooperation with domestic human rights defenders and international organizations

4. Organization

- Commission: Comprising of 11 commissioners, including the Chairperson, three standing commissioners, and seven non-standing commissioners[2)]
  - Four Commissioners nominated by the President of Korea; four elected by the National Assembly; and three nominated by the Chief Justice of the Supreme Court and approved by the President of Korea
  - Three-year term (eligible for a one-time extension only)
  - Chairperson and standing commissioners being public officials in political service
  - The Commission may not be composed in a way that either gender represents more than six-tenths of the composition
- Secretariat: Led by the Secretary General and comprised of three bureaus, 12 divisions, three teams, and four regional offices
  - Number of personnel: 189 (as of 31 Dec. 2016)
- Organizational Chart[3)]

2) See Appendix "Human Rights Commissions" (p. 103)

3) Committee responsibilities
- Rectification Human Rights Violation Committee I: Human rights violations by the prosecution, police, National Intelligence Service, military, legislative and judiciary institutions
- Rectification Human Rights Violation Committee II: Human rights violations by detention and protective facilities (excluding facilities for persons with disabilities and mental health care facilities), and other state organizations (local governments, schools, public service-related organizations; but excluding child abuse at schools)
- Discrimination Remedy Committee: Discriminations by state organizations or private men
- Disability Discrimination Remedy Committee: Disability discrimination by state organizations or private men, and human rights violations in facilities for persons with disabilities and mental health care facilities
- Children's Rights Committee : Human rights abuse and discriminations against children 18 years or younger (excluding human rights abuse and discriminations in children welfare facilities, and schools established in accordance with Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act (with the exception of disability discriminations and sexual harassment))


Plenary Committee
Chairperson
Standing Commissioners' committee
Rectification Human Rights Violation Committee I
Rectification Human Rights Violation Committee II
Discrimination Remedy Committee
Disability Discrimination Remedy Committee
Children's Rights Committee
Busan Human Rights Office
Gwangju Human Rights Office
Daegu Human Rights Office
Daejeon Human Rights Office
Secretary General
Director-general for Planning and Coordination
Policy and Education Bureau
Investigation Bureau
Director for Planning and Finance
Director for Administrative and Legal Affairs
Human Rights Counselling Center
Director for General Affairs
Human Rights Policy Division
Human Rights Education Planning Division
Communication and Cooperation Division
International Cooperation Division
Human Rights Education Management Team
Investigation Coordination Division
Civil Rights Division
Anti-Discrimination Division
Disability Rights Division I
Disability Rights Division II
Child and Juvenile Human Rights Team

Chapter 2 Domestic and International Environment

Domestic environment

The 2016 lawsuits, one involving toxic disinfectants for humidifiers and another in which a female worker was forced to leave her job ahead of her marriage, highlighted business managers'abuse of human rights and potential negative impacts they have on society at large. A number of deeply controversial human rights cases occurred in 2016, including the random killing of a woman near Gangnam station, a ban on rallies near the presidential office, deaths at Busan penitentiary, atrocities in a housing facility for the disabled, a mentally disabled person forced into slavery in a cattle shed, and industrial accidents and deaths of subcontracted workers.

On the other hand, the decision by the Constitutional Court that Article 24 of the Mental Health Act was unconstitutional because it forced hospitalization on the mentally disabled, thus violating their personal freedom, opened the way for improved human rights conditions for people with mental disabilities.

By the end of 2016, 97 local governments (including 16 metropolitan cities and provinces) have enacted ordinances on human rights and expanded human rights-related organizations such as human rights commissions and centers as part of increased efforts to promote human rights protection for their residents. Also, the North Korean Human Rights Act, which had been discussed since 2005, was finally passed in September 2016.

International environment

In December 2015, the United Nations General Assembly adopted a resolution that affirmed the role and importance of national human rights institutions as it sought to expand the influence of these organizations on the international community, including increased participation in the UN discussion process. For the first time since gaining membership to the United Nations, Korea was elected in 2015 to head the United Nations Human Rights Council in 2016.

Previously known as the International Coordinating Committee of National Human Rights Institutions (ICC), the Global Alliance of National Human Rights Institutions (GANHRI) accredited the Commission with “A” status. Commission's Chairperson Lee Sung-ho became the chair of the GANHRI Working Group on Ageing and was accorded recognition as a participant in human rights conferences, including those of the United Nations Open-ended Working Group on Ageing at the UN Headquarters in Geneva and in New York.

Chapter 3 Basic Directions and Key Achievements

1. Basic Directions

The Commission concentrated efforts on implementing a three-year mid-term plan titled the 4th NHRCK Action Plan for the Promotion and Protection of Human Rights. In 2016, which is the second year of the mid-term plan, the Commission managed programmes designed to achieve the four strategic objectives outlined in the plan (laying a foundation for promotion of human rights, protecting the human rights of the vulnerable and the marginalized, promoting the values of human rights across society, and strengthening cooperation and facilitating public discussion of human rights issues).

Efforts were also made to raise the status of the Commission, and to encourage public support and confidence in it. These included successful implementation of programmes, timely and effective achievement of the human rights agenda, strengthening cooperation at home and abroad based on communication, concurrence, and engagement, and enhanced the professionalism of its members.

2. Major Achievements

A. Four Strategic Objectives

1) Laying a foundation for promotion of human rights

Increasing guarantee of the right to freedom

The Commission expressed its opposition to the Protective Custody bill, which authorizes repeated punishment for certain categories of criminals; expressed its opinion regarding the proposed partial amendment to the Medical Treatment and Custody Act, which requires those whose medical treatment and custody has expired to be placed under protective supervision; submitted its opinion to the Constitutional Court regarding conscientious objection and introduction of alternative military services; and worked towards the guarantee of the right to

freedom by issuing a Chairperson's statement during the visit of a Special Rapporteur on the rights to freedom of peaceful assembly and of association. It also urged that restrictions be placed on the use of sprinkler trucks by the police because of possible infringement on the laws of freedom of assembly and demonstration; made recommendations regarding the notification to ban all assemblies in front of the presidential office, and expressed its opinion for suicide prevention measures to be taken to protect the rights of persons under investigation by the prosecutor.

Expanding and promoting social rights

The Commission worked to improve the National Health Insurance system, including policy reviews to guarantee the rights to health of patients with rare, potentially disabling chronic intestinal pseudo-obstruction. It also actively addressed issues pertaining to social rights, including the Chairperson's statement on the deadly humidifier disinfectant scandal.

Monitoring the implementation of the National Action Plan recommendations

Based on a preliminary study conducted in 2015, the Commission carried out public opinion surveys and convened human rights policy councils and met with civil society groups and human rights defenders before recommending the National Human Rights Action Plan (NAP) 2017-2021. Notably, in view of promoting integration of human rights in business management, it presented to the business community the NAP on Business and Human Rights.

Establishing international human rights norms at home

The Commission dedicated its efforts to the implementation of international human rights standards according to human rights treaties and Special Procedures. It responded to the visit of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, and issued a Chairperson's statement regarding the final report; expressed its opinion regarding the 17th, 18th, and 19th State's reports for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination; responded to the Working Group on the issue of human rights and transnational corporations and other business enterprises during the Working Group's official visit to Korea; and issued a Chairperson's statement regarding the final report of the Special Rapporteur on the implications for human rights of the environmentally

sound management and disposal of hazardous substances and wastes following his visit to Korea. The Commission also strove to establish international human rights norms in the country; by implementing the Asia Pacific Forum's Torture Prevention Project and by giving a presentation at the 32nd United Nations Human Rights Council (UNHRC), outlining the roles of states and national human rights organizations in preventing torture.

The Commission also enhanced its status and its position as a national human rights proponent by attending the 60th UN Commission on the Status of Women, hosting discussions and international symposia to ensure implementation of the Convention on the Rights of Persons with Disabilities, and organizing topic-focused expert meetings in preparation for a review by the Committee on the Rights of the Child.

Considering ways to introduce human rights impact assessment system

The Commission also engaged with experts to hear their views on human rights indicators for the right to freedom and for social rights in view of reinforcing its diagnostic and policy competence. It also gathered the views of human rights civic groups on the human rights impact assessment, held meetings with stakeholders to hear their perspectives on the need for and ways to introduce such assessments.

2) Protecting the human rights of the vulnerable and the marginalized

Promoting the rights of children and youths

The Commission worked actively to improve human rights policies for children and youths. It made policy recommendations to prevent child abuse, protect children's rights, and improve the human rights of youths in street situation ; expressed its opinion on the proposed amendment to the Act on the Support for Out-of-School Juveniles; and made policy recommendations to improve the human rights conditions faced by graduate students.

The Commission also reviewed policies and made recommendations to address the blind spots of children's rights. For this purpose, it organized discussions to find ways to guarantee children's right to automatic birth registration, and also to identify possible mitigations of conflicts in school violence cases. It also operated a children and youth protector team to

monitor the human rights conditions of this population, conducted surveys of students' rights at school, and executed in-depth on-site monitoring for possible school-based protection of at-risk juveniles.

Enhancing the rights of the elderly

The Commission worked to achieve institutional improvements, including a policy review to prevent violation of human rights in sanatoriums.

It organized the 2016 ASEM Expert Forum on Human Rights of Older Persons, where subject matter experts from 35 countries discussed ways to guarantee the right to health and eradicate poverty for the elderly. At the 11th ASEM Summit, the Commission was recognized for its activities to promote the human rights of older persons. As a result, the Commission gained approval to open the ASEM Global Ageing Center by 2018 and continue its activities to promote human rights of older persons.

In addition, the Commission organized monitoring activities of leisure welfare programmes for the elderly by older persons themselves. It also sought to raise public awareness on various issues facing the elderly population through a Chairperson's statement on the World Elderly Abuse Awareness Day.

Enhancing the rights of persons with disabilities

The Commission stepped up its policy efforts for persons with disabilities. It made policy recommendations to rectify discrimination faced by this specific group when using airlines or ships, expressed its opinion regarding the proposed amendment to the Enforcement Decree on the Welfare of Disabled Persons Act, and conducted surveys of below-standard public facilities to monitor accessibility for the disabled.

The Commission actively responded to various issues, including a request for an *ex officio* investigation of the atrocities that took place in a housing facility for disabled persons and urging a prompt on-site investigation of a scandal where a mentally disabled person was forced to slavery at a cattle shed. It also performed its role as the entity in charge of rectifying discrimination against persons with disabilities. It organized discussions on the implementation of the Act on the Prohibition of Discrimination against the Disabled in seven regions (including

Seoul, Busan, and Gwangju), and operated monitoring teams in six regions (including Seoul, Gyeonggi, and Busan).

Regarding the forced hospitalization provision under Article 24 of the Mental Health Act, the Commission took part in an open hearing of the Constitutional Court to give testimonies about the unconstitutional nature of the law. This was an effort to enhance the human rights conditions of people with a psychiatric disability.

Enhancing the rights of women

The Commission worked to find ways to improve the discriminatory work environment against women by conducting a survey, which showed that 70.3 percent of very short-time workers are women. It also made policy recommendations to promote the rights of women public health workers and emotional labour workers.

Efforts were also made to prevent sexual harassment, including policy recommendations to prevent secondary damage from sexual harassment, production and distribution of a video educational material about judicial precedents, and production and distribution of a sexual harassment prevention guide for care workers.

The Commission also urged public awareness of human rights issues by reviewing and studying ways to regulate hate speech, and issuing a Chairperson’s statement on hate crimes against the socially vulnerable.

Enhancing the rights of immigrants

The Commission dedicated efforts to implementation of international human rights standards in Korea. It expressed its opinion regarding the 17th, 18th, and 19th State Party's reports for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, recommended improvement of the health examination required of foreign language instructors with an E-2 visa, and establishment of domestic procedures for follow-ups for individual communications under the human rights treaties.

The Commission was also actively involved in identifying possible legal and institutional improvements for the rights of immigrants. It recommended the use of Indicators for Identification and Protection of Victims of Human Trafficking, introduction of refugee status

application system, and improved operation of departure waiting rooms at ports of entry and departure. It also monitored the right to development of immigrant children outside the school, surveyed the human rights conditions faced by women immigrant workers in the manufacturing sector, held discussions on ways to improve the conditions faced by immigrant workers in the construction sector, and conducted case studies of refugee policies in advanced countries.

Ensuring relief for those in blind spots

The Commission carried out on-site visits of military confinement facilities, detention facilities, foreigner shelters, nursing homes, rehabilitation facilities for the homeless, and children welfare facilities to prevent human rights violations. It also conducted *ex officio* investigations of housing facilities for persons with mental disabilities and severe disabilities, mental health facilities, and children welfare facilities to help people who have difficulties voicing their rights.

It also highlighted the issues of a government public order policy, which may trigger more social abhorrence and prejudice against schizophrenia or other mental diseases, and issued statements to raise public awareness of cases involving forced slavery of mentally disabled persons.

Meanwhile, the Commission organized visiting human rights consultations for immigrants, people living with Hansen's disease (Sorokdo Island), persons with disabilities, and the older persons, and in areas where the Commission has difficulty in reaching out.

3) Promoting the values of human rights across society

Human rights education

As part of a preliminary survey to establish the Human Rights Training Institute, the Commission reviewed educational institutions run by the government as well as the status of legislation on mandatory human rights education. It also commissioned basic planning and research for the establishment of the Human Rights Training Institute.

The Commission made policy recommendations for more human rights professional training at welfare facilities for the elderly and programmes in support of persons with disabilities, while

conducting a survey of human rights education in public officials training institutes, school teacher training institutes, and colleges. It also laid a foundation for increased cooperation in human rights education through Memorandums of Understanding (Daejeon Municipal Government, North Jeolla Provincial Government, Busan Municipal Education Office, and Dongguk University) and organized various target-oriented discussion meetings with professional education groups for infants, older persons, homeless people, the military, and college staff.

The Commission also strove to develop, distribute, and make use of human rights educational contents to raise public awareness. These include three types of human rights essays (Human rights through pictures, and Children human rights for parents), human rights educational textbooks (Media guidebook on human rights, Sports meets human rights), and three types of cyber contents (Sports and human rights, Businesses and human rights, Various kinds of stories 1 & 2).

In 2016, the Commission laid out an overall plan for dedicated human rights instructors and launched programmes to train human rights instructors and enhance human rights sensitivity. The programmes to train trainers are available in 11 areas, including infants, children, the disabled people, and social workers. It also helped raise the effects of education by organizing visiting human rights lectures for directors of daycare centers jointly with the Incheon Metropolitan City government, and running human rights education jointly with the Ministry of National Defense, the National Police Agency, and local governments.

Promoting human rights

The Commission reinforced the effectiveness of human rights promotion through the media. It actively engaged with the media through interviews and press releases, while improving the press release manual. It also diversified its promotional platforms to include Facebook, Podcasts, and blogs, while identifying and producing various human rights contents such as videos on legal precedents, webtoons, essays, and photos.

On the occasion of the 1st Human Rights Week (25 November – 10 December), the Commission carried out human rights promotional activities both online and offline, including exhibitions and radio advertisement. Other efforts to raise public awareness include the opening

of human rights movies *Fourth Place* and *If You Were Me* and management of a human rights webzine.

The event commemorating the 68th anniversary of the adoption of the Universal Declaration of Human Rights and the 15th anniversary of the founding of the Commission was attended by the Chairman of the National Assembly, Chief Justice of the Supreme Court, and President of the Constitutional Court, reaffirming the partnership between these constitutional bodies and the Commission.

4) Facilitating public discussions and cooperation on human rights issues

Protecting the rights of vulnerable workers

The Commission worked to raise public awareness and facilitate institutional improvements to guarantee workers their right to be safe and healthy. It made policy recommendations to promote the rights of firefighting officers, issued a Chairperson's statement regarding the industrial deaths of subcontract workers, and conducted a survey of the human rights conditions faced by workers who handle toxic substances.

It also made proposals for institutional improvement for domestic workers and workers in special types of employment who find themselves outside the legal protection of statutes pertaining to the right to work and the right to social security.

Expanding and promoting human rights compliance in business management

The Commission recommended a comprehensive and systematic National Action Plan on Business and Human Rights in view of promoting human rights across society by preventing human rights violations in businesses and ensuring more human rights-friendly business practices. It laid the institutional foundation necessary for increased awareness in public institutions by recommending institutional improvements for how these institutions are assessed. It also organized more activities to raise human rights awareness in business enterprises, including the 11th Jeju Forum for Peace and Prosperity and the NAP Conference on Business and Human Rights.

In recognition of the Commission's continued efforts for implementation of the UN Guiding

Principles on Business and Human Rights and the achievements thereof, as well as its work to promote respect for human rights across society, the United Nations invited the Commission's Chairperson to be a high-level panel at the 2016 UN Forum on Business and Human Rights for the second time since 2015.

Safeguarding privacy and human rights in a highly informatized society

The Commission actively sought legal and institutional improvements to safeguard privacy and human rights. It made recommendations to protect personal information in hiring practices, expressed its opinion regarding the proposed amendment to the Act on the Use and Protection of Credit Information, reviewed policies for institutional improvement to protect workers'personal information from being electronically monitored by the management, and reviewed an opinion regarding a constitutional petition about provision of communication data.

The Commission's efforts to find alternative ways of protecting privacy and human rights also include discussions to fundamentally revamp the nation's resident registration number system, issuance of a Chairperson's statement regarding the amendment to the Resident Registration Act, and participation in a meeting of the United Nations Internet Governance Forum (multi-stakeholder forum for policy dialogue on issues of Internet governance).

Identifying new human rights agenda

The rapidly expanding use of biometric information such as fingerprint, face, and iris signatures, in mobile-based financial transactions, electronic payments, and health management has raised the possibility that people's rights and interests can be violated through commercially-driven bio information leakage, illegal use, monitoring, and abuse. The Commission conducted a survey of biometric information collection and use in an effort to address this new human rights issue emerging as a result of advancement in science and technology.

Increasing engagement and cooperation with domestic and international human rights organizations and groups

The Commission built a network with human rights organizations and stepped up its exchanges and cooperation with them, including visits to and meetings with various related

organizations, workshops, visits to groups particularly vulnerable to abuse, and meetings with civil groups for partnership planning.

In March 2016, Chairperson Lee has been leading the GANHRI Working Group on Ageing as the Commission was elected as Chair of the Working Group. In his capacity, Lee led international discussions on the topic of human rights of the elderly. He held a working group meeting in June and represented GANHRI at a conference of the UN Open-ended Working Group on Ageing held in December to make a presentation on ways to protect human rights of the elderly.

In addition, the Commission strengthened its cooperation with the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), United Nations Economic Commission for Europe (UNECE), Organization for Economic Cooperation and Development (OECD), International Labour Organization (ILO), and Asia Development Bank (ADB) at the 2016 ASEM Expert Forum on Human Rights of Older Persons that it hosted. Notably, it agreed on a Memorandum of Understanding with UNESCAP to cooperate for the promotion of human rights for the elderly.

It also stepped up exchanges and cooperation with national human rights organizations abroad by visiting or inviting organizations in Denmark, the Philippines, Germany, Mongolia, and Indonesia.

B. Special Programmes: Improving human rights in North Korea

The Commission co-hosted an international symposium with the Office of the High Commissioner for Human Rights in Seoul. The theme was Protecting and Promoting Women's Rights in North Korea with a Focus on the UN Human Rights Protection Mechanisms. Specific ways to improve human rights conditions in North Korea were discussed at the symposium. It also strengthened cooperation and collaboration with the U.S. by holding an expert meeting in Washington on Republic of Korea (ROK) and U.S. policy toward North Korean human rights. The meeting discussed ways to sanction human rights violators and the directions of ROK-US policy.

The Commission monitored and expressed its opinion on the government's implementation of the North Korean Human Right Act. In-depth discussions were also held at the quarterly North

Korean Human Rights Forum on timely topics, including arrivals of overseas North Korean workers and defectors.

Efforts were also made to help North Korean defectors settle down in their new communities in Korea. These include making recommendations to enhance public awareness of defectors and institutional improvements to eliminate discrimination against them, policy reviews to promote defectors'right to work, and surveys of defector's human rights awareness.

The Commission interviewed newly arriving North Korean defectors to accumulate data on human rights infringements in North Korea, and published a lexicon on North Korean human rights in Korean and in English to support relevant research and activities.

Chapter 4 Evaluation and Challenges

The year 2016 marked the second year of the 4th NHRCK Action Plan for the Promotion and Protection of Human Rights, which is the mid-term plan of the Commission for the period 2015-2017. The Committee strove to achieve the four Strategic Objectives and the 20 Achievement Objectives of the 4th Action Plan.

First, based on the results of a preliminary study conducted in 2015, it presented recommendations of the 3rd NAP and the NAP on Business and Human Rights as blueprint for the nation's human rights policies for the next five years. It also established the Children's Rights Committee to professionally and proactively address aggravating children's rights infringements and implement the recommendations of the Committee on the Rights of the Child.

Regarding the forced hospitalization provision in Article 24 of the Mental Health Act, the Commission gave testimonies about the unconstitutional nature of the law at an open hearing of the Constitutional Court. A significant part of its opinion was reflected in the Court's ruling, which found the relevant provision to be incompatible with the Constitution.

The Commission's policy recommendations in 2016, which were based on survey results, totaled 43, which represents more than a three times increase over the previous year. Of this, 18 recommendations resulted in actual conciliations, which is over a four times increase over the average of five conciliations in the previous five years. The Commission also tried to respond to new human rights cases in a timely fashion. For example, it urged a prompt investigation of the death of, a farmer activist, Baek Nam-gi as well as measures to prevent a similar recurrence in the future, and recommended that the freedom of assembly be guaranteed in response to an announced ban of all assemblies in front of the presidential office. It urged prompt investigations of high-profile cases such as the death at a penitentiary in Busan, atrocities that took place in a housing facility for persons with disabilities, the cattle shed slavery case, and industrial accidents and deaths of in-house subcontract workers.

At the 11th ASEM Summit, the Commission was recognized for its activities to promote the human rights of older persons. As a result, the Commission gained approval to open the ASEM Global Ageing Center by 2018 and continue its activities to promote human rights of older persons.

At a GANHRI subcommittee evaluation, the Commission was accredited with “A” status in recognition of its efforts to amend the NHRC Act. The accreditation came after being postponed for three times. The Commission's Chairperson Lee Sung-ho became chair of the GANHRI Working Group on Ageing. Thanks to his active involvement at the working group, national human rights organizations were officially entitled to participate in the meeting of the United Nations Open-ended Working Group on Ageing at its seventh session for the first time.

Meanwhile, the Commission strengthened exchanges and cooperation with human rights organizations, including meetings and workshops with human rights activists, distribution of published materials and information, and visits to groups particularly vulnerable to abuse.

To reinforce preventative measures, the Commission established and executed a general plan for dedicated human rights trainers, diversified its promotional platforms to include Facebook, Podcasts, and blogs, and identified and produced various human rights contents such as webtoons, essays, and photos.

Meanwhile, a survey of human rights awareness revealed that 82% of respondents agreed to the need for human rights education. However, only 12.8% of them said they have had such education. This finding highlights the need to establish the Human Rights Training Institute to meet the demand for such education. Also, 39.8% of respondents said they were familiar with the Commission. This highlights the need to further promote the activities of the Commission so that it can play a more significant role in remedying human rights infringements and discriminations.

Part II

Commission's Major Activities

Chapter 1 Improvement of Human Rights-related Statutes, Institutions, Policies, and Practices

Chapter 2 Investigations and Remedies

Chapter 3 Education and Promotional Activities for Shaping Favourable Human Rights Conditions

Chapter 4 Exchanges and Cooperation in Korea and Abroad

Chapter 5 Human Rights Offices

National Human Rights
Commission of Korea Annual Report 2016

Part II Commission's Major Activities

Chapter 1 Improvement of Human Rights-related Statutes, Institutions, Policies, and Practices

Section 1. Overview

Based on the NHRC Act, the Commission makes recommendations or presents opinions to improve human rights-related statutes, institutions, policies, and practices (subparagraph 1 of Article 19, and Article 25); conducts surveys of human rights conditions (subparagraph 4 of Article 19); makes recommendations or presents opinions regarding adhesion to and implementation of international human rights treaties (subparagraph 7 of Article 19).

The Commission may, if necessary, establish subcommittees (Article 12) and advisory organs (Article 15) to perform its duties; may ask for consultations with state institutions, local governments, and other public or private organizations (Article 20); may organize hearings (Article 23); present its opinions to a court of the Constitutional Court on trials that may have a significant impact on the protection and improvement of human rights (Article 28); and shall prepare an annual report on its activities, human rights conditions, and improvement measures for the preceding year and report it to the President of the Republic of Korea and the National Assembly (Article 29).

Section 2. Policy Recommendations and Expression of Opinions

1. Statistics of recommendations and opinions

[Table 2-1-1] Statistics of recommendations or opinions on related statutes and policies

(in number of cases)

Classification	Total	Recommendation	Opinion expressed	Opinion submitted
Cumulative	645	303	318	24
2016	71	43	26	2
2015	36	12	23	1
2014	46	27	18	1
2013	43	27	16	-
2012	42	24	18	-

* The cumulative figures total the numbers from the time the Commission was established (25 Novembert 2001) to 31 December 2016.

* Opinions submitted: The Commission may submit its opinion to a court or the Constitutional Court regarding an on-going trial that may have significant implications for the protection and enhancement of human rights or an on-going trial pertaining to a case that the Commission investigated or handled.

2. Key policy recommendations

A. Recommendation to improve the way public institutions are assessed in terms of human rights management achievements

On 25 February, the Commission recommended the Minister of Strategy and Finance to improve the business management performance assessment system so that it is reflective of efforts or achievements to introduce, practice, or monitor human rights management, and helps expand public awareness on human rights in the workplace, while ensuring sustainable development of public institutions.

In September 2014, it recommended 117 public institutions to apply the Guidelines and Checklist for Human Rights in Business Management. Most of these institutions set up a

department responsible for human rights business management, submitted the outcome of their checklist self-test, and announced their intention to work on the recommendations. This effort helped create a general consensus on the need for human rights-centered business management.

However, as a follow-up, only ten institutions internally and externally announced their human rights business management declaration, showing that no specific actions were taken to monitor their human rights commitment in a sustainable manner.

Thus, the Commission determined that the inclusion of human rights elements in the non-financial assessment categories would help create an institutional framework for public institutions to ensure human rights in a more concrete and effective way, rather than making a mere declaration.

B. Recommendation to prevent child abuse and protect the human rights of child victims

Given the characteristics and serious side effects of child abuse, the Commission sees it important to find victims of child abuse, and effectively protect them, as their interest is of the highest priority. Thus, on 19 May, it recommended legal amendment and policy improvement to the ministers of Ministry of Education, Ministry of Justice, and Ministry of Health and Welfare to prevent child abuse and protect the human rights of child victims.

To the Minister of Health and Welfare, it recommended the establishment of a single reporting channel for institutions that have the obligation to report. This would facilitate reporting, provide victims professional help, clearly identify those that should be held accountable, expand children shelters, and introduce the system of foster care homes with funding considerations. It also recommended ways for children with foreign nationality or no nationality to receive proper protection regardless of their status of sojourn.

To the Minister of Justice, the Commission recommended amendment to the Special Act on the Punishment of Child Abuse Crimes to make the appointment of court-appointed attorney and court-appointed assistant mandatory for child victims who are under investigation or in a trial.

The Commission also recommended amendments to the relevant regulations so that

specialized children care institutions can offer psychological and emotional counselling and treatment to the victims.

To minimize the educational neglect caused by child abuse, the Commission recommended the Minister of Education to establish criteria for deferment and exemption of compulsory education, refine the educational content by developmental stage, and establish a system for managing out-of-school educational options such as home schooling. It also recommended a revision to Article 29 of the Enforcement Decree of the Elementary and Secondary Education Act, to ensure that the opinions of child victims can be heard when the deferment or exemption of compulsory education is reviewed and that they be assisted by a child psychologist or a child development expert during that process.

C. Recommendations to use Indicators for Identification and Protection of Victims of Human Trafficking

With the emergence of trafficking in persons (TIP) as a global issue and the adoption by the United Nations of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish TIP, Korea strengthened legal controls over human trafficking by amending the Criminal Code in April 2013 to include provisions on human trafficking crimes (Article 289).

Despite these efforts, however, human trafficking is still narrowly viewed in the Korean society as the trading of persons like goods. In light of a need to present specific indicators to identify and protect human trafficking victims at the scene, the Commission recommended the Minister of Justice, Ministry of Employment and Labour, Ministry of Gender Equality & Family, National Police Agency, and metropolitan municipalities on 20 June to come up with measures to prevent human trafficking and protect victims using the Indicators for Identifying and Protecting Victims of Human Trafficking. These indicators consist of 27 indicators for identifying victims by act, mean, and purpose of human trafficking under the United Nations Protocol to Prevent Trafficking in Persons, and 15 indicators for protecting victims through shelters, measures taken by the police, actions taken with respect to immigration procedures, medical services, and protection for additional harm.

D. Recommendations of the 3rd NAP

The Commission recommended the government on 25 July to establish the 3rd (2017-2021) NAP to promote human rights situations across society through establishment and implementation of a holistic human rights policy

The 3rd Recommendation for the NAP consists of three parts. Part 1 offers a Human Rights Overview; Part 2 key tasks (areas requiring focused and urgent relief over the subsequent five year) for the protection of human rights for each of 15 groups, including the socially vulnerable and the minorities; and Part 3 institutional improvements to promote human rights (with a focus on right to freedom and social rights), human rights education, and system of cooperation with domestic and international human rights organizations.

The NAP reflects recommendations by international human rights organizations regarding human rights situations in Korea in general, as well as human rights issues concerning children, women, and the elderly, particularly in the context of the low birth rate and aging population in Korea. It also incorporates key tasks for promoting the right to social security, the right to health, and other key areas in order to resolve issues of poverty, health, education, and gender equality highlighted under the Sustainable Development Goals (SDGs) of the United Nations adopted in September 2015.

E. Recommendations to establish the National Action Plan on Business and Human Rights

On 25 July, the Commission recommended the National Action Plan on Business and Human Rights to the government to strengthen the sustainable development and global competitiveness of businesses through human rights-friendly activities and to enhance consistency and effectiveness of national policy on businesses and human rights.

The National Action Plan on Business and Human Rights is a systematic national action plan designed to prevent human rights violations in businesses and to promote human rights-friendly business activities, which will help promote human rights across society. It outlines nine tasks, including government expectations of businesses, general policies relating to business and human rights, institutionalization of human rights business management in public systems, public procurement with human rights in mind, improved effects of government-led remedies,

as well as key missions for each task.

F. Recommendations to guarantee persons with disabilities the right of access to passenger ships

The Commission conducted an *ex officio* investigation into vessels and discriminations experienced by persons with disabilities aboard those vessels. As of 1 June 2015, a total of 162 passenger ships under 58 companies were in operation in Korea. Only 11 of these ships (or 6.8%) were equipped with wheelchair lifts, and 13 (or 8.0%) with restrooms equipped for the disabled. The results showed that approximately 93% of all passenger ships lacked facilities for people with disabilities. It was also revealed that most passenger ships constructed after the mandatory requirement of the Mobility Enhancement for the Mobility Impaired Act to install elevators and restrooms for persons with disabilities had still not complied with the necessary regulations.

However, from the time the above Act went into force until the end of June of 2015, the Ministry of Oceans and Fisheries had failed to exercise proper oversight of passenger ship operators that had not installed the mandated facilities, and there was not a single case of administrative disposition such as corrective orders or compliance charges in accordance with the Act.

Thus, on 22 August, the Commission recommended that the Ministry of Oceans and Fisheries and the Ministry of Land, Infrastructure and Transport guarantee the right of access to passenger ships so that people in wheelchairs could safely and conveniently travel aboard the vessels. It also expressed to the Ministry of Public Safety and Security the importance of adding amendments to the relevant statutes, such as establishing criteria for installation of convenience facilities in excursion ships and ferries.

G. Recommendations to improve the application for refugee status and environment in departure waiting rooms at ports of entry and departure

The departure waiting rooms (the so-called repatriation waiting rooms) are areas where foreigners were refused entry into Korea wait for some period of time before being repatriated

to their own country. Concerns have been raised, however, that contrary to their original intent, these waiting rooms are often meager and substandard facilities that negatively affect the foreign patrons who must wait for lengthy periods in overcrowded facilities.

Between 2013 and 2015, on average 33.9 percent of applications for refugee status were turned down for insufficient justification to seek asylum. Also, the lack of formal objection procedures has resulted in a significant number of foreigners staying in Korea for extended periods while they are undergoing legal proceedings.

On 25 August, the Commission made recommendations to minimize the reasons for not giving applications a screening in the Enforcement Decree of the Refugee Act, establish procedures for filing a formal objection against a decision not to grant refugee status, and offer basic treatment that applies to "refugee status applicants" under the Refugee Act during the period that those denied refugee status are on trial.

H. Recommendations to improve the physical examination requirement for E-2 visa holders and to establish procedures for effective implementation of the individual communications system

A foreigner with an E-2 visa for foreign language instruction who taught at an elementary school was denied contract renewal by the Education Office in charge because the complainant did not submit the results of his physical examination that included HIV test results. The foreigner lodged an individual communication against Korea in accordance with the individual communications system under the International Convention on the Elimination of All Forms of Racial Discrimination.

In its view regarding the individual communication, the 86th Committee on the Elimination of Racial Discrimination determined in May 2016 that the case presented possible racial discrimination, and thus recommended, on 8 September, that the complainant be properly indemnified for psychological and actual damages.

As a party to the International Convention on the Elimination of All Forms of Racial Discrimination, Korea has the obligation to enforce the recommendations of the Committee on the Elimination of Racial Discrimination in accordance with its Constitution and the Convention on the Law of Treaties. However, the lack of institutionalized system such as

procedures to guarantee implementation of individual communications makes effective relief difficult even when human rights infringement or discriminatory acts have been recognized in individual communications under the international human rights treaties.

Hence, the Commission made recommendations to the Prime Minister's Secretariat, Ministry of Foreign Affairs, Ministry of Justice, and Ministry of Education to remove racially discriminatory elements in the health examination system required of E-2 visa holders and establish procedures for effective implementation of recommendations resulting from individual communications under the international human rights treaties.

3. Key opinions expressed

A. Opinion on the incident involving a farmer activist struck by police water cannon

Regarding the November 2015 incident where, a farmer-activist, Baek Nam-gi was struck by police water cannon during a massive anti-government demonstration, the Commission presented its opinion on 30 August to the Commissioner General of the National Police Agency. Given the gravity of the case, it recommended that fundamental measures be established, including inspection of sprinkler truck employment and enhancement of safety precautions. It also urged the Prosecutor General to initiate an early investigation of the case.

In 2008 and 2012, the Commission had recommended the Commissioner General of the National Police Agency to clarify the criteria for use of sprinkler trucks in ministerial and above ordinances. However, this request was rejected on the grounds that sprinkler trucks were being used safely in accordance with the Sprinkler Truck Employment Guidelines.

B. Opinion on the proposed amendment to the Medical Treatment and Custody Act

On 12 October, the Commission issued an opinion on the proposed amendment to the Medical Treatment and Custody Act announced for legislation on 29 August. The intent of the proposal is to strengthen supervision of mentally disabled people with criminal records following the

brutal random killing of a woman that occurred in the Gangnam district on 17 May. At that time, the Commission expressed its opinion against the protective custody of those whose medical treatment and custody has expired.

While recognizing instances in which additional supervision might be needed in some instances, as outlined in the revised bill of the Ministry of Justice, the Commission noted that the supervision and control of all those whose medical treatment and custody has expired without consideration of the likelihood or cause of a repeated crime, or appropriate measures taken, is not desirable as it relies upon the social stigma that all mental patients are dangerous. It also advised that the compliance requirements regarding protective custody and the penalty clause for non-compliance be removed.

C. Opinion on the Protective Custody Bill

On 10 November, the Commission expressed its opinion that the bill on protective custody, announced for enactment on 31 October by the Ministry of Justice, is not desirable.

Through recommendations to abolish the old Social Protection Act (January 2004) and opinions regarding the Protective Custody bill (December 2014), the Commission had consistently argued that protective custody most likely constituted repeated punishment as it essentially deprived a subject from liberty, and that there were no clear and specific criteria for determining the likelihood of repeated crimes, which is a condition for a protective custody order.

The Commission's view was that the newly proposed bill was not significantly different from the legislative bill of 2014, and that the same issues that it had raised in its opinions of 2014 still remained, including the issue of repeated punishment, conditions for protective custody order and procedural problems. Thus, it expressed its opinion that, despite agreeing to the government's intent to eradicate violent crimes, the legislation of the proposed bill would not be desirable as it warrants a more careful review prior to its introduction as it may severely limit personal liberty and the freedom of residential mobility guaranteed by the Constitution.

4. Key opinions submitted

A. Opinion submitted to the Constitutional Court regarding collection of communication data by information and investigative agencies

On 28 November, the Commission submitted its opinion to the Constitutional Court that the collection of communication data by information agencies and investigative agencies based on paragraph 3, Article 83 of the Telecommunications Business Act could likely infringe upon privacy autonomy.

In February 2014, the Commission had recommended the Ministry of Science, ICT and Future Planning, the lead ministry, to delete the above said provision. However, this request had not been accommodated.

Human rights defenders filed a constitutional appeal (2016Hunma388), stating that the law on the provision of communication data violated the warrant requirement under the Constitution, that the provision of communication data constituted legislative omissions, and thus was unconstitutional due to the lack of an *ex post* notification requirement.

Investigative agencies have argued that communications data (name, resident registration number, address, telephone, ID, etc.) they receive from communications service providers are simply information that users provide when joining a service, and thus present insignificant infringement upon the freedom and privacy of personal life and the freedom of communication.

On the other hand, the Commission submitted the opinion to the Constitutional Court that there was the possibility of infringement of the right to informational self-determination as the regulation mandating the provision of communications data was too broad in terms of the subjects and in its purpose for collecting personal information, there was no *ex ante* or *ex post* judicial control, and there were no procedures in place to notify people that their personal information had been provided.

B. Opinion submitted to the Constitutional Court regarding conscientious objection

Regarding the constitutional appeal for recognition of the rights of conscientious objectors (appeal combining cases 2012Hunba15, 2012Hunba182, and 2015Hunba73), on 28 November, the Commission submitted an opinion to the Constitutional Court that deemed criminal punishment against conscientious objectors to be a violation of freedom of conscience, which is a universal human right.

Previously in 2005, the Commission had recommended to the Speaker of the National Assembly and the Minister of National Defense that an alternative civilian service system be introduced that would harmonize conscientious objection and the obligation to serve the nation, given that the right to conscientious objection comes under the freedom of conscience protected under Article 19 of the Constitution, Article 18 of the Universal Declaration of Human Rights, and Article 18 of the International Covenant on Civil and Political Rights, among others. In 2008, it also urged the Minister of National Defense to establish a plan to implement alternative civilian service for conscientious objectors.

The international community, including the United Nations, has continued to recommend that the Republic of Korea recognize the right to conscientious objection and introduce an alternative civilian service system through the 4th Concluding Observations in November 2015 of the Human Rights Committee. While some objectors have been found not guilty in a lower court, others are still being punished as criminals. Meanwhile, the government has not yet established a proposed plan for alternative civilian service to accommodate conscientious objectors.

The Commission submitted its opinion to the Constitutional Court, stating that the act of refusing to perform military service because of conscientious objection to war and killing constitutes a universal human right guaranteed for all, even though it is not clearly stated as such in the Constitution or human rights regulations. Moreover, punishment of conscientious objectors as criminals is a violation of the freedom of conscience guaranteed under the Constitution, especially since the state could resolve the issue between the obligation to serve in the military and freedom of conscience through means of an alternative civilian service system.

Section 3. Surveys of Human Rights Conditions and Human Rights Advocacy

1. Surveys and researches of human rights conditions[4)]

The surveys and commissioned studies of human rights conditions are designed to draw an accurate picture of the various human rights issues and situations facing the nation. The final survey reports are used as basic resources for recommending human rights policies.

A. Survey of hate speech

The Commission carried out a survey and study of hate speech against women, persons with disabilities, immigrants, and sexual minorities to understand the prevalence of hate speech throughout Korean society and to come up with policy alternatives to reduce hate speech.

Conducted among a total of 1,014 people, including people aged between 15 and 59, foreigners, women, disabled people, immigrants, and sexual minorities (about 20 persons participated in in-depth interviews), the survey mainly asked about respondents'experiences with hate speech, either as an offender or a victim, and attitude towards regulations. According to the results of the survey, victims did not know how to react to hate speech, negative implications are more pronounced in offline exposure than online incidents, and offenders may not be aware of their hate speech. In line with these reasons, respondents'attitudes towards regulations were generally positive. They expressed the need for legal restrictions with sufficient consideration given to their limitations and the side effects. They also voiced the need for non-judicial relief measures, as well as qualitative, preventative measures such as education to promote human rights awareness.

B. Survey of human rights conditions of marginal part-time workers

The Commission worked with the Korean Contingent Workers'Center to conduct a human rights condition survey of marginal part-time workers who typically work no more than 15

4) For surveys related to North Korea, see "Section 4. Special Programmes: Increased activities to improve North Korean human rights" (p. 39)

hours per week. The result showed that these part-time workers are mostly the elderly, women, teenagers, and college students, all part of the vulnerable, low-paid labour market group. It was also found that the number of workers in this category is on a continuous rise.

The survey also revealed that 62% of marginal part-time jobs are held by elderly people who are bread-winners in the household. College and teenager workers are usually exposed to poor work environments and their basic right to work is severely impacted, which is an infringement of the Labour Standards Act. In addition, they feel little attachment to their current jobs as they harbour a strong desire for a career change or vertical move to a full-time job upon graduation.

Based on the findings, the Commission presented a set of policy alternatives, including thorough oversight and rigorous law enforcement by the government to ensure improved labour conditions in part-time jobs for teenagers, fair evaluation and compensation for female workers engaged in care labour, worker status recognition and legal labour law protection for elderly part-timers, mitigating the possibility of increased discrimination in the principle of proportionality of labour, and resolving the trend where full-time jobs are split.

C. Survey of human rights conditions of workers handling substances toxic to the reproductive system[5)]

The Commission has worked to raise public awareness on the risks of exposure to substances toxic to the reproductive system, a hazard that is generally unknown in Korea. In 2016, it conducted a survey of the human rights conditions facing workers who handle these materials, while investigating the safety and health management of workers who are exposed as well as the harm done to the reproductive system.

The survey showed that large numbers of workers do not have sufficient information about what the problem is, how dangerous the materials are, and how accidents can be prevented. Also, when a workplace incident occurs, they usually do not realize that it is an industrial

5) Reproductive toxicants are substances that have adverse effects on generative functions, generative ability, and the conception and growth of fetus. Their damages are extensive and critical as they pose various health hazards not just on the individuals exposed but also on their offspring. The risk of exposure to reproductive toxicants is found in various sectors, including electronic parts manufacturing, painting and coating, automobile repair, plastic synthetic leather production, and printing.

accident and further, seeking indemnity for an accident is challenging because it is difficult to prove that reproductive system damage was caused by a hazardous chemical substances.

In the future, the Commission plans to discuss ways to prevent industrial accidents caused by reproductive toxic materials and the institutional arrangements for indemnification. It will also establish an institutional improvement plan by engaging with experts and stakeholders to safeguard the safety and health of workers who deal with reproductive toxic substances.

D. Survey of biometrics collection and use

The increased use of biographic information has raised concerns about the risks it entails. The legal framework is lacking in terms of controlling the use of this information and discussing the impact on the right to privacy. The Commission conducted a survey to understand the level of advanced biometrics use both at home and abroad, the damage involved, legislation in Korea and abroad, and public awareness.

The findings pointed to an extensive use of biometrics for various purposes, including public administration, immigration control and security, crime prevention, and investigation. Genetic information also has various uses, with the Prosecution and Police operating a joint criminal DNA database.

A public awareness survey showed that while 61% of respondents have not had an experience with biometrics, which indicate that the use of biometric data is not prevalent, 86% of them held the view that bio information such as biometrics and health-related information should be more rigorously regulated and protected than other types of personal information.

Researchers proposed policy alternatives, including alignment of terminology in statues, strengthening of clauses on protection of sensitive information under the Personal Data Protection Act, and making the Personal Information Impact Assessment System effective to prevent infringement of bio information.

2. Programmes to promote human rights

A. Monitoring of human rights of older persons

The Commission operated the 8th Elderly Human Rights Monitoring Team to monitor programmes offered by leisure and welfare facilities for older persons. The team had face-to-face interviews with people who have or have not used programmes at these facilities.

The result showed that 68% of respondents have never used such programmes. The reason is because they enjoy other leisure activities (the most given answer), are engaged in some income-earning activities, or they find the programme hours to be limited. During their leisure time, respondents enjoy TV, listen to radio, read newspapers, meet friends or relatives, meet people with the same hobby, or spend time with family.

In general, those who use or have used the programmes did so for three years or more and for two or more times a week. The satisfaction level was generally high, with positive response given for programme selection, programme details, instructor professionalism, and the possibility to apply for a number of different programmes. Also, most respondents expressed their desire to continue to use the programmes in the future.

B. Monitoring of Guidelines on the Human Rights of Migrants for out-of-school teenagers

The Guidelines on the Human Rights of Migrants recommended by the Commission in February 2012 included measures to strengthen the human rights protection for migrant children. A monitoring effort conducted in 2015 revealed the poor human rights conditions faced by migrant children and teenagers outside of school.

In 2016, the Commission organized a team to monitor the implementation of the guidelines. This effort was designed to understand and resolve issues related with the right to development of migrant children and teenagers who find themselves outside the school system.

The monitoring result showed that this group of population suffered from a general lack of information, different religions and culture, economic hardships, language barriers, exclusion and discrimination, and limited information sharing and access through group life at school.

The drop-out rate was high among migrant children and teenagers who joined a school halfway, mostly due to language barriers, exclusion from peer groups, and economic hardships. The effectiveness of the government support programmes such as multi-cultural preparatory schools and rainbow schools was limited because of a lack of information, limited accessibility, and single programme for different age groups.

C. Monitoring to prevent disability discrimination

The Commission appointed 178 members to a Watch Team to monitor six key areas around the nation (Seoul, Gyeonggi, Busan, Gwangju, Daegu, and Daejeon). The team monitored cases of discrimination against persons with disabilities and the effectiveness of the Act on the Prohibition of Discrimination against Persons with Disabilities. Of the 178 members, 66.9% has a disability, such as a physical, brain disablement, visual, or hearing disability.

The Watch team monitored 245 public institutions (195 post offices and 50 job centers) and 164 large-scale retail facilities for accessibility for persons with disabilities. They also monitored large-scale retailers for safety zones for persons with disabilities.

The monitoring results were sent to the relevant organizations and 96% or more submitted their improvement plan. Based on the result report, the Commission made policy recommendations for improving safety zones and accessibility for persons with disabilities.

D. Monitoring of children's rights

In view of improving the children's rights in crisis at school, the Commission conducted monitoring activities from June to October. The tasks identified from this effort included the need for systematic intervention to help teenagers at risk of being deprived of educational opportunities; promoting individualization and diversity in education; enhancing the status and authorities of education welfare workers and school social workers; and amendment of the Elementary and Secondary Education Act to institute school regulations that are conducive to respect for human rights.

Section 4. Special Programme: Increased Activities to Improve North Korean Human Rights

A. Overview

1) Background

In response to an opinion expressed by the National Assembly's Legislation and Judiciary Committee in April 2003 that the Commission should be the lead for North Korean human rights programmes, the Commission established a non-standing North Korean human rights research team by the decision of the 40th Plenary Committee in the same year. The team has since carried out research on North Korean human rights situations, developed and recommended policies, and organized forums for discussions. In 2006, the Commission issued a position statement regarding North Korean human rights, outlining the principles and policy directions, and expressed its will for active involvement. In 2007, the Commission put North Korean human rights issues on the list of its top ten priority tasks. In 2008, one of its top six programmes was to increase policy activities to improve human rights conditions in North Korea. From 2009, the Commission pursued improvement of North Korean human rights as a special programme.

The North Korean human rights situations have not improved, despite the February 2014 report of the UN Commission of Inquiry on Human Rights in the DPRK, a referral of the issue to the Security Council, and the annual adoption of North Korean human rights resolutions by the Human Rights Council and the General Assembly. Consequently, the international community has advanced discussions of how to hold assailants accountable and punish them.

With the adoption of a North Korean human rights resolution in March 2016, the 31st session of the Human Rights Council created a group of independent experts for an international legal review of ways to punish North Korean human rights violators. On two different occasions, the US State Department announced a list of entities and individuals responsible for serious human rights abuses or censorship in North Korea.

The North Korean Human Rights Act was enacted on 3 March 2016 and entered into force on 4 September, more than ten years after it was motioned at the 17th National Assembly in August 2005. The legislation enabled institutional arrangements and establishment of execution bodies to improve human rights in North Korea.

2) Purpose

The purpose of the special programme is to carry out objective and specialized investigation and research of human rights conditions in North Korea; systematically collect and manage North Korean human rights-related materials; facilitate cooperation with international organizations and specialists on North Korean human rights issues; routinely organize policy consultation with government ministries; understand North Korea's internal human rights conditions through increased monitoring of activities by organizations and institutions related to North Korean human rights in Korea and abroad; and seek ways to improve and promote human rights in North Korea.

B. Key activities

1) Expression of opinion and Chairperson's statement

- Chairperson's statement regarding the legislation of the North Korean Human Rights Act

While welcoming the agreement between the ruling and opposition parties to pass the North Korean Human Rights Act, the Commission issued a statement on 28 January, outlining its concerns regarding issues and limitations associated with the agreed bill.

- Chairperson's welcome statement regarding the Human Rights Council's adoption of North Korean human rights resolution

The Commission welcomed the adoption of a North Korean human rights resolution without a vote by the 31st session of the Human Rights Council. The resolution included the establishment of an expert group to look into ways to hold entities and individuals responsible for human rights abuses accountable. It also issued a statement on 24 March expressing its anticipation for effective improvement of human rights situation in North Korea.

- Expression of opinion regarding the proposed Enforcement Decree of the North Korean Human Rights Act

The Commission's opinion on 2 June stated that the proposed Enforcement Decree of the North Korean Human Rights Act limits, without a valid legal justification, the activities

of state organizations, local governments, and public institutions to improve human rights in North Korea, that some provisions are likely to infringe upon the independent activities of the Commission and thus should be deleted or revised, and that the eligibility criteria for Ambassador for North Korean human rights be clearly defined.

- Recommendation for institutional improvement to change public perception of North Korean defectors and prevent discrimination

On 7 July, the Commission recommended that the Minister of Unification expand PR activities to improve the public's perception of North Korean defectors and prevent discrimination against them by increasing the budget allocation for promotional activities on broadcast channels, and organize more exchange programmes to promote mutual understanding between local residents and North Korean defectors.

2) Establishing an institutional foundation for North Korean human rights

- Operation of North Korea Human Rights Infringement Report Center and North Korean Human Rights Repository

From 15 March, the Commission operated the North Korea Human Rights Infringement Report Center and North Korean Human Rights Repository to collect and record human rights abuses that North Korean defectors had experienced in North Korea.

From March 2012, the Commission used questionnaires to ask newly arriving North Korean defectors questions about human rights abuses. From 2012 to 2016, a total of 2,856 persons answered the questionnaire, with 619 in 2012, 652 in 2013, 484 in 2014, 682 in 2015, and 419 in 2016.

Parallel to the questionnaire, the Commission also interviewed 38 North Korean defectors to collect more details about human rights abuses in North Korea.

- Survey of North Korean defectors'human rights awareness

North Korean people have rarely had any education on human rights, so those who flee from North Korea may face some challenges as they settle down in the South. If they have insufficient

awareness about human rights or if their view is too distant from that of the general public, not only will they find it difficult to understand and adapt to the South Korean society, but they may also not be able to respond properly when their rights are abused. Thus, the Commission conducted a survey of North Korean defectors to hear about their experience of human rights in North Korea, their experience of human rights education after arrival in Korea and how much they understand about the relief procedures, and their perception of human rights issues in the Korean society.

Based on the findings, the Commission will review effective policy measures to enhance the human rights awareness of North Korean defectors.

3) Increased international cooperation activities

● International Symposium for Improvement of North Korean Human Rights

Since 2004, the Commission has organized an international symposium on North Korean human rights every year to promote its activities and roles to improve North Korean human rights conditions to the international community and discuss about the policy directions and strategies for improving North Korean human rights.

In 2016, the symposium was held on 19 May jointly with the UN Human Rights Office in Seoul under the theme of Protection and Promoting Women's Rights in North Korea with a Focus on the UN human rights protection mechanisms. The symposium had three sessions: the first session, which was moderated by Marzuki Darusman, Special Rapporteur on North Korean Human Rights, was on human rights conditions of North Korean women and legislation. The second session, moderated by Shin Heisoo, member of the Committee on Economic, Social, and Cultural Rights, was on the UN human rights protection mechanisms. The third session, moderated by Park Gyeong-seo, chair-professor of Dongguk University, was about international discussions and efforts for human rights of North Korean women.

● Organization of an expert meeting on ROK and US policy toward North Korean human rights

The Commission hosted an expert meeting on ROK and U.S. policy toward North Korean human rights jointly with the U.S. Committee for Human Rights in North Korea on December 16 at the National Press Club in Washington D.C.

The meeting was significant as it looked at the prospects of U.S. policy toward North Korean human rights with a new U.S. administration coming, and discussed the relevant policies in Korea following the passing of the North Korean Human Rights Act.

The meeting was opened by Commission's Chairperson Lee Sung-ho, followed by congratulatory remarks by Justice Michael Kirby, former chief of the UN Commission of Inquiry on Human Rights in the DPRK, special remarks by the Honourable Scott Busby, U.S. Deputy Assistant Secretary, Bureau of Democracy, Human Rights, and Labor, and was attended by the Honorable Robert R. King, U.S. Special Envoy for North Korean human rights issues.

Panel 1, moderated by Yoon Namgeun, Chair of the Special Committee for North Korean Human Rights, discussed Sanctions on Human Rights Abusers in North Korea; Panel 2, moderated by Greg Scarlatoiu, Executive Director of Committee for Human Rights in North Korea, discussed on the topic of South Korea and U.S. North Korean human Rights Policies Review and Prospects.

4) Operation of North Korean Human Rights Forum

Formed by the Commission in May 2008, the North Korean Human Rights Forum consists of North Korean human rights experts from academia, legal circles, and civic groups. It has been involved in developing North Korean human rights policies, strengthening cooperation network, and facilitating discussions on the issue.

In 2016, the forum was held four times, from its 30th to the 33rd session. The 30th Forum (3 April), was on “Human rights issues faced by North Korean workers overseas and approach strategies” and “Evaluation and enforcement of the North Korean Human Rights Act;” the 31st Forum (29 June) on “Characteristics of recently arriving North Korean defectors and their implications;” the 32nd Forum (26 August) on “Sanctions against North Korea” and “Medical and health conditions in North Korea and ways to promote them;” the 33rd Forum (2 December) on “Prospects of U.S. policy towards North Korea of the next U.S. Administration and directions for Korea’s response” and “Evaluation of the North Korean Human Rights Forum and directions for improvement.”

Chapter 2 Investigations and Remedies

Section 1. Overview

The Commission undertakes investigation of human rights infringements and discriminations and seeks remedial measures in accordance with subparagraphs 2 and 3 of Article 19 of the NHRC Act.

Subject to investigation

Subject to the Commission's investigations are state agencies, local governments, schools[6], public service-related organizations[7], and detention and protective facilities that violate the human rights guaranteed under Article 10 to Article 22 of the Constitution, or commit discriminations in relation to their operation[8]. The same applies to a corporate body, organization, or a private person that commit discriminations.

Complaints

Investigations are usually initiated upon receiving complaints, which can be filed by the victims or those who are aware of an abuse or discrimination, as well as third parties. To guarantee the right to complaint of those confined in a detention or protective facility and, as such, are unlikely to file a complaint orally or by phone, the Commission visits the facilities for a face-to-face meeting[9].

Upon receiving a complaint, the Commission conducts an investigation. If the case is

6) Schools established in accordance with Article 2 of the Elementary and Secondary Education Act, Article 2 of the Higher Education Act, and other relevant statutes

7) Public service-related organizations under subparagraph 1 of Article 3-2 of the Public Service Ethics Act

8) Excluding the legislation of the National Assembly and trials in courts and the Constitutional Court

9) Pursuant to subparagraphs 2 and 4 of Article 31 of the NHRC Act, the Commission shall have a commissioner or a staff member visit a confinement or caring facility to receive an oral or written complaint from an internee if he/she wishes to do so in front of a Commission's commissioner or staff member.

recognized as a human rights abuse on discrimination, the defendant or its supervisory agency are recommended to take certain actions to prevent a recurrence and ensure recovery. If a case does not fall under the Commission's subjects of investigation as defined in the NHRC Act, it is rejected. A case is dismissed if it is determined that it is not a human rights abuse or discriminatory act.

In 2016, 10,636 complaints were received by the Commission, a total similar to that of 2015 (10,695 complaints). Of these, 8,167 (76.8%) were for human rights abuses, 2,432 (22.9%) for discriminations, and 37 (0.3%) for other matters.

Emergency relief

The Commission may resort to emergency relief measures in accordance with Article 48 of the NHRC Act if a complaint is a subject of Commission investigation, it is highly likely that human rights abuses and acts of discrimination are on-going, and it is recognized that the situation may lead to irrecoverable damages if left unresolved.

In 2016, there were no cases requiring emergency relief measures.

Ex *Officio* investigation

Subparagraph 3 of Article 30 of the NHRC Act provides that "even if a complaint has not been filed, the Commission may initiate an *ex officio* investigation when there is reasonable ground to believe that human rights have been violated and that such violation is critical."

In 2016, the Commission initiated *ex officio* investigations on 11 serious human rights abuses. These are the inhumane treatment of children in child care institutions; sexual discrimination in employment, including forced retirement of female employees after marriage; abusive language and violence at vocational training centers for people with special needs; abusive language and violence against persons with disabilities at residential homes; deaths of patients hospitalized in mental health institutions; assault by workers in protective facilities; insufficient medical attention and treatment given to an inmate who died at a Busan penitentiary; human rights abuses by investigative institutions with use of handcuffs and other police equipment during interrogation; beating of patients by care workers; violence in military units and human rights abuses resulting from negligence; and human rights abuses by the police with use of handcuffs and other police equipment during interrogation.

On-scene investigation

Subparagraph 1 of Article 24 of the NHRC Act states that "The Commission may, if deemed necessary, visit detention or protective facilities to conduct an investigation by its resolution."

In 2016, the Commission carried out a total of eight on-scene investigations—installation confinement facility, police jail, welfare facility for the homeless, senior care facility, correctional facility, foreigner shelter, mental health care facility, and children welfare facility. It made preventative relief efforts to address human rights issues in particularly vulnerable areas by making recommendations to improve human rights conditions.

Investigator capacity building

To build the capacity of investigators performing on-scene investigations, the Commission organized an investigator school on two different occasions. Both new and experienced investigators took part in educational programmes that covered the characteristics of the Commission's investigations, the role of investigators, investigation methodology and techniques by case, and case study of complaints.

Human rights counselling

To increase accessibility to counselling, the Commission offered a variety of counselling services, including dedicated counselling windows manned by counsellors specialized in human rights; video teleconference, chatting, and SNS counselling system for person with disabilities schools and other related organizations; counsellors capable of sign language for the hearing impaired; counselling reservation and English counselling for foreigners. It also held ten visiting human rights counselling sessions for the socially vulnerable population groups, including persons with disabilities, people living with Hansen's Disease, older persons, children, and migrant workers.

Section 2. Investigations and Remedies: Human Rights Abuses

1. Complaints received and handled

A. Statistics of complaints received

In 2016, a total of 8,167 complaints were received, which is 333 (3.9%) less compared to the previous year. This can be attributed to a smaller number of complaints related to protective facilities, which had been on a continuous rise until 2014 (440 less complaints than in 2015), 142 less complaints related to local governments, and a rise in the number of cases involving the police, military, other national institutions, and public service-related organizations over the previous year. Notably, military-related complaints increased significantly, with 45 more complaints (29.4%) received compared to the previous year.

[Table 2-2-1] Human rights abuse complaints filed against entities in the last five years

(in number of cases)

Year	Total	Prosecution	Police	Detention facilities	National Intelligence Service	Military	Other state agencies	Protective facilities	Judicial agencies	Legislature	Local governments	Immigration Office, etc.	Schools	Public service-related organizations	Others
Cumulative	84,939	2,673	17,157	25,616	237	1,743	6,706	20,207	1,054	64	3,973	258	2,939	953	1,359
2016	8,167	134	1,437	1,649	9	198	306	3,033	77	2	303	59	576	221	163
2015	8,500	145	1,363	1,715	3	153	259	3,473	61	6	445	81	551	190	55
2014	8,708	190	1,539	1,631	11	182	392	3,464	83	3	387	18	497	230	81
2013	7,457	157	1,330	1,688	16	141	315	2,728	74	6	343	23	412	179	45
2012	6,946	147	1,221	1,731	16	184	424	2,115	85	-	335	27	480	133	48

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

The cumulative number of human rights complaints received by the Commission from its inception to the end of 2016 totaled 84,939. By institution, detention facilities were at the top with 25,616 complaints (30.2%), followed by protective facilities (20,207 complaints or 23.8%),

police (17,157 or 20.2%), and other national institutions (6,706 or 7.9%). Complaints related with detention facilities, protective facilities, and police accounted for the most number of complaints. Notably, following a rapid increase in complaints related with protective facilities since 2010, the number decreased slightly in 2016. Also, a steady rise has been observed in the number of complaints related to schools and public service-related organizations, which became subject to investigations through the amendment of the NHRC Act in 2012.

B. Statistics of complaints handled

Over the last three years, more than 8,000 human rights abuse complaints were received and handled. In 2016, there were 333 less complaints received and 383 less complaints handled than in 2015.

In 2016, 330 human rights violation complaints were accepted, which is 88 (21.1%) less than in 2015. This is largely due to a decrease in the number of cases closed by settlement (155 or 56% less). On the other hand, cases resulting in recommendations increased by 42 (32.3%) and cases resulting in conciliation rose from zero to nine. This result can be attributed to the Commission's active remedial and conciliation efforts.

[Table 2-2-2] Human rights abuse complaints handled in the last five years

(in number of cases)

Year	Received	Handled	Accepted								Not accepted			Investigation suspended
			Total	Charged or investigation requested	Disciplinary action recommended	Emergency relief	Recommendation	Closed by settlement	Legal aid requested	Conciliation	Rejected	Transferred	dismissed	
Cumulative	84,939	83,055	3,923	134	102	10	2,033	1,612	19	13	52,185	1,214	25,243	490
2016	8,167	8,412	330	19	7	-	172	122	1	9	5,424	82	2,556	20
2015	8,500	8,795	418	8	3	-	130	277	-	-	5,416	79	2,830	52
2014	8,708	8,093	329	21	2	-	76	229	1	-	5,180	48	2,496	40
2013	7,457	7,450	360	1	2	-	113	242	2	-	4,542	18	2,512	18
2012	6,946	6,931	264	2	1	1	155	103	2	-	4,391	22	2,230	24

* Handled cases: Cases received and closed in 2016 + cases that were carried forward and closed
* Of the cases rejected, the cumulative total of those dropped by the complainant is 34,412, with 3,807 dropped in 2016.
* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

Meanwhile, looking at the number of human rights abuse complaints handled by type of institutions, the Commission handled 1,724 complaints related to detention facilities, 3,236 to protective facilities, 1,445 to police, and 541 to schools.

2. Major complaints

A. Prosecution, police, and judicial institutions

● Inappropriate questioning about past criminal record by investigator during cross-examination

Regarding a prosecution investigator asking an examinee about his past criminal record in the presence of a third person (plaintiff in this case) during cross-examination, the Commission recommended the director of the prosecutors'office in charge to warn his/her investigator that this constitutes an infringement of the right to freedom and privacy of personal life guaranteed under Article 17 of the Constitution (2 March).

The prosecution investigator in question argued that there was a need to verify the criminal record of the complainant in accordance with Article 20 of the prosecutors'regulations regarding command of and investigation by judicial police, but the Commission determined that the way the question was asked of the complainant when the plaintiff, in this moment a third party, was in the same room, and that letting the plaintiff know of the complainant's criminal record constituted inappropriate execution of his/her official duties.

● Ban of all rallies in front of the presidential office

Regarding the notice issued by the chief of XX police near the presidential office of a ban of several proposed rallies without reviewing the conditions for banning each proposal, the Commission determined that this act violated the right to freedom of assembly, and recommended that the chief of police establish measures to prevent further violations of freedom of assembly (28 March).

The chief of police had notified the complainant that his/her request for rallies in three locations were all banned based on provisions of "right to privacy of residents", "location near school facilities" and "restrictions to ensure smooth traffic flow" under the Assembly and

Demonstration Act. The complainant had reported scheduled rallies in ten different locations, but the rallies were banned by the chief of police for the same reason.

The Commission determined that the ban imposed by the chief of staff was an infringement on the right to assembly, as rallies can be banned only when they pose a clear, direct threat to public peace and order, and such a ban is a means of last resort that should be considered only when all other possibilities for allowing such rallies under certain conditions have all been exhausted.

● Investigator asking to see lawyer's note to his client during interrogation

During an interrogation of the accused, a policeman asked the lawyer to show him a note that had been handed to the accused. Based on a determination that the action constitutes a violation of the right to consult an attorney, the Commission recommended on 9 June that the chief of police provide consultation and training for the policemen under his supervision, in order that they fully guarantee an attorney's right to assist clients and that they not ask attorneys to reveal any notes written for their clients. The Commission determined that the act of asking to examine such notes and memos could actually be considered coercion, that the memo falls under the accused's right to privacy and, indeed, had nothing to do with the case, and that doing so could potentially violate the lawyer's right to assist the client by exposing their defense strategies.

● Miranda warning during transport after arrest

On 28 September, the Commission recommended that the chief of XX Police organize a training session for XXX, the policeman who had failed to read the suspect in custody his Miranda rights in a timely manner.

It was found that when arresting the suspect, the policeman presented the arrest warrant but failed to read him the Miranda rights, and only gave the Miranda warning later after the suspect had phoned an acquaintance while being transported in a police car.

The Commission concluded that the policeman's reading of the Miranda rights was considerably removed from the time and place of arrest, and that under the given situation there was no reason for not reading the Miranda before the arrest. Thus, it was determined that the policeman had conducted an unlawful arrest by failing to fulfill the necessary conditions, which was an infringement on the personal liberty guaranteed under Article 12 of the Constitution.

● Prosecutor forcing suspect's signature on an interrogation report

The Commission determined that the act by prosecution investigators to hold a suspect until he or she agreed to sign the interrogation report violates a suspect'right to defense, guaranteed under Article 12 of the Constitution, and infringes on the right of a citizen to freedom of action, which stems from the right to pursuit of happiness under Article 10 of the Constitution. As such, on 27 October, it recommended to the director of the Prosecutors'Office in question that a recurrence of similar cases be prevented by training the staff to avoid behaviour that could be seen as forcing a suspect to sign an interrogation report.

On the day of interrogation and after it had been completed, the complainant had reviewed the interrogation report for about 50 minutes and at that time, refused to sign it. He was in the process of getting on an elevator to go home, when the prosecution investigator insisted that he sign the report before leaving. The complainant refused to sign it for a significant period of time, but fearing unfavourable consequences against him, he signed the document after 5pm and returned home.

The Commission determined that the complainant had signed the document against his will because of the psychological pressure imposed by the prosecution investigators, and that the investigator could have included in the report the complainant's reason for refusing to sign.

● Detention of a suspect prior to ruling

The Commission determined that detaining suspect against whom a preliminary arrest warrant had been issued, but whose confinement has not yet been decided, and subjecting them to the same incarceration process as those who had been sentenced, constitutes an infringement on personal rights guaranteed under Article 10 of the Constitution.

In this connection, the Commission on 25 November recommended to the chief of the XX district public prosecutor's branch office and the chief of the XX district court that, in the event that a preliminary arrest warrant was issued prior to a decision to arrest, suspects should be detained in a police station holding cell until such a ruling is made, and that efforts should be made to improve the current detention practice.

At the jail, detainees are subjected to physical search, collection of fingerprints, cell number, mugshot, and showering, whereas those detained in a police holding cell undergo a pat-down

search with underwear and gown on, and a more detailed search with a gown but no underwear, depending on the severity of their offense. In the latter case, detainees are neither ordered to put on a jail uniform nor given a detention number, nor do they go through fingerprint collection, mugshot, or showering.

In the case in question, there had been no special reason to detain said complainant in jail as the station's holding cell was not above capacity (up to 27 persons; only detaining four or five persons at the time). And thus, the Commission determined that the jail detention of the complainant prior to a ruling violated his personal rights by failing to comply with the principle of minimum infringement.

B. Military

● Invasion of privacy by sharing the contents of a diary

The Commission determined that the act of passing around a diary found during a random search[10] to be read by non-commissioned officers and senior soldiers was a violation of the diary owner's human rights. Thus, on 20 July, it recommended to the Commander of Brigade XX that he warn non-commissioned officer XX and train him on the principles of human rights.

In October 2015, non-commissioned officer XX was checking the suggestion box and found something unusual with the hinge. He reported this to his company commander and conducted a random search on the same day. During the search, he found four or five suggestion forms as well as a diary and notebook in the locker of the complainant.

The complainant's diary contained information about his daily life at the unit, as well as personal information including his leave plan. The non-commissioned officer passed around the diary for others to read. The Commission found the act of the officer to be a violation of the freedom and privacy of personal life of the complainant.

● Weekend punishment of soldiers who violated rules

On 28 September, the Commission recommended that the Minister of National Defense conduct an investigation of weekend punishments organized in military units on the grounds that

10) Random search of barracks and lockers to find anything unusual

they violated the soldiers'right to rest, despite the fact that the purpose of the punishment might be justified. It also recommended that the Commander of the Army XX Division conduct a thorough review of the XX Service Corps programme in one of its regiments that implemented the punishment.

The XX Service Corps has been operated since 2012, comprising of soldiers who have violated rules. Between January and July of 2016, a total of 143 soldiers were involved in the corps, with an average of 20 or so persons a month committed to various tasks such as drainage work, weed removal, and cookhouse cleaning for about three hours from 9am to noon on Saturdays.

The Commission viewed that regiment commander's order for holding on-post disciplinary drills fell within the realm of his right of command. However, the fact that punishment was not given immediately upon discovery of a violation, but rather was organized on the weekend as volunteer activities was not in line with the intent of the punishment that "the punishment should not be a pain for the punished." Also, the practice infringed upon the soldiers'right to rest by controlling their weekend rest, leave, or off-post overnight stay.

Also, unlike what the name "Service Corps" implies, most soldiers who experienced it viewed it as a disciplinary unit. There were also concerns that the cadre (officers and non-commissioned officers) could resort to arbitrary interpretation due to the lack of clear regulations or information on what constituted prohibited actions.

● Korea Military Academy cadets'group chatrooms required to invite a discipline instructor

The Commission determined that the requirement for Korea Military Academy cadets to mandatorily invite a discipline instructor in their smartphone messenger chatroom when three or more members were present is a violation of the freedom and privacy of personal life guaranteed under Article 17 of the Constitution. Hence, on 27 December, it recommended that this rule be addressed by the Superintendent of the Military Academy.

An interview with academy cadets revealed that a discipline instructor had remarked, "it has been almost two weeks since I've asked you to invite me to your group chatrooms and to remove all chatrooms without a disciplinary instructor, and I haven't seen any action. Cadet Company commanders must remove these chatrooms or invite a discipline instructor." He

went on to say, “I have asked you to invite a discipline instructor when opening a new group chatroom of three or more people,” and “you can be punished for violation of instructions if you do not comply with this rule.” The Commission determined that this requirement exceeded its purpose to encourage cadets not to engage in defamatory remarks against others through group chatrooms, and to use SNS for sound and positive purposes, such as meetings, information sharing, and conversations, and was an infringement of the cadets’freedom of personal life guaranteed under Article 17 of the Constitution.

C. Detention facilities and protective facilities (excluding facilities for persons with disabilities and mental health care institutions)

● Non-delivery of official postal mail to foreigners in foreigner shelter

On 12 April, the Commission recommended that the director of a foreigner shelter improve the method of delivery of postal mail to ensure it reached the addressee. The shelter's failure to properly manage postal mail delivery, including verification as to whether or not the mail was delivered to the recipient in the shelter, is a violation of the freedom of communication guaranteed under Article 18 of the Constitution.

A Supreme Court notice addressed to a foreigner at the shelter was delivered to the shelter on 26 October 2015 (received by shelter staff XXX). Though the shelter maintained a registered mail ledger indicating date received, sender, receiver, subject, person in charge, and person verifying, there was no allocated space for the addressee’s signature that could show whether the person to whom the Supreme Court notice was addressed had actually received the mail.

The Commission made the above recommendation based on the fact that it is the obligation of the shelter to protect foreigners who are in the facility, that it must actively guarantee the users a line of communication with the outside world to ensure minimum separation between life at the shelter and life outside. After all, the shelter is meant to protect foreigners awaiting deportation or expatriation under the Immigration Control Act and is not a correctional facility. Also considered was the importance of ensuring that all legal documents and those related with relief procedures reach the hands of those to whom they are addressed.

● Refusal to allow inmates'phone calls in detention facilities

The Commission reviewed the complaint concerning refusal by the warden of XX Prison to allow the complainant to make a phone call, though the latter is allowed to make up to three phone calls a month. It determined that the refusal was not justified, as the purpose of the phone calls did not fall under the reasons to restrict, which are listed in the relevant statutes. Further, the refusal failed to meet the principle of minimum restriction on basic rights, and constituted a violation of the freedom of communication guaranteed under Article 18 of the Constitution and a violation of Article 44 of the Act of Penal Execution and Correctional Treatment. Thus, on 29 September, the Commission recommended that the warden establish and implement a set of criteria for phone usage by inmates to prevent a recurrence of similar human rights violations.

The warden argued that the complainant's phone request was refused because it was inappropriate for him to call public institutions and the prosecution when his complaint could be resolved through counselling with the prison's complaint team or through letters.

● Use of CCTV to monitor inmates in custody

The Commission reviewed the complaint concerning a decision by the warden of XX Detention Center to monitor the complainant in custody using CCTV to prevent him from committing suicide, harming himself, or causing other incidents due to his emotional state. It determined that, unlike other inmates who were detained in similar situations, the complainant was placed in custody in a CCTV-equipped room for approximately four days without any documentation of objective or systematic evaluation of the complainant as a suicide or self-injury risk. The Commission determined that these actions and measures constituted a violation of the complainant's personal rights and right to privacy. Thus, on 23 December, it recommended that the warden establish and operate a systematic mechanism for evaluating risk of suicide or self-injury when deciding to monitor inmates with CCTV.

The Commission's recommendation was that even if it was necessary to monitor an inmate using CCTV so as to prevent suicide or self-injury, such restriction should be minimal and must be based on a detailed review of the validity of each proposal and risk assessment. However, in this instance, no objective evidence was found that this was the case.

D. Protective facilities (facilities for persons with disabilities and mental health care facilities)

● Use of CCTVs in a mental hospital

A complaint was filed stating that the human rights of patients in a mental hospital were being violated because of the CCTVs installed in all areas of the ward, with the exception of toilets and shower rooms.

The hospital operated 123 CCTVs in patients'rooms, stabilization room, hallways, doctor's offices, observation room, treatment room, and dining room. It was found that the hospital staff in the central monitoring room and in the ward nurses'stations were recording the entire ward 24/7 using CCTVs in real time, limiting patients'freedom and privacy of personal life.

On 22 April, the Commission recommended that the hospital director limit installation and operation of CCTVs, except where there was a medical reason for doing so, such as the isolation ward or intensive-care rooms, and to take the necessary measures to ensure that patients'freedom and privacy of personal life were not violated by the CCTVs installed in the ward.

● Request by a patient seeking habeas corpus to meet with attorney denied by hospital

A complaint was received by a patient in a mental hospital that he was denied a meeting with his attorney.

The Commission found that at the time the primary doctor denied the complainant's meeting with the attorney, the complainant did present delusional symptoms but was not in a critical state with noticeable risks to self or to others. It also found that the hospital did not inform the complainant of the attorney's visit nor did they ask him if he wanted to meet with the attorney.

The Commission determined that the complainant, who had filed a petition for a writ of *habeas corpus*, would have no other recourse if his opportunity to seek attorney help was denied, and that the disadvantage arising from the limitation upon the complainant's right to seek his attorney's help for the writ of *habeas corpus* outweighed the medical benefit of psychological stability to be gained by disallowing the meeting.

Hence, on 8 June the Commission recommended that the hospital director initiate a human rights in-service training programme for its staff and that a patient's right to seek his

or her attorney's help for *habeas corpus* not be violated. It also recommended that the local government in charge step up oversight of mental health care institutions under its jurisdiction and prevent a recurrence of similar incidents.

E. State institutions, local governments, and public service-related organizations

● Bullying of an employee at a local government

Defendants 2, 3, and 4 had bullied the victim with continuous abusive language and unfair tasking, all under the connivance of defendant 1 who is the site manager of XX team, XX Department, XX District Office. The family of the victim brought this to the attention of the management, but was ignored, so they filed a complaint to the Commission.

An investigation revealed that defendant 2, 3, and 4 had continuously bullied the victim with abusive language, while defendant 1 took no action to remedy it. The Commission determined that this violated the victim's right to human dignity, i.e. the rights to personal liberty and the pursuit of happiness, guaranteed under Article 10 of the Constitution.

Thus, on 29 September, the Commission recommended that the chief of the XX District Office institute measures to prevent a recurrence of bullying, which had been a consistent practice among the staff of the XX Department, and to organize in-service training of the relevant employees.

● Infringement of freedom of expression by public officials at a local government office

The complainant is the representative of residents of XX Apartment in XX-dong, XX-gu. The XX local residents'alliance, of which she is a member, attended a recent meeting held by the XX District Office. On 14 March 2016, she produced a printout detailing discussions at the meeting for the residents in XX-dong and YY-dong, and placed the printout in their mailbox. However, many of the residents never received the printout. The CCTV feed showed that around 5:30 pm on the following day, two staff from the XX-dong Community Service Center entered the mailbox area and removed the printouts from the mailboxes without permission.

The defendant claimed that the printouts were collected as evidence of defamation, but the

complainant filed a grievance stating that such an act infringed upon the right to know of the residents and the freedom of expression, and furthermore, it might constitute trespassing in a residential building as well as theft crimes.

The Commission determined that the act of removing the printouts that the XX local residents'alliance produced for distribution to the local residents without the permission of the alliance or the residents could violate the complainant's right to freedom of expression guaranteed under Article 21 of the Constitution. Thus, on 7 November, the Commission recommended that the chief of the XX District Office, which supervises the XX-dong Community Service Center, see that the defendant and the public officers working at the center take in-service human rights training sessions to prevent a recurrence of similar incidents.

F. Schools

● Forced urine tests to control smoking at school

The complainant at XX High School was called into the teachers'room on suspicion of smoking, where he was asked to urinate for a urinalysis in the presence of the teacher in charge of discipline. In his complaint, he claimed that the teachers were treating a high school student like a criminal.

While recognizing that, despite the intent of the Elementary and Secondary Education Act and its enforcement decree, as well as the regulations of XX High School to control smoking and to discourage the use of tobacco at school for the purposes of education and order, and that there might be realistic difficulties in enforcing this, the Commissions determined that the regulations of the school only pertained to inspection of student belongings to prevent them from smuggling cigarettes into the school, and could not be interpreted as a basis for conducting a urinalysis to detect smoking.

Even if the urine test was not forced and the student gave his consent, it is difficult to presume that the consent was given on a voluntary basis considering the position of a teacher versus that of a student. Also, having the student urinate in a paper cup in the presence of a teacher is excessive even if it is intended to maintain order in the school. Thus, on 24 February, the Commission recommended that the principal of the school stop urine tests as a means for detecting smoking and to introduce a more human rights-friendly method.

● Restricted use of mobile phones in middle schools and high schools

The Commission received several related complaints. Complainant 1 of A Middle School claimed that the School Life Regulations prohibiting students from carrying or possessing mobile phones in the school prevented him from making urgent calls to his parents; complainant 2 of B High School, complainant 3 of C High School, and another complainant claimed that the Dormitory Operation and School Life Regulations, which prohibit the possession of mobile phones, prevented them from freely communicating with their families and friends on weekdays.

The feedback that A Middle School received from students and their parents regarding the all-out prohibition of mobile phone in the 2012 amendment of the School Life Regulations was 73.0% and 54.9%, respectively, in favour of easing or removing this rule. In the case of B and C high schools, many students were having difficulties making calls when they wanted because there are only four public phones inside the dormitories, while other phones in the schools required teacher permission and a reason for making the call, causing possible privacy issues.

Hence, even though the defendants restricted the use of mobile phones for the benefit of education and public interest, the Commission viewed that they prevented students from communicating with their families and friends for excessive periods of time. For this reason, on 16 May, the Commission recommended that the principals of these schools consider the opinions of school constituents and come up with ways to relax the restrictions.

● Violation of freedom of expression regarding distribution of handouts at school gate

The complainant filed a grievance stating that the disciplinary action taken by the superintendent of the XX Office of Education against him regarding the distribution of a handout at the school gate after school hours violated his freedom of expression. The handout, which criticized the school's restrictive student hair code was part of his campaign to guarantee students'human rights.

The Commission determined that the disciplinary action taken by the school on the grounds that distribution of handouts "is an instigation of students that could cause disorder" constituted an infringement upon the freedom of expression.

The Commission, on 29 September, recommended that the superintendent of the XX Office

of Education organize in-service training sessions focusing on children and student human rights in general for the defendant and all teachers of the school in question to prevent a recurrence in the future.

Section 3. Investigations and Remedies: Discriminatory Acts

1. Complaints received and handled

A. Statistics of complaints received

From the time it was established to the end of 2016, the Commission received a total of 23,410 discrimination complaints, of which the most complaints were related to discrimination in goods and services, at 9,057 cases (38.7%), followed by discrimination in employment at 6,942 (29.7%), and discrimination in use of educational facilities and others at 1,454 (6.2%).

In 2016 alone, 479 (19.7%) complaints were received about discrimination in employment, 861 (35.2%) about discrimination in goods and services, and 257 (10.6%) about discrimination in use of educational facilities and others.

For complaints related to employment discrimination, 156 (32.6%) were related to recruitment and hiring; 114 (23.8%) to wage and non-wage payment; 62 (12.7 %) to retirement age, retirement, and termination; and 54 (11.0%) to education, assignment, and promotion. For complaints related to goods and services, 349 (40.5%) were related to goods, 325 (37.7%) to services, 143 (16.5%) to transportation and commercial facilities.

For complaints related to discrimination at educational facilities and vocational training centers, 249 (96.9%) were related to educational facilities, accounting for the most complaints in this category. This is more than a 2.7 times increase from the 89 complaints received in 2015.

Meanwhile, 835 discrimination complaints were received in the other category, accounting for 34.4% of all discrimination complaints.

[Table 2-2-3] Discrimination complaints received in the last five years

(in number of cases)

Classification		Discrimination in employment													Discrimination in goods and services							Discrimination in use of educational facilities and others			Others
Year received	Total	Recruitment	Hiring	Education	Placement	Promotion	Wage	Non-wage payment	Loan	Retirement age	Retirement	Termination	Others	Sub-total	Goods	Services	Transportation	Commercial facilities	Land	Residential facilities	Sub-total	Educational facilities	Vocational training centers	Sub-total	
Cumulative	23,410	1,219	1,445	108	379	248	903	256	6	233	201	659	1,285	6,942	4,121	3,265	772	629	28	242	9,057	1,373	81	1,454	5,957
2016	2,432	66	90	15	26	13	89	25	-	6	14	42	93	479	349	325	88	55	4	40	861	249	8	257	835
2015	2,187	58	123	14	34	16	141	27	-	9	19	50	104	595	489	298	104	41	2	16	950	89	3	92	550
2014	2,197	65	123	14	47	27	72	41	1	14	15	70	86	575	287	401	101	81	2	18	890	106	3	109	623
2013	2,496	56	158	9	41	15	46	27	2	30	11	53	169	617	449	377	40	83	-	20	969	98	8	106	804
2012	2,549	125	138	11	27	21	112	35	1	58	23	44	178	774	420	473	56	107	1	37	1,094	170	9	179	503

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

B. Complaints by reason

Looking at the entire discrimination-related complaints (a total of 23,410) received by the Commission from the time it was established to December 2016 and analyzing them by reason, 10,970 complaints were related to disabilities, accounting for 46.9%. This was followed by discrimination for reasons other than the 20 specified in the table, which stood at 3,201 (13.7%). Sexual harassment-related complaints totaled 2,184 (9.3%), followed by discrimination for social status reason at 1,904 (8.1%). In 2016, the trend was generally similar to that observed in 2015, with a continuous rise in discrimination complaints for sexual harassment over the last five years.

[Table 2-2-4] Complaints received by reason of discrimination in the last five years

(in number of cases)

Year received	Total	Gender	Pregnancy Birth	Marriage	Appearance	Family status	Sexual harassment	Disability	Age	Social status	Country of origin	Ethnicity	Race	Skin color	Religion	Place of origin	Ideology	Criminal record	Sexual orientation	Academic background	Medical history	Others
Cumulative	23,410	734	225	109	301	172	2,184	10,970	1,500	1,904	374	15	107	16	162	135	44	199	81	584	393	3,201
2016	2,432	91	8	13	17	22	199	1,489	97	87	27	-	8	1	15	8	8	10	3	22	31	276
2015	2,187	65	21	10	23	12	203	1,146	98	117	23	-	10	4	6	8	2	10	11	23	17	378
2014	2,197	64	14	6	21	15	235	1,139	103	158	48	3	18	2	15	19	-	13	11	36	28	249
2013	2,496	64	18	5	31	23	240	1,312	142	146	35	-	18	1	11	13	4	19	8	124	39	243
2012	2,549	45	27	6	40	8	228	1,340	166	185	9	1	1	1	12	6	2	20	15	47	34	356

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

C. Statistics of complaints handled

From the time it was established to the end of 2016, the Commission received a total of 23,410 discrimination complaints, of which 22,627 (96.7%) were closed.

Of those closed, 1,987 (8.8%) were admitted and 20,482 (90.5%) dismissed. Of those that were admitted, 1,248 complaints, or 5.5% of the total, resulted in a recommendation for institutional improvement, human rights education, or disciplinary action, with the discriminatory acts recognized as having infringed on the rights to equality. Also, 691 complaints, or 3.1%, were closed through consensual agreement among the parties involved during investigation.

The number of cases reaching a settlement through the conciliation process stipulated under Article 42 of the NHRC Act was 34, while in 14 cases the Commission requested a criminal investigation or reported criminal charges, because criminal punishment was deemed necessary.

The number of complaints dismissed for lack of objective evidence materials, for not being

a discriminatory act, or for not requiring special remedies was 6,740 (29.8%). Those rejected because the complaint was dropped or remedial actions were already underway under different statutes totaled 13,613 (60.2%).

Looking at the discrimination complaints handled in 2016, 70 cases resulted in a recommendation for institutional improvements, human rights education, or disciplinary action. Of these, 19 were related to disabilities, 19 to sexual harassment, 8 to age, and 5 to race. Also, 36 discrimination complaints were closed by settlement among the parties involved.

[Table 2-2-5] Discrimination complaints handled in the last five years

(in number of cases)

Year	Received	Handled	Accepted						Not accepted				Investigation suspended
			Sub-total	Charged or investigation requested	Disciplinary action recommended	Recommendation	Closed by settlement	Conciliation	Sub-total	Rejected	Transferred	dismissed	
Cumulative	23,410	22,627	1,987	14	17	1,231	691	34	20,482	13,613	129	6,740	158
2016	2,432	2,407	117	2	4	66	36	9	2,290	1,669	12	609	-
2015	2,180	2,016	78	-	5	36	36	1	1,929	1,338	7	584	9
2014	2,197	2,223	162	2	2	62	95	1	2,034	1,273	7	754	27
2013	2,496	2,858	216	1	1	101	111	2	2,621	1,631	11	979	21
2012	2,549	2,559	216	1	2	170	41	2	2,321	1,312	2	1,007	22

* Handled cases: Cases received and closed in 2016 + cases that were carried forward and closed
* Of the cases rejected, the cumulative total of those dropped by the complainant is 8,217, with 1,082 dropped in 2016.
* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

[Table 2-2-6] Discrimination complaints by reason and by resolution in 2016

(in number of cases)

Reason	Total	Charged	Investigation requested	Disciplinary action recommended	Recommendation	Closed by settlement	Conciliation	Rejected	Transferred	dismissed
Total	2,407	1	1	4	66	36	9	1,669	12	609
Gender	87	-	-	-	3	1	-	38	-	45
Pregnancy or birth	11	-	-	-	1	-	-	8	-	2
Marriage	3	-	-	-	-	-	-	2	-	1
Appearance or physical conditions	10	-	-	-	2	-	-	7	-	1
Family status	14	-	-	-	-	-	-	13	-	1
Sexual harassment	173	1	1	4	15	4	4	121	2	21
Disability	1,638	-	-	-	19	29	3	1,197	7	383
Age	79	-	-	-	8	-	-	31	-	40
Social status	72	-	-	-	3	1	-	45	1	22
Country of origin	26	-	-	-	1	-	-	14	-	11
Race	10	-	-	-	5	-	-	3	-	2
Skin color	2	-	-	-	2	-	-	-	-	-
Religion	11	-	-	-	-	1	-	7	-	3
Place of origin	4	-	-	-	-	-	-	2	-	2
Ideology or political views	5	-	-	-	1	-	1	2	-	1
Criminal record	7	-	-	-	-	-	-	3	-	4
Sexual orientation	3	-	-	-	-	-	-	2	-	1
Academic background	17	-	-	-	2	-	-	10	-	5
Medical history	23	-	-	-	1	-	-	14	-	8
Others	212	-	-	-	3	-	1	150	2	56

* Of the cases rejected, 1,082 were dropped by the complainant.

2. Major complaints

A. Gender discrimination

● Gender discrimination in hiring, including forced resignation because of upcoming marriage

While investigating a complaint from a female employee of liquor company XX who was forced to resign because of her upcoming marriage, the Commission identified gender discriminatory practices in the company's overall personnel management, and considering the severity of the issue, carried out an *ex officio* investigation.

The investigation revealed that the company had forced female employees to resign because they were going to marry, and furthermore that there was only one female employee among the 170 employees in the sales and administrative positions, all key positions in the company. Female employees were also found to be in lower ranking positions compared to their male counterparts, and excluded from promotion to manager positions or higher. Moreover, the company did not allow women to take family leaves related to their mother's side.

On 25 May the Commission recommended that the company establish a corrective action plan, and establish and implement fair, gender-equal personnel management criteria.

● Exclusion of women from military scholarship

The complainant filed a grievance against the military scholarship programme because it was open only to male students in all services, blocking the application of female students.

An investigation revealed that the military scholarship programme as prescribed in the relevant statute did not restrict gender eligibility. However, it was determined that, in practice, the military does in fact block applications from female students.

Thus, on 22 December, the Commission made a recommendation to the Minister of National Defense to improve the military scholarship selection system so that women are not excluded from applying for the scholarship.

B. Appearance discrimination

● Appearance discrimination in a hotel's temporary worker hiring process

The complainant applied for a temporary job at a hotel banquet function. He got a call from the hotel manager that he had gotten the job, but when he arrived for work, the manager saw that he was bald, at which time the applicant was told he would not get the job.

The Commission determined that refusing to hire based on the conclusion that baldness is not an appropriate appearance for hotel service, and especially given that hair loss is a natural phenomenon that is difficult to control, was discriminatory.

Hence, on 31 August, the Commission recommended that the hotel come up with measures to prevent a recurrence of this incident, namely, refusing to hire based on reasons of appearance, which has no bearing on the requirements of the job.

C. Disability discrimination

● House rental denied for reason of hearing disability

Having to move out of his residence before the expiration of his lease, the complainant found a potential tenant through a mobile real estate transaction application and introduced him to his landlord. The landlord refused to enter into a contract with the victim, however, because he was hearing impaired.

The smartphone text message that the landlord sent to the complainant while reviewing the lease contract with the victim at the real estate agent's office, and testimony obtained through investigation showed that the landlord's refusal to enter into a contract with the victim was because of the victim's hearing disability.

The landlord failed to present justification for not renting his property to the victim other than the fact that there would be difficulty in communication. The Commission determined that the landlord's refusal to rent to the victim was an act of disability discrimination without justifiable reason. Hence, on 17 February, it was recommended by the Commission that the landlord take a special training session on human rights.

- Human rights violation through collection and use of personal information of call taxi users without permission

The Commission received a complaint that the XX Taxi Federation of XX City was collecting personal information of call taxi users—such as number of persons on board, point of departure, destination, travel time, and purpose of visit—without their permission. The information was collected to use as statistics for call taxi operation.

An investigation revealed that the organization was collecting and using the personal information of taxi passengers without legal grounds and had not established any rules or guidelines regarding this practice. The Commission found that the organization, entrusted by XX City to operate special transportation for the visually impaired to support their daily movement needs, did not have established regulations for the collection, use, management, and disposal of the users'personal information but yet was collecting and using their personal information without consent, thus violating the right to freedom and personal privacy, as set out under Article 3 and Article 15 of the Personal Information Protection Act.

Hence, on 13 May, the Commission recommended that the organization comply with the principles for personal information protection to ensure that it does not violate the Personal Information Protection Act, and, establish a training programme for all its employees focusing on human rights, the right to personal privacy and personal information protection. It also recommended that the municipal government of XX City strengthen oversight of the organization and establish measures to prevent a recurrence of similar incidents.

D. Age discrimination

- Age discrimination in hiring flight attendant crew

The complainant filed a grievance stating that in 2014, XX Airline had discriminated against flight attendant job applicants who were over 33 years of age by dropping them in the first paper screening.

The Commission referred to statistics experts for analysis. The analysis result showed that, if there had been no age discrimination, the probability that the age distribution of successful applicants would be the same as the actual age distribution was only 0.66%. In this connection,

the Commission determined that age was not a necessary condition for flight attendant job performance as their duties entailed offering passenger services and ensuring their safety.

Hence, on 31 August, the Commission recommended that XX Airlines come up with remedial plans to ensure that applicants were not disadvantaged because of their age in the flight attendant hiring process in Korea.

E. Discrimination based on ideology or political belief

- Discriminatory questioning about political preference during a job interview at a public service-related organization

In a job interview with XX Institute, the complainant was asked whether he was conservative or progressive. He filed a complaint that such a question was discriminatory and irrelevant to his qualifications for the job.

An investigation revealed that an interview board member did in fact ask such a question. The Commission viewed that possibly discriminatory questions should be prohibited regardless of their intention, as it is very difficult to prove discriminatory intent during an oral interview.

The Commission determined that asking an interview question about political preference is discrimination based on ideology or political belief. Hence, on 21 September, it recommended that the director of XX Institute come up with ways to prevent a recurrence and to ensure that discriminatory questions irrelevant to job performance capability are not asked during the hiring process.

F. Discrimination for other reasons

- Restrictions placed on school qualification in recruitment of local public officials

The complainant filed a petition that he was ineligible to apply for the local public official recruitment examination owing to a restrictive eligibility criteria (requiring that both the school and residence of the applicant be located in the area of jurisdiction of the recruiting entity). The said examination is designed to hire graduates of specialized vocational high schools and Meister high schools from the area of jurisdiction.

While recognizing that the intent of the said recruitment examination is for the central or local governments to hire outstanding high school graduates from a given area to change the hiring practice that focuses on academic background, the Commission considered the fact that freshmen of specialized vocational high schools and Meister high schools are recruited from around the nation.

The Commission determined that the restrictive qualification allowing only those who graduated from a school and resides in a given area of jurisdiction constituted a discrimination without a justifiable reason and unduly limits an applicant's right to take public office. Hence, on 25 May, it recommended that the head of the local government abolish the restrictive eligibility criteria.

Section 4. Human Rights Counselling and Complaints

In 2016, the Commission received 10,636 complaints, 31,608 counselling requests, and 38,020 requests for information (institutions subject to Commission investigations, complaint filing procedures, and information on other institutions). This represents 59 (0.5%) and 422 (1.3%) less complaints and counselling requests, respectively, compared to the previous year. Information requests remained at a similar level to that of the previous year, with 59 more requests received (0.2%).

[Table 2-2-7] Complaints, counselling, civil petitions, and inquiries in the last five years

(in number of cases)

Year	Complaint	Counselling	Civil petition / Inquiry	Total
Cumulative	110,565	300,268	382,582	793,415
2016	10,636	31,608	38,020	80,264
2015	10,695	32,030	37,961	80,686
2014	10,923	34,547	36,623	82,093
2013	10,056	35,508	36,670	82,234
2012	9,582	29,267	30,943	69,792

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016 (counselling statistics include face-to-face complaints that were closed through counselling).

1. Human rights counselling

From the time it was established in 2001 until the end of December 2016, the Commission had processed a total of 300,268 counselling requests. In 2016, the number was 31,608, a slight decrease of 1.3% over the previous year. By topic, 45.6% of requests were related to human rights abuses, 8.0% discrimination cases, 43.2% other issues, and 3.2% face-to-face complaint counselling. Other issues include property rights, violations between private individuals, legislation by the National Assembly, and court proceedings.

[Table 2-2-8] Counselling by type in the last five years

(in number of cases and percentage)

Classification / Year	Cumulative	Human rights abuse		Discrimination		Others		Face-to-face complaint closed by counselling	
Cumulative	300,268	115,596	38.5	26,019	8.7	134,308	44.7	24,345	8.1
2016	31,608	14,421	45.6	2,530	8.0	13,661	43.2	996	3.2
2015	32,030	14,083	44.0	2,660	8.3	14,130	44.1	1,157	3.6
2014	34,547	13,859	40.1	2,974	8.6	16,531	47.9	1,183	3.4
2013	35,508	13,787	38.8	2,978	8.4	17,421	49.1	1,322	3.7
2012	29,267	11,823	40.4	2,529	8.6	13,549	46.3	1,366	4.7

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

2. Complaints

Since its inception in November 2001, the Commission received a total of 110,565 complaints, of which 84,939 (76.8%) were related to human rights abuses, 23,410 (21.2%) discrimination, and 2,216 other issues (2.0%). Of the 10,636 complaints received in 2016, 8,167 cases were related to human rights abuses, and 2,432 (22.9%) to discrimination. With the inclusion in 2012 of private schools and public service-related organizations on the Commission's list of organizations subject to investigation, over 10,000 complaints have been received annually since 2013.

[Table 2-2-9] Complaints by type in the last five years

(in number of cases and percentage)

Classification / Year	Cumulative	Human rights abuse		Discrimination		Others	
Cumulative	110,565	84,939	76.8	23,410	21.2	2,216	2.0
2016	10,636	8,167	76.8	2,432	22.9	37	0.3
2015	10,695	8,500	79.5	2,187	20.4	8	0.1
2014	10,923	8,708	79.7	2,197	20.1	18	0.2
2013	10,056	7,457	74.2	2,496	24.8	103	1.0
2012	9,582	6,946	72.5	2,549	26.6	87	0.9

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

3. Face-to-face complaints

Pursuant to Article 31 of the NHRC Act, the Commission sends a commissioner or a staff member to detention or protective facilities to receive an oral or written complaint from facility detainees if the latter wants a face-to-face meeting with the Commission. This mechanism is designed to guarantee a detainee the right to complaint.

From the time the Commission was established until December 2016, there were 51,398 face-to-face grievances received from complainants in detention and protective facilities, of which 51,106 have been closed and 292 are ongoing. Of those that were closed, 13,408 (26.2%) were formally accepted as complaints, 24,345 (47.7%) were closed through counselling, and 13,353 (26.1%) were dropped by the applicant. The largest majority of face-to-face meetings were inquiries about a complaint already filed, or investigations or lawsuits in which, according to the NHRC Act, the Commission could not be involved.

Thanks to the facilitation of postal mail complaints, which started from 2010, more complainants filed by mail than through face-to-face meetings, contributing to a continuous drop in face-to-face complaints from 3,070 in 2012 to 2,619 in 2016. This change has improved the efficiency of the face-to-face channel.

[Table 2-2-10] Face-to-face complaints applied for and handled in the last five years

(in number of cases and percentage)

Classification / Year	Carried forward	Applied for	Closed						
			Sub-total	Withdrawn		Complaint received		Closed by counselling	
Cumulative	-	51,398	51,106	13,353	26.1	13,408	26.2	24,345	47.7
2016	144	2,619	2,471	980	39.7	495	20.0	996	40.3
2015	213	2,658	2,727	916	33.6	654	24.0	1,157	42.4
2014	218	2,874	2,836	966	34.1	687	24.2	1,183	41.7
2013	202	3,068	3,095	992	32.0	781	25.3	1,322	42.7
2012	201	3,070	3,069	989	32.2	714	23.3	1,366	44.5

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

4. Civil petitions and inquiries

With a total of 19,416 civil petitions processed by the Commission in 2016, the growing number of petitions processed shows the growing reputation of the organization. In terms of platforms used for petitioning, Internet (official webpage or email) was the primary means with 7,934 cases (40.9%) out of a total of 19,416, followed by the online portal system for public petition with 6,286 cases (32.4%), and mail or fax cases totaling 5,035 (25.9%).

[Table 2-2-11] Complaints received and handled by channel in the last five years

(in number of cases and percentage)

Classification / Year	Total	Postal mail/Fax		Internet		Presidential Secretariat		e-People		Others	
Cumulative	148,191	40,539	27.4	84,298	56.9	658	0.4	22,189	15.0	507	0.3
2016	19,416	5,035	25.9	7,934	40.9	44	0.2	6,286	32.4	117	0.6
2015	14,677	4,748	32.3	7,237	49.3	30	0.2	2,552	17.4	110	0.7
2014	14,293	4,940	34.6	7,275	50.9	14	0.1	2,037	14.3	27	0.2
2013	13,222	3,321	25.1	7,018	53.1	15	0.1	2,839	21.5	29	0.2
2012	12,213	3,017	24.7	6,845	56.0	57	0.5	2,263	18.5	31	0.3

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

Chapter 3 Education and Promotional Activities for Shaping Favorable Human Rights Conditions

Section 1. Overview

In view of raising public awareness about human rights, the Commission carries out human rights education and promotional activities based on subparagraph 5, Article 19 of the NHRC Act. People can enjoy their rights only when they know what their rights are. Thus, educational programmes or promotional activities can be conducive to creating a society in which human rights are respected and people are treated equally. Prompted by the recent increase in public interest in human rights education in businesses, the legal requirement for education to improve the public perspective on disabilities, and the particularly high interest in social inequality and hate crimes in 2016, the Commission conducted various educational and promotional programmes to effectively address this situation.

Human rights education

Given the political situation that makes the enactment of the Human Rights Education Support Act challenging, another way of shaping institutional arrangement for human rights education is to plan for the establishment of the Human Rights Training Institute. Through this planning effort, the Commission was able to shed light on the need for this type of organization. Also, given the increasing demand for human rights education, the reinforcement of the human rights instructor training programme is significant in that it lays the foundation for a stable and appropriate use of human rights instructors.

The Commission also strengthened its network for cooperation on human rights education. These efforts include development of human rights education content by topic, joint educational programmes with relevant organizations, hosting of meetings of the special committee for human rights education and council meetings, and establishment of an educational council for training on the human rights of persons with disabilities. In addition, four regional human rights education centers were revitalized to enhance accessibility to human rights education and raise the quality of the programmes.

PR activities

Parallel with human rights education, the Commission was actively engaged in promotional activities to raise the public's human rights sensibility and awareness. For example, it disclosed a total of 170 press releases on its policy recommendations, investigation results, programmes and activities, and major issues, and posted them on its webpage to inform the public. It also responded to over 700 requests for interviews with the press and provided the media with materials, ensuring that its views and programmes would be effectively disseminated to the public.

The Commission also held the 5th Human Rights Award Ceremony in 2016, making it an annual event. On the 68th anniversary of the Universal Declaration of Human Rights and on its own 15th anniversary, it designated the period from 25 November, the date the Commission was established, to 10 December, the date of the Universal Declaration of Human Rights, the Human Rights Week. During this period, the Commission ran radio ads, operated a PR booth in Myeongdong, and held events to commemorate the Universal Declaration of Human Rights, while promoting its activities online, distributing printouts, and showing videos.

The Human Rights Essay Contest was also held, this time inviting essays, webtoons, and advertisement proposals (theses were not accepted). On the occasion of the 14th year of human rights film production, the Commission aired the movie *Fourth Place,* a sports-related film focusing on human rights, and an omnibus film *If You Were Me* to support the distribution of human rights films.

Section 2. Key Progress

1. Institutionalization and foundation for human rights education

A. Institutionalizing human rights education in schools, public sector, and civil society

Article 26 of the NHRC Act stipulates that human rights education is a main task of the Commission. As the only state organization in Korea in charge of human rights education, the Commission, monitored human rights education in 2016, to ensure that they are offered in public institutions, educational institutions, protective facilities, and various other domains, while analyzing relevant statutes and making policy recommendations.

The Commission worked to institutionalize human rights education by making recommendations to the Ministry of Health and Welfare regarding the enactment and revision of statutes to make human rights education mandatory for staff and the elderly in geriatric care facilities and long-term sanatoriums, and also recommending legislative improvement for more efficient education targeting persons with disabilities assistants.

The Commission also conducted inspections of public official education and training institutes, teacher training institutes, and colleges to monitor the status of human rights education in different domains. In line with the United Nations'second phase of the World Programme for Human Rights Education, it inspected 365 state, public, and private colleges in Korea to check the status of available human rights programmes and/or make requests for new lectures. This initiative helped strengthen human rights education at the college level, with approximately 300 colleges responding.

The Commission reached out to 64 public official and teacher training institutes for a human rights education audit, and 55 of them (or 86%) responded. The findings showed a quantitative growth in human rights education, with programmes mainly focused on human rights public administration (case studies of human rights in local governments, and human rights in judicial administration, etc.), human rights 101 (human rights sensibility, understanding of human rights, etc.), and women's rights (prevention of sexual harassment and sexual violence, etc.). The survey results will be used for reinforcing human rights education.

[Table 2-3-1] Human rights education by area

(in number of sessions and participants)

Area	2015		2016	
	Sessions	Participants	Sessions	Participants
Human rights 101	199	19,271	157	23,694
Public administration in human rights	202	14,930	126	11,224
Children and teenagers	25	2,581	34	3,040
Persons with disabilities	57	3,487	32	2,112
Rights of women	146	17,216	88	7,902
Multi-cultural	115	9,354	52	21,118
Total	744	66,839	489	69,090

On 10 December 2004, the General Assembly of the United Nations proclaimed the establishment of the World Programme for Human Rights Education to advance the implementation of human rights education programmes in all sectors. The third phase of the programme (2015-2019) extends human rights education to press and media personnel. In this connection, the Commission published the Media Human Rights Guide, shaping conditions for enhanced understanding of the third phase of the programme.

Domestically, eight laws, including the Mental Health Act, Act on Support for Welfare and Self-Reliance of the Homeless, etc., and Framework Act on Military Status and Service, legally mandate human rights education. This has helped continuously advance public awareness and increase the demand for human rights education. Moreover, it has required the Commission to lay the foundation for human rights education to be carried out in a systematic and effective way, all the while meeting their intended purpose and international standards. To this end, the Commission commissioned a study for establishment of the Human Rights Training Institute.

B. Enhancing human rights education in schools, including monitoring of textbooks

The Commission held a human rights-friendly textbook development workshop with human rights personnel in municipal and provincial governments, teachers, and textbook writers. The workshop presented examples of discriminations and human rights abuses in elementary, junior high, and high school textbooks, and outlined a set of criteria to make textbooks more human rights-friendly. The Commission also participated in a textbook screening session hosted by the Korea Institute for Curriculum and Evaluation in an advisory and editorial capacity. The Commission was able to correct or rewrite contents or illustrations that are not up to human rights standards, while opening a channel of consultation with education authorities.

C. Fostering of human rights instructors

Since its inception, the Commission has managed programmes to foster human rights instructors to lay the foundation for advancing human rights education across society.

In 2016, the programme was further expanded to include more classes in issues related to infants, persons with disabilities, immigrants, homeless, mental health care, sports, and children. Areas related to the elderly, social welfare, and development disabilities were also newly added. The Human Rights Offices also conducted some educational programmes to facilitate human rights education in the local communities.

Upon completion of the instructor training programme, an independent panel of judges comprising human rights (education) specialists evaluated the instructors based on their lecture presentations. In total, 229 instructors were appointed.

2. Establishment of domestic and international networks of cooperation for human rights education

The Commission worked to establish a domestic and international networks of cooperation to advance implementation of human rights education. In view of strengthening a network of cooperation with the relevant human rights education organizations, the Commission organized the military human rights education meeting, school human rights education meeting, homeless

human rights education meeting, older person human rights education meeting, infant human rights education meeting, and college human rights education meeting, to discuss about human rights education for personnel in the respective areas.

The school human rights education meeting was attended by human rights specialists from the Ministry of Education and 17 education offices at the municipal or provincial level. The participants discussed ways to promote interagency cooperation by sharing best cases and key programme contents.

The college human rights education meeting made a status-check of human rights education in colleges and agreed on close cooperation between the Commissin and colleges. At the older person human rights education meeting, a request was received regarding efforts by the Commission to make way for institutional arrangements for human rights education. The meeting also recommended legislation for more human rights education pertaining to older persons. At the infant human rights education meeting, consultation was held with the relevant local government officers to ensure that childcare personnel receive proper human rights education.

The Commission convened a meeting of the special committee for human rights education two times (3 August and 8 December) to hear about future considerations and programme directions.

In line with the rising interest in human rights in local governments following the enactment of the Human Rights Ordinance, the Commission hosted the 2nd Korean Human Rights Conference (24-25 March, Resom Spa Castle in Deoksan, Chungcheongnam-do Province) jointly with the Korea Human Rights Foundation. At the World Human Rights Cities Forum (Gwangju), human rights promotion workshops (Ulsan), and other municipal or provincial human rights education events, the Commission presented guidelines for technical support and education to ensure consistency in human rights education.

The Commission also signed MOUs with the education offices of metropolitan cities to create human rights-friendly culture in schools. In addition to the existing MOUs signed with the Daegu Education Office, Seoul Education Office, Gwangju Education Office, Gangwon Province Education Office, Gyeongsangnam-do Province Education Office, and Daejeon Education Office, the Commission signed an MOU with the Busan Education Office in 2016.

As a follow-up, the Commission established a plan to implement the MOUs with metropolitan municipal governments and their education offices, strengthening its role as a control tower. In 2016, it also signed an MOU with the Jeollabuk-do provincial government, Daejeon metropolitan government, and organized joint human rights education programmes.

Meanwhile, the Commission took part in the 7th International Human Rights Education Conference (Santiago Chile, 11-17 December) to share information on issues related to human rights education and establish an international network for cooperation. Notably, the Commission strengthened its mutual cooperation with the Chilean Human Rights Commission, by providing it with relevant educational materials from Korea to help the organization strengthen human rights education in elementary and secondary education.

The Commission also resumed the Human Rights Education Forum, which had been suspended after the meeting in 2011. The forum reported the current status of human rights education in the public sector and discussed future directions. The forum participants, including human rights officials in local governments, civil human rights group personnel, and human rights instructors, shared their opinions on human rights education. Also, in view of a sustainable development of the society, which is a newly emerging human rights topic, the Sustainable Development Goals (SDGs) and Human Rights Forum and the Debate on Human Rights Education for Care-givers were also co-hosted to raise awareness on new human rights issues and lay the foundation for human rights education cooperation with civil groups.

3. Expansion of human rights education through human rights education centers

In 2016, the Commission organized 3,702 human rights sessions (for 207,619 persons) of various types, including training programmes, visiting programmes, cyber human rights education, and special human rights lectures. This represents a significant increase over the previous year, with 47.5% and 42.9% increase in the number of sessions and audience size, respectively.

An important factor behind this quantitative growth is the systematic and standardized operation of human rights education. In addition, the amendment of the Act on Welfare of

Persons with Disabilities, effective as of 30 June 2016, made education to improve perception of persons with disabilities mandatory. This has likely led to a rapid increase in the number of people taking collective education and cyber education on human rights.

The Commission also organized 734 sessions (with 33,953 persons) for human rights instructor training and human rights sensibility improvement for schools, public sector, and general public. Compared to the previous year, this represents a 67.6% and 83.8% increase in the number of education and the number of programme participants, respectively.

[Table 2-3-2] Human rights education statistics in the last five years

(in number of sessions and participants)

Classification	Total		Training curriculum		Visiting programme		Cyber programme		Special human rights lecture	
	Sessions	Participants	Sessions	Participants	Sessions	Participants	Sessions	Participants	Sessions	Participants
Cumulative	16,608	1,239,098	2,560	116,093	1,656	42,447	2,005	263,753	10,387	816,805
2016	3,702	207,619	734	33,953	380	5,930	828	71,434	1,760	96,302
2015	2,509	145,322	438	18,468	239	9,194	353	34,635	1,479	83,025
2014	2,334	164,075	334	14,325	206	4,926	288	34,744	1,506	110,080
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

* The cumulative figures total the numbers from the time the Commission was established (25 November 2001) to 31 December 2016.

4. Development and distribution of educational and promotional contents

A. Development and distribution of human rights educational contents

The Commission published human rights educational materials, including the *Media Human Rights Guide* and *Sports meet Human Rights*, and produced a standard curriculum in this respect. To support the development of human rights textbook, the Commission conducted preliminary research for development of human rights textbooks for children and teenagers, human rights textbooks for parents, human rights textbooks for older persons, and human

rights textbooks with illustrations. As a result, it developed three types of cyber human rights educational content, which are *Sports and Human Rights*, *Business and Human Rights*, and *All Kinds of Stories (1, 2)*. Notably, it published three human rights essays to enhance the public's human rights sensibility, and these include *Human Rights with Illustrations* and *Children Rights for Parents*.

B. Development and distribution of human rights promotional contents

1) Film distribution

In 2016, the production of human rights films was suspended due to budget cuts. Efforts went into opening and distributing previously made films. The Commission opened both *Fourth Place* and *If You Were Me* produced in 2014 and 2015, respectively, in an effort to raise public interest in human rights movies.

The movie *Fourth Place*, the 12th human rights movie, is about elite sports and violence. The movie set the stage for revisiting human rights in the sports domain. The movie opened in 213 theaters nationwide on 13 April. It received many group viewing requests from the National Assembly, Seoul Education Office, Eunpyeong-gu District Office, and Nowon-gu District Office, and was highly appraised abroad with showing at the Shanghai International Film Festival and International Film Festival Karlovy Vary.

The third human rights movie *If You Were Me* was invited to the 17th Jeonju International Film Festival. It opened on 4 June in 35 theaters nationwide.

2) Human rights essay contest (theses, advertisements, and essays)

Every year, the Commission organizes various types of contests on human rights topics to expand public awareness on the importance of human rights and their value, which must be preserved in all areas of human life.

In 2016, a total of 387 entries were received, including 228 essays (students and general public categories) and 159 media works (photos, webtoons, and UCC). Through preliminary and final screenings, a total of 33 submissions were selected for an award. The awarded essays were published in the 2016 Human Rights Essay Collection and distributed to libraries, human rights

offices, and human rights organizations. The awarded media (photos, webtoons, and UCC) were placed on exhibit at the Human Rights Week event and the Universal Declaration of Human Rights event. They were also published on new media channels such as the Commission's facebook, Kakao Story, and blogs, and used as educational and promotional materials to promote human rights.

5. Operation of human rights libraries

The human rights libraries facilitate research, collection, analysis, and preservation of human rights-related information and materials, offering reading and loan services, registering, managing, and preserving Commission publications and engaging in exchange and cooperation with other libraries in Korea and abroad. A variety of human rights information is available on library websites.

[Table 2-3-3] Human Rights Library collections

Type of material	Collection	Type of material	Collection
Book	30,368 types 42,434 volumes	e-Journal	3,102 types
Nonbook	4,468 types 6,930 pieces	Web-DB	8 types (6 types of academic data / 2 types of legal data)
Periodical	102 types	e-Book	1,883 volumes

In cooperation with human rights offices, the Commission operates annex libraries (Busan, Gwangju, Daegu, Daejeon) to offer membership and free delivery services for older persons and persons with disabilities, and to expand human rights library services for local residents. This initiative is an effort to make access to and use of human rights information convenient for all population.

The Commission has organized showings of human rights films and children's human rights books exhibitions every year in various parts of the nation. This effort is aimed at making human rights issues more relevant to the general public. Since 2012, it has organized in-school programmes on human rights for elementary, junior-high, and high-school students, and citizens with an interest in human rights issues.

6. Promotional activities to enhance awareness

A. Promotion through media

In 2016, the Commission distributed a total of 170 press releases to the media, posting them on its website and other online platforms. The press releases helped announce through newspapers, TV, SNS, Internet, and other media channels the various human rights agenda investigated and remedied by the Commission, and its pending policy issues. This has contributed to raising public interest and understanding of human rights and creating a social consensus.

To raise the efficiency of its public affairs activities with the media and to share a heightened internal awareness on these activities, the Commission produced a media public affairs manual and distributed to all departments. It also conducted media training consisting of theory and practice for department chiefs in order to raise their crisis management competitiveness and awareness of current issues.

B. Universal Declaration of Human Rights and Human Rights Week celebrations

The Commission operated a human rights exhibition booth in front of the Shinhan Bank's Financial Center in Myeongdong from 6 December to 8. The booth featured a human rights counselling booth and various interesting exhibitions for people to learn about human rights, allowing a large number of Myeongdong visitors to think about human rights.

The celebration of the 68th Universal Declaration of Human Rights and the 15th anniversary of the Commission held on 9 December at the KBS Art Hall was a great success, with the presence of the Speaker of the National Assembly, Chief Justice of the Supreme Court, Chief Justice of the Constitutional Court, as well as foreign envoys from ten countries, including the Ambassadors of Germany, Finland, and Uzbekistan.

The Korea Human Rights Award Ceremony was also held in tandem. The award went to Father Park Mun-su and activist Lee Gyeong-hye. Awards also went to individuals and groups involved in human rights activities.

C. Publication of the *Human Rights* Magazine

With the first issue published in August 2003, the *Human Rights* magazine turned from a monthly to a bi-monthly publication from 2007. In December 2016, the 107th issue was published. The magazine is available as a monthly webzine for increased public access. The webzine is also printed every two months in 3,500 copies for distribution to senior welfare facilities, senior care facilities, and children welfare facilities where mobile access is limited.

In 2016, the main content covered by the *Human Rights* magazine includes special editions on current human rights issues, special features on Commission's policy matters, and various human rights-related topics that is easy and fun to read.

D. Human Rights Reporting Award

On 23 September 2011, the Commission established human rights reporting standards jointly with the Journalists Association of Korea to advance the standards of human rights coverage by the media and promote proper practice. Since 2012, the two organizations have held the Human Rights Reporting Award every year to help the standards take root. At the 5th awards in 2016, a total of 31 entries were received, including 11 daily articles, 18 television reports, and 2 Internet reports. Following two screenings, five were selected for awards.

Chapter 4 Exchanges and Cooperation in Korea and Abroad

Section 1. Overview

Pursuant to the Principles relating to the Status of National Institutions and subparagraphs 8 and 9 of Article 19 of the NHRC Act, the Commission is striving to safeguard and promote human rights through exchanges and cooperation with human rights groups, individuals, and human rights-related international organizations at home and abroad.

Exchange and cooperation with domestic human rights groups

In 2016, the Commission worked with human rights organizations in the Gangwon Province region to set up human rights offices in areas without an established presence. Meetings with human rights organizations and civil groups in Wonju and Chuncheon helped raise interest in the Commission activities and human rights. Notably, the workshop with human rights activists and civic activists in Gangwon helped strengthen regional networks, raise human rights sensitivity, and share information regarding the role and importance of human rights offices. The Commission will continue to maintain a close cooperation with relevant organizations in Gangwon Province and offer its support for active human rights advocacy in the region prior to the opening of the Gangwon Human Rights Office in 2017.

In view of expanding the foundation for cooperation, the Commission organized a meeting with the human rights club federation of law schools to enhance their understanding of the Commission's activities and position regarding major human rights issues.

In order to strengthen the network with human rights groups and identify new human rights issues, the Commission implemented a joint programme to extend state funding for key human rights goals by these human rights groups. The total amount of funding for this purpose was 115 million won for 14 initiatives, including development of communication tools to support a human rights survey of persons with disabilities in care facilities and organizing a human rights fair in Wonju.

Exchanges and cooperation with international organizations and NHRIs

The Commission was actively involved in exchanges and cooperation with national human rights institution (NHRIs) through the Global Alliance of National Human Rights Institutions (GANHRI) and the Asia Pacific Forum of National Human Rights Institutions (APF).

The accreditation of "A" status by GANHRI helped raise the Commission's status as a national human rights institution in line with the Paris Principles. Notably, the Commission became the chair of the GANHRI Working Group on Ageing, leading international activities for topics related to human rights of older persons. For implementation of the initiatives for promoting the human rights of older persons adopted at the ASEM Summit in 2014, the Commission hosted the ASEM Expert Forum on Human Rights of Older Persons from 15 June to 16, 2016, as a follow-up to the ASEM Conference on Global Ageing and Human Rights of Older Persons in 2015. The expert forum was attended by ministers, vice ministers, assistant secretaries, and Ambassadors from ASEM member states, as well as experts from international organizations, NHRIs, and domestic and international NGOs. A total of 266 representatives from 36 countries held in-depth discussions about ways to promote human rights of older persons.

In view of strengthening exchanges and cooperation with NHRIs, the Commission visited the NHRIs in Denmark and the Philippines, as well as the Raoul Wallenberg Institute in Sweden, gaining a better understanding of the activities of key NHRIs and renowned institutes. It also invited the NHRIs in Germany, Mongolia, Indonesia, Malaysia, and the Philippines to a training programme in Korea, strengthening cooperation with these institutions.

To strengthen its network with NHRIs, the Commission participated in the 29th GANHRI Annual Conference in March 2016 in Geneva, Switzerland, and the 21st APF Annual Meeting held in Bangkok, Thailand in October 2016 and took part in discussions on various human rights issues and key decision-making process.

With respect to implementation of international human rights treaties in Korea, the Commission participated in the 31st UN Human Rights Council meeting and the 60th UN Commission on the Status of Women (CSW) meeting to monitor the discussions. It also attended the UN Forum on Business and Human Rights where it presented its proposed National Action Plan on Business and Human Rights. Also, by invitation of the 7th Session of the UN Working Group on Ageing, the Commission, on behalf of NHRIs, made a presentation

on the role of NHRIs in protecting and promoting the human rights of older persons and ways for future development. Thus, it contributed to NHRIs gaining official recognition to participate in the UN Open-ended Working Group on Ageing.

Section 2. Key Progress

1. Exchanges and cooperation with human rights groups in Korea

A. Day-to-day cooperation

In view of supporting the activities of human rights groups and strengthening cooperation with them, the Commission worked on cooperative programmes in Gangwon Province in areas where there is no human rights offices. Through meetings and workshops with human rights groups and civic groups in Wonju and Chuncheon, the Commission was apprised of regional issues and the support needed from the Commission, while the local groups were briefed on the role and functions of human rights offices. With the decision to open the Gangwon Province Human Rights Office in 2017, the Commission established a network with human rights groups and civic groups in the province, while actively receiving feedback on the new human rights office.

To give human rights activists in the region better access to the Commission's publications, video materials, survey reports, and human rights educational materials, the Commission periodically provides 135 books of 74 types to nine groups.

B. Joint cooperative programmes

The joint cooperative programmes with human rights groups have been organized annually since 2003 for the purpose of facilitating human rights campaigns by civic groups and for identifying and funding various human rights initiatives. The programme selection and funding decision were made based on the potential for human rights promotion, and timely response to human rights issues and their implications.

In 2016, a total of 14 initiatives were selected, including monitoring policies for married immigrant women in Korea, monitoring international human rights, making Wonju a healthy human rights city, improving the human rights of North Korean female defectors who settle in Korea, and monitoring the implementation of the United Nations Convention on the Rights of Persons with Disabilities in Korea.

Also, upon completion of the 14 initiatives, the Commission selected the six best joint cooperative programmes among them to widely promote best cases.

C. Exchanges, including on-scene visits

The Commission visited vulnerable groups to listen to their opinions, identify policy tasks, gather the opinions from facilities/institutions staff, and discuss current human rights issues.

In 2016, the Commission paid a total of seven visits, including a foreigner welfare center in Namyangju, a children protective institution in Gwangju, and a protective facility for persons with disabilities. The Commission heard directly from foreign immigrant workers, married immigrant women, and persons with intellectual and developmental disabilities about their experiences of human rights abuse, and received suggestions from social workers and rights activists. This allowed the Commission to reflect these views in its policies and programmes.

2. Exchanges and cooperation with international human rights organizations and groups

A. GANHRI and APF

1) Global Alliance of National Human Rights Institutions (GANHRI)

GANHRI is a global alliance of NHRIs established to comply with, develop, and reinforce the resolution adopted by the United Nations Human Rights Council on 3 March 1992 and the Principles relating to the Status of National Institutions (the Paris Principles) adopted by resolution of the United Nations General Assembly in 1993. Previously known as the ICC (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights), the organization adopted the new GANHRI name in March 2016.

Every year, the Commission participates in the GANHRI General Meeting and Bureau Meeting to strengthen multilateral exchanges and cooperation with NHRIs. The agenda of the 29th session held in March 2016 included ICC statutory changes, role of NHRIs in conflict and post-conflict situations, role of NHRIs regarding refugees, and adoption of a human-rights-based approach to confronting violations such as racism.

Notably, the Commission was selected as the chair of the new GANHRI Working Group on Ageing, exerting leadership in the international community. It committed itself to contributing to the promotion of human rights of older persons.

The Commission hosted a special session on the human rights of older persons as part of the meeting of the GANHRI Working Group on Ageing. The special session finalized the detailed rules of the working group, elected the vice chairman, and discussed a statement to be submitted to the working group.

Meanwhile, the Commission successfully supported an amendment to the NHRC Act to reflect the procedures for selecting and appointing commissioners recommended by the GANHRI Sub-Committee on Accreditation. This achievement resulted in the Commission being accredited with "A" status by GANHRI in the first half of 2016.

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

A regional network of NHRIs for the Asia Pacific region, the APF aims to strengthen exchanges and cooperation among NHRIs, support the establishment and operation of NHRIs, and strengthen cooperation with international human rights organizations and governments.

The Commission took part in the 21st APF Annual Meeting held in Bangkok, Thailand in October 2016. APF member discussed and made decisions regarding the associate membership of the NHRIs of Bahrain and Iraq, an APF report on the death penalty, and the servicing of APF website in Arabic. Chairperson Lee Sung-ho gave an introduction of the structure and function of the Commission along with its recent activities, including the recommendation of the National Action Plan on human rights, programmes to promote the rights of older persons, and the infringement on the freedom of assembly.

The Commission also attended a meeting of the Torture Prevention Ambassadors in Geneva, Switzerland in June 2016 to give a presentation on the Commission's torture prevention project. It also attended and made presentations at those sessions related with the Human Rights Council.

B. Exchanges and cooperation with NHRIs

The Commission expanded the domains for cooperation with the international community and built a strategic cooperative relationship with major NHRIs. In 2016, it had such engagements with the NHRIs in Denmark and the Philippines.

The NHRI in the Philippines is one with the longest history and, notably, one that is based on the Constitution. Through an exchange visit, the Commission had a dialogue regarding the management of the Philippine NHRI and its regional offices, toured the institution, and obtained information that is difficult to find through existing literature or online materials. The Commission also visited Korean businesses in the Philippines and gained a better understanding of human rights issues in a business context.

The visit to the Danish NHRI allowed the Commission to learn about the NHRI's key activities to foster a society where human rights are respected, their educational programmes for public officials, human rights activists, the general public, students, and businessmen, and key activities for human rights in businesses. The Commission is reviewing ways to reflect some of the findings from the visit in its own activities.

C. Cooperation with the United Nations and other human rights-related organizations

1) Participation in the UN Commission on the Status of Women

The Commission attended the 59th Session of the UN Commission on the Status of Women held in New York City in March 2016. It took part in expert panel meetings on key strategies for gender-responsive implementation of the 2030 agenda, participation and partnership for gender-responsive implementation of the 2030 agenda for sustainable development, and women data gaps and methodologies. It also attended a meeting with NHRIs from the Philippines, Australia, New Zealand, Denmark, Morocco, and Canada.

The Commission also visited the International Network for Economic & Social & Cultural Rights (ESCR-Net) to gain a better understanding of key social rights-related issues. An international human rights organization established in 2004, the ESCR-Net is a global network for organizations working for rights. It has a strong membership from Latin American countries, but not from Asian countries, so it is expanding its membership to the Asian region.

2) Visit to ECHR and Council of Europe Commission for Human Rights

The Commission made an official visit to the European Court of Human Rights (ECHR) and the Council of Europe Commission for Human Rights in Strasbourg, France from 17 March to 18.

The ECHR is an international court established in 1959 by the European Convention on Human Rights. It hears applications alleging that a contracting state (47) has breached human rights provisions and has each member state to amend their domestic laws to be in line with the Convention.

Commission's Chairperson Lee Sung-ho and ECHR President Raimondi shared their views on key human rights cases handled by their institutions, and specific activities. They also agreed to strengthen their bilateral cooperation.

3) Exchange and cooperation with Raoul Wallenberg Institute

The Commission visited the Raoul Wallenberg Institute in Sweden in September 2016 to expand exchanges and cooperation with the international human rights organization and build the capacity of its staff. The Raoul Wallenberg Institute organizes human rights education in close partnership with colleges, government institutions, and NHRIs, while striving to improve the methodologies of human rights education. The institute is organizing human rights educational activities for law enforcement officers in the Swedish police, prosecution, and college staff, as well as for public officials in 12 countries in Asia, Africa, and Latin America.

Through this visit, the Commission was able to hear about the results of the specialized human rights educational programmes designed for law enforcement officers (judiciary, prosecution, and police), staff of human rights organizations, and third country personnel, and their study of human rights in general and the international human rights law. The various experience of the Raoul Wallenberg Institute in the area of human rights education offered the Commission with many insights as it is now seeking to achieve qualitative growth based on quantitative growth. The visit was also a great opportunity for the two organizations to improve their understanding of human rights education by sharing efforts for institutionalizing human rights education, educational content, and operation structure.

D. Invitation of NHRIs to Korea

The Commission conducted the 2016 Partnership Programme for Human Rights Defenders for NHRIs from 16 May to 20, 2016. Through this annual programme, the Commission invited staff of NHRIs affiliated to the GANHRI or the APF. The programme is designed to present and share the Commission's activities and best cases, build a network for continuous cooperation and information sharing among NHRIs so that they can respond to regional and international human rights issues with one voice, and strengthen the Commission's status in the international community.

In the 2016 programme, the Commission invited six persons from five countries—one policy adviser from the German NHRI, two staff members from the Indonesian NHRI, one from the Malaysian NHRI, one from the Mongolian NHRI, and one from the Philippine NHRI. Lectures were given on topics of "business and human rights" and "information human rights," which are newly emerging international topics. The workshops provided an opportunity for participants to present their NHRI activities and tasks, and discuss various topics. The programme enabled capacity-building for the participants and was a great opportunity for them to establish networks with NHRIs not just in the Asian Pacific region but also in other parts of the world.

3. Commission's hosting of international conferences

The Commission hosted the ASEM Expert Forum on Human Rights of Older Persons from 15 June to 16, 2016. The expert forum was attended by ministers, vice ministers, assistant secretaries, and Ambassadors from ASEM member states, as well as experts from international organizations, NHRIs, and domestic and international NGOs. A total of 266 representatives from 36 countries held in-depth discussions about ways to promote human rights of older persons.

The topics included activities of related international organizations for eradication of poverty and promotion of right to health of older persons, implementation status of the Madrid International Plan for Action on Ageing (MIPAA)[11] and way ahead, exemplary policies and

11) The United Nations announced the Madrid International Plan for Action on Ageing (MIPAA) at the Second World Assembly on Ageing in April 2002 in Madrid, Spain. The plan offers a bold new agenda to be shared by the international community for handling the issue of ageing in the 21st century.

best practices of European and Asian nations in regard to the eradication of elderly poverty, exemplary policies and best practices of European and Asian nations in regard to promotion of right to health of older persons, and measures for cooperation for the promotion of human rights of older persons. The forum was a venue for expert presentations and active discussions on promoting the human rights of older persons.

The participants agreed on the need for the establishment of policies and institutions aimed at promoting Healthy Ageing, Active Ageing and Successful Ageing in line with the UN Sustainable Development Goals, and that such policies and institutions should be based on a human rights perspective, in order to guarantee the dignity of older persons. They also agreed on the need for collaboration among diverse stakeholders including the academia, civil society organizations and private sector, respective countries and international organizations. For this purpose, the participants proposed the establishment of the ASEM Global Ageing Center. The results of the forum were reported to the 11th ASEM Summit meeting held in Mongolia in June 2016. The Chair's statement was presented as the official outcome of the forum.

2016 ASEM Expert Forum on Human Rights of Older Persons: Chair's Statement (Summary)

- Participants agreed on the need for the establishment of policies and institutions aimed at promoting Healthy Ageing, Active Ageing and Successful Ageing in line with the UN Sustainable Development Goals, and that such policies and institutions should be based on a human rights perspective, in order to guarantee the dignity of older persons.
- Participants have reaffirmed that poverty and inadequate long-term care, among other factors, are directly related to the survival of older persons and that older persons are entitled to the right to adequate living conditions and long-term care, and it was agreed that therefore there is a need for countries to establish institutional foundations for public medical care, long-term care and income support, and universal social protection floors.
- It was discussed that there is a need to establish the ASEM Ageing Center as a pivot to host forums for public discussion, strengthen international and regional ties, monitor international trends, accumulate and share related data and information, raise awareness of the importance of the human rights of older persons and to promote the implementation of detailed and practical measures for cooperation.
- Lastly, participants of the ASEM Expert Forum on Ageing appreciated the National Human Rights Commission of Korea's role in providing the forum for discussion, and asked the Commission to make continuous efforts for the practical implementation of projects discussed during the forum, and confirmed that the National Human Rights Commission of Korea will continue to promote this discussion by hosting an ASEM international conference on the human rights of older persons next year.

Chapter 5 Human Rights Offices

The Commission operates four human rights offices—Busan, Gwangju, Daegu, and Daejeon—to enhance and protect the human rights of local people and ensure prompt remedies. The first office was opened in Busan and Gwangju in October 2005, followed by the office in Daegu in July 2007, and the one in Daejeon in October 2014. The offices have the following areas of jurisdiction.

[Table 2-5-1] Location and jurisdiction of Human Rights Offices

Office	Location	Jurisdiction
Busan Human Rights Office	Busan	Busan Metropolitan City, Ulsan Metropolitan City, Gyeongsangnam-do Province
Gwangju Human Rights Office	Gwangju	Gwangju Metropolitan City, Jeollanam-do Province, Jeollabuk-do Province, Jeju Special Self-governing Province
Daegu Human Rights Office	Daegu	Daegu Metropolitan City, Gyeongsangbuk-do Province
Daejeon Human Rights Office	Daejeon	Daejeon Metropolitan City, Sejong Special Self-governing City, Chungcheongnam-do Province, Chungcheongbuk-do Province

For the areas under their jurisdiction, human rights offices are responsible for human rights counselling; investigation of human rights abuses or discriminations in detention facilities, mental care facilities, local governments, public service-related organizations, schools, and other state organizations (other than the National Assembly, prosecution, police, National Intelligence Service, and military) and remedies; human rights education; exchanges and cooperation with human rights-related groups and institutions, and promotional activities; and operation of Human Rights Experience Center. Their tasks are tailored to specific local needs.

The opening of human rights offices resulted in increased human rights accessibility for local residents and a continuous rise in demand for human rights education and cooperation. The Commission has received an increased number of requests for human rights counselling, complaints, and human rights education. Thus, an increase in both personnel and budget is needed to meet this rising demand.

[Table 2-5-2] Complaints and human rights education by Human Rights Office in 2016

(in number of sessions and participants)

Classification	Complaint counselling and civil petition inquiry	Face-to-face complaint		Complaint		Human right education	
		Received	Handled	Received	Handled	Sessions	Participants
Total	20,210	1,842	1,749	3,330	3,296	1,703	83,356
Busan Human Rights Office	4,453	566	537	859	862	473	27,965
Gwangju Human Rights Office	6,988	372	366	779	735	280	10,250
Daegu Human Rights Office	4,342	589	550	806	804	599	24,553
Daejeon Human Rights Office	4,427	315	296	886	895	351	20,588

Appendices

1 List of NHRCK Commissioners and Senior Executive Officers

2 The 4th Action Plan for the Promotion of Human Rights (2015~2017)

National Human Rights
Commission of Korea Annual Report 2016

1. List of NHRCK Commissioners and Senior Executive Officers

(as of 31 December 2016)

A. Commissioners

Position/Name	Profile	Remarks
Chairperson Lee, Sung-Ho	• Passed the 22nd Bar Exam • Judicial Researcher, Supreme Court • Director, Cheonan Branch of Daejun District Court • Chief Judge, Suwon, Seoul, Seoul Eastern District Court • Chief Judge and Senior Chief Judge, Patent Court • Chief Judge and Senior Chief Judge, Seoul High Court • President, Seoul Southern and Central District Court • Chairperson, Seoul Metropolitan Election Commission	Nominated by the President (13 Aug. 2015 – 12 Aug. 2018)
Standing Commissioner Lee, Kyung-Suk	• Secretary General, Vice President, Standing Representative, and Co-representative, Korea Women Link • Director of Policy and Planning, Standing Representative, Co- Representative, the United Korea Women's Association • Member, Press Arbitration Commission Committee • Member, Korean Broadcasting Commission • Head, Support Team for Women escaped from Prostitution, Uri Party; Head, Policy Planning Team on Child Support • Chairperson, the 6 Policy Coordination Committee, United New Democratic Party • Member of 17th National Assembly (Culture and Tourism Committee, Education Committee)	Elected by the National Assembly (16 Mar. 2015 - 15 Mar. 2018)
Standing Commissioner Jeong, Sang-hwan	• Passed the 29th Judicial Examination • Legal Attache, Embassy of the Republic of Korea in the US • Chief Prosecutor, Criminal Investigation Division 7, Supreme Prosecutors'Office • Deputy Chief Prosecutor, Cheongju District Prosecutors Office • 1st Deputy Chief Prosecutor, Suwon District Prosecutors Office • Head, Bucheon Branch of Incheon District Prosecutors Office • Research Commissioner, Legal Research and Training Center • Lawyer, Jeong Sanghwan Law Firm	Elected by the National Assembly (22 Mar. 2016 - 21 Mar. 2019)
Standing Commissioner Choi, Hye-ri	• Judge, Seoul District Court • Judge, Seoul Family Court • Lawyer, Barun Law LLC • Lawyer, Korea Government Legal Service • Commissioner, Committee on Prosecution Reform • Commissioner, Committee on Policy for Regional Public Enterprises • Commissioner, Personal Information Protection Commission • Standing Commissioner, Seoul Court Coordinating Center	Nominated by the President (28 Nov. 2016 - 27 Nov. 2019)

Position/Name	Profile	Remarks
 Commissioner Yoon, Nam-Geun	• Judge, Daejeon District Court and Seoul High Court; Senior Judge, Seoul Eastern District Court • Vice President, Korea Dosan Jurisprudence Society • Chairperson, Subcontract Conflicts Conciliation Committee, Fair Trade Commission • Arbitrator, Korean Commercial Arbitration Board and executive director, 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	Nominated by the Chief Justice of the Supreme Court (19 Jan. 2011 - 18 Jan. 2017) * Consecutive nomination: 19 Jan. 2014
 Commissioner Han, Wee-Soo	• Judge, Seoul District Criminal Court, Seoul District Civil Court and Masan District Court • Judge, Seoul High Court and Busan High Court • Professor, Judicial Research & Training Institute; Research Director, the Constitutional Court • Senior Judge, Seoul High Court and Daegu High Court • 5th President, Korean Society for Media Law, Ethics and Policy Research • Member, Central Environmental Disputes Conciliation Committee • Member, Human Rights Commission, Korean Bar Association • Lawyer, Bae, Kim & Lee LLC	Nominated by the Chief Justice of the Supreme Court (10 Aug. 2012 - 9 Aug 2018) * Consecutive nomination: 10 Aug. 2015
 Commissioner Lee, Seon-Ae	• Judge, Seoul District Court; Seoul Administrative Court; Seoul High Court • Legal Researcher, the Constitutional Court • Member, Society on Constitutional Practices • Editor, the Law Times • Member, Korean Statutory Interpretation Deliberation Committee, Ministry of Government Legislation • Member, Special Committee for the Enactment of Anti-Discrimination Act, Ministry of Justice • Lawyer, Yoon & Yang LLC	Nominated by the Chief Justice of the Supreme Court (19 Jan. 2014 - 18 Jan. 2017)
 Commissioner Choi, E-Woo	• Chaplain, Korean Army • Senior Pastor, Ansan Gwanglim Methodist Church and Wangsimni Church • Director, Childfund Korea • Standing President, Korean Church Volunteers • Advisory Commissioner, Presidential Committee for National Cohesion • Senior Pastor, Chongkyo Methodist Church	Nominated by the President (3 Nov. 2014 - 2 Nov. 2017)

Position/Name	Profile	Remarks
 Commissioner Lee, Eun-Kyung	• Judge, Seoul Southern, Central, Eastern District Court • Visiting Professor, Judicial Research and Training Institute • Member, Victim Protection Committee, Ministry of Justice • Vice President, Korea Women Lawyers Association • Auditor, Korean Women's Development Institute • Member, Press Arbitration Commission • Managing Partner, Sanju Law Firm	Elected by the National Assembly (5 Feb. 2015 - 4 Feb. 2018)
 Commissioner Jang, Ae-soon	• Dean, College and Graduate School of Buddhist Studies, Dongguk University • Director, Central Library, Dongguk University • Chairperson, Korean Bhikkhuni Association • Professor, College of Buddhist Studies, Dongguk University • Chief, Wonkyosa Temple of Jogye Order of Korean Buddhism • Board Member, International Association for Buddhist Thought and Culture • Board Member, The Korean Association for Buddhist Studies • Member of the Japanese Association of Indian and Buddhist Studies • Member, Central Council of Jogye Order of Korean Buddhism	Nominated by the President (16 Jun. 2016 - 15 Jun. 2019)
 Commissioner Kim, Ki-jung	• Commissioner, Korea Internet Self-governance Organization • Commissioner, Internet Election News Deliberation Commission • Commissioner, Commission on Media Development, National Assembly • Director, Opennet • Lawyer, Lawfirm Dongsuh Yangjae	Elected by the National Assembly (23 Sep. 2016 - 22 Sep. 2019)

B. Former Commissioners

Name	Profile	Term
 1st Chairperson Kim, Chang-Guk	• Chief Prosecutor, Jeonju and Gwangju District Prosecutors' Office • 82th President, Seoul Bar Association • 40th President, Korean Bar Association • Co-representative, People's Solidarity for Participatory Democracy • Chair, the Committee for the Inspection of Property of Japan Collaborators	25 Nov. 2001 - 23 Dec. 2004
 2nd Chairperson Choi, Young-Do	• Judge, Seoul District Criminal Court • Human Rights Director and Commissioner, Korean Bar Association • President, Lawyers for Democratic Society • Standing Co-representative, Korea Human Rights Network • Co-representative, People's Solidarity for Participatory Democracy	24 Dec. 2004 - 22 Mar. 2005
 3rd Chairperson Cho, Young-Hwang	• Standing Director, Seoul Bar Association • Lawyer in Charge of Maintaining Public Prosecution against Sexual Torture Occurred at Bucheon Police Station • Director, Anti-Corruption Committee, the Citizens´Coalition for Economic Justice • Judge, Goheunggun Court, Suncheon Branch of Gwangju District Court • Chairperson, the Ombudsman of Korea	4 Apr. 2005 - 1 Oct. 2006
 4th Chairperson Ahn, Kyong-Whan	• Professor and Dean, College of Law, Seoul National University • Visiting Professor, College of Law, University of Illinois • 8th President, Korean Constitutional Law Association • Vice-chairman, Asia-Pacific Forum of National Human Rights Institutions (APF) • Vice-chairman, International Coordinating Commission (ICC)	30 Oct. 2006 - 5 Jul. 2009
 5th and 6th Chairperson Hyun, Byung-Chul	• Dean, College of Law, Hanyang University • Director, Administration Department, Hanyang University • Secretary General and Vice-president, the Korea Law Professors Association • President, Korea Association of Comparative Private Law • Director, Graduate School of Public Administration, Hanyang University • Dean, Hanyang Cyber University	17 Jul. 2009 - 12 Aug. 2015 * Consecutive nomination: 13 Aug. 2012

C. Secretary General and Senior Executive Officers

Name	Profile	Name	Profile
 Secretary General Ahn, Suk-Mo	• Director-General, Planning & Coordination, NHRCK • Director-General, Policy and Education Bureau, 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	 Director-General Planning & Coordination Lee, Suk-jun	• Chief, Immigrant Human Rights Team, NHRCK • Chief Secretary, NHRCK • Director, Human Rights Policy Division, NHRCK • Director, Disability Discrimination Investigations Division I, NHRCK
 Director-General Policy and Education Bureau Shim, Sang-Don	• Director-General, Investigation Bureau, NHRCK • 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	 Director-General Investigation Bureau Kim, Seong-Jun	• Director, Planning & Coordination, NHRCK • 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

2. The 4th Action Plan for the Promotion of Human Rights (2015~2017)

Vision	**World of Dignity for All**
Mission	Ensuring and upgrading basic human rights for everyone to safeguard their dignity and value as a human being and consolidate the basis of a democratic society

Four Strategic Targets	Goals
I. Laying a foundation to promote human rights	1. Ensuring freedoms, including personal freedom, freedom of speech 2. Protecting social rights through a stronger social safety net 3. Implementing and monitoring National Action Plan for the Promotion and Protection of Human Rights (NAP) recommendations 4. Bringing international human rights norms into the society 5. Introducing human rights evaluation system
II. Protecting human rights of the vulnerable and marginalized	1. Improving human rights for children, youths, and senior citizens 2. Rectifying discrimination against people with disability and improving their human rights 3. Correcting gender discrimination and sexual harrassment and reinforcing women's human rights 4. Guaranteeing human rights for immigrants and Korean nationals aborad 5. Strengthening remedies for those in human rights blind spots
III. Spreading the values of human rights in society	1. Reinforcing local people's accessibility and spreading the values of human rights across the country 2. Expanding human rights policies, including the enactment of the Human Rights Education Support Act 3. Developing, distributing, and utilizing human rights education contents 4. Operating human rights education in a systemic way 5. Raising human rights awareness through vibrant promotion activities
IV. Highlighting human rights issues and strengthening cooperation	1. Resolving labour market polarization and isolation 2. Spreading and upgrading human right-friendly business operation culture 3. Strengthening the right to information with the emergency of an information-driven society 4. Studying and researching new human rights agendas 5. Upgrading exchange and cooperation with human rights institutions and groups in- and outside Korea
<Special Task>	1. Improving the North Korea human rights situation
<Feature Projects>	1. Publishing book about the past 15 years of the Commission
Prerequisites (Strengthening the capacity of NHRCK)	1. Bolstering the independence of the Commission 2. Enabling everyone in the Commission to build a greater professionalism

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