

Registration number
11-1620000-000073-10

ISSN 1738-804X

**NATIONAL HUMAN RIGHTS  
COMMISSION OF KOREA**

**ANNUAL REPORT 2020**



National Human Rights Commission of Korea

**NATIONAL HUMAN RIGHTS  
COMMISSION OF KOREA**

# **ANNUAL REPORT 2020**



National Human Rights Commission of Korea



---

## Logo of the National Human Rights Commission of Korea

---

The logo's simplicity and formative beauty are intended to add to the reliable and authoritative image of the National Human Rights Commission of Korea as the nation's leading institution dedicated to the protection of human rights.

The logomark is rendered in blue, representing "creation," "life," and "spring" in accordance with the five elements theory, to communicate the identity of the Commission as a human rights institution committed to the well-being of people. The symbol also combines Korea's modernity and tradition: a dove and a hand standing for "peace" and "inclusiveness;" and a circle, the most fundamental shape, implying "centeredness and concentration," "diversity and positivity," "sun and brightness," "harmony and inclusiveness," and "justice and fairness."



---

## Annual Report 2020

---

This annual report is a compilation of the activities, etc., of the National Human Rights Commission of Korea from January 1 to December 31, 2020. It was published to be submitted to the President and the National Assembly of the Republic of Korea pursuant to Article 29 (1) of the National Human Rights Commission of Korea Act.



“Amid a dynamically changing human rights environment and global disaster, we will remain committed to faithfully safeguarding the dignity, equality, and freedom of all.”

In 2020, we came through some challenging times amid the risks of COVID-19, not really knowing when it would all end. During those times, the pandemic clearly revealed the day-to-day human rights issues. The society became aware learned from the crisis that anyone can become a target of hate and discrimination, that it is to the best interest of our communities to ensure that no one is left behind in the human rights safeguard protection mechanism, and that achieving equality for all is a calling of our time.

The Commission made policy recommendations and announced statements to prevent social stigma caused by public health authorities' disclosure of travel histories of confirmed COVID-19 patients and to protect individual privacy in the disclosure of travel histories of confirmed COVID-19 patients by the public health authorities. In a preemptive effort to tackle human rights issues that may arise during pandemic response, it translated and distributed international human rights standards related to COVID-19 measures.

It expressed opinion to the National Assembly on the need for an equality law to address hate and discrimination in the society and to guarantee effective rights to equality. It committed itself to promoting self-regulatory actions to hate speech through the Joint Declaration on Countering Hate Speech and the Declaration for Media Action to Counter Hate Speech, which led to a variety of educational and promotional activities.

The Commission made recommendations to the President, urging calling for a shift from the win-at-all-costs paradigm in sports. fundamental changes and a shift in the winning paradigm of sports. It made some key decisions of significant implications, including opinion expressed to the Chairman of the National Assembly that it would be desirable to decriminalize abortion and that the provisions related to persons with obligation for financial support be abolished from the National Basic Living Security Act.



Owing to social distancing measures to prevent the spread of the COVID-19 pandemic, the number of petitions filed in 2020 went down but the number of petitions processed and the rate of remedied cases went up thanks to aggressive processing efforts. For key human rights issues, the Commission conducted ex officio investigations, emergency reliefs, and other timely actions on the ground.

The Commission remained actively involved in protecting human rights on multiple fronts. In support of vulnerable groups of people, it carried out factual surveys on human rights violations against handicapped persons, made an on-site inspection of the cohort quarantine measures taken at a mental psychiatric hospital, and launched an ex officio investigation regarding the death of an abused child. It also made a recommendation regarding local governments' exclusion of foreigners from emergency relief payments, and issued a statement to protect the basic rights of older persons.

The Commission was active on the international front. It hosted the 2020 International Conference on Combatting Hate and Discrimination jointly with the Asia Pacific Forum of National Human Rights Institutions (APF) and the European Union, and was elected the chair of the Global Alliance of National Human Rights Institutions (GANHRI) Working Group on Ageing and the deputy chair of APF.

As the year 2020 marked the completion of the fifth phase of the Human Rights Promotion Action Plan (2018-2020), the Commission focused its efforts on programs to reinforce social rights and life of dignity, realize social equality by countering discrimination, build sustainable human rights governance, and expand diversified initiatives. In consultation with human rights and civil society groups, it also finalized the Actions and Strategy to Promote Human Rights (2021-2025).

The Commission's work is, by itself, an indicator for gauging the human rights situation at home and abroad, and a compass for the state's role in protecting the rights of its people. By faithfully capturing the progress made in 2020, this Annual Report is meant to be a meaningful record and a guiding light for furthering human rights and realizing a society where human rights are respected.

The Commission marks its 20th anniversary this year. Despite putting in its best efforts as an independent human rights advocacy organization, there still remain blind spots gaps in human rights protection across the society, and there are pending human rights issues that require much thinking a long-term approach going forward. Amid a dynamically changing human rights environment, the Commission will remain committed to faithfully safeguarding the dignity, equality, and freedom of all by looking back on past achievements and acting upon lessons learned.

Thank you.

**Choi Young-ae**  
Chairperson of NHRCK



## Notes

---

- 1 Civil society groups and organizations are described herein as human rights and civil society organizations.
  - 2 Months stated herein fall in the year 2020 unless specified otherwise.
  - 3 The “-” symbol used in the tables signifies “none (0).”
  - 4 The total in each statistical table is the sum of pertinent data accumulated from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020, unless specified otherwise.
  - 5 All statistics in the tables are rounded, and, therefore, the totals mentioned in the text may not exactly match the sums of the corresponding statistics.
-



## Abbreviations

**Commission** National Human Rights Commission of Korea

**Human Rights NAP** National Action Plan for the Promotion and Protection of Human Rights

**Act on Elderly Employment Promotion** Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion

**Mental Health Welfare Act** Act on the Improvement of Mental Health and Support for Welfare Services for Mental Patients

**Disability Discrimination Prohibition Act** Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights, Etc.

**Racial Discrimination Elimination Convention** International Convention on the Elimination of All Forms of Racial Discrimination

**Civil Rights Covenant** International Covenant on Civil and Political Rights

**Covenant on Social Rights** International Covenant on Economic, Social and Cultural Rights

**APF** Asia Pacific Forum of National Human Rights Institutions

**GANHRI** Global Alliance of National Human Rights Institutions (formerly ICC)

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

**ILO** International Labor Organization

**OHCHR** Office of the United Nations High Commissioner for Human Rights

**UPR** Universal Periodic Review

\* The United Nations' mechanism of periodically examining the human rights performance of all UN Member States every four and a half years, which was initiated in 2008



# CONTENTS

## 01 Introduction

---

Chapter 1	About the National Human Rights Commission of Korea	03
Chapter 2	Domestic and International Environment	08
Chapter 3	Basic Directions and Major Achievements	09
Chapter 4	Assessment and Challenges	32

## 02 Key NHRCK Activities

---

Chapter 1	Improvement of Human Rights-related Statues, Institutions, Policies, and Practices	41
Section 1.	Overview	41
Section 2.	Policy Recommendations and Opinions	42
1.	Status of Recommendations and Opinions	42
2.	Key Policy Recommendations	43
3.	Key Opinions Expressed	46
4.	Key Opinions Submitted	50
Section 3.	Surveys and Studies of Human Rights Conditions	52
Section 4.	Special Program: Combating Spread of Hate Speech	54
Section 5.	Legal and Institutional Efforts to Ensure Equality and Counter Discrimination	58
Section 6.	Activities to Promote Human Rights and Improve Conditions in Sports	61
Section 7.	Assessment	68
Chapter 2	Investigations and Remedies of Human Rights Violations and Discrimination	74
Section 1.	Overview	74
Section 2.	Human Rights Counseling and Petitions	77



1. Human Rights Counseling	78
2. Petitions Filed	78
3. Face-to-Face Petitions	79
4. Civil Complaints and Inquiries	80
Section 3. Preliminary Investigations and Mediation	81
1. Preliminary Investigations	81
2. Mediation	82
Section 4. Investigations and Remedies of Human Rights Violations and Discrimination	83
1. Petitions Filed and Processed	83
2. Ex Officio Investigations and On-site Inspections	85
3. Key Petitions	88
Section 5. Investigations and Remedies: Discrimination	97
1. Petitions Filed and Processed	97
2. Ex Officio Investigations	101
3. Key Petitions	102
Section 6. Administrative Appeal	113
Section 7. Assessment	114
 Chapter 3 Human Rights Education and Promotional Activities to Foster Respect for Human Rights	 119
Section 1. Overview	119
Section 2. Major Achievements	121
1. Institutionalizing and Shaping Conditions for Human Rights Education	121
2. Establishing Networks of Cooperation for Education	123
3. Expanding Education through Human Rights Education Centers	125
4. Development and Distribution of Educational and Promotional Content	126
5. Operation of the Human Rights Library	128
6. Promotional Activities to Raise Public Awareness	129
Section 3. Assessment	132

# CONTENTS

<b>Chapter 4</b> Domestic and International Exchanges and Cooperation .....	<b>135</b>
Section 1. Overview .....	135
Section 2. Major Achievements .....	137
1. Exchanges and Cooperation with Domestic Human Rights Organizations .....	137
2. Exchanges and Cooperation with International Human Rights Organizations and Groups .....	140
3. International Conferences .....	142
Section 3. Assessment .....	144
<b>Chapter 5</b> Regional Human Rights Offices .....	<b>146</b>
Section 1. Overview .....	146
Section 2. Major Activities .....	147
1. Petitions, Counseling Requests, Complaints and Inquiries Filed .....	147
2. Face-to-face Petitions Filed and Processed .....	148
3. Petitions Processed .....	149
4. Human Rights Education .....	150
Section 3. Assessment .....	151

## 03

## Appendices

---

1. Commissioners and Senior Executive Officers .....	159
2. 2020 Business Roadmap .....	165



## List of Tables

[Table 1-1-1] Maximum Number of Commission Personnel .....	06
[Table 2-1-1] Status of Recommendations and Opinions on Related Laws and Policies .....	42
[Table 2-2-1] Petitions, Counseling Requests, and Complaints and Inquiries in the Last Five Years .....	77
[Table 2-2-2] Counseling Requests in the Last Five Years by Type .....	78
[Table 2-2-3] Petitions Filed Requests in the Last Five Years by Type .....	79
[Table 2-2-4] Face-to-Face Petitions Submitted and Processed in the Last Five Years .....	80
[Table 2-2-5] Civil Complaints and Inquiries Processed in the Last Five Years by Channel .....	80
[Table 2-2-6] Number of Petitions Assigned to and Closed by Preliminary Investigation .....	82
[Table 2-2-7] Mediation Cases Submitted and Processed in the Last Five Years .....	82
[Table 2-2-8] Human Rights Petitions Submitted in the Last Five Years by Institution .....	83
[Table 2-2-9] Human Rights Violation Petitions Processed in the Last Five Years .....	85
[Table 2-2-10] Discrimination Petitions Submitted in the Last Five Years by Area .....	98
[Table 2-2-11] Discrimination Petitions Submitted in the Last Five Years by Reason .....	99
[Table 2-2-12] Discrimination Petitions Processed in the Last Five Years .....	101
[Table 2-2-13] Administrative Appeals Processed .....	113
[Table 2-3-1] Implementation Status of Human Rights Education in the Last Five Years .....	126
[Table 2-5-1] Location and Jurisdiction of Regional Human Rights Offices .....	146
[Table 2-5-2] Number of Petitions, Counseling Requests, and Complaints and Inquiries Submitted by Regional Human Rights Offices in the Last Two Years .....	147
[Table 2-5-3] Face-to-Face Petitions Submitted and Processed by Regional Human Rights Offices in the Last Two Years .....	148
[Table 2-5-4] Number of Petitions Processed at Regional Human Rights Offices in the Last Two Years ..	149
[Table 2-5-5] Human Rights Education Conducted by Human Rights Offices in 2020 .....	151

National Human Rights Commission of Korea  
**Annual Report 2020**





# 31

## Introduction

Chapter 1 About the National Human Rights  
Commission of Korea

Chapter 2 Domestic and International Environment

Chapter 3 Basic Directions and Major Achievements

Chapter 4 Assessment and Challenges



National Human Rights Commission of Korea

## Annual Report 2020

## 01

## Introduction

## Chapter 1

## About the National Human Rights Commission of Korea

## 1. Establishment and Key Functions

An independent national institution dedicated to human rights issues, the National Human Rights Commission of Korea (hereinafter referred to as the Commission) was established on November 25, 2001 in accordance with the National Human Rights Commission of Korea Act (hereinafter referred to as the "NHRCK Act") to uphold the right to and respect for human dignity, and contribute to reinforcing the foundation of democracy by safeguarding and promoting inherent, inviolable human rights.

The Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles) were laid out at a time when newly democratized nations were beginning to establish national human rights institutions in the late 1980s. The Paris Principles were adopted by the United Nations Human Rights Council Resolution (1992/54) in 1992 and the United Nations General Assembly in 1993.

Discussions to establish a national human rights institution in Korea were first sparked when a joint committee of private entities took part in the World Conference on Human Rights in Vienna, Austria, in June 1993. With human rights and civil society organizations continuously voicing the need for a national institution dedicated to human rights issues, these private entities called for enabling laws of an independent national human rights institution responsible for research, study,



education, and promotion of human rights protection and improvement pursuant to the United Nations Human Rights Council Resolution (1992/54) and the Paris Principles.

Based on related discussions at home and abroad, presidential candidate Kim Dae-jung included the establishment of a human rights institution in his presidential election pledge in 1997. In April 1999, the Joint Task Force of Private Organizations for the Realization of a National Human Rights Institution was established by 71 human rights and civil society organizations. After three years of hard work by the task force, on May 24, 2001 and during the Kim Dae-jung Administration, the NHRCK Act was enacted. Six months later on November 25, 2001, the Commission was established as an independent national institution.

The Commission is a national institution dedicated to protecting and promoting the rights of the socially disadvantaged and the minorities as mandated by the Constitution and other laws, and as recognized by international common laws and human rights conventions joined and ratified by Korea. It is an independent institution that is not affiliated with any of the legislative, judicial, or executive branches of the government. The Commission is a quasi-judicial organization whose procedures for investigating and redressing cases of human rights violations and discriminations complement the existing remedial procedures of other judicial agencies. It is also a quasi-international organization in the sense that it implements international human rights standards in the nation and supports the authorities, responsibilities, organizational structure, and operation specified in the Paris Principles.

With a view to protecting and promoting human rights for all, the Commission assumes four key functions, which are policy, investigations and remedies, education and promotion, and cooperation at home and abroad. In the realm of policy, the Commission makes recommendations and presents opinions on matters that warrant study, research, and improvement of human rights-related laws and regulations, institutions, policies, and practices. It also submits opinions regarding proceedings that have significant implications on human rights.

The Commission's investigations and remedies target human rights violations and discrimination in national institutions, local governments, schools, public service-related organizations, and detention and protection facilities, as well as discrimination by corporate bodies, organizations, and private persons without justifiable reasons. The human rights education and promotion function is aimed at raising public awareness on human rights, and the exchanges and cooperation function is

to cooperate with various human rights and civil society organizations and individuals in Korea, as well as relevant international organizations and human rights institutions abroad.

## 2. Organization

The Commission comprises 11 commissioners, which includes the Chairperson, three standing commissioners, and seven non-standing commissioners. Four commissioners are elected by the National Assembly, four nominated by the President, and three nominated by the Chief Justice of the Supreme Court and approved by the President. Neither gender may account for more than 60% of all 11 commissioner positions.

The Chairperson is selected from among the commissioners and appointed by the President following a confirmation hearing at the National Assembly. The Chairperson represents the Commission and oversees the Commission's overall operation. If necessary, the Chairperson appears and states his/her opinions before the National Assembly and, if required by the National Assembly, is obligated to testify and give answers to questions on matters concerning the Commission. The Chairperson can speak at a Cabinet meeting on behalf of the Commission and recommend the Prime Minister to submit a bill (including a presidential decree bill) in relation to matters concerning the Commission. The term of office for all commissioners, including the Chairperson, is three years, and they can serve a consecutive term just once.

The Commission makes decisions and takes actions through the Plenary Committee with all 11 commissioners, as well as the Standing Committee and the subcommittees. The subcommittees include the Committee on Human Rights Violations I (the prosecution, police, military, intelligence service, legislative branch, and judicial branch); Committee on Human Rights Violations II (other areas, including national institutions, local governments, public service-related organizations, and detention and protection facilities); Committee on Discrimination Remedy (discrimination remedy issues); Committee on the Rights of Persons with Disabilities (discrimination against persons with disabilities and violations in facilities for persons with disabilities and mental healthcare centers); and Committee on Child Rights (children and youths under 19, child care homes, and youth detention centers).

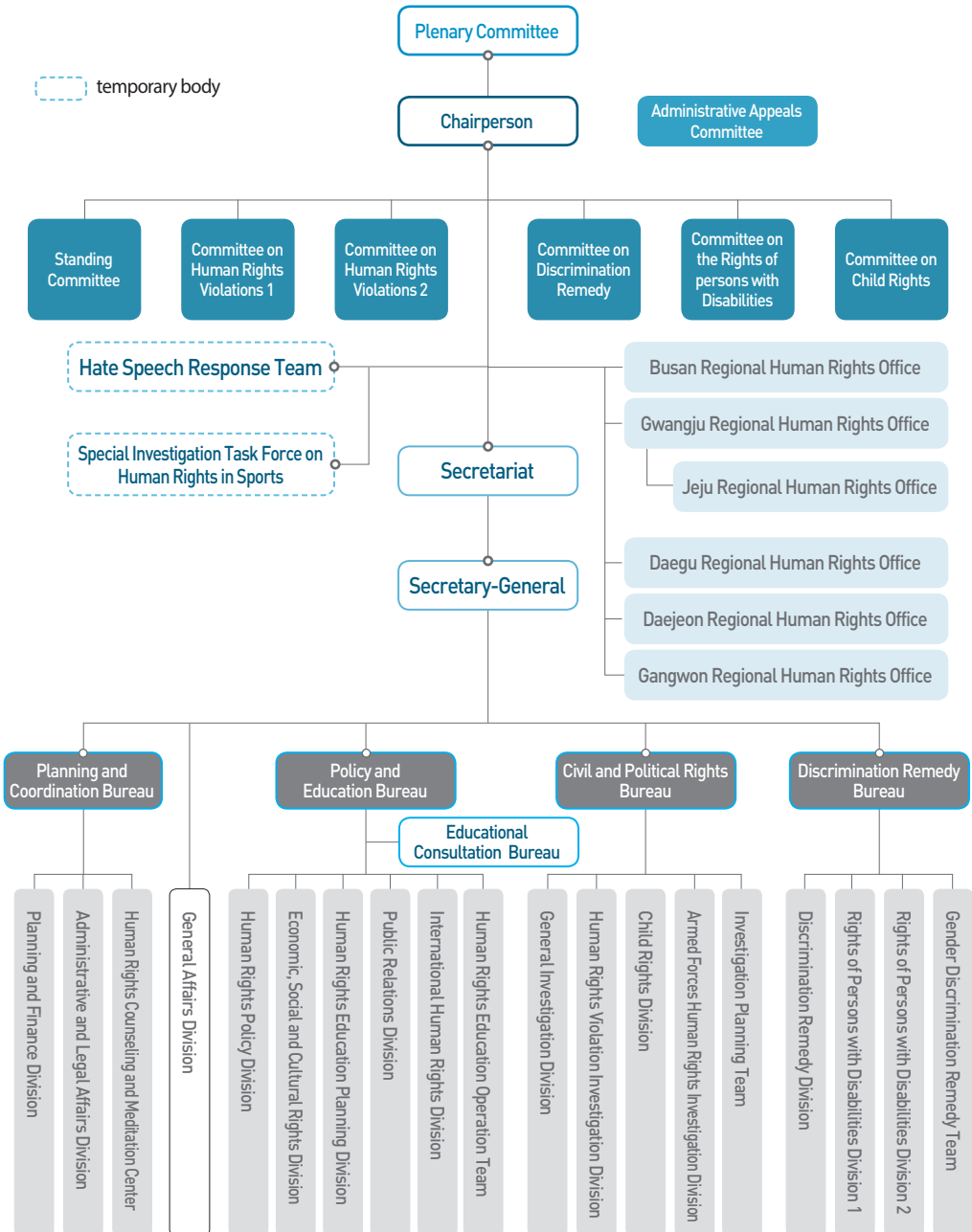
As of December 31, 2020, the Commission's Secretariat consists of the Secretary General, four bureaus, 16 divisions, two teams, five offices, one branch office, and two temporary organizations. The total number of personnel is 225, including 181 in the headquarters (including four public officials in general service) and 44 in the affiliated institutions.

[Table 1-1-1] Maximum Number of Commission Personnel

(As of December 31, 2020)

	Total	Officials in general service	Senior Civil Service Corps	Officials of classes 3 and 4	Officials of class 4	Officials of classes 4 and 5	Officials of class 5	Officials of class 6	Officials of class 7	Officials of class 8	Officials of class 9	Archivists	Inspector
Total	232	4	5	3	18	15	57	57	43	8	20	1	1
Head office	188	4	5	3	13	15	47	52	29	3	15	1	1
Regional offices	44	-	-	-	5	-	10	5	14	5	5	-	-

## ■ Organizational Chart



## Chapter 2 Domestic and International Environment

In 2020, the global spread of the COVID-19 pandemic threatened people's lives and security, and presented social and economic risks. The situation also more clearly highlighted existing human rights issues. It showed how individuals, particularly social minorities, can become vulnerable in a disaster situation, and revealed some of the unknown blind spots of human rights.

The Commission actively responded to human rights issues emerging from the pandemic, through statements, recommendations, on-site inspections, ex officio investigations, and emergency surveys. It launched a COVID-19 special task force to examine pending issues and to suggest ways to improve institutions.

The spread of the pandemic also exacerbated hate speech and discrimination based on race, nationality, region, and religion. Paradoxically, this helped raise awareness of the seriousness of the issue, and there is now more public consensus on the need to address the problem. In this connection, the Commission in June expressed opinion to the National Assembly that an equality law be enacted in order to address discrimination and hate speech, and effectively safeguard the rights to equality, and began work in support of legislation.

The tragic death of athlete Choi Sook-hyun in June pointed to enduring violence and sexual violence in sports, highlighting the need for urgent environmental and structural reform in this area. The Commission focused efforts on a paradigm shift and the safeguard of human rights in sports. Meanwhile, increased police power resulting from the adjustment of investigative jurisdiction between the police and the prosecution raised the need to prevent and put a democratic check on potential police abuse of power and violation of human rights. In light of its 20th anniversary in 2021, the Commission sought new directions for the organization. To assume greater responsibilities, build expertise as the national human rights watchdog, and enhance program efficiency and effectiveness, it developed 'Actions and Strategy to Promote Human Rights (2021-2025),' which lists NHRCK objectives, captures the strengths of the Human Rights Promotion Action Plan, and takes into account flexibility, strategy, balance of portfolios, and continuity with other similar plans.

## Chapter 3

## Basic Directions and Major Achievements

## 1. Basic Directions

With a view to successfully executing the fifth phase of the Human Rights Promotion Action Plan (2018-2020), the Commission continued to advance the four strategic objectives, managed special programs and feature programs, and actively responded to key human rights issues.

To become established as a human rights institution that is trusted and supported by the public, it improved the way it conducts business, responded to various human rights issues in a timely and effective manner, worked as a quasi-international organization, expanded cooperation with domestic and international partners, and played an increasing role in safeguarding and promoting human rights.

## 2. Major Achievements by Program

### A. NHRCK's Four Strategic Objectives

#### 1) Reinforcing Social Rights and Guaranteeing Life of Dignity

##### Protecting workers at risk of human rights violations

The Commission developed and recommended some institutional improvements to promote the rights of the vulnerable working class. These include recommendations to prevent bullying in the workplace and to protect the rights of victims of bullying; to improve the working environment for construction workers according to different weather conditions; to safeguard the rights of subcontract workers in the coal-fired power generation sector; and to promote the rights of non-regular workers in central government organizations.

Regarding the deaths of package delivery service workers, the Commission issued a statement in which it urged a solution and a legal protection mechanism to the problem of extended work hours. It also organized roundtable meetings to discuss ways to promote the labor rights of package delivery service workers.

Meanwhile, the Commission conducted a factual survey of the conditions facing workers who go on home visits, a factual survey of the conditions facing working teenagers, and a factual survey of the conditions facing children and teenagers working in the pop-culture industry, in order to better understand the human rights violations they face and how their rights and working conditions can be improved.

### **Reinforcing access to healthcare services for the socially vulnerable**

The Commission made recommendations on ways to vitalize short-term care services, including expanding short-term care services to older persons and promoting public senior care system, and to improve the short-term care benefits of long-term senior care insurance.

Considering disadvantages facing migrants due to language limitations, restricted access to institutions and information, and legal and institutional discriminations, the Commission carried out a factual survey to understand the healthcare conditions facing migrants and discuss ways to refine the health security system.

### **Reinforcing the right to adequate housing for the housing poor**

With a view to safeguarding the rights of residents who are forced out of their homes due to re-development or re-building projects, the Commission expressed opinion that the government's proposed amendment to the Administrative Vicarious Execution Act be promptly deliberated, and recommended revision of the relevant provisions in the Civil Execution Act. Regarding the proposed partial amendment to the Special Act on Public Housing, it expressed opinion that, though the need to ensure safety of all those residing in public rental housing is recognized, the forceful eviction of residents and their families, who are socially vulnerable people, should be a prudent decision taken as a last resort.

## **Guaranteeing the right to life for those in absolute poverty**

The Commission expressed opinion that the proposed partial amendment to the National Basic Living Security Act, which reflects abolition of the criteria on persons who have obligation of financial support, be promptly deliberated. It also recommended that the National Basic Livelihood Security System be refined so that, as a matter of principle, unmarried children aged between 19 and 29 who live independently from their parents be recognized as separate households.

## **2) Promoting Social Equality by Combating Discrimination**

### **Promoting and combating gender discrimination, preventing sexual harassment and violence, and offering remedies**

The Commission recommended a broadcasting company to correct gender-discriminatory practices of hiring men as full-time announcers and women as freelance or contracted announcers. Through an ex officio investigation into the sexual harassment claim against late Seoul Mayor Park Won-soon, it looked into the management of the mayor's secretary office, whether the claim is true and there were any condoning or abetment of sexual harassment, and the procedures with which sexual harassment and sexual violence reports are handled, and discussed recommendations for institutional improvements to prevent similar recurrence in the future. It also recommended that sexual harassment by a supervisor of a foreign employee at the New Zealand Embassy in Korea be corrected. The Commission conducted a study on ways to ensure gender equality in political representation to fix the under-representation of women in politics. A survey of students at every level of school, office workers, and parents was conducted to understand how sexual harassment is generally perceived, the finding of which would be used as baseline data to inform legal and institutional reforms.

### **Promoting deinstitutionalization and improving mobility for persons with disabilities**

The right of access to information is one of the Commission's key agenda on human rights of persons with disabilities. The Commission has maintained keen interest in the asymmetry of information caused by how information is delivered without special consideration of the types or



degrees of disabilities. Some significant progress was achieved in 2020 for the right of access to information of hearing-impaired people. In February, when the COVID-19 pandemic broke out, the government failed to provide sign language interpretation for the television coverage of its official briefings. On February 28, the Commission announced an emergency chairperson statement that called for the protection of the right of access to information and linguistic rights of hearing-impaired people. In response to petitions filed regarding three top broadcasting companies failing to provide sign language interpretation during their prime-time news, the Commission on April 20 recommended correction as, given the symbolic position and importance of prime-time news, sign language interpretation is essential for the protection of the right of access to information. The recommendation was accepted by all three companies and sign language interpretation became available from September. On September 21, the Commission expressed opinion that the President's special address to the people should also be interpreted into sign language considering its significance. As to petitions filed in relation to access to digital data by the visually impaired, the Commission made an overall analysis of the issue for the first time, creating baseline data for future inspection manual and decision criteria.

Meanwhile, the Commission held policy discussions on deinstitutionalization of handicapped persons in Gwangju, Busan, Chuncheon, and Gyeongju to understand and assess local governments' policies, further promote and raise awareness on deinstitutionalization and back-to-community options for handicapped persons. Through policy recommendations to improve the human rights of mentally disabled people kept at nursing homes, the Commission recommended the Minister of Health and Welfare to reflect in the Five-year National Mental Health Plan (2021-2025) specific plans for deinstitutionalizing mentally disabled persons and bringing them back to communities.

## Protecting the rights of migrants and refugees

The COVID-19 pandemic not only affected our health and safety, but it also had far-reaching effects on social and economic activities. The resulting damages were experienced equally by migrants and refugees who are part of the same community.

Under the disaster situation, migrants and refugees often found themselves in increasingly vulnerable situations in terms of human rights. Because of their status, they were often excluded from public policies on masks and disaster funds, experienced increased discrimination and hate

in their day-to-day lives, and were disadvantaged as information were not available in a language they could understand. The Commission monitored their human rights situation, analyzed the results, held meetings, distributed press releases, and posted opinion on its website.

The Commission remedied several key petitions?human rights violations of refugee children sojourning in airport terminals for extended periods of time, migrant children who were born in Korea or lived in Korea for a long time until they graduated from high school but don't have documentation for sojourn status, migrants who were excluded from COVID-19 emergency disaster payments by local governments, and refugee status applicants whose human rights were violated during interviews?and worked to make institutional and policy improvements for migrants and refugees.

The Commission took the initiative to respond actively to current issues in this area by monitoring government policies and media trends, and establishing a network of cooperation with domestic and international organizations and groups involved in protecting the rights of migrants.

### **Promoting human rights and the right to equality in the criminal justice system**

Increased police power resulting from the adjustment of investigative jurisdiction between the police and the prosecution highlighted the need for democratic checks on abuse of power and human rights violations by the police. Such a call has led the Commission to launch an advisory committee comprising relevant experts to establish democratic checks on investigation authorities. The committee reviewed the role of the Commission as a mechanism for democratic checks, and how human rights can be guaranteed in investigation procedures and practices. In addition, it organized working-level meetings with the Ministry of Justice and the National Police Agency to discuss investigation procedures, and sat in the 3rd NAP to hear about plans to protect and promote human rights during investigations.

In relation to a constitutional appeal for abolition of the death sentence, the Commission submitted opinion to the Constitutional Court in support of the appeal.

### **Reinforcing preventive measures to protect the socially vulnerable**

A series of cases involving serious child abuses by persons with parental rights led the Commission to conduct ex officio investigations into the existing system to prevent child abuse

and track cases, procedures for prevention, and post-incident protection measures, to come up with policy recommendations. It also expressed opinion on the need to remove Article 915 from the Civil Act in order to eradicate child abuse by persons with parental rights.

To promote the rights of children who are no longer entitled to guardianship, the Commission made policy recommendations in support of a system that can assist the children as they start a life on their own and help them build competence. It also conducted on-site inspections of children care facilities, which account for the largest portion of children welfare facilities. The Commission looked at how the rights of children in facilities were guaranteed, including their right to petition, especially given the serious child abuse case that triggered a huge social debate in 2020. It also examined programs that assist children to begin a life on their own and the back-to-family programs, as well as human rights violations under the COVID-19 situation.

The Commission visited five foreigner detention facilities to examine detainee treatment and their right to health under the pandemic situation. It also examined whether the new policy to prevent extended custody have had its intended effects. The Commission also inspected ten correctional facilities in writing or with visits, and returned feedback on areas needing improvement.

The Commission initiated on-site inspections of mental health institutes, nursing homes for the mentally disabled, and welfare facilities for older persons. Due to the spread of COVID-19, the planned inspections were replaced with paper-based investigations and meetings with facility directors and experts.

### **3) Building Sustainable Human Rights Governance**

#### **Institutionalizing specialized human rights education**

The Commission worked to establish the Human Rights Training Institute in an effort to guarantee people's right to human rights training and conduct training in public organizations, schools, and the society in a more systematic and professional manner. To this end, it secured the necessary land and the budget for a preliminary design.

It also organized meetings with the Specialized Human Rights Education Committee, Human Rights Educational Forum, Local Government Human Rights Education Council, Military Human

Rights Education Council, School Human Rights Education Council, and University Human Rights Center Council to institutionalize professional human rights training and education.

The Commission expressed opinion on a proposed bill to promote education and training on labor rights and recommended introducing human rights education and training in nursing homes. To better understand the shortfalls in training and education, it also carried out a study on human rights centers in colleges, a study on how to apply more systematic human rights training in the renewed curricula for elementary, middle, and high schools, and a factual survey of human rights training of state public officials in public administration.

### Strengthening cooperation with local human rights institutions

With establishment of human rights ordinances and dedicated human rights institutions at the local government level, and discussions on ‘local governments and human rights’ at the international level, the Commission established and operated the Special Regional Human Rights Committee to strengthen expertise on regional human rights issues and identify new tasks.

An increasing variety of activities were organized with regional human rights organizations to build a systematic and efficient network of cooperation. The Commission looked into the number of personnel in charge of human rights affairs at local governments, and organized meetings with the human rights committees in metropolitan municipalities, and meetings with personnel in charge of human rights affairs at local governments in the capital area.

It also organized the 2020 Convention of Human Rights Advocates, which was virtually attended by representatives of local human rights organizations, human rights administrative personnel, and activists who are involved in promoting human rights at the local level. Under the topic of ‘The significance of an equality law and what roles human rights advocates can play,’ the event featured separate sessions on equality law, i.e. one on key issues and responses on the ground, one on obligations of local human rights organizations (regional public administration, local assemblies, and groups), and one on effective enforcement of human rights ordinances, to facilitate presentations and discussions.

In view of producing a human rights operating manual for local governments, the Commission sent out a survey on challenges faced and responses received from 71 local governments (11 metropolitan governments and 60 counties and city governments).

## **Reinforcing cooperation with civil society groups**

Human rights and civil society groups are the very foundation of the Commission. As such, cooperation with these groups is vital for the Commission to carry out its mission with a good sense of issues on the ground, effectively and independently. In the first and second half of the year, the Commission met with human rights and civil society groups to hear from them prior to establishing its budget and operational plan. In 2020, the meetings were held both online and offline in compliance with the COVID-19 prevention guidelines.

## **Cooperating with international human rights institutions and strengthening enforcement of international human rights standards**

The Commission participated in the annual meeting of the Global Alliance of National Human Rights Institutions (GANHRI, December) and the annual meeting of the Asia-Pacific Forum of National Human Rights Institutions (APF, September) and made a presentation on its activities and led discussions on key human rights agenda, particularly the rights of older persons.

At the GANHRI annual meeting held virtually due to challenges posed by the spread of COVID-19, the Commission was voted to serve as a member of the GANHRI Bureau. Also, as the chair of the GANHRI Working Group on Ageing, the Commission took part as a panel in the virtual GANHRI conference ‘to safeguard and promote the rights of older persons under COVID-19’ in June, contributing to the establishment of the National Guidelines for Human Rights to protect the rights of older persons. In September, it submitted a statement on the United Nations independent expert’s report on the enjoyment of all human rights by older persons. At the GANHRI annual meeting in December, it documented its activities to protect the rights of older persons. It also held the virtual GANHRI conference to safeguard and promote the rights of older persons, where it discussed about lifelong education and competence-building, and normative elements related to the social security and social safety of older persons, as well as the topics of the 11th United Nations Working Group on Ageing (the right to work, access to the labor market, and access to justice).

At the 25th APF Annual Meeting held in September, the chairperson of the Commission was elected as Deputy Chair of the APF and Deputy Chair of the APF Governance Committee. Furthermore, the Commission and the APF co-hosted a conference to address hate and

discrimination in September. As a leading NHRI, the Commission raised the need to enact an equality law as a mechanism for combating hate and discrimination, raised awareness both in Korea and abroad on human rights issues associated with hate and discrimination, and strengthened cooperation with other NHRIs. Also in October, it organized a meeting with the ambassadors of EU member states to Korea and representatives of UN organizations for discussions on equality law. The participants shared their country's experience in introducing the law and resulting social impacts.

In November, the Commission organized an in-progress review for the Universal Periodic Review (UPR), which involves a review of the human rights records of all member states. As part of continued efforts to strengthen domestic implementation of international human rights standards, it monitored progress by the relevant government organizations and held a meeting to discuss progress made in relation to the concluding observations of the UN Committee on Economic, Social and Cultural Rights on the fourth periodic report of the Republic of Korea. In December, it organized a conference with five organizations and groups, including the National Assembly Women & Children Human Rights Forum, to strengthen implementation of international human rights standards in Korea, with a focus on the legislative branch. The conference provided a venue to discuss what role the National Assembly can play and how international human rights standards can be used up front in legislation efforts.

The Commission translated and distributed key human rights literature, including the United Nations' report on the right to adequate housing and the recommendations by the Council of Europe on combating hate speech. It also translated and distributed the Human Rights Handbook for Parliamentarians jointly published by the Inter-Parliamentary Union and the Office of the United Nations High Commissioner for Human Rights (OHCHR), helping lawmakers' legislation activities with respect to human rights. Notably, the translation and editing of the general comments (a total of 171) of major human rights treaty bodies helped enrich available quality content, and their dissemination helped raise public awareness on international human rights standards.

## **4) Expanding and Diversifying Human Rights Initiatives**

### **Responding to human rights issues in North Korea**

The Commission issued a chairperson comment regarding the statement by the UN Special Rapporteur on the situation of human rights in North Korea at the 43rd session of the Human Rights Council, a chairperson statement regarding the killing of a South Korean public official by the North Korean authorities, examined key issues resulting from the ban on anti-North Korea leaflet drops at the Forum on Human Rights in North Korea, and operated a Special North Korea Human Rights Committee for timely response to human rights issues in North Korea. It commissioned a study on how to contribute to the improvement of the human rights situation in North Korea through the United Nations Human Rights Mechanism and the SDGs, to redefine its role as a national human rights institution and identify directions for international collaboration efforts. Through an international symposium on human rights in Korea, it identified new ways to cooperate on the human rights situation in North Korea under COVID-19.

### **Promoting human rights in business management**

A memorandum of understanding was signed with the Ministry of Justice to foster respect for human rights in business management. Because the Forum on Business and Human Rights in the first half was canceled due to COVID-19, the Commission instead published a source book on business management evaluation system to ensure respect for human rights in business practices. In the second half, it hosted the 2020 Business and Human Rights Forum together with the Ministry of Justice on the topic of international trends in human rights in business management, proposed practical actions, and the role of the government. It also carried out a survey of the human rights impact assessments by public institutions and public enterprises, and a study on improving assessments. This effort was designed to identify institutional improvements that can be made to establish and sustain a system that ensures respect for human rights in the management of public institutions.

### **Protecting personal information rights in a changing era**

New data processing technologies such as AI (Artificial Intelligence), big data, and image data processing system are having direct effects on people's lives. The Commission responded actively

to rapid technological changes and advances by making several recommendations, expressing opinion to protect information rights, and commissioning a study on related agendas.

The Commission expressed opinion on the proposed partial amendment to the Medical Service Act with respect to criteria for handling operating room CCTV footage, expressed opinion on the proposed partial amendment to the Act on Real Name Financial Transactions and Confidentiality with respect to provision of financial information criteria, expressed opinion on a legislative bill to promote the artificial intelligence industry with respect to human rights protection criteria when using artificial intelligence, expressed opinion on the proposed partial amendment to the Act on Press Arbitration and Remedies, Etc. for Damage Caused by Press Reports with respect to false media reporting and protection of freedom of expression, and decided to recommend amendment to the Enforcement Decree of the Credit Information Use and Protection Act to prevent violation of privacy resulting from use of My Orders information in the so-called My Data business.

The Commission also commissioned a study on legal and institutional improvements to protect personal information in accordance with international human rights standards such as the General Data Protection Regulation (GDPR) of the European Union. This was an effort to find a balance between technological advancement and protection of personal information. It also organized the Forum on Digital Rights comprised of leading experts in the field of digital rights. The forum identified new agendas, including protecting digital rights under COVID-19 and protecting main agents of information in the era of big data, and presented recommendations.

## Reinforcing the rights to life and safety, environment, and culture

The spread of the COVID-19 pandemic in 2020 has fast turned a public health crisis into an economic and social crisis, and exacerbated the vulnerability of the least protected in society.

Through remedies and statement regarding mass infections of long-term hospitalized persons with mental disabilities in a closed hospital ward, and emergency surveys of the human rights of persons with disabilities amid the COVID-19 situation, the Commission was actively involved in safeguarding the right to live and the right to health of the least protected in society by documenting the various vulnerabilities they are facing, and use it as baseline data for further analysis and recommendations. It also contributed to improving the state's home care assistance program for persons with disabilities who find it difficult to perform their day-to-day tasks



without assistance. This program, which is accessible anytime of the day, was only available for persons with disabilities not exceeding 65 years of age. Those 65 years or older were placed under the long-term care program for older persons, which is offered only for three to four hours a day. This situation had caused serious challenges for persons with limited mobility, with serious risks posed not just on their health but also on their life. In this regard, the Commission provided prompt remedies (seven times) and policy recommendations including the amendment to the Act on Activity Assistant Services for Persons with Disabilities. On December 2, a partially amended legislative bill was passed by the National Assembly.

Meanwhile, the Commission organized a meeting with parties interested in climate change and children's rights to identify new policy agenda related to impacts of climate change on children's rights.

### Promoting respect for human rights in the military

Noting the high suicide rate among not just enlisted soldiers but also young officers in the military, the Commission carried out an ex officio investigation and made policy recommendations to prevent suicide in the military. It also conducted factual surveys to improve the military medical service system.

In addition, following abolition of the military guardhouse system in August, the Commission carried out on-site inspections of military confinement facilities (two Army units in the front area and two in the rear area, one each in the Navy and the Air Force) that took over the functions of military detention facilities, to examine and make recommendations on potential human rights issues. Some recommendations were acted upon on the ground, while other recommendations requiring action by the Ministry of National Defense were made directly to the Minister.

From June to July, the Commission conducted ex officio investigations of confinement facilities based on Article 24 of the NHRCK Act, with a view to improving prison environment and safeguarding inmates' rights. This time around, the inspections mainly focused on the functions of the confinement facilities run by each service and the overall conditions facing pre-trial inmates, as the military guardhouse system was abolished on August 5.

## B. Special Programs

### Active Response to Spread of Hate Speech

Further to 2019, the Commission continued programs to prevent and eradicate hate speech. Notably, in response to social issues that emerged in 2020, it issued a chairperson's statement on rising hate speech amid COVID-19 response, analyzed COVID-19 and big data on hate, carried out the nation's first state-sponsored survey of transgender people, and monitored hate speech during the 21st legislative elections.

In 2020, the Commission saw the education and the press/media community making declarations on self-regulation against hate speech, and managed a variety of educational and promotional activities. These efforts were replicated in other domains, including online, sports, state organizations, and private businesses, and helped foster wider consensus on preventing hate speech and its evil impacts.

## C. Feature Program: NHRCK Capacity-Building

### Monitoring implementation of recommendations and improving petition processing

To ensure effectiveness of recommendations, the Commission monitors status of their implementation on a semiannual basis. For recommendations that are not accepted, it releases to the media the intent of the recommendations and the reason why they were rejected by the respondent institutions.

In 2020, nine recommendations that were not accepted were publicly announced in the media, including the recommendation to three private colleges to correct discrimination based on religion against teaching staff applicants, recommendation to the Namyangju City Government to correct discrimination against indefinite-term contract workers in the provisions relating to official holidays, recommendation to the Gyeonggi-do Provincial Government to stop excluding handicapped persons aged 65 years or older from the home care assistance program, recommendation to the Gyeonggi-do Provincial Government to correct discrimination against immigrants in COVID-19 emergency relief payments, and recommendation to the National

Police Agency to correct discrimination against people with moderate to severe color blindness in selection of police officers.

Meanwhile, in 2020, the Commission monitored human rights improvements in the investigation community. The effort was designed to understand to what degrees its recommendations over the past 20 years were implemented at the patrol station and police substation level, what the general perception is on the ground, and what challenges exist in implementing recommendations.

The Commission refined procedures to deal with emergency relief cases with greater efficiency. When a petition is filed for emergency relief, the Commission carries out an on-site or other preliminary inspection to determine if the case is eligible for emergency relief, then reviews possible solutions, and if emergency relief is deemed necessary, refers the case to the standing committee.

### **Revisiting the NHRCK Act for greater independence of the Commission**

The Commission prepared a revised draft of the NHRCK Act, with provisions to strengthen its independence in terms of organization and budget, expand its role and functions, expand its remedial functions, institute the Military Human Rights Safeguard Program, and be more aligned with existing laws. The revised law will be proposed for legislation in 2021.

It also prepared legal basis for an ‘e-petition system,’ which would help people better track the status of their petition and ensure that petitions are handled more efficiently. It also submitted a government proposed partial revision to the NHRCK Act to enable delivery and notification of documents over computer data processing system and associated information network system.

### **Actively responding to changing patterns of discrimination with preliminary study of discrimination criteria**

Due to deepening bipolarization of the society, the number of discrimination-related petitions filed with the Commission has been on a continuous rise (136 in 2002→1,685 in 2009→2,188 in 2015→2,869 in 2020), with the largest increase associated with discrimination in employment (490 petitions processed in 2016→702 in 2020). Aside a quantitative expansion of discrimination-related petitions, there has also been a qualitative expansion as a result of enhanced public awareness and changing economic and social environment. Consequently, new issues have

continuously emerged, adding to the diversity of petitions. As the society advances and there is a higher degree of economic development, discriminatory acts tend to be more indirect and inconspicuous, along an increase in their patterns. There are also more complex cases in which various interests are involved. To respond efficiently to such environmental changes, the Commission not only relies on domestic positive laws but also on standards established by international organizations, anti-discrimination laws in Europe and North America, and laws, regulations, and guidelines on employment discrimination in key countries (Canada, Germany, the United Kingdom, and the European Union). Using the findings of a preliminary study conducted in the previous year, it also commissioned a study to establish systematic criteria for determining discrimination. It strove to enable timely, professional investigations and determination by identifying the common issues by reasons, types, and areas of discrimination in major decisions made, and by developing criteria to determine comparative cases and criteria to determine comparative justification in discrimination claims.

### Competence-building for staff

With large-scale group training becoming practically impossible under COVID-19, the Commission quickly turned to small group and online training for safety.

As part of efforts to help working-level staff build competence, the Commission consulted closely with the departments to design tailored programs that can help meet the specific needs of the staff. Also, given the specialty requirements and diversity of investigations, training of investigators in charge of discrimination cases was conducted separately from training of those charged with human rights violations.

Also, with the aim of enhancing the human rights sensitivity of the staff, the Commission ran a program titled ‘Understanding the Contemporary and Modern History of Human Rights’ so that participants can learn about the evolution of human rights over time and have discussions looking into the future. By offering specialized training specific to each office, it sought to shape an organizational culture where performance of mission can be informed by training.

## D. Response to Major Human Rights Issues

### Equity and anti-discrimination laws and policies

The principle of equality is the key principle of the Constitution for guaranteeing basic rights. The international community has continuously recommended the Korean government to enact an inclusive anti-discrimination law<sup>1)</sup>. Considering that it is now time for Korea as a member of the UN Human Rights Council to respond and there is mature public consensus on the need for an equality law<sup>2)</sup>, the Commission worked on multiple fronts to shape favorable conditions for successful legislation of the law, which had failed to be enacted despite being motioned seven times since 2006, when the Commission had recommended it for the first time. It also laid the legal basis for an inclusive society where diversity is respected and equality is effectively realized.

Following the development of a draft equality and anti-discrimination bill (equality law), which came out of several meetings to review key issues (nine times), working-level meetings to shape public discussion (four times), collection of opinions on the proposed bill (six advisory meetings and three meetings for feedback), and workshops of human rights commissioners (two times), the Commission on June 30 expressed opinion to the National Assembly that there is an urgent need for an equality law to be enacted.

Furthermore, to support the National Assembly motion the bill, it publicized the issue through various multilateral engagements, including legislation strategy team meetings (nine times), meetings with the Chairman of the National Assembly and political party leaders, meeting with individual lawmakers to orient them on the bill, referral of the topic to the ministerial meeting for social affairs, engagements with the Seoul Bar Association and the Korean Bar Association, meetings with the elders of seven religious orders, presentations of the bill in six regions,

---

1) The United Nations Human Rights Committee (deliberation in 2015), Committee on Economic, Social and Cultural Rights (deliberation in 2017), Committee on the Elimination of Racial Discrimination (deliberation in 2018), Committee on the Elimination of All Forms of Discrimination Against Women (deliberation in 2018), Committee on the Rights of the Child (deliberation in 2019) and Human Rights Council's Universal Periodic Review (deliberation in 2017) have recommended legislation of an inclusive anti-discrimination law.

2) In a survey of how the public perceives discrimination (April 2020), nine out of ten respondents (91.1%) thought they could be an object of discrimination or become a minority and 88.5% sympathized with the need for an inclusive anti-discrimination law.

production and distribution of Q&A materials, production of card news and Youtube ads, support of an international conference to combat hate and discrimination, a conference with Ambassadors to Korea, and press interviews with CBS and Kuki News.

### **Operation of Special Investigation Team to promote human rights in sports**

The Special Task Force for Human Rights in Sports, which was launched in February 2019 to eliminate violence and sexual violence in sports, was set to expire in February 2020. Given the achievements made in 2019, however, its mission was extended until February 2022.

The task force analyzed the results of human rights surveys of athlete students at every level of school, training camp conditions, and professional sports, and made policy recommendations to promote the rights of student athletes in elementary, middle, and high schools, and athletes attached to professional sports teams. In 2019, the Commission had conducted large-scale ex officio investigations into a system that 500 or so sports organizations and human rights associations had established to cope with violence and sexual violence. Based on the findings, it recommended ways to make the system more robust and underscored the need for fundamental change in perception.

Based on an analysis of the 2019 survey of athlete students at every level of school, the Commission selected ten sporting events and carried out in-depth interviews of athletes, coaches, parents, staff of sports associations, schools, and offices of education to better understand violation patterns and causes. Meanwhile, despite the fact that most national competitions were either canceled or held without spectators due to COVID-19, the Commission monitored the human rights conditions to prevent incidents. With a view to raising awareness of human rights in sports, it carried out a campaign titled ‘#Human Rights First, Sports Should Be Fun’ and the ‘Season 2 of the Declaration of Human Rights in Sports.’ The contactless campaigns helped garner wide public support and encourage voluntary efforts by the sports community.

### **Multilateral Efforts to Protect Human Rights amid COVID-19 pandemic**

Though Korea’s COVID-19 response was assessed as being more successful than in other countries, it resulted in some public concern about privacy exposures, social stigma, and the higher risk of infection among vulnerable groups. The Commission responded to potential

human rights violations in a timely manner, issuing five recommendations – regarding limited access to information for people with disabilities, excessive disclosure of personal information of infected persons, wristbands, and discrimination in supporting social minorities – and publishing ten statements.

Also, given the possibility that the pandemic might last longer than anticipated, the Commission established and operated the COVID-19 Task Force and announced a COVID-19 Activity Progress Report. Based on in-depth reviews of violations of the right to information and basic rights, challenges in protecting vulnerable groups, and other issues that the task force helped identify, it will propose ways to improve institutional arrangements in a way that balances sustained pandemic prevention measures with respect for basic rights.

In addition, as the nation's human rights watchdog, it quickly provided translation of 15 guidance and reports that the United Nations and other international organizations developed on the human rights dimensions of the COVID-19 as they pertain to prisoners, the elderly, children, and immigrants, among others. It distributed the translated materials to the relevant government agencies in Korea and abroad, as well as local governments so that COVID-19 responses and policies can be more aligned with international human rights standards.

### **Statement regarding excessive disclosure of personal information of confirmed coronavirus patients**

Concerns were raised that the disclosure by the central and local governments of COVID-19 patients' travel histories led to excessive exposure of their personal information. This caused patients to become targets of criticism, mockery, and hate. While recognizing the need to disclose information on patients' times and places of visit, the Commission found it concerning that disclosing the detailed travel histories of all infected persons could cause symptomatic persons to become reluctant to report their symptoms or to take COVID tests for privacy reasons.

In a statement announced on March 9, the Commission suggested that, instead of disclosing travel histories of an individual infected with COVID-19 along with his or her personal information, the disclosure should be restricted to the places and times of visits by COVID-19 cases. The Commission further recommended the public health authorities to disclose the status of disinfection and quarantine measures taken for the facilities or business establishments visited

by confirmed patients to address public fears; and to consider ways to protect the privacy of confirmed patients.

## **Investigation of human rights violations against persons with disabilities during COVID-19 pandemic**

COVID-19 policies have often failed to provide coverage for people with disabilities, putting them at serious risks. The situation prompted the Commission to prioritize an emergency nation-wide survey to better understand policy shortfalls. From October 5 to December 10, the Commission conducted emergency surveys to understand the risks, interview family members of persons with developmental disabilities, and collect COVID-19 policies of the central and local governments.

The survey showed that the government's various coronavirus policies over the last year have failed to properly account for accessibility and fair services for people with disabilities. In a survey of families whose member has development disabilities, a large group of respondents (1,174 persons) said that the government's policies for persons with developmental disabilities had meager effects on how they were coping with the pandemic situation. On December 22, amid a third wave of the COVID-19 pandemic, the Commission announced the initial findings of the survey to shape public interest on this issue. Based on follow-up work and analysis, it plans to disclose the overall survey results and publish a report in the first quarter of 2021, and if necessary, use them for policy and institutional improvements.

## **COVID-19 relief fund payments**

The Commission quickly initiated an investigation into a collective petition filed in April and the controversy surrounding exclusion of foreign nationals from emergency relief programs of local governments, which are designed to help residents deal with the pandemic situation and stimulate local economies. The Plenary Committee session in May concluded that such exclusions constitute unjustifiable discrimination and a violation of equal rights. Based on recommendations by the Commission, the local governments in question either made additional emergency relief payments available for foreign residents or made them eligible for subsequent emergency relief payments.



## **Ex officio investigation in relation to sexual harassment by late Seoul Mayor Park Won-soon**

From August, the Commission conducted an ex officio investigation of alleged sexual harassment by late Seoul Mayor Park Won-soon. The investigation revealed that there still remain low public awareness and considerable gender differences in perception of sexual harassment. It developed recommendations for the Seoul Metropolitan Government and the Minister of Gender Equality & Family to protect the victim, correct the organization's institutional discrimination against women, and raise awareness in the public domain that sexual harassment is a violation of labor rights.

## **Opinion expressed on proposed revision to law banning abortion**

With regards the government's proposed revisions to the Criminal Act and the Mother and Child Health Act, which still criminalize abortion despite a Constitutional Court's ruling in April 2019 that the abortion ban is unconstitutional, the Commission on November 30 expressed opinion that abortion should not be criminalized. In February 2019, the Commission had submitted similar opinion to the Constitutional Court when a constitutional appeal on abortion ban was being reviewed.

## **Recommendation of emergency relief for a transgender soldier referred to Discharge Deliberation Committee**

In response to a petition that a transgender soldier had filed on January 20 to have a Discharge Deliberation Committee meeting postponed, the Commission decided to recommend emergency relief based on Article 48 (1) of the NHRCK Act.

The Commission concluded that there are no legislation or precedents regarding gender transitioning while in active military service; referring the non-commissioned officer to the Discharge Deliberation Committee for the reason that a sex reassignment surgery can lead to physical disability could potentially be a discriminatory act; referral to the Discharge Deliberation Committee could ultimately undermine the basic rights of the victim; and a decision to discharge the soldier by the Discharge Deliberation Committee could potentially result in irreversible damage.

Based on Article 4 of the Rules on Investigation and Remedies of Violation or Discrimination, the Commission made a recommendation to the Army Chief of Staff to postpone the meeting of the Discharge Deliberation Committee scheduled for January 22. However, the petitionee did not accept the recommendation.

### Emergency reliefs in relation to one-man protests and strikes

Faced with a spike in emergency relief requests, the Commission promptly carried out preliminary on-site investigations to resolve human rights issues on the ground. In response to restrictions placed on bringing food into a re-development site in Daegu, it quickly visited the site to understand the situation and decided to make an emergency relief recommendation. Regarding the long-term, one-man protest staged by a survivor of the Sewol Ferry Tragedy, it helped to resolve the heating and medical problem faced by the protestor. It also made quick visits to the one-man protest in front of the Korea Banking Institute, the strike at Busan Grand Hotel, the crane strike at Daewoo Shipbuilding, the strike to reinstate dismissed workers in Hanjin Heavy Industries, and the strike by LG Twin Tower cleaning workers, to help resolve the issues.

## E. Investigations and Remedies of Human Rights Violations and Discrimination

### Investigations and remedies of human rights violations<sup>3)</sup>

In 2020, the number of petitions filed in relation to human rights violations was 6,530, which is 449 (6.4%) less compared to the previous year. While the number has been falling over the last three years, the fall in 2020 is likely attributable to limitation in social activities and face-to-face contacts under the COVID-19 situation.

The number of petitions processed was 6,385, which is 251 (3.8%) less compared to the previous year. The fall can be attributed to both a decrease in the number of petitions filed and more focus placed on processing long-term cases carried over from 2017. The number of remedied cases was 634, which is 106 (20.1%) more compared to the previous year. The rate

3) For more details, see Part 2 on Key NHRCK Activities (p. 100).

of remedied cases was 9.9%, which is a 1.9%p increase from the 8.0% in 2019.

In 2020, the Commission continued to make several meaningful recommendations to remedy violations of human rights. These include recommendation to correct departure ban requests made without justifiable reasons, recommendation to establish safety regulations during escort of suspects, recommendation to correct court sheriffs' practice of trespassing into debtors' residence without legal basis to remind debtors of execution of judgments, recommendation to cancel a military decision to discharge an enlisted soldier who had undergone a sex reassignment surgery while on active duty and to revise the relevant rules and regulations, recommendation to stop indiscriminate restrictions placed on entries of outside books into correctional facilities, recommendation not to exclude foreigners from getting emergency relief funds, recommendation to take disciplinary actions against those involved in bullying and abusing power in a public organization; and recommendation to correct teachers' practice of forcing students to write letters of apology.

### **Investigations and remedies of discrimination<sup>4)</sup>**

In 2020, the number of petitions filed in relation to discrimination was 2,385, which is 336 (12.3%) less compared to the previous year. The fall is likely attributable to reduced outside activities by persons with disabilities under the extended COVID-19 situation, and the number of sexual harassment cases returning to normal levels after temporarily spiking in 2018 due to Me Too campaigns.

Despite a fall in the number of discrimination-related petitions filed in 2020, the number of petitions processed was 2,879, which is 427 (17.4%) more compared to the previous year. This is likely due to less time required to process cases as there were less petitions filed, and prompt processing of merged cases in relation to discrimination against persons with disabilities. The number of remedied cases was 976, which is 464 (90.6%) more compared to the previous year. The rate of remedied cases was 33.9%, which is a 13.0%p increase from the 20.9% in 2019.

In 2020, the Commission continued to make a series of meaningful recommendations in response to discriminatory acts and sexual harassment, as part of efforts to establish human rights

---

4) For more details, see Part 2 on Key NHRCK Activities (p. 117).

as universal values in the society. It paved the way for the three major television channels to offer sign language interpretation during their prime time news, guaranteeing the right to language for hearing-impaired people . It also made recommendation to correct gender-based discrimination in employment in broadcasting companies, recommendation for correction with regards an embassy personnel sexually harassing a foreign subordinate employee, recommendation regarding blended families not being eligible for government education subsidies that are available for families with multiple kids, and recommendation to correct discrimination in police officer recruitment based on physical conditions (bowlegs and dyschromatopsia).

## Chapter 4 Assessment and Challenges

The spread of COVID-19 in 2020 caused the entire world to be threatened for their lives and safety, and to experience social and economic crises. Despite being praised for its relative success in preventing the spread of the pandemic, Korea saw human rights issues emerge in that course, especially privacy infringement and lack of social safety nets for vulnerable groups such as persons with disabilities, migrants, and older persons.

To prevent social stigma and protect privacy, the Commission issued a timely chairperson's statement in response to key emerging issues, playing a decisive role in the authorities' changing their guidelines on disclosure of travel histories of confirmed COVID-19 patients. It also made a recommendation to local governments to not exclude foreign residents from getting emergency relief payments, made an on-site inspection of a cohort quarantine measure at a mental hospital, recommended sign language interpretation to guarantee the right of access to information of hearing-impaired people, carried out a factual survey of human rights violations experienced by persons with disabilities under the COVID-19 situation, and issued a statement to protect the basic rights of older persons.

In response to human rights abuses associated with the spread and extension of COVID-19, the Commission launched a COVID-19 special task force to examine the issues and to identify necessary institutional improvements by area.

The Commission also responded actively to deepening hate speech and discrimination amid the COVID-19 pandemic. It announced a declaration calling for a self-regulatory approach towards hate speech jointly with the education and the press/media communities and carried out a variety of educational and promotional activities.

With a view to fostering a society where diversity is respected and no one is discriminated, the Commission reviewed key issues related to an equality law and held meetings with human rights and civil society groups to develop a draft equality law. In June, it expressed opinion to the National Assembly that there is a need for an equality law to be quickly enacted. The Commission continued to support legislation on multiple fronts, promoting the intent of the law and getting

feedback from the religious community. In 2021, it will continue to approach this task from various angles so that the proposed law can be discussed further for legislation. The Commission's efforts to combat hate speech and discrimination, and promote equality have helped improve how the society generally perceives these problems, and encouraged self-regulatory initiatives in various domains.

In 2020, endemic violence and sexual violence in sports were brought to light by the tragic death of athlete Choi Sook-hyun. Clearly, this problem will continue to exist unless fundamental changes are made to the paradigm in sports. Sustained efforts will be required to reform the way athletes are trained and their performances assessed, as elite sports athletes are subject to excessive competition and pressure to win to elevate the 'national status.' To this end, the Special Investigation Team for Human Rights in Sports must help establish a system to redress human rights abuses in sports, by investigating and remedying petitions filed, and carrying out ex officio investigations for structural reform, conducting factual surveys of human rights conditions, and working to enhance perception in sports.

To successfully complete the fifth phase of the Human Rights Promotion Action Plan (2018-2020), the Commission steadily worked to achieve the four strategic goals while actively responding to key human rights issues.

First, it was involved in various activities to foster a society that respects human rights and ensures a dignified life for all, with equal enjoyment of the key social rights – labor rights, right to health, right to adequate housing, and poverty reduction.

It worked to resolve labor issues facing those not protected by labor laws – subcontract workers in the power generation sector, parcel service workers, construction laborers, indefinite-term workers, door-to-door workers, and youth workers – and sought to make institutional improvements. It also made policy reviews to safeguard the labor rights of platform laborers<sup>5)</sup> who are not granted legal protection. It also actively expressed opinion regarding proposed amendments, including the one related to the National Basic Living Security Act so that the right to adequate housing of the housing poor and the right to live of those in absolute poverty can be guaranteed.

5) Platform labor: Local, service-oriented tasks such as delivery, driving, running errands or cleaning houses allocated to individuals through digital labour platforms such as location-based applications

Many activities and efforts were made to strengthen the preventative monitoring system so that the rights of various vulnerable groups who are exposed to social discrimination and exclusion – women, persons with disabilities, children, foreigners, and low-income persons – can be effectively guaranteed, to realize equality before the law, and to achieve an equal society that provides a minimum social safety net.

In the area of sexual discrimination, sexual harassment and women's rights, the Commission responded to some high-impact issues in a timely manner. It carried out an ex officio investigation into the sexual harassment claim against late Seoul Mayor Park Won-soon, recommended the relevant organizations to protect the victim, and make institutional improvements to prevent recurrence of similar incidents in the future. In reference to the government's proposed revisions to the Criminal Act and the Mother and Child Health Act, it expressed opinion that it would be desirable to decriminalize abortion.

Along with these efforts, the Commission prioritized legal and institutional improvements to promote gender equality in political representation. It also carried out a survey on the public's perception of sexual harassment to inform tailored intervention strategies to prevent and regulate sexual harassment.

The Commission had continuously called for sign language interpretation to guarantee the right to access information for hearing-impaired people. Thanks to such efforts, sign language interpretation has now become a norm on some television programs. Also, on eight different occasions, it had made recommendations to address the limitations faced by persons with severe disabilities who are 65 years or older in getting home care assistance program. The Commission's multi-year effort finally paid off, with the related law revised in 2020.

The Commission conducted factual surveys of human rights abuses against persons with disabilities amid the COVID-19 pandemic. The surveys provided an overall picture of abuses and violations, which had previously been reported on an individual basis. At the same time, it highlighted the seriousness of human rights conditions facing people with developmental disabilities. The findings of the surveys will be used as baseline data for future policy and institutional recommendations.

Meanwhile, the Commission recommended that specific plans be included in the Five-year National Mental Health Plan to deinstitutionalize persons with mental disabilities and bring them

back to communities, It organized policy discussions on deinstitutionalization of persons with disabilities in Gwangju and three other cities to seek institutional improvements that would help persons with disabilities live a life on their own and in their own communities.

In the area of children's rights, a series of deaths associated with child abuse and other issues associated with COVID-19 emerged as urgent problems for the Commission to address. Through ex officio investigations, the Commission examined the system to prevent child abuse and manage cases, procedures for prevention, and post-incident protection measures, and came up with some policy recommendations. It expressed opinion on the need to delete Article 915 from the Civil Act in order to eradicate child abuse by persons with parental rights. It also made policy recommendations to help children who are no longer entitled to guardianship to start a successful life on their own.

In the area of migrants' rights, the Commission consulted with the relevant ministries, calling on state and local governments to not exclude migrants and refugees when establishing and implementing immigration policies. It also promptly recommended local governments not to exclude foreign residents from emergency relief payment.

Meanwhile, the Commission initiated seven on-site inspections to homeless support service centers, senior nursing homes, confinement facilities, and mental health promotion facilities, to prevent human rights abuses. Inspections of these facilities were delayed due to the pandemic situation, so the Commission made arrangements for meetings with experts and reviews of related materials and achieved meaningful results in 2021.

With a view to establishing a nation-wide human rights safeguard system, the Commission carried out various activities to strengthen cooperation with local human rights organizations and civil societies. The Commission helped enhance their expertise on regional human rights issues by launching and operating the Regional Special Human Rights Committee as a venue for sustained discussions. The Regional Special Human Rights Committee must be brought up to speed to strengthen the regional human rights safeguard mechanism and help human rights offices build their capacity.

Despite challenges posed by the spread of the pandemic, the Commission was actively involved in exchanges and cooperation with national human rights institutions. Thanks to these efforts, it was elected as Deputy Chair of the APF and Deputy Chair of the APF Governance Committee,



enhancing its standing in the international community. As the chair of the GANHRI Working Group on Ageing, it continued to be actively involved in protecting the rights of older persons, including hosting international conferences.

The Commission continued its efforts to strengthen implementation of international human rights standards. It monitored the implementation status of the relevant government organizations, cooperated internationally to shape discussions on the enactment of an equality law, and hosted a conference to discuss how international human rights standards can be used up front in legislation efforts.

To expand the concept of human rights as future-oriented values, the Commission sought to promote and encourage public discussion on new human rights concepts, including human rights in North Korea, human rights perspectives in business management, digital rights, right to life, safety, environment, and culture, and human rights in the military.

Noting the impacts that new data processing technologies such as AI and big data have on people's lives, the Commission sought specific ways for digital rights to be protected, and in the future, it plans to approach this task in a more active and systematic manner.

In the area of human rights in the military, the Commission conducted on-site inspections of military confinement facilities to monitor their functions, facilities, and environment, examine proposed improvement of military confinement facility operation since the military guardhouse system was abolished, and make recommendations to protect and promote human rights in the military. It also made a quick emergency relief recommendation on an emergency case involving forced discharge of a soldier who had undergone transgender surgery.

Regarding the human rights situation in North Korea, the Commission announced a statement in relation to North Korea's killing of a South Korean public official and responded to current issues in a timely manner by organizing the North Korean Human Rights Forum and a Special North Korea Human Rights Committee meeting.

In 2020, there were 804 (8.2%) less petitions filed compared to the previous year, a fall that could be attributed to the social distancing measures under COVID-19. The decrease was seen in petitions related to human rights abuses as well as discrimination. On the other hand, the number of petitions processed increased by 163 (1.8%), owing to active processing efforts. The number of remedied cases also rose by 569 (54.7%), with the rate of remedies jumping to 17.3%,

which is a 5.9%p increase from the previous year. Moreover, the Commission stepped up timely responses to human rights issues on the ground through ex officio investigations and emergency relief decisions. Consequently, some significant recommendations were made to improve existing practices, laws, and regulations, and to protect the rights of social minorities.

Despite the need for the Commission to maintain cooperation and discussions with stakeholders, the COVID-19 situation made it difficult to engage face-to-face. This raised the need to develop new ways to continue cooperating with stakeholders in contactless settings.

The investigative jurisdiction gained by the police following the adjustment of investigative jurisdiction between the police and the prosecution raised the need to prevent and democratically control abuse of power and human rights abuse by the 100,000-strong police force. This calls for the Commission to strengthen investigation and remedial activities pertaining to investigative agencies, and to create a police & prosecution human rights investigation division to exercise external control on investigative agencies.

At the end of 2020, the Commission's Discrimination Remedy Bureau (including bureau chief and division chiefs) had a personnel quota of 33, which is similar to the level when the Commission's organization was reduced under the Lee Myung-bak administration (30 persons at the end of 2008). Given the surge in discrimination cases compared to the past, this structure has limited the Commission's ability to perform its mission in a stable and steady manner, and meet public expectations. In the long run, the Commission must be re-organized for greater independence and authority, latitude in personnel hiring and manning, and establishment of a new gender-equality division.

To reinforce its functions related to gender-based discriminations, the Commission has, since July 24, 2018, relied on the total payroll costs program to operate the provisional Gender Discrimination Remedy Team, but this arrangement has considerably strained the Commission's ability to take prompt remedial actions against sexual harassment and gender discrimination incidents, and respond to gender issues preemptively. Also, given the recommendation by the United Nations Committee on the Elimination of All Forms of Discrimination Against Women that increased authority and sufficient resources be given to the Commission to deal with gender and women's rights issues, a permanent division-level office should be established before the term of the Gender Discrimination Remedy Team expires on June 30, 2021.

National Human Rights Commission of Korea  
Annual Report 2020



# 32

## Key NHRCK Activities

- Chapter 1 Improvement of Human Rights-related Statutes, Institutions, Policies, and Practices
- Chapter 2 Investigations and Remedies of Human Rights Violations and Discrimination
- Chapter 3 Human Rights Education and Promotional Activities to Foster Respect for Human Rights
- Chapter 4 Domestic and International Exchanges and Cooperation
- Chapter 5 Regional Human Rights Offices



National Human Rights Commission of Korea

## Annual Report 2020

## 02

## Key NHRCK Activities

## Chapter 1

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

#### Section 1. Overview

Based on the NHRCK Act, the Commission makes recommendations and presents opinions to improve human rights-related statutes, institutions, policies, and practices; conducts surveys on human rights conditions; and makes recommendations and presents opinions regarding compliance with international human rights conventions.

If deemed necessary, we can establish subcommittees and advisory bodies to perform our duties; consult with national institutions, local governments, and other public and private organizations; organize hearings; and present our opinions to courts and the Constitutional Court regarding trials that have significant implications on the protection and improvement of human rights. We are obligated to prepare an annual report to specify our activities and human rights situations and efforts to enhance rights protections for the preceding year to submit to the President and the National Assembly.

## Section 2. Policy Recommendations and Opinions

### 1. Status of Recommendations and Opinions

[Table 2-1-1] Status of Recommendations and Opinions on Related Laws and Policies

(Unit : cases)

Classification	Total	Policy recommendations	Opinions expressed	Opinions submitted
Cumulative sum	993	413	550	30
2020	117	25	91	1
2019	102	25	75	2
2018	63	28	32	3
2017	64	30	33	1
2016	72	44	26	2
2015	36	12	23	1

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

In 2020, the number of policy recommendations made by the Commission remained at the same level as in the previous year. Opinions were expressed on 91 cases. This is an increase of 21% from 201 in the previous year, an indication that the Commission was actively involved in finding institutional solutions to various human rights issues.

The increase in the number of opinions expressed reflects the Commission's efforts to identify improvements needed in the realm of policy and practice. It also made policy recommendations and expressed opinions following ex officio investigations and on-site investigations.

## 2. Key Policy Recommendations<sup>6)</sup>

### A. Emergency Recommendation Regarding Home Care Assistance Program for Handicapped Persons 65 Years or Older

The home care assistance program for the disabled is a state program designed to help disabled persons who live or work on their own with all types of day-to-day activities. It is a major welfare program with a budget of 1.5 trillion won for 2021. The program, the services of which are available anytime of the day, is only available for disabled persons below 65 years of age. Those who are 65 years or older are placed under the elderly long-term care program, the service of which is reduced to three to four hours a day. This situation has caused serious challenges for persons with limited mobility, with serious risks posed not just on their health but also on their life.

The Commission had continuously made recommendations and expressed opinion on this issue. On February 20, it presented an emergency policy recommendation that lays out some general directions for resolution. It recommended the heads of 17 local governments to develop new services to assist severely handicapped persons 65 years or older with their minimum daily activities, without legislative amendment.

Because local governments are not in a position to fundamentally resolve this issue and severely handicapped persons 65 years or older will remain exposed to the same risks unless the existing legal shortcoming is addressed, the Commission made recommendations to the Ministry of Health and Welfare, Social Security Committee, and Ministry of the Interior and Safety to revise the relevant laws and find ways to provide assistance.

Almost every organization involved accepted the recommendations, and thanks to an active effort by the National Assembly, a partial revision to the Act on Activity Assistant Services for Persons with Disabilities was passed in December. When the revised law, which significantly captures the recommendations by the Commission, comes into effect on January 1, 2021, the limitation placed on the home care assistance program based on age will become ineffective.

---

6) See Annex for list of policy recommendations.



## B. Recommendation Following Ex Officio Investigation of Military Confinement Facilities

From June to July, the Commission conducted ex officio investigations of confinement facilities based on Article 24 of the NHRCK Act, in order to improve the environment and safeguard the rights of inmates in the facilities. This time around, the inspections mainly focused on the functions of the confinement facilities run by each service and conditions facing pre-trial inmates following the abolition of the military guardhouse system on August 5.

In the six units visited (four Army units, one Navy unit, and one Air Force unit), it was found that the confinement facilities were properly managed and inmates treated according to regulations. However, the Commission identified some areas that could be improved. There was also a need to give out some general recommendations for improvement. On October 13, it made recommendations to the Minister of National Defense regarding criteria on firearm use by the military police; improvement of reception rooms for lawyers' visits; installation of protective custody cells and restraints inside facility; correction of exposure of personal information of inmates; and better partition in restrooms and shower rooms. The recommendations were accepted by the Ministry of National Defense.

## C. Recommendation to Promote Labor Rights of Subcontract Workers in Power Generation Sector

On December 10, in memory of Kim Yong-gyun, an irregular worker who died in Taean Thermal Power Plant two years ago, the Commission made recommendations and expressed opinion to safeguard the life, safety, and labor rights of essential service subcontractors working in coal-fired electrical power plants.

Electric utility is an essential public good in which the operation and maintenance of generating units are “essential services the suspension or discontinuance of which can substantially put public life, health, personal security, and people’s daily activities at risk.”

Following the privatization of the generation services by the Korea Electric Power Corporation in 2001, privately-run power generation companies outsourced services previously performed by regular workers. Coal-fired electrical power generation services, which involve continuity

processes of conveyor belts, have been mostly outsourced, except for work related to generators and furnaces.

Indirect employment<sup>7)</sup> allows businesses to ‘utilize’ and take advantage of needed labor at lesser costs and with the ease of employment adjustment. But from workers’ perspective, this type of employment does not ensure even the basic labor rights guaranteed under the labor law, and it has been cause for serious labor issues, particularly that of risk outsourcing. Over the last five years, all of the 20 worker fatalities and 340 out of 348 occupational injuries (97.7%) in five power generation companies were among subcontractors.

To ensure that power plants continue to be managed sustainably while risk situations addressed immediately, an integrated management approach is necessary, including systematic sharing of information among processes and a unified communication system. This requires companies to directly hire essential service subcontractors, which in turn requires the Ministry of Trade, Industry and Energy and the Ministry of Economy and Finance to develop policy on direct employment of subcontractors by power generating companies.

Thus, the Commission expressed opinion to the Chairman of the National Assembly that a proposed bill on direct employment of workers in life and safety services and a proposed partial amendment to the Occupational Safety and Health Act should be discussed early for legislation. It recommended the Minister of Minister of Trade, Industry and Energy and the Minister of Ministry of Economy and Finance to engage with coal-fired electrical power generation companies to change their regulations on organization, fixed number of personnel, and budget, so that they can directly hire essential service subcontractors. It also recommended five power generation companies to directly hire their essential service subcontractors.

---

7) In contrast with direct employment, indirect employment refers to the ‘use’ of workers from an external company without directly ‘hiring’ them, with the key being in extracting the ‘use’ of labor from the ‘hiring’. Forms of indirect labor includes subcontractors, contractors, and dispatched workers, while outsourcing and business split refer to the processes of transitioning to indirect employment.

### 3. Key Opinions Expressed<sup>8)</sup>

#### A. Opinion regarding the need for legislative revision to safeguard the rights of children who have been sojourning in airport for extended periods of time while seeking refugee status

On February 27, the Commission expressed opinion to the Minister of Justice regarding children who are legally disputing legitimacy of decision not to refer them to refugee review. The Commission is of the view that there is a need to improve the relevant laws and regulations so that, unless their refugee request is clearly abusive, the children can be guaranteed basic treatment during that period and can enter the country in their best interests.

The petitioners, who are children from Angola, had arrived at Incheon International Airport with their parents in December 2018 and had applied for refugee status. They had filed an appeal with the court upon receiving a decision that their request would not be referred for refugee review. They later filed a petition with the Commission, stating that their rights were violated as they had been left to stay at the Passengers' Lounge in Terminal 1 for about ten months while awaiting a court decision.

The Commission found that, despite the fact that passenger lounges do not provide the right environment to guarantee children's right to development, including the right to education and the right to health recognized under the United Nations' Convention on the Rights of the Child, the government's decision not to review refugee status for the children is not in line with Article 3 of the Convention on the Rights of the Child. It also concluded that the government has violated the Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status of the United Nations High Commissioner for Refugees, which provides that a contracting party has the obligation to guarantee basic treatment for refugee status applicants, and that applicants be permitted to remain in the country while review or court appeal is pending, unless it has been established that the request for refugee status is clearly abusive.

---

8) See Annex for list of opinions expressed.

## B. Opinion to National Assembly regarding the need for equality law

On June 30, the Commission expressed opinion to the Chairman of the National Assembly on the need for prompt legislation of Equality and Anti-Discrimination Act (equality law) using a draft proposed bill.

Though there exist individual laws governing discrimination based on disability, gender, age, and employment status, these laws alone are limited in addressing the gamut of discrimination in real life. Because an individual's identity reflects various interconnected characteristics such as gender, disability, and age, there is a need for an overarching law to oversee all forms of discrimination. A generic, inclusive equality law offers the advantage of preventing a hierarchy of discrimination grounds and of applying a consistent and unified set of standards.

The Commission expressed opinion, calling for the National Assembly, in its capacity as the legislative body representing the people, to put in all its effort into the legislation of an equality law, as human dignity is not a matter about which compromise can be achieved, as affirmed by mankind in the Universal Declaration of Human Rights 70 years ago, and committed itself to give its all for the legislation of the law.

## C. Opinion Regarding Draft Fifth Periodic Report of the Republic of Korea

On July 6, the Commission expressed opinion to the Minister of Justice regarding the draft fifth periodic report of the Republic of Korea on compliance with the International Covenant on Civil and Political Rights, raising the need for corrections or refinement on 27 issues to enable better understanding and assessment of the country's progress in complying with the covenant.

The draft fifth periodic report covers the status and government actions' to comply with the concluding observations of the UN Human Rights Committee on the fourth periodic report of the Republic of Korea (concerns and recommendations made by the Committee in 2015), eradication of discrimination and eradication of violence against women, prevention of human rights violations in the military, eradication of hate speech against migrants and refugees, existing statutes, policies, and institutional arrangements for the right of peaceful assembly and civil liberties in general.

The Commission concluded that the proposed fifth periodic report needs some corrections and refinement, considering that the purpose of the report and the purpose of review by the UN Human Rights Committee are to identify issues and challenges in implementing the International Covenant on Civil and Political Rights in the state party, and to provide a venue for constructive dialogue in order to further advance the safeguard and realization of rights of the international covenant.

The Commission saw a need to lay out in the draft fifth periodic report the challenges that the state party has faced in taking actions and implementing policies to fulfill its obligations under the International Covenant on Civil and Political Rights, and what efforts were made to cope with the challenges. Also, despite the fact that five years have passed since the concluding observations on the fourth periodic report was adopted, the fifth report failed to present detailed plans in some areas. Thus, the Commission called for more specific future implementation plans.

## D. Opinion Regarding the Proposed Partial Revision to Civil Act

Amid a series of serious child abuse cases involving persons with parental rights, the Commission on August 21 expressed opinion to the Chairman of the National Assembly and the Minister of Justice that it would be desirable to make amendments to the Civil Act to be more conducive to protecting children rights, and suggested deleting Article 915, which provides for the right of persons with parental rights to punish their children, and codifying a provision prohibiting all forms of corporal punishment against own children.

Under Article 915 of the Civil Act, which provides that a person of parental authority may, in order to protect or educate his or her child, enforce necessary punishment against the child, corporal punishment intended for educational purposes are not recognized as child abuse. This, in turn, has caused offenders to abuse the provision in their own legal defense.

The Commission concluded that Article 915 of the Civil Act should be deleted as it contradicts with the intent of the new Child Welfare Act and the Act on Special Cases Concerning the Punishment, etc. of Child Abuse Crime, and can be used by persons with parental rights as a means of justifying their corporal punishment in child abuse cases. Also, considering that the ambiguity between ‘punishment’ and ‘discipline’ has made prevention of and response against child abuse cases difficult, it argued that the deletion of ‘necessary punishment’ from Article 915

of the Civil Act should not be followed by inclusion of ‘necessary discipline’ in the same Act.

The Commission also concluded that there is a need to codify in the Civil Act prohibition of all forms of corporal punishment against own children, so that it is clearly understood and perceived that corporal punishment is prohibited against children.

## E. Opinion Regarding Forced Repatriation of North Korean Sailors

Regarding the forced repatriation of North Korean sailors by the government on November 7, 2019, the Commission expressed opinion to the Minister of Unification on November 23 that there is a need for related laws and regulations, and manuals to be revised so that the human rights of North Korean defectors are not violated when they request protection or while their application for protection is being processed.

While it rejected a petition filed in relation to the forced repatriation of the sailors, the Commission found it necessary to express opinion, as there was public criticism and controversies both in and outside of Korea over the procedures with which the victims’ request for protection was verified and the way they were deported. Considering the fact that the expelled victims were suspected of serious crimes and there were concerns expressed by the international community that, in light of the human rights situation in North Korea, it was likely that the victims would be subject to torture or other forms of inhumane disposition, their forced repatriation without a clear legal basis could potentially be a violation of human dignity under Article 10 and of personal freedom under Article 12 of the Constitution, and constitute a violation by a State Party to the Convention against Torture of its obligation to not repatriate to other countries where torture of repatriated persons is likely.

Given the lack of established government procedures to deal with North Korean defectors’ intent to request protection and procedures to handle protection applicants, the Commission saw a need to improve related laws and regulations, and manuals to prevent recurrence in the future.

## F. Opinion to Chairman of National Assembly Regarding Criminalization of Abortion

On November 30, the Commission expressed opinion to the Chairman of the National Assembly that, because the government's proposed revisions to the Criminal Act and the Mother and Child Health Act, which came following a Constitutional Court ruling that abortion ban is unconstitutional, violate women's right to self-determination, health, life, and reproduction by retaining abortion as a crime, it would be desirable for the National Assembly to maintain that abortion should be decriminalized when reviewing and voting on the proposed revisions.

Rather than curbing abortions, its punishment based on the Criminal Act can lead women to resort to unsafe methods because of the perception that abortion is illegal. This, in turn, has negative effects on women's right to self-determination and to health. Instead of holding women criminally accountable for undergoing abortions, the state should come up with more fundamental solutions, including ways to prevent unwanted pregnancy or enabling women with social and economic means so that they can decide to give birth.

The Commission expressed opinion to the Chairman of the National Assembly that, because provisions criminalizing abortion not only risk violating women's basic rights but also go counter to the trend of decriminalizing abortion in the United Nations and other international organizations, the laws should be revisited so that provisions that criminalize abortion can be removed. It also suggested that, instead of introducing new obstacles to abortion, the legal provisions should be reviewed in such a way that women can effectively exercise their rights to self-determination and to health, with the state offering medical and social assistance throughout the course of pregnancy and childbirth.

## 4. Key Opinions Submitted

### Opinion Regarding Constitutional Appeal (2019heonba59) on Death Penalty

On December 28, regarding a constitutional appeal (2019heonba59) on the death penalty, the Commission decided to submit opinion that "the death penalty must be abolished as it constitutes an essential violation of the right to life."

Korea is classified as a de facto abolitionist state because it has not enforced the death penalty for over 20 years. From 2005, the first year it expressed opinion on this issue, the Commission has consistently maintained the view that the death penalty should be abolished.

While the government's stance is prudent about abolishing the death penalty, it supported the "death penalty moratorium resolution" for the first time in 2020, making a step in this direction.

The Commission is of the view that human life and the right to life are the most basic of basic rights that the state not only has an obligation to protect and guarantee, but also has no authority to take away. Also, because the death penalty artificially takes a person's life away when the latter has been defenseless for so long since committing a crime, the Commission saw it as a cruel and inhumane punishment.

It also concluded that death penalties cannot be justified, because it has not been clearly shown that its maintenance and enforcement have had the intended deterrent effect on crime, which is the principal policy objective, and because, unlike other punishments, there is no way for damages to be undone once a person is sentenced to death, but innocent.

In addition, because there are other alternative methods that would achieve the same policy objective, the Commission decided to submit opinion that the death penalty should be abolished as it is a violation of the principle of proportionality and thus a fundamental violation of the right to life.



## Section 3. Surveys and Studies of Human Rights Conditions

### 1. Surveys and Commissioned Studies

#### A. Study on Legal and Institutional Improvements to Align Protection of Personal Information with International Standards

In response to new technological advances such as big data and AI, the Commission commissioned a study on legal and institutional improvements to align protection of personal information with international human rights standards, including the General Data Protection Regulation (GDPR) of the European Union. The study was part of efforts to protect the right to self-determination of personal information and present standards for legal and institutional improvements.

The study looked at changes in standards for personal information protection in the United Nations, Organization for Economic Cooperation and Development, and Council of Europe; new technologies for de-identification of personal data and anonymized data; and key issues and problems surrounding the so-called ‘three data privacy laws’ that were revised following public debate on personal data. It presents some legal and institutional recommendations, with a focus on protecting the rights of data owners and increased accountability of personal data processing managers.

#### B. Study on Ways to Improve Human Rights Conditions in North Korea through UN Mechanism and SDGs

Considering that North Korea is a party to five UN human rights conventions, has submitted implementation reports or is taking part in UN meetings, and is seeking application of the Sustainable Development Goals (SDGs) by establishing the UN Strategic Framework (2017-2021), the Commission commissioned a study to use the United Nations human rights mechanism and the SDGs as venues for cooperating with North Korea on human rights issues.

The study presented an analysis of the concluding observations of the United Nations Human Rights Convention to which North Korea is a party and follow-up measures, an analysis of relevant laws, review of UN documents and best practices of UPR and SDGs, interviews with experts on North Korean policy or human rights policy in Korea, and new strategies of approach and recommendations. The Commission plans to use the findings for future recommendations.

## C. Study on the Right to Health of Migrants and Ways to Improve the Health Insurance System

Based on the principle that the right to health is basic human right, the Commission examined discriminations in medical security against migrants to shape public consensus. It also closely analyzed institutional and structural limitations that threaten migrants' right to health, and taking overseas cases as reference, searched for ways to improve the medical security programs for migrants.

In the study on laws, institutions, and policies, the Commission first looked at the health security system – making distinction of the national health insurance, medical care system, medical expenses support for emergency situations, and the medical assistance program for medically vulnerable groups – to understand the degree with which it applies to migrants and inherently discriminatory factors. The review also covered private sector medical assistance for migrants with irregular sojourn status. Second, using statistics of the National Health Insurance Service, it analyzed the rate of medical coverage, number of subscribers to the national health insurance by region, and status of premium arrears. Third, it reviewed the migrant sojourn management system and looked at migrants' sojourn status to develop rationale for why policy changes are needed to accommodate their settlement outcomes.

In the study on migrants' right to health and their medical security conditions, the Commission analyzed 1,060 valid survey responses to understand migrants' health status, use of medical service, and medical security status. It also had in-depth interviews and case studies of relevant personnel, relevant organizations, activists in support organizations, and migrants. The initiative was designed to understand how the existing medical security system affects migrants in vulnerable situations, and how laws, institutions, and policies are realized and play out.

Using the findings, the Commission will discuss and consult with experts ways to promote migrants' right to health and their medical security coverage.

## Section 4. Special Program: Combating Spread of Hate Speech

### A. Overview

#### 1) Background

The international community remains committed to eradicating hate speech, including the United Nations establishing the Strategy and Plan of Action on Hate Speech (2019) and soliciting state governments to counter hate speech. In 2020, amid COVID-19 measures, more hate speech was targeted towards minority groups, an indication that anyone can become a target.

The Commission countered the spread of hate speech as special program of the fifth phase of the Human Rights Promotion Action Plan (2018-2020). In 2019, it launched the Counter-Hate and Discrimination Task Force to foster a public debate and enhance public perception.

#### 2) Purpose

In 2019, the Commission did the groundwork for combatting hate speech. It looked at the general public perception, built a theoretical framework, and expanded scope of its responses against hate speech through cooperation in and outside of Korea.

Based on these efforts and to achieve tangible results, the Commission mainly focused on three tasks, which are 1) promoting self-regulation, 2) fostering public debate and shaping conditions, and 3) strengthening actions in the public domain.

### B. Key Activities

#### ■ Establishment and enforcement of self-regulatory standards on hate speech

Establishment of self-regulatory standards and declaration to eradicate hate speech has significant effects. It helps set ethics standards and direction by proclaiming the will of the community that there would be zero tolerance against hate speech. Further to 2019, the

Commission worked with various stakeholders to establish and enforce self-regulatory standards.

In January, the Commission announced the ‘Declaration of Hate Speech Elimination Action’ jointly with nine press and media organizations, including the Journalists Association of Korea and Korean Producers and Directors Association. The declaration came in response to criticism that the press and the media were a part of prejudice-building, spread and reproduction of hate speech, rather than leading efforts to enhance human rights sensitivity across the society. It presents self-reflection by press and media personnel, the principle of zero tolerance against hate speech, and seven categories of actions to combat hate speech.

In May, the Commission joined municipal and provincial councils of superintendent of education in making a declaration to create safe schools where there is equality and no hate speech, so that every constituent of the education community recognizes differences and diversity, and learn and practice the spirit of tolerance and solidarity. Later, it produced a guide for schools to combat their unique problems and realities of hate speech, and distributed it to offices of education and schools nationwide. The offices of education are also sending out newsletters and including hate speech measures in student regulations.

### ■ Increased response against hate speech online

Because malicious comments posted and circulated online are what principally drive rising hate speech, it is important to engage online platform providers to enforce self-regulatory measures. Using the hate speech report of October 2019, the Commission called on the Korea Communications Commission and online platform providers to respond actively to hate speech online.

Online platforms have revisited their policies to deal with hate speech. Kakao strengthened its internal review regulations in February to delete hate and discriminatory comments. Naver removed the comment sections on entertainment news and decided to disclose the identity of malicious comment writers from March. Nate announced its plan to remove comment sections for entertainment news from July.

Through a statement in March, the Commission supported the self-regulatory efforts by online platforms. It subsequently conducted a joint study with Kakao and the Korean Society for Media Law, Ethics and Policy Research on self-regulatory measures to address online hate speech. Based

on the findings, Kakao plans to announce hate speech standards in January 2021.

The Commission also worked closely with the Self-Governance Organization (KISO) to encourage more participation in self-regulatory measures by online platform providers.

### ■ Global COVID-19 pandemic and hate speech

Amid the COVID-19 crisis, public anxiety and fear of the virus translated into hate speech. On February 5, the Commission issued a special statement in which it expressed concerns about actions that incite hate, appealing to all constituents of the society to cope with the social phenomenon with love for mankind and solidarity so that everybody can live in dignity and with respect for one another. Notably, when sexual minorities came under fire and hate following a media report on a collective COVID-19 infection case in May that highlighted sexual minorities, the Commission issued an emergency statement in which it urged the government and media not to incite hate and discrimination against sexual minorities by disclosing information unrelated to diagnosis and prevention measures.

The Commission organized a global campaign titled ‘hope ON, hate OFF’ to build international solidarity for love of mankind, solidarity, respect, and support so that everyone can move beyond hate and discrimination intensified by fears of COVID-19 infection. It posted Youtube videos on ‘COVID-19 and countering hate,’ and produced and distributed web posters and promotional videos.

In view of understanding the effects of COVID-19 on hate and discrimination, the Commission analyzed big data of online expressions of hate from January to May. The result showed that fears of the COVID-19 crisis were used as justification for making hate speech against specific groups. This pointed to a need for the government and media to take a firm stance on the issue, campaigns to make it difficult to express hate, and campaign programs led by the government and the media.

### ■ Survey of hate and discrimination against transgender persons

The emergence of transgender issues in early 2020, including the college admission of a transgender student and the forced discharge of an enlisted soldier who had undergone a transgender operation while in active service, has stirred a debate on the rights of transgender persons. Of all sexual minorities, transgender people are faced with the most challenging social

and economic situations. They experience discrimination, hate, and social stigma that continue to build up over their life time. In view of understanding the issues, the Commission conducted a survey on hate and discrimination against this population.

### ■ Increased response against hate speech in public domain

Because the government's position on hate speech can have different effects on how the problem plays out, the government should build public consensus on hate speech and present an overall direction for countering hate speech. At a ministerial meeting for social affairs in July, the Commission suggested that the government affirm its opposition to hate and discrimination, and work on a 'pan-governmental declaration against hate and discrimination,' outlining key related policy.

Meanwhile, the Commission distributed to public organizations educational and promotional materials highlighting respect for human rights and accountability so that they can take the initiative to prevent hate speech.

## Section 5. Legal and Institutional Efforts to Ensure Equality and Counter Discrimination

### A. Background

The Constitution provides in the Preamble that equal opportunities be afforded to every person in all fields, including political, economic, social and cultural life, and in Article 11 (1) that “all citizens shall be equal before the law, and there shall be no discrimination in all life.” This indicates that equality is a key principle of the Constitution in safeguarding basic rights. Realizing equality requires a legal foundation to prohibit discrimination in all domains of life, provide effective remedies, and prevent discrimination.

The United Nations Human Rights Committee (2015), Committee on Economic, Social and Cultural Rights (2009, 2017), Committee on the Elimination of All Forms of Discrimination Against Women (2011, 2018), and Human Rights Council’s Universal Periodic Review (2008, 2012, 2017) have continuously recommended legislation of an inclusive anti-discrimination law. At the 44th regular session of the Human Rights Council on June 30, the High Commissioner for Human Rights urged the Korean government to introduce an inclusive anti-discrimination law based on lessons learned from the COVID-19 response. Amid repeated calls from the international community, legislation of an equality law in Korea would become an indicator of the country’s national status and human rights standards.

It was found that, under the COVID-19 situation, there were increased expressed exclusion and hate against not just social minorities but also against other groups of people to which one does not belong, leading to deepening structural discrimination and social conflicts. In a discrimination-related survey of 1,000 adults conducted in April, nine out of ten respondents said that “other people’s right must be respected as much as my own rights. Nobody is free from discrimination and I myself can always be discriminated and become a minority,” and responded that, for that reason, “active efforts are needed to resolve discrimination.” Seven out of ten respondents said “social conflicts will deepen unless something is done about discrimination,” while nine out of ten said “there is a need for an anti-discrimination law.”

Given the public consensus on an equality law, the Commission concluded that an equality and anti-discrimination law would be necessary to ensure that international human rights standards are effectively implemented, and to establish an overarching anti-discrimination legal framework. It thus carried out various activities in support of such legislation.

## B. Key Activities

### ■ Opinion to National Assembly regarding proposed draft equality and anti-discrimination law

A legal issues review team comprising internal and external experts developed a draft equality law (January to May 2020) based on the anti-discrimination bill that the Commission had recommended to the government in July 2006 and reflecting changes over time. Following consultation with civil society groups and experts to hear their views on the draft (April to May 2020), the Commission expressed opinion to the National Assembly on the need for an equality and anti-discrimination law and presented the draft proposal as a reference (June 30).

The draft proposal clearly establishes the scope of discrimination by defining concepts of discrimination (direct discrimination, indirect discrimination, bullying, sexual harassment, advertisement that are discriminatory or inciting discrimination), reasons of discrimination, areas of discrimination, and exceptions to discrimination. The draft sees bullying as a form of discrimination, reflecting intensifying discrimination against targeted groups due to recent aggravation of hate speech.

It also lays out the obligations of the state and of local governments to address discrimination. Noting exclusion of social minorities and the weak during the COVID-19 situation, it provides that the state and local governments have the obligation to honor the principle of nondiscrimination and protect minorities when taking emergency actions under disaster situations.

The draft proposal also lists the types of discrimination by area and codifies the various means of relief, including recommendation for redress and legal assistance by the Commission, court order to correct discrimination, and indemnification.



### ■ Collection of opinion from religious and legal communities

The Commission paid an office call to the Chairman of the National Assembly, and leaders and representatives of leading political parties to explain the background and content of opinion expressed regarding the need for an equality law, calling for their active interest and support.

It met with leaders of various religious groups and the legal profession to hear their views on the law, and ask for their support and cooperation. It also met with senior Protestant leaders to address the concerns and misunderstanding expressed by some Protestant groups.

### ■ Publicizing to shape favorable conditions for legislation

To shape favorable conditions for legislation of an equality and anti-discrimination law, the Commission organized information sessions in six regions (July), Convention of Human Rights Advocates (August), International Conference on Combatting Hate and Discrimination (September), conference with Ambassadors to Korea (September and October), and anti-discrimination subcommittee sessions during the Human Rights Cities Forum (October). It also used Q&A materials on equality law, media interviews, advertisements on Youtube and buses, and videos to publicize the legislation effort.

## Section 6. Activities to Promote Human Rights and Improve Conditions in Sports

### A. Overview

#### 1) Background

In January 2019, the seriousness of violence and sexual violence in sports was revealed through an incident in ice sport, stirring a public debate for more fundamental and comprehensive solutions, and not perfunctory changes or temporary remedies. In February 2019, the Commission launched a special task force comprising the Ministry of Education, Ministry of Culture, Sports, and Tourism, Ministry of Gender Equality & Family, and other key related ministries.

Between 2019 and 2020, the special task force surveyed all students at every level of school and certain sports associations, had a survey into key areas, monitored sports competitions to understand human rights conditions in sports, made policy recommendations based on the findings, and helped victims find remedies through petitions or ex officio investigations.

In its policy recommendations to the President, the relevant ministries within the central government, and sports associations at various levels, the Commission raised the need for fundamental changes instead of piecemeal solutions. To ensure that it develops enough organic competence in dealing with this issue, the Commission extended the mission of the task force to February 2022.

#### 2) Purpose

The purpose is to enable more accurate surveys and diagnosis of violence and sexual violence in sports, find fundamental and comprehensive solutions to the problem, ensure effective implementation of proposed solutions, and take appropriate remedial actions based on quick investigations of reports received.

## B. Major Activities

### ■ Policy recommendations based on findings of human rights surveys of athletes

Based on the findings of the human rights surveys conducted in 2019, the special task force formulated and recommended a proposal to improve the human rights conditions of student athletes at every school level, athletes in professional sports teams, and judo athletes. First, in June 2020, using the findings of a 2019 survey of all student athletes, it recommended the Ministry of Education, Ministry of Culture, Sports, and Tourism, municipal and provincial offices of education, and sports associations to develop plans to better safeguard the rights of student athletes, prevent human rights violations, and strengthen the system to deal with violence and sexual violence against student athletes.

Based on the results of a 2019 factual survey of professional athletes, the Commission in June made recommendations to the Ministry of Culture, Sports, and Tourism, Ministry of Gender Equality and Family, and local governments to develop policy to protect the rights of professional athletes, develop implementation plans, establish policy to protect motherhood in sports, strengthen oversight of employment contracts and develop a standard contract, and abolish controlled training camps and make welfare-friendly accommodation facilities available.

Based on the results of a 2019 survey of all judo athletes, the Commission in December made recommendations to the Ministry of Culture, Sports, and Tourism, relevant judo centers and associations to develop and organize tailored human rights training programs, and develop training guidelines to discourage improper training practices such as training athletes until they pass out.

### ■ In-depth on-site inspections in ten major sporting events

Based on analysis of the 2019 survey of all students at every level of school, the Commission had in-depth interviews with student athletes, coaches, parents, sports associations' staff, school staff, and office of education staff in relation to ten sporting events—gymnastics, modern pentathlon, judo, taekwondo, swimming, tennis, baseball, basketball, football, and cycling—to get to the heart of issues that were not revealed during quantitative surveys. Based on the findings, it plans to report the issues and present ways to address them, and make legal and policy recommendations.

## ■ Factual survey on human rights conditions facing professional women athletes and competitions abroad

In 2020, the Commission commissioned a survey to understand the human rights conditions facing women who are either student athletes or coaches. The effort was designed to extend discussions on the rights of women athletes who often find themselves excluded from male-centered culture in sports, break the glass ceiling in sports through changes in laws and policies, and encourage active engagement to promote human rights, gender equality, and gender sensitivity.

Human rights violations caused by (sexual) violence against sports athletes have long been an enduring problem. Though various solutions had been proposed, their effects have been limited so far. The Commission conducted a study to understand what kind of advanced institutional arrangements other countries have to promote human rights in sports. The study was aimed at understanding what other countries are doing to prevent violence and sexual violence in sports, what their investigation, remedies, protection of victims look like, and how their lessons learned can be applied to our own legal and institutional system, so that our legal and institutional system can be more effective in protecting our sports community.

## ■ On-site inspections at major sporting competitions to prevent human rights violations

While the COVID-19 situation resulted in cancellation of most national sports competition, those that were not canceled were held without spectators and without external monitoring. For this reason, the Commission had on-site inspections in four sporting events – swimming (16th Swimming Competition for the Up and Rising), baseball (U-15 National Youth Baseball Competition), tennis (75th Korea Tennis Competition), and gymnastics (75th National Gymnastics Competition) – to examine safety of facilities, monitor verbal violence, physical violence, and sexual violence, and help prevent incidents. The special inspection team also developed and disseminated an inclusive monitoring checklist to ensure that the sports community continue self-monitoring efforts. Meanwhile, it will continue to engage with the Korean Sport & Olympic Committee and other stakeholders, and present improvement guidelines to eradicate human rights violations and authoritative culture in sports.

## ■ Active inspections in support of victims

Because of the closed nature of the sports community, victims are challenged in getting help when their rights are violated. To help victims reach out for help, the Commission continued to operate dedicated hotlines using phone, e-mail, and kakaotalk. In 2020, it was found that, given their training schedules, it is easier for athletes to call during night-time hours (18:00-24:00), so the hotline services were extended until midnight.

As of December 31, the Commission received 110 individual cases and closed 99 cases, which include 19 cases closed with remedy recommendation, three resolved during investigation, and one closed with settlement. This outcome was based on efforts to maintain a high rate of remedied cases (23%) to build trust and address victims' concerns.

The Commission made some key recommendations, which include relief to victims of corporal punishment by school sports team manager and coach; disciplinary action against a school sports team coach who verbally abused athlete; disciplinary action against a college professor who made belittling remarks about handicapped persons in class; institutional improvements to address the lack of actions taken by related institutions for cases of violence and sexual violence; disciplinary action against a division chief of a sporting association for the disabled for making belittling remarks about handicapped persons; remedies in relation to a school violence incident for which the school failed to take necessary actions; remedies in relation to humiliating remarks made by a coach of a national team of handicapped athletes; disciplinary action against a manager of a sports association for the disabled for discriminating a deaf employee; disciplinary action against an elementary school coach for human rights violation; remedies in relation to an elementary school coach aiding sexual harassment and violence against an elementary school student; disciplinary action against a sports high school coach for exercising violence against athletes; high school athletes' rights violated due to verbal abuse and excessive training by coach; lack of actions taken by school officials regarding sexual harassment by a coach; institutional improvements to address violence and other human rights violations against professional athletes affiliated to a local government; and report of sexual violence involving college student athletes.

Considering challenges faced by student athletes who were forced to commute long distances due to closure of dormitories, the Commission expressed opinion to the relevant education office that dormitories should remain open during training periods or some alternative measures

be available, otherwise. Given the substantial health and safety risks posed by sporting events held outdoors under severely hot weather conditions on elementary students, the Commission expressed opinion to the relevant sports associations and institutions that the events should be rescheduled or measures to cope with severely hot weather conditions should be budgeted for. In relation to death of a member of the national team, it expressed opinion to the relevant institutions that regulations should be established and enforced to prevent injuries and protect athletes.

### ■ Recommendations for policy improvements through ex officio investigations

In 2019, the Commission had launched an ex officio investigation into invisible violence and sexual violence in sports and what causes such practices to be sustained. It studied cases, rules and regulations across the sports community, examined the protection mechanism in place, and found structural and operational flaws in the protection system, which prevent it from functioning properly.

On July 6, the Commission made recommendations to the President that violence and sexual violence in sports is a matter of fundamental paradigm change, highlighting the need for incidents to be investigated separately and distinctly from other corruption cases, and for a system and institutional overhaul to protect victims.

Concluding that the current system is largely insufficient to restore the rights of students and coaching staff who were objects of violence or sexual violence, protect victims, and prevent harm from being done in the future, the Commission recommended the Minister of Education, the Minister of Culture, Sports, and Tourism, and the presidents of two sports associations that there be an overhaul of the system.

The Executive Office of the President echoed the Commission's recommendations and committed itself to a pan-governmental effort. The Ministry of Culture, Sports, and Tourism and the Ministry of Education revised the Enforcement Decree of the National Sports Promotion Act and the Enforcement Decree of the School Physical Education Promotion Act so that victims can be protected and stricter disciplinary actions be enforced upon offenders. The two sports associations also announced plans to develop relevant regulations.

Based on factual surveys and investigations of petitions filed in 2019, the Commission had found that, of the various examples of human rights violations in student sports clubs, some cases do not clearly fall under the category of violence (physical or verbal) but are, nonetheless,

conducive to practices of violence or sexual violence. In this relation, and in view of examining some options to eradicate violence, it conducted ex officio investigations of major universities (nine) that have a number of student sports clubs.

Investigations revealed that restrictive measures on use of mobile phones, outings or sleepovers, words, abuses in the form of excessive chores, and hairstyle restrictions are forced upon members of sports clubs as discipline or tradition, with non-compliance of these rules oftentimes leading to violence (punishment or cursing). In other words, rather than being well-intended controls, the measures have often led to violent consequences, which constitute violation of victims' human rights. Such practices are prevalent in sports clubs of major universities.

The Commission came to conclude that extreme control measures have become internalized within sports clubs as a result of a hierarchical culture, rather than being individual deviations, and that it is important to hold accountable those who are responsible for oversight. In relation to training camp incidents, it recommended related organizations to establish disciplinary rules for greater accountability, and to provide training on preventative measures.

## ■ Promotional activities for the sports community and the general public

Due to challenges posed by COVID-19 on contact events and activities, the Commission produced promotional posters featuring webtoon characters that are popular among the younger generations and highlighting positive or negative cases of human rights violations in sports, and information on how to report a case. The posters were sent out to about 3,500 schools and sports associations.

The 2nd Human Rights in Sports Campaign titled ‘#Human Rights First, Sports Should Be Fun’ sought continuity and unity with the first campaign. It used a renewed emblem highlighting the concept of Fun in Sports, so that sports can be exercised and preserved as enjoyable activity.

A variety of contents were produced and distributed online, including a campaign video highlighting the joy and rewards of sports practice and the importance of human rights in sports, a video highlighting the seriousness of violence in sports using the Sports and Human Rights Charter, card news, and Youtube videos.

In view of shaping favorable conditions for human rights in sports, the Commission publicized the public engagement campaign “Sports & Human Rights Oath Season 2” on SNS and also

organized on-site campaigns during large-scale sporting events (November 8, FA Cup Jeonbuk vs. Ulsan, in Jeonju; November 17, KBO Korea Series in Gocheok Sky Dome) to encourage active engagement from athletes and coaches (approximately 6,000 accumulated over 2019 and 2020).

Baseball star and honorary sports and human rights ambassador Ryu Hyun-jin visited the Commission to share his views on sports and human rights. His talks were produced into an online video and used to promote public interest in sports and human rights.

### ■ Operation of Advisory Committee on Human Rights in Sports

Following the launching of the Special Investigation Team for Human Rights in Sports in February 2019, the Commission established the Advisory Committee on Human Rights in Sports to consult on human rights violations and conditions in sports.

The first Advisory Committee on Human Rights in Sports ran from February 25, 2019 to February 24, 2020 and the second from February 25, 2020 to February 24, 2021. Through 11 regular meetings and topic-driven advisory sessions, the committee offered advisory information on the realities on the ground, informing the decision-making of the Special Investigation Team for Human Rights in Sports.

The Commission also organized a special counseling team comprising five psychology counselors and 11 legal counselors to address victims' grievances and assist them with psychological and legal counseling.

### ■ Activities to raise awareness of human rights in sports

From November 26 to December 10, the Commission organized visits to sports camps in two sports schools, contributing to raising human rights awareness among student athletes and promoting human rights in sports.

In an effort to shape favorable conditions for human rights in sports and raise public awareness, the Commission produced eight Youtube lecture videos on the subjects of Δ If it's not fun, it's not sport; Δ How to support sports for the handicapped; Δ Reasons why sexual violence in sports must be reported; Δ What sports tell us; Δ I wish sports were less important; Δ When you see discrimination happening in sports; Δ Sports and happy student athletes are not mutually exclusive; Δ Why has sports become so nationalistic in Korea?



Moreover, with respect to the human rights in sport including the rights of student athletes, the Commission produced six videos on the topic of respecting human rights in sports and uploaded them to its YouTube channel. These contents explored possible solutions to the human rights challenges experienced by professional athletes and helped build the public consensus on the need to enhance human rights protection in sports.

## Section 7. Assessment

In 2020, the Commission had surveys and discussions on various labor rights issues that resulted from the emergence of new forms of labor, and looked for ways to improve institutions. It made several policy recommendations, including prevention of bullying in the workplace and protecting victims of bullying, and promoting the rights of subcontractors in the power generation sector.

It also reviewed policies and institutions to tackle blind spots in human rights coverage, including protecting residents who are forcefully evicted or whose home is forcefully torn down, and improving the short-term protection program for older persons, and addressing housing and home care concerns of socially vulnerable groups.

By running an advisory committee to establish democratic checks on investigation authorities, the Commission reviewed ways human rights can be guaranteed in investigation procedures and practices. In the area of human rights in business, it concluded a memorandum of understanding with the Ministry of Justice regarding support for businesses that practice human rights in their business management and introduce international standards. The organization of the Business and Human Rights Forum and publication of a source book were other efforts aimed at laying a foundation for human rights in business management.

The Commission issued statement regarding excessive disclosure of private information of COVID-19 patients and recommended amendment to the Enforcement Decree of the Credit Information Use and Protection Act. It was also actively involved in the protection and furthering of rights under the Fourth Industrial Revolution, including expressing opinion in relation to the Artificial Intelligence Industry Promotion Act.

As to human rights conditions in North Korea, it looked for new ways to cooperate with North Korea to improve their human rights situation under COVID-19. An international symposium

(November 26 in Seoul) was organized to discuss about the United Nations Human Rights Mechanism and the Sustainable Development Goals (SDGs) as systematic and practical ways to improve the human rights conditions in North Korea. There was general agreement at the symposium that, rather than providing assistance in kind, considerations should be made on exchanging technology, knowledge, and experience with North Korea.

The Commission addressed North Korean human rights issues in a timely manner. It issued a chairperson comment regarding the statement by the UN Special Rapporteur on the situation of human rights in North Korea at the 43rd session of the Human Rights Council and positively assessed the proposals made by the international community to improve the human rights situation in North Korea. A chairperson statement was also issued regarding the killing of a South Korean public official by North Korea, urging a thorough investigation on how the incident happened and who should be held accountable, and underscoring the need to prevent similar occurrence in the future.

As part of continued efforts to ensure that international human rights standards are implemented in Korea, the Commission was actively involved in the international human rights mechanism, including the Universal Periodic Review (UPR) of the human rights records of member states, monitored progress made in relation to the concluding observations of the UN Committee on Economic, Social and Cultural Rights on the fourth periodic report of the Republic of Korea, acted on the draft fifth periodic report of the Republic of Korea to the United Nations Human Rights organized a conference to strengthen implementation of international human rights standards in Korea with a focus on the legislative branch.

In 2020, there were 21 more policy recommendations and opinions expressed based on petitions and ex officio investigations, compared to the previous year. The Commission focused on individual remedies through investigation of petitioned cases. At the same time, through investigations, it made some significant recommendations with regards institutions, laws and regulations, and practices that were found to be conducive to human rights violations or discrimination.

Some key recommendations were made to improve the way student counseling systems are operated, to establish policy in support of students who have been absent from school for a long time and others who need protection, to make institutional improvements so that private school

staff are not excluded from selection of specialized education staff, and to institute policy to prevent children's rights from being violated due to smartphone apps that look into smartphone use records.

Some key opinions expressed were related to medical treatment in police lockups, protection of personal information when trial records are referenced or copied, forceful repatriation of North Korean sailors, discrimination against foreigners when paying out government emergency relief funds, the rights of children who have applied for refugee status undermined due to long-term sojourn at airport terminals, provision of alternate school lunches, disapproval of soldiers' request to take leave for family events under COVID-19 control measures, no sign language interpretation provided during President's special address to the people, indirect discrimination based on disability in the course of marriage, discrimination based on gender when hiring airline flight attendants, discretionary disclosure by the police of mental illness information of a person involved in a case, and long commutes and resulting limitations in sports practice by some student athletes.

In the area of migrant rights, the Commission consulted with the relevant ministries to ensure that migrants and refugees are not excluded from immigration policies established and implemented by the state and local governments. It will continue to urge the government's implementation of the 2nd Guidelines on Human Rights of Migrants while consulting closely with relevant ministries, and make efforts to improve the varying perceptions so that discrimination and hate against migrants and refugees are not aggravated.

In the area of children's rights, the Commission was faced with a series of child abuse cases and deaths, and children human rights issues associated with the COVID-19 situation. Through ex officio investigations, the Commission examined the system to prevent child abuse and manage cases, procedures for prevention, and post-incident protection measures, and came up with some policy recommendations. It also expressed opinion on the need to delete Article 915 from the Civil Act in order to eradicate child abuse by persons with parental rights.

It also assessed the rights of children and the status of children care programs during the pandemic, and analyzed how the position of children can be improved in any way. In 2021, it plans to use the findings of a survey on the conditions facing children to inform institutional developments.

In the area of human rights in the military, the Commission made on-site inspections of military confinement facilities to monitor their operation, facilities, and environment, review proposed improved operation of military confinement facilities since the military guardhouse system was abolished, and make recommendations to protect and promote human rights in the military.

In addition to ex officio investigations, the Commission initiated seven on-site inspections. The inspections were delayed due to the pandemic, so the Commission resorted to meetings with experts and review of related materials in 2020, so that its intended effect can be achieved in 2021.

In view of correcting discriminatory practices in all areas of the society and safeguard the rights of vulnerable groups, particularly handicapped persons, women, and gender minorities, the Commission continued to identify and expand policy tasks. Specifically, it expressed opinion in reference to the government's proposed revisions to the Criminal Act and the Mother and Child Health Act, made policy and institutional recommendations to prevent exclusion of persons who had been involved in democratization movements from award nomination, and expressed opinion regarding exclusion of female artists based on their beliefs and political views in the gaming business.

The Commission's most noteworthy outcome with respect to protecting the rights of people with disabilities is that sign language interpretation has become a norm on TV programs and that the age limit for home care assistance services for handicapped persons, an issue that had remained unresolved for several years, was lifted by amendment. To this end, it had consistently emphasized the linguistic rights of hearing-impaired people through multiple channels, including an emergency chairperson statement in February to promote hearing-impaired people's right to language, education, and of access to information; recommendation in April to three major broadcasting companies to provide sign language interpretation during their prime time news; and opinion expressed in September on the need to provide sign language interpretation for the televised announcements of the Blue House to guarantee the right of access to information for hearing-impaired people. These efforts helped raise public interest and change public perception of sign language as an official language. The Commission also played a decisive role in amendments related to home care assistance programs for the disabled, including seven emergency relief recommendations and one emergency recommendation for policy and institutional improvements in 2020 alone.

The Commission worked to combat social prejudice against persons with mental disabilities by developing draft human rights reporting standards in cooperation with mental disability human rights groups and organizations. To improve the overall human rights conditions for persons with mental disabilities, it organized a council of specialist groups, periodically collected opinions on key issues, and prepared policy recommendations. Through continued consultations, it worked to reflect human rights-friendly content in the short- and long-term plans of the Ministry of Health and Welfare and other policy-making organizations.

The Commission made efforts to shape public discussion and enhance understanding and perception of gender equality issues and human rights of persons with disabilities, including opinion regarding discretionary disclosure by the police of mental illness information of a person involved in a case, a chairperson statement regarding emergency relief for a closed hospital ward, a chairperson statement to guarantee the political rights of persons with disabilities during the 21st general election, a survey on challenging behaviors of individuals with developmental disabilities, a survey to promote human rights in psychiatric rehabilitation centers, a study on women's rights, a gender equality forum, and sexual harassment casebook for distribution.

As a result of three years of efforts by the Commission to foster public debate about hate speech, there is increased awareness of the seriousness of hate speech and need for actions. The commission developed best practices of self-regulatory actions by facilitating counter-hate speech declarations by the education and media communities, and helped spread the effort into online, sports, and public domains. Most important is for the government to affirm intolerance principle, and develop and enforce a detailed plan to combat hate speech. However, the government's actions have so far been insufficient, with no specific plans yet developed despite discussions at the ministerial meeting for social affairs. The Commission will continuously work with the state and local governments so that they can take the initiative in preventing and eradicating hate speech.

In view of laying the legal basis for an equal society, the Commission expressed opinion to the National Assembly with an equality law drafted based on various views collected, and continuously fostered a public debate to support legislation by lawmakers. However, the proposed law is yet to be tabled, and the Commission will continue its efforts towards legislation of an equality law.

The Special Task Force for Human Rights in Sports launched in 2019 continued its second year of operation in 2020, facilitating individual remedies on petitions filed and promoting human rights in sports through ex officio investigations. It also planned for in-depth on-site inspections and monitoring of sporting events, and engaged in promotional activities on human rights in sports.

The tragic death of athlete Choi Sook-hyun in June revealed enduring violence and sexual violence in sports, and blind spots of protection by the state and sports associations, again raising the alarm that structural reform is urgently needed. It was shown that human rights issues in sports require a fundamental approach for the entire sports community, rather than a topical solution, and that it is an area where continuous efforts are needed to change perceptions both in and outside of sports. Ultimately, not only the state but also all stakeholders must have a higher level of human rights awareness, and they should understand that this problem can be resolved when various solutions are seriously and continuously put to practice on the ground.

## Chapter 2

# Investigations and Remedies of Human Rights Violations and Discrimination

---

## Section 1. Overview

We carry out investigations on cases of human rights violations and discrimination and seek remedial measures in accordance the NHRCK Act.

### Subjects of Investigation

Subject to the Commission's investigations are national institutions, local governments, schools<sup>9)</sup>, public service-related organizations<sup>10)</sup>, and detention and protection facilities that violate the human rights guaranteed under Articles 10-22 of the Constitution or commit discrimination<sup>11)</sup> in relation to their operation<sup>12)</sup> and corporate bodies, organizations, and private persons that commit discrimination.

---

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

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

11) Discriminatory acts that violate the right to equality pursuant to Subparagraph 3 of Article 2 of the National Human Rights Commission of Korea Act encompass acts of giving preference to, excluding, discriminating against, treating unfavorably, and sexually harassing a certain person regarding employment, the supply and use of goods and services, etc., without justifiable reasons on account of gender, religion, disability, age, social status, place of origin (referring to the place of birth, place of registration, principal place of residence until reaching the age of majority, etc.), country of origin, ethnic origin, physical condition such as appearance, marital status (married, single, separated, divorced, widowed, remarried, married de facto, etc.), pregnancy or childbirth, family type or situation, race, skin color, ideology or political opinion, criminal record with its punishment effect extinguished, sexual orientation, academic background, medical history, etc.

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

## Petitions

In general, investigations of cases of human rights violations and discrimination are initiated based on petitions filed, which can be directly filed by victims or indirectly filed by third persons (persons or organizations) that are aware of harm done. To guarantee people who are held in detention facilities their right to petition, as they have difficulty filing a petition by phone or in person, the Commission offers face-to-face petition services to receive petitions from this group of people through on-site visits.

Once a petition is filed, the Commission undertakes investigation and makes recommendations to the petitionee or organization that has oversight on the petitionee to prevent the recurrence of similar incidents. It can also take remedial actions if it was found that there was human rights violation or discrimination. The Commission dismisses petitions that do not meet the criteria for an investigation under the NHRCK Act, petitions that are found unrelated to a human rights violation or discrimination, petitions in which such correlation is difficult to substantiate, or petitions in which harm was undone and no remedial actions are deemed necessary.

## Emergency Remedies

In the event that a petition meets the criteria for investigation by the Commission, it is highly likely that human rights violation or discrimination is ongoing, and there is a likely risk of irreversible harm, emergency remedial actions can be taken based on the NHRCK Act.

In 2020, the Commission had 20 more cases referred for emergency remedies compared to the previous year, owing to prompt emergency decisions. Thanks to the efforts to resolve issues through active preliminary investigations on the ground, the Commission was able to resolve 11 cases filed for emergency remedies without referring them for a remedial decision.

The key cases that resulted in an emergency remedy include a soldier who was referred to the Discharge Deliberation Committee for undergoing a transgender surgery while in active duty, the ineligibility of persons with disabilities who are 65 years or older to get home care assistance services, the prohibition of entering food into a re-development site, and an inmate who was forced to withdraw his petition and make a false statement for an official document.



## Ex Officio Investigations

Article 30 (3) of the NHRCK Act provides for ex officio investigations to be conducted even when no petition has been filed, as long as there is a reasonable ground to believe that there was a violation of human rights or an discriminatory act which is deemed serious.

In 2020, the Commission decided to initiate eight ex officio investigations, including the four cases that were carried over from the previous year, closed six cases. Five ended with a recommendation for emergency remedies, and one with a referral to investigation authorities.

## On-site Inspections

Article 24 (1) of the NHRCK Act provides that “the Commission may, if deemed necessary, visit a confinement or caring facility to make an investigation by its resolution.”

In 2020, it decided to initiate on-site inspections in relation to seven cases, including the cases that were carried over from the previous year, finalized five cases. Three ended with a recommendation for emergency remedy, and two ended with an on-site inspection.

Meanwhile, a special investigation team was newly launched in April to be responsible for on-site inspections of multi-person care facilities. The team is expected to increase the number of facilities subject to inspection, develop systematic and efficient inspections methods, and have a deterrent effect on human rights violations in this type of facilities.

## Human Rights Counseling

The Commission offers information on remedies through phone and face-to-face counseling services. It also hires special counselors who can provide professional counseling services to those who need them, and offers interpretation services for migrant workers and wedded immigrants. In 2020, the Commission focused on high-demand areas like legal assistance, labor affairs, and human rights in general, with a view to improving efficiency of counseling services, and introduced a reservation system. Also, in cooperation with the Sign for Connect Center, it is providing full-time sign language counseling.

## Section 2. Human Rights Counseling and Petitions

Compared to 2019, there was a slight decrease in petitions, counseling requests, and complaints due to COVID-19 impacts. To ensure more effective remedial actions, the Commission advertised its services and made it clear who and which organizations are subject to investigation when a petition is filed.

In 2020, the Commission received 8,948 petitions, 28,182 counseling requests, and 44,688 complaints and inquiries (on persons/institutions subject to Commission investigation, filing procedures, and information on other institutions). Compared to the previous year, there were 804 fewer petitions (8.2%), 5,259 fewer counseling requests (15.7%), and 173 (0.4%) fewer complaints and inquiries.

[Table 2-2-1] Petitions, Counseling Requests, and Complaints and Inquiries in the Last Five Years

(Unit : cases)

Year	Petitions	Counseling requests	Complaints and inquiries	Total
Cumulative sum	150,897	430,547	561,038	1,142,482
2020	8,948	28,182	44,688	81,818
2019	9,752	33,441	44,861	88,054
2018	9,285	32,278	45,968	87,531
2017	12,336	36,370	42,939	91,645
2016	10,647	31,616	38,020	80,283

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

\* Counseling requests include face-to-face petitions closed by counseling.

## 1. Human Rights Counseling

Since its inception until the end of December 2020, the Commission processed approximately 430,000 counseling requests in total. In 2020, the number stood at 28,182, which represents a decrease of 15.7% from the previous year. By type, 45.5% were related to human rights violations, 7.7% to discrimination, 3.7% to face-to-face petitions closed by counseling, and 43.1% to other issues. Compared to 2019, the number of counseling requests related to human rights violations increased by 4.4%, while counseling requests related to discrimination decreased by 0.6%. Other issues include property rights, violations between private persons, legislation by the National Assembly, and court proceedings.

[Table 2-2-2] Counseling Requests in the Last Five Years by Type

(Unit : cases, %)

Classification Year	Total	Human rights violations		Discrimination		Others		Face-to-face petitions/ counseling concluded	
Cumulative sum	430,547	169,857	39.5	36,956	8.6	194,805	45.3	28,929	6.7
2020	28,182	12,813	45.5	2,162	7.7	12,160	43.1	1,047	3.7
2019	33,441	13,744	41.1	2,767	8.3	15,874	47.5	1,056	3.2
2018	32,278	12,970	40.2	2,772	8.6	15,365	47.6	1,171	3.6
2017	36,370	14,737	40.5	3,236	8.9	17,095	47	1,302	3.6
2016	31,616	14,421	45.6	2,530	8	13,661	43.2	1,004	3.2

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

## 2. Petitions Filed

Since its inception in November 2001, the Commission received a total of 150,897 petitions, of which 114,628, or 76.0%, were related to human rights infringement, 33,893, or 22.5%, to discrimination, and 2,376, or 1.5%, to other issues. In 2020, 8,948 petitions were filed, of which 6,530 (73.0%) were related to infringements and 2,385 (26.7%) to discrimination.

Compared to the previous year, 804 fewer petitions were filed (8.2%), a decrease that can be attributed to the social distancing measures related to COVID-19. The decrease was found in all categories, i.e. human rights violations, discriminations, and others.

[Table 2-2-3] Petitions Filed Requests in the Last Five Years by Type

(Unit : cases, %)

Classifica- tion Year	Total	Human rights violation		Discrimination		Others	
Cumulative sum	150,897	114,628	76	33,893	22.5	2,376	1.5
2020	8,948	6,530	73	2,385	26.7	33	0.3
2019	9,752	6,979	71.6	2,721	27.9	52	0.5
2018	9,285	7,053	76	2,207	23.8	25	0.2
2017	12,336	9,133	74	3,169	25.7	34	0.3
2016	10,647	8,160	76.6	2,433	22.9	54	0.5

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

### 3. Face-to-Face Petitions

From November 2001 to December 2020, the Commission received a total of 62,009 face-to-face petition applications from detention and protection facilities. Of the 2,376 face-to-face petitions closed in 2020, 314 (13.2%) were filed as petitions, 1,047 (44.1%) closed by counseling, and 983 (41.4%) withdrawn by the petitioners. Face-to-face petitions closed by counseling, which account for the largest percentage of face-to-face petitions processed, decreased slightly in tandem with a decrease in face-to-face petitions filed. Those closed by counseling were mostly inquiries about existing petitions, or investigations and proceedings that do not involve the Commission pursuant to the NHRCK Act.

In 2020, the number of face-to-face petitions processed fell due to a suspension of the face-to-face petition program under COVID-19. The Commission plans to analyze and refine the face-to-face petition program to enhance efficiency.

[Table 2-2-4] Face-to-Face Petitions Submitted and Processed in the Last Five Years

(Unit : cases, %)

Classification Year	Total	Petitions processed						
		Subtotal	Petitions submitted		Petitions closed by counseling		Petitions withdrawn	
Cumulative sum	62,009	61,651	15,537	25.2	28,929	46.9	17,153	27.8
2020	2,529	2,376	314	13.2	1,047	44.1	983	41.4
2019	2,669	2,649	573	21.6	1,056	39.9	1,020	38.5
2018	2,648	2,654	570	21.5	1,171	44.1	913	34.4
2017	2,765	2,858	672	23.5	1,302	45.6	884	30.9
2016	2,619	2,479	495	20	1,004	40.5	980	39.5

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

## 4. Civil Complaints and Inquiries

As the national human rights watchdog, the Commission receives and handles various civil complaints and inquiries, in addition to petitions and investigations. If a complaint cannot be processed and investigated as a petition under the NHRCK Act, the Commission refers it to other remedial measures specified by law, relevant institutions or groups, and even legal counseling.

The number of civil complaints and inquiries processed continued to rise in 2020, totaling 30,356. By channel, those received via e-People (pan-governmental civil complaint portal) were the greatest in number at 16,739 (55.2%), followed by the Internet (the Commission website, email, etc.) at 9,511 (31.3%), and mail service and fax at 3,973 (13.1%). Overall, 86.4% of all civil complaints and inquiries were filed online, including e-People.

[Table 2-2-5] Civil Complaints and Inquiries Processed in the Last Five Years by Channel

(Unit : cases, %)

Classification Year	Total	Postal mail/Fax		Internet		Presidential Secretaria		e-People		Others	
Cumulative sum	264,289	59,445	27.2	119,878	54.8	703	0.3	83,131	28.4	1,132	0.5
2020	30,356	3,973	13.1	9,511	31.3	2	0	16,739	55.2	131	0.4
2019	30,149	4,749	15.8	8,545	28.3	1	0	16,663	55.3	191	0.6

Classification Year	Total	Postal mail/Fax		Internet		Presidential Secretaria		e-People		Others	
2018	29,953	4,785	16	9,900	33.1	18	0.1	15,054	50.3	196	0.7
2017	25,640	5,399	21.1	7,612	29.7	24	0.1	12,486	48.7	119	0.5
2016	19,416	5,035	25.9	7,935	40.9	44	0.2	6,286	32.4	116	0.6

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

## Section 3. Preliminary Investigations and Mediation

In February 2018, the Task Force to Improve Petition Filing and Processing Procedures highlighted some key challenges in getting petitions properly processed. These include investigators overloaded with cases, key petitions not getting proper attention and left unattended for too long because investigators are largely dedicated to handling withdrawn petitions, and a need for prompt handling of petitions as they are filed (through dismissal, mediation, settlement, etc.). Addressing these challenges would help the Commission be more involved in mediation.

Against this backdrop, the Commission revisited its organization manning document on July 24, 2018 to reorganize the Human Rights Counseling Center as the Human Rights Counseling and Mediation Center, and establish a team dedicated to preliminary investigation and mediation of petitions.

### 1. Preliminary Investigations

Since August 2018, the Preliminary Investigation and Mediation Team was assigned 17.7% (3,584) of all 21,946 petitions filed until December 2019 and processed 15.8% (3,547) of all 22,429 petitions closed during the same period.

In 2020, the team accounted for 1,234 (13.3%) of 9,301 total petitions closed, contributing to the overall enhanced work flow of the Commission.

[Table 2-2-6] Number of Petitions Assigned to and Closed by Preliminary Investigation

(Unit : cases)

Period	Petitions assigned		Petitions closed	
	Total cases assigned	Assigned to the Preliminary Investigation and Mediation Team	Total cases closed	Closed by the Preliminary Investigation and Mediation Team
Total	21,946	3,584 (17.7%)	22,429	3,547 (15.8%)
2020	8,948	1,210 (18.4%)	9,301	1,234 (13.3%)
2019	9,752	1,799 (18.4%)	9,138	1,787 (19.6%)
August - December 2018	3,254	575 (17.7%)	4,149	526 (12.7%)

## 2. Mediation

In 2020, six mediation requests were filed, resulting in six sessions of the Human Rights Violation Mediation Committee and Gender Discrimination Mediation Committee. The number of mediation sessions held in 2020 increased from the previous year when two mediation committee sessions were held on seven cases. Of the cases referred for mediation, two were related to discrimination, two to gender discrimination, and one to human rights violation. Two cases were resolved through mediation.

[Table 2-2-7] Mediation Cases Submitted and Processed in the Last Five Years

(Unit : cases, %)

Classification	Submitted	Case closed					
		Subtotal (①+②+③)	Mediated ①	Unmediated ②	Decision in lieu of mediation		Rejected ③
					Completed	Objection raised	
Cumulative sum	170	170	74	32	(10)	(6)	64
2020	6	6	2	3	-	-	1
2019	9	9	1	1	-	-	7
2018	22	26	7	3	(4)	-	16
2017	36	43	19	4	(1)	-	20
2016	38	30	18	4	(2)	(1)	8

\* The figures in parentheses under "Decision in lieu of mediation" are included in cases mediated or unmediated.

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

## Section 4. Investigations and Remedies of Human Rights Violations and Discrimination

### 1. Petitions Filed and Processed

#### A. Petitions Filed

In 2020, a total of 6,530 petitions were filed in relation to human rights violations, which is 449 less (6.4%) than in the previous year. This is a decrease over the last three consecutive years. Particularly, in 2020, reduced social activities and contacts due to the COVID-19 pandemic situation may have caused a decrease in petitions filed.

There was a considerable fall in the number of petitions related to educational institutions, which is likely due to fewer contacts in private institutions as most classes went online under COVID-19, and those related to the police, which could be attributed to less police involvement as a result of reduced public activities.

[Table 2-2-8] Human Rights Petitions Submitted in the Last Five Years by Institution

(Unit: cases)

Year	Total	The Prosecution	The Police	National Intelligence Service	The Military	Central administrative agencies	The Legislature	The Judiciary	Other state organizations	Local governments	Detention facilities	Immigration-related organizations	Public institutions	Educational institutions	Medical institutions	Multi-person care facilities	Others
Cumulative sum	114,628	3,286	22,406	256	2,286	6,677	96	1,330	1,280	4,653	2,588	6,282	32,748	1,068	28,231	233	1,208
2020	6,530	115	1,188	4	199	331	9	71	28	390	276	529	1,706	56	1,424	58	146
2019	6,979	146	1,318	10	200	456	4	86	28	401	292	668	1,690	50	1,485	24	121
2018	7,053	128	1,258	12	192	261	3	59	15	273	208	582	1,826	67	2,091	11	67
2017	9,133	219	1,543	12	251	450	10	102	30	412	286	746	2,269	74	2,637	22	70
2016	8,160	149	1,474	8	201	263	3	78	39	264	205	609	1,632	83	3,073	25	54

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.



Since its inception until the end of 2020, a cumulative total of 114,628 petitions were filed in relation to human rights violations. The largest number of petitions were related to detention facilities (32,748 petitions or 28.6%), followed by multi-user care facilities (28,231 or 24.6%), police (22,406 or 19.5%), and central administrative agencies (6,677 or 5.8%). The largest proportion of petitions was related to detention facilities, multi-user care facilities, and the police.

## B. Petitions Processed

In 2020, the Commission processed 6,385 petitions, which are 251 less than in the previous year. The decrease was expected due to the decreased number of petitions filed, and priorities given to the long-term cases carried over from 2017.

In 2020, 634 petitions were remedied in relation to human rights violations, which is 106 (19.6%) more compared to the previous year. This is largely due to an increase in recommendations and disciplinary recommendations, which increased by 48 and 17, respectively, from the previous year. The number of petitions closed by settlement and those resolved during investigation, which had been on a continuous decrease in previous years, also rose by 13 and 31, respectively.

By type of institutions, there was a significant increase in the number of petitions remedied related to the police (50 more cases), educational institutions (40 more cases), and the military (25 more cases). For the same reason, the rate of remedied cases rose from 8.0% in 2019 to 10.0% in 2020. The number of petitions closed with a recommendation also increased by 65 compared to the previous year.

In 2020, looking at the number of petitions processed by type of institutions, 1,638 were related to detention facilities, 1,442 to multi-user care facilities, 1,177 to the police, 561 to educational institutions, 333 to central local governments, and 318 to central administrative agencies. In terms of remedied cases, 143 were related to educational institutions, 119 to the police, 97 to multi-user care facilities, 62 to detention facilities, 57 to local governments, 55 to the military, 37 to public institutions, and 23 to central administrative agencies.

[Table 2-2-9] Human Rights Violation Petitions Processed in the Last Five Years

(Unit : cases)

Year	Submitted	Processed	Remedied							Rejected	Transferred	Dismissed	Investigation suspended
			Subtotal	Criminal investigation requested	Recommendations, etc.	Legal aid requested	Mediation	Closed by settlement	Resolved during investigation				
Cumulative sum	114,628	112,368	13,060	148	3,113	19	15	1,862	7,903	64,800	1,548	32,358	602
2020	6,530	6,385	634	-	307	-	-	37	290	3,898	39	1,760	54
2019	6,979	6,636	528	3	242	-	-	24	259	4,162	125	1,815	6
2018	7,053	7,702	667	3	209	-	-	122	333	4,697	74	2,248	16
2017	9,133	8,576	875	8	210	-	4	59	594	5,414	96	2,166	25
2016	8,160	8,424	903	19	179	1	9	122	573	4,956	82	2,452	31

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

\* Recommendations, etc.: Sum of recommendations made for settlements, remedial action, disciplinary action, and emergency remedies, to which respondent institutions are obligated to confirm whether they accept such recommendations under the National Human Rights Commission of Korea Act

\* Resolved during investigation: Cases resolved smoothly or without the need to take remedial measures thanks to the efforts of or mediation by investigators among the cases rejected or dismissed

\* Rejected and dismissed: Cases closed by rejection or dismissal excluding those resolved during investigation

## 2. Ex Officio Investigations and On-site Inspections

### A. Ex Officio Investigations

In 2020, the Commission completed the ex officio investigations initiated in 2019 on suicides committed by junior military officers, human rights violations against those residing in facilities for persons with severe disabilities, and incidents of violence and sexual violence in sports, and made recommendations or requested police investigations.

Despite challenges posed on face-to-face contacts by the COVID-19 pandemic, the Commission decided to carry out ex officio investigations of human rights violation cases reported in sports, against children, and persons with disabilities in residential care homes.

First, in the area of children's rights, ex officio investigations were conducted on several cases of child abuse in which the parents or guardians abused the children. These cases include the death of a nine-year-old who was confined in a luggage bag by the mother, the serious, continued abuse of a nine-year-old by the family, and the month-long confinement of a ten-year-old in a children care facility.

Based on the investigations, the Commission looked into prevention measures for child abuse, how the system to manage incidents is managed, proactive (ex-ante) procedures and reactive (ex-post) protection measures, and structural practices. It also looked at possible institutional and policy improvements to prevent child abuse and protect child victims.

## B. On-site Inspections

In 2020, the Commission finalized four on-site inspections initiated but incomplete in the previous year. The on-site inspections of homeless welfare facilities and senior nursing homes were closed by synthesizing the results from both inspections. For homeless welfare facilities, it sent out a list of recommended improvements for each facility; for a few of the senior nursing homes visited, it made recommendations for a manual on physical restraint and improved CCTV-related procedures.

Despite the continuing COVID-19 situation, the Commission initiated seven on-site inspections. Regarding confinement facilities in the military, it visited six units primarily to inspect the functions of the facilities run by each service and conditions of pre-trial inmates, as the military guardhouse system was abolished as of August 5. Based on the findings, it made a recommendation for institutional improvements to the Minister of National Defense on October 13.

In the case of correctional facilities, the Commission inspected ten facilities from June 12 to August 17 in writing or face-to-face. It had in-depth interviews with prison guards and prison doctors, inspected prison cells, isolation cells, protective custody cells, sedation rooms, and restraints, and collected opinions and materials. The number of external experts included in the inspection team was kept at a minimum due to COVID-19 concerns, and inspection of four high-risk facilities was made in writing. During the visits, the team was able to note considerable improvements in the use of restraints based on relevant instructions from the Ministry of Justice. The Commission sent the resulting inspection reports to each facility to recommend actions on certain areas.

In the case of immigration detention facilities, the Commission inspected three facilities to examine treatment of foreigners kept in custody and their right to health amid the pandemic. It also examined if the proposed policy to prevent prolonged custody is being implemented in line with the intended purpose.

As to children welfare facilities, the Commission made on-site visits to child care facilities, which account for 85% of all children welfare facilities and for 91% of all accommodated children. To safeguard the rights of children residing in facilities, the Commission planned to visit ten institutions across the nation to examine violations of rights in the COVID-19 situation, child abuse incidents, systems to safeguard the rights of children residents, human rights training and education given, programs to support children's post-facility life, and programs to support children's return to family. However, due to the spread of the pandemic and heightened social distancing restrictions, it made visits to three institutions only.

On-site visits to senior welfare facilities were planned for to examine the proper functioning of systems to safeguard the rights of older persons residing in facilities, especially considering the fact that there has been a rise in abuse and other human rights violations against seniors inside facilities, seniors do not have the physical or mental ability to defend themselves, and most seniors cannot financially support themselves and, as such, cannot seek remedies such as filing a petition. The initial plan was to visit ten or so nursing homes, but the visits were canceled due to the spread of the pandemic. However, to reschedule the visits based on how the pandemic situation develops, the Commission held meetings with the facility directors and experts.

On-site visits to facilities for people with disabilities were planned for considering the fact that most residents have developmental disabilities, and even though they suffer from physical abuse, emotional abuse, and economic exploitation (non-payment of wage, labor exploitation) in this order, they are challenged in claiming their rights, as indicated by the fact that very few reports have been made by the victims themselves. The Commission planned to visit ten or so facilities that accommodate people with developmental disabilities, but the visits were canceled due to the spread of the pandemic. Instead, it held meetings with the facility directors and experts.

Meanwhile, the collective COVID-19 infections and deaths in mental hospitals have been attributed to the multi-person hospital rooms that are at a higher risk of infection, the small space and overcrowding of closed wards, the lack of lighting and ventilation, inadequate sanitary

facilities, and lack of indoor work-out facilities. The Commission had planned to conduct on-site inspections to speak with patients, but the plan got canceled as it became difficult to visit mental health hospitals and have face-to-face interviews amid the spread of the pandemic. Instead of on-site visits, the Commission conducted paper-based inspections using facility and patient data, facility checklists, and staff questionnaires. Based on the findings and in consultation with the relevant organizations and experts, it plans to discuss legislative, policy, and institutional improvements necessary to address some of the issues facing our mental health welfare system, which has emerged as a more pressing issue in the continuing pandemic situation, and to efficiently respond to infectious diseases and disasters, and make recommendations to the relevant ministries.

### 3. Key Petitions

#### A. Prosecution, Police, and Courts

##### ■ Human rights violation by prosecution due to unjustified departure ban

On June 22, the Commission recommended the Minister of Justice to ensure more robust screening of departure ban requests and notification measures. It concluded that the prosecution's request to ban a petitioner from departing the country without submitting justification for the ban, requesting that the petitioner not be notified of the ban, and the petitioner unknowingly ending up being on the no-departure list for an extended period of time, constitutes a violation of the petitioner's right to travel. It also recommended the Public Prosecutor General to ensure more oversight so that abuse of departure ban requests and no-disclosure requests can be prevented, and the director of the district prosecutor's office in question to issue a disciplinary warning to the petitioners and properly train the staff.

The petitioner is a police officer who had faithfully complied with the prosecution's investigation regarding a case of violation of the Public Official Election Act. The petitioners who were in charge of the case had asked the Ministry of Justice to issue a departure ban on the petitioner and even asked that the latter not be notified of the flight ban. Not knowing that he was

on the no-departure list, the petitioner was stopped from taking a family trip overseas when he and his family were checking-in at the airport.

The petitioners claimed that they had applied for a departure ban on the petitioner, who was a testifier in the case, and on the suspect and some other key testifiers in accordance with Article 4 (2) of the Immigration Control Act, and also requested that the petitioner not be notified of the extended ban for the reason that, given the seriousness of the case, there was considerable risk that those involved in the case would avoid investigation by leaving the country and, should they become aware that they were put on the no-departure list, they would synchronize their statements or destroy/hide evidence to impede investigation.

An investigation by the Commission showed that, based on the occupation of the petitioner, his family relations, immigration records, departure ban request form, and other documents submitted by the prosecution, there was no reasonable grounds to believe that there was a considerable risk of the petitioner taking flight abroad; it cannot be presumed that the petitioner was avoiding or not complying with investigation as he had presented himself to the Public Prosecutors' Office and undergone long hours of investigation; and while no additional investigations had been planned for, the prosecution had applied for the departure ban to be extended without any real considerations of the likelihood of escape but only because the petitioner was 'under investigation on a case of violation of the Public Official Election Act.'

In addition, the immigration-related law provides that a departure ban request form be accompanied with documentation justifying the reasons why such a ban is necessary. However, the prosecutor's office in question only submitted a request form, but without any supporting documentation. The Ministry of Justice had also issued the ban based on the departure ban request form, without asking for verification or supporting documentation.

Meanwhile, with respect to the no-notification of departure bans, the Commission concluded that notification of departure bans would not necessarily lead to serious destruction of evidence, and that because most of those put on the departure ban were police officers, there was no real risk of flight.

The Commission also came to the decision stated above, considering that current departure ban evaluation procedures fail to function in a way that prevents abuse of the departure bans, and there is a need to improve the procedures to ensure more effective assessment.

## ■ Unjustified confiscation of personal effects and violation of the right to counsel by police officer

The Commission concluded that confiscating a suspect's personal effects without a clear consent from the suspect is a violation of lawful procedures, and that not allowing the suspect sufficient time to appoint a lawyer despite the fact that the suspect had asked to appoint a lawyer is an infringement upon the right to get legal aid. Thus, on June 22, it recommended the Chief of the National Police Agency to conduct staff training regarding the voluntary presentation of evidence, develop procedures for verifying a person's intent to present evidence on a voluntary basis, and refine the relevant regulations so that suspects are properly enabled to get legal aid should it be their intent to do so prior to an investigation.

An investigation by the Commission showed that, prior to the 2nd investigation session, the petitionee made copies of the petitioner's bank transaction receipts and memos in the petitioner's immediate possession without obtaining a clear consent from the latter, and attached them to the case file; though the petitioner had asked to get investigated in the presence of a court-appointed lawyer, the petitionee told the petitioner that a suspect is not entitled to a court-appointed lawyer and went ahead with the investigation, and the petitioner refused to testify afterwards.

According to a Supreme Court precedent (2013do11233 ruled on March 10, 2016), should a dispute arise on lawfulness of certain investigative procedures, the investigative agency must prove the lawfulness of the procedures beyond any reasonable doubt. In this case, the petitionee should have demonstrated that he was given the petitioner's personal effects based on a clear consent of the latter, but he failed to present an objective proof to support that claim, so the Commission concluded that there was a violation of lawful procedures.

Also, a person's right to appoint a lawyer must be guaranteed in order to ensure his/her right to counsel. In this case, however, despite the fact that the petitioner had told the petitionee that he wanted to appoint a lawyer before being investigated, the petitionee failed to give the petitioner enough time and room to appoint a lawyer. Thus, the Commission concluded that the petitionee violated the petitioner's right to counsel, which led to the recommendations stated above.

### ■ Unjustified forceful opening of property door by court sheriff

Based on the conclusion that it is a violation of freedom of residence for a court sheriff to remove the door lock from a property that is subject to collection and attach a reminder letter without giving prior notice to the debtor, the Commission on June 26 recommended the chief judge of the district court involved to properly train the staff, and the Minister of the National Court Administration to find ways to correct the practice of a forceful opening of a residential property to remind debtors of the execution of judgments.

The Commission determined that the intent of Article 5 (1) of the Civil Execution Act is to allow the use of legal force to open locked doors or apparatuses and search collectible objects hidden by debtors, but the provision cannot be construed as being applicable to reminders of pending real estate transfers.

Also, according to this provision, a sheriff must first urge the debtor to open up, and force should only be used if the debtor fails to comply with the request to open. In this case, the sheriff had not notified the petitioner in advance, so the removal of the door lock cannot be seen as a lawful act even under the said provision.

The Commission also determined that, given the lack of regulations pertaining to how execution of real estate transfers are to be reminded of, a less intrusive measures should have been considered, such as calling the debtor in case he/she is not at home or sending a reminder letter by postal mail.

## B. The Military

### ■ Unjustified decision to discharge a sergeant who underwent transgender surgery while in active duty

On December 14, the Commission made recommendations to the Minister of National Defense that the relevant rules and regulations be revised so that soldiers who undergo a transgender surgery while in active duty are not excluded from service, and recommendations to the Army Chief of Staff that the decision to discharge the victim, which violates the latter's right to pursue happiness and freedom to perform a vocation, be repealed and the right of the victim be restored.



The petitioner, who was a staff sergeant in the Army at the time, had undergone a male-to-female transgender surgery while in service. The petitioner filed a petition that, though there are no laws or regulations on unfavorable dispositions of soldiers who undergo transgender surgery while in active duty, the petitionee used the mental disorder criteria under the Enforcement Regulations of the Military Personnel Management Act to make a medical evaluation of the victim and hold a Discharge Deliberation Committee session to discharge her, a decision that the petitioner found unjustified.

The Commission examined the case and concluded that, though the decision to discharge should have been based on the premise that the victim's health conditions at the time fell under the scope of 'mental handicap,' the Military Personnel Management Act does not provide for a separate definition of mental handicaps, and referring to Article 2 of the Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of their Rights, etc. and Appendix 1 of the Enforcement Regulations of the Military Personnel Management Act, nowhere can a basis be found that a person undergoing transgender surgery for the purpose of gender alignment falls in the category of persons with mental disorders. It is also the general view of international mental health organizations that gender nonconformity is not a mental disorder, and even from a physical functioning perspective, undergoing a certified medical surgical method for gender alignment does not lead to physical damage, functional disability, or functional loss. As such, the Commission concluded that the petitionee discharged the victim based on an arbitrary interpretation of transgender surgery as a condition for mental disorder, and that the decision lacks a clear, legal basis.

Even if the discharge decision were legally supported, the petitionee had failed to prove that the transgender surgery had reduced the victim's combat power to such a degree that her performance of active duty was irreversibly hampered. The reason given by the victim for not wanting to live on-base after the surgery is an issue that needed to be resolved through personnel administration actions, such as change of position, assignment of off-base lodging, or change of unit, but not a consideration to discharge the victim. Also, though the military distinguishes gender in the recruitment process, the benefit of making that distinction in force employment is not significant enough to believe that keeping the victim would be a well-intentioned path to harm. Thus, the Commission determined that the petitionee's decision to discharge the victim is a violation of the victim's right to pursue happiness and freedom to perform a vocation.

## C. Detention Facilities

### ■ Human rights violated due to forced withdrawal of petition

The petitioner who is a prisoner filed a petition that he was forced to withdraw his petition and make a false statement on an official document. On July 22, the Commission recommended the Minister of Justice to take disciplinary actions against the petitionees and disseminate the case to ensure that the rights of prisoners are not violated.

The Commission found that, after the petitioner's case was submitted to the relevant subcommittee for review, the petitionees called and coaxed the petitioner, and interviewed him several times to get the details of the petition. The petitioner had expressed his agony to the Commission and other inmates about the repeated, forced interviews, and the fact that he was forced by the petitionees to write a letter to withdraw his petition and send it by postal mail. The Commission concluded that the repeated interviews by the petitionees violated the petitioner's right of self-determination. It also saw them as an act to disrupt the petitioner's communication with the Commission, limiting his voluntary decision and action.

## D. Multi-person Care Facilities

### ■ Human rights violated due to disclosure of personal information of comfort woman by senior care facility

On September 10, the Commission recommended the director of an institution that assists victims who had been forced to work in Japan's military brothels and the director of a related social welfare organization to take the necessary measures so that the name of the victim is not revealed, delete her data, and consult the level of information disclosure with the family of the deceased victim.

An investigation by the Commission showed that the facilities had disclosed the victim's personal information in an aggressive promotional campaign, despite the request from the victim that her personal data not be disclosed to the public. The Commission recognizes that comfort women's account of their experiences can serve the public interest, but should they not want to be actively disclosed due to fears that such disclosure might do them and their families harm,

then that is a matter of right to self-determination, personal rights, and right of reputation. Thus, it concluded that the appeal in the petition constitutes a violation of human rights.

## E. State Organizations, Local Governments, and Public Service-related Organizations

### ■ Human rights violated due to forced departure of undocumented children whose parents have overstayed their visas

On March 31, the Commission recommended the Minister of Justice to stop unconditional deportation of undocumented children whose parents have overstayed their visas, to establish policies to enable them to apply and get screened for stay should they want continuous sojourn in the country, and to positively examine granting them stay status by exhausting all available procedures under current laws and regulations, before changes are made to the relevant laws.

Though they are born in Korea, use Korean as their mother tongue, go to regular Korean schools, and have a Korean identity, the victims (17 and 18 years) become, regardless of their will, subject to forced departure once the grace period for departure comes to an end.

The Commission recognized the authority of the Ministry of Justice to make the decision to order forced departure of the victims, but because the personal disadvantage posed on the victims, who have established themselves only in the Korean society, is clearly greater than the public benefit achieved by enforcing the order, it is a violation of human dignity and pursuit of happiness to force them to leave the country against their will just because there are no permanent laws or regulations to grant them stay status.

### ■ Human rights of foreigner in detention center violated with use of restraints without legal basis

Based on the conclusion that the use of restraints without any legal basis constitutes a violation of the freedom of action, human dignity and value, the Commission on April 22 made recommendations to the Minister of Justice to prevent the recurrence of such practices.

The petitioners isolated the petitioner who is in an immigration detention center for the reason

that he repetitively clapped his hands during a night-time roll call. They 1) put handcuffs in front (around 21:50), 2) used a head guard (around 21:54), 3) moved the handcuffs behind the back (around 21:59), 4) and used ankle cuffs (around 22:15). Ankle cuffs are a type of restraint not permitted under related laws. In addition, the petitionees used the cuffs on the petitioner's ankles and connected them with the handcuffs behind the back, keeping the petitioner tied up for about 2 hours and 40 minutes.

The Commission concluded that the petitionees damaged the petitioner's dignity as a human being by using restraints on ankles and connecting the handcuffs in the back and the ankle cuffs without legal basis, and such an act is a violation of the victim's freedom of action, human dignity and value.

Based on the recommendation of the Commission, the Ministry of Justice sent out instructions to affiliated immigration detention facilities to properly train the staff so that restraints are not used in any way beyond what is legally allowed.

### ■ Human rights violated in the process of refugee claim hearings

Regarding a violation of human rights caused in association with the fast-track review of refugee applications, the Commission on September 10 recommended the Minister of Justice to revise the law in a way that audio- and video-recordings become mandatory, refugee applicants are guaranteed access to and photocopying of recorded materials, the practice of deleting the name of review officers from hearing reports is corrected, training and evaluation of review personnel are established, and effective oversight of review officers is developed.

The Ministry of Justice introduced the fast-track review process in November 2014 to deal with the accumulating backlog of refugee claims and prevent abuse of refugee claims for sojourn purposes. In September 2015, the ratio of fast-track reviews was raised and more simplified review procedures were established to further reduce backlogs of refugee claims. Fast-track review officers were assigned between 40 and 44 claims a month, and should they fail to reach the target, were made to submit justification. Victims complained that they were not given enough time to explain why they had applied for refugee status or how they had been persecuted, and felt like they were not allowed to make their case. Also, even though every victim has a different reason or situation for claiming refugee status, the same stereotyped reasons like "making money" were used

on their hearing reports, an indication that the hearings were conducted in a poor and perfunctory manner. The Commission concluded that refugee applicants were deprived of their right to pursue happiness and to receive proper procedures.

Based on the recommendations of the Commission, the Ministry of Justice is currently working to revise the Refugee Act to allow refugee status applicants to access and photocopy audio recorded files, and to access video files.

## F. Schools

### ■ Instructor resorting to physical punishment and forcing students to write letters of apology

The Commission concluded that it is a violation of the freedom of conscience guaranteed under Article 19 of the Constitution to force students to write apology letters during counseling and to get the letters examined by other teachers. On May 12, it recommended the principal of a high school to abolish the apology letter requirement and to come up with other counseling methods that do not violate students' freedom of conscience.

In general, writing an apology letter is an act of expressing one's inner thoughts. As such, forcing students to write apology letters or to make vows based on rules or regulations is, by the act alone, likely to limit their basic rights. Also, having the letter examined by other teachers is equivalent to getting the content of the letter censored, and thus is likely to result in violation of the students' freedom of expression.

Based on the recommendations, the principal abolished existing requirements and developed new ways to counsel students.

## Section 5. Investigations and Remedies: Discrimination

### 1. Petitions Filed and Processed

#### A. Petitions Filed by Area

The total number of petitions filed for discrimination from the time the Commission was established until end of 2020 stands at 33,893, the largest proportion of which is related to discrimination concerning the supply and use of goods and services at 13,484 (39.8%), followed by discrimination concerning employment, dismissal, and wages at 9,906 (29.2%) and discrimination in use of educational facilities and vocational training institutions at 1,879 (5.5%).

The number of petitions filed for discrimination in 2020 was 2,385, which is 336 less than in the previous year (2,721). The fall was particularly notable in discrimination against persons with disabilities, which can be attributed to the COVID-19 pandemic impacting the social activities of this population group, and the number of petitions associated with sexual harassment incidents coming back to normal levels after a temporary surge due to the Me Too campaign in 2018.

By area, petitions related to discrimination concerning the supply and use of goods and services stood at 1,151 (48.2%), discrimination in employment at 703 (29.5%), other discrimination at 226 (9.5%), sexual harassment at 216 (9.1%), and discrimination in use of educational facilities at 89 (3.7%). The relative increase in petitions related to discrimination concerning the supply and use of goods and services from the previous year can be attributed to a sudden increase in petitions related to means of transportation for persons with disabilities, including the collective petitions filed on the suspension of night-time shuttle services dedicated for persons with disabilities (203) and those on the lack of braille labels on subway screen doors (38).

[Table 2-2-10] Discrimination Petitions Submitted in the Last Five Years by Area

(Unit : cases)

Year	Total	Discrimination concerning employment												
		Subtotal	Recruitment	Hiring	Education	Placement	Promotion	Wage	Non-wage payment	Loan	Retirement age	Retirement	Dismissal	Others
Cumulative sum	33,893	9,906	1,486	1,963	179	592	387	1,542	372	7	257	273	838	2,010
2020	2,385	703	60	109	9	49	36	190	21	-	3	1	26	199
2019	2,721	850	59	110	22	66	34	222	31	1	11	27	31	236
2018	2,207	603	75	112	23	48	31	89	24	-	6	10	48	137
2017	3,169	797	76	183	20	41	39	136	37	-	3	36	71	155
2016	2,433	494	65	93	16	29	12	91	28	-	6	14	45	95

(Unit : cases)

Year	Discrimination concerning the supply and use of goods and services							Discrimination concerning the use of educational facilities			Sexual harassment				Others
	Sub-total	Goods	Services	Transportation	Commercial facilities	Land	Residential facilities	Subtotal	Educational facilities	Vocational training institutes	Sub-total	Employment-related	Work-related	Others	
Cumulative sum	13,484	5,159	5,494	1,394	1,058	37	342	1,879	1,758	121	519	350	32	137	8,105
2020	1,151	362	400	286	72	3	28	89	78	11	216	151	14	51	226
2019	972	401	328	52	160	1	30	107	94	13	303	199	18	86	489
2018	1,054	520	366	70	83	1	14	95	84	11	-	-	-	-	455
2017	1,232	591	285	212	111	4	29	130	123	7	-	-	-	-	1,010
2016	865	324	353	88	57	4	39	258	251	7	-	-	-	-	816

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

※ Sexual harassment numbers represent petitions filed in 2020.

## B. Petitions by Reason

Looking at discrimination-related petitions by reason until 2020, there were 15,830 petitions (46.7%) related to discrimination against persons with disabilities, which accounted for a large proportion of the total, followed by sexual harassment at 3,277 (9.7%), social status at 2,914 (8.6%), age at 1,905 (5.6%), and gender at 1,291 (3.8%).

In 2020, the number of petitions related to discrimination based on disabilities remained the largest at 1,050 (44.0%), followed by those related to social status at 226 (9.5%), sexual harassment at 220 (9.2%), and gender, pregnancy, and childbirth at 114 (4.8%). Notably, the number of petitions filed for a reason not specified in the NHRCK Act stood at 426 (17.9%), which indicates deepening social polarization and increased sensitivity to discrimination that is in violation of equal rights.

[Table 2-2-11] Discrimination Petitions Submitted in the Last Five Years by Reason

(Unit : cases)

Year	Total	Gender	Marital status	Pregnancy and childbirth	Family situation	Sexual harassment	Appearance	Disability	Age	Social status
Cumulative sum	33,893	1,291	157	364	255	3,277	389	15,830	1,905	2,914
2020	2,385	89	9	25	13	220	12	1,050	84	226
2019	2,721	225	7	31	21	303	21	1,217	101	363
2018	2,207	103	10	41	21	263	18	1,137	106	182
2017	3,169	135	19	40	31	299	34	1,433	109	236
2016	2,433	96	16	10	19	207	20	1,511	102	91

Year	Place of origin	Country of origin	Ethnicity	Race	Skin color	Religion	Ideology	Criminal record	Sexual orientation	Medical history	Academic background	Others
Cumulative sum	196	591	18	125	19	240	70	255	382	508	695	4,412
2020	16	124	-	4	1	16	5	9	7	23	26	426
2019	8	36	-	2	1	14	4	17	20	30	18	282
2018	17	29	1	7	1	23	8	12	11	28	21	168
2017	20	26	2	5	-	25	9	17	261	33	45	390
2016	8	29	-	8	1	15	8	10	5	32	23	222

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.



## C. Petitions Processed by Category

From 2016, the Commission processed on average over 2,500 discrimination-related petitions in a year. In 2020, it processed 2,879 petitions, which is 427 more than the previous year. This can be attributed to a decline in the total number of petitions filed, which in turn, resulted in the reduction in time needed to review the petitions and conduct preliminary investigations on new cases, including asking for supporting materials from petitioners, as well as more focus placed on cases that had remained unresolved for a long while and prompt handling of petitions involving discrimination against persons with disabilities that were merged and resolved all together.

In 2020, the number of discrimination-related petitions remedied was 976, up 464 (90.6%) compared to the previous year. In 2019, there had been a sharp decrease in the number of remedied cases owing to fewer number of merged petitions likely to end with a recommendation or action, or resolved during investigation. In 2020, that number returned to normal levels, with the collective petitions about lack of convenience facilities for persons with disabilities (115) closed with recommendations, the collective petitions about belittling remarks made by a mayor on persons with disabilities (102) resolved during investigation, and the collective petitions about the suspended operation of transportation system exclusively used by persons with disabilities (203) handled. This, in turn, drove up the rate of remedied cases, from 20.9% in 2019 to 33.9% in 2020.

As for the 2,879 discrimination-related petitions filed in 2020, 1,349 (46.9%) were related to disabilities, 355 (12.3%) to reasons other than the 19 reasons listed in the NHRCK Act, 347 (12.1%) to social status, 280 (9.7%) to sexual harassment, 207 (7.2%) to gender, pregnancy, and childbirth, 104 (3.6%) to country and region of origin, and 88 (3.1%) to age.

The rate of remedies for discrimination-related petitions filed for reasons of disabilities, country or region of origin, age, sexual orientation, medical history, and academic history went up compared to the previous year. On the other hand, the rate of remedies for those related to social status went down, which can be attributed to the fact that, in 2019, the rate of remedies for petitions filed for social status discrimination had temporarily spiked due to resolution of collective petitions (88) filed by elementary school care providers regarding social status.

[Table 2-2-12] Discrimination Petitions Processed in the Last Five Years

(Unit : cases)

Year	Submitted	Processed	Remedied						Rejected	Transferred	Dismissed	Investigation suspended
			Subtotal	Criminal investigation requested	Recommendations, etc.	Legal aid requested	Mediation	Closed by settlement				
Cumulative sum	33,893	32,803	9,155	21	2,252	58	811	6,013	16,291	150	7,009	198
2020	2,385	2,879	976	1	274	1	32	668	1,283	7	577	36
2019	2,721	2,452	512	2	246	1	39	224	1,305	5	629	1
2018	2,207	2,460	947	3	338	7	19	580	1,028	3	481	1
2017	3,169	2,383	726	1	147	15	29	534	1,106	6	543	2
2016	2,433	2,410	559	2	70	9	36	442	1,416	12	423	-

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

\* Recommendations, etc.: Sum of recommendations made for settlements, remedial action, disciplinary action, and emergency remedies, to which recommended institutions are obligated to confirm whether they accept such recommendations under the National Human Rights Commission of Korea Act

\* Resolved during investigation: Cases resolved smoothly or without the need to take remedial measures thanks to the efforts of or mediation by investigators among the cases rejected or dismissed

\* Rejected and dismissed: Cases closed by rejection or dismissal excluding those resolved during investigation

## 2. Ex Officio Investigations

### ■ Ex officio investigations on sexual harassment case involving late Seoul Mayor

Based on a request for an ex officio investigation by the victim of the sexual harassment case involving late Seoul Mayor Park Won-soon, the Commission examined whether the case met the criteria for initiating an investigation, and on July 30, the standing committee decided to conduct an ex officio investigation on the case.

On August 5, an investigation team comprising nine personnel from the Discrimination Remedy Bureau was launched. The team carried out an overall investigation of the case, including whether Mayor Park had indeed sexually harassed the victim and if the victim's colleagues had condoned or abetted sexual harassment, how the Mayor's executive office operated and what practices they had, what procedures were applied in handling cases of sexual harassment or violence, if politically-appointed officials were involved in any sexual harassment cases, and how effective

the institutional arrangements are in preventing sexual harassment, and discussed and prepared recommendations for institutional improvements.

### 3. Key Petitions

#### A. Gender Discrimination

##### ■ Gender discrimination in broadcast company when hiring announcers

Based on the conclusion that hiring male announcers as regular employees but female announcers as contractors or freelancers constitutes discrimination based on gender, the Commission on October 6 recommended the President of the broadcasting company in question to fix the discriminatory practice and convert the status of female announcers who perform the same work as male announcers to regular employees. It also recommended the President of the company's major shareholder to look into the hiring practices of the headquarters and affiliated broadcasting companies, and to consult with local broadcasting companies to come up with ways to fix gender discrimination and prevent employment discrimination from recurring in the future.

The respondent company claimed that they hired female announcers as contract or freelance workers without any intention of discriminating workers based on gender and that the procedures laid out in the recruitment guidelines did not prefer or restrict employment to a specific gender.

However, the Commission saw that there was no reasonable ground for the company to hire female announcers as freelance workers, as the latter were performing practically the same work as full-time male regular announcers. It concluded that the company had maintained the hiring practices and working environment that discriminate on the basis of gender by changing its hiring policy to make regular female workers contract workers, and then freelance workers and that the changes in the status of female workers is based on perception that female announcers become less valuable as they grow older and hiring them as freelancers allows it to use them for as long as it wants while avoiding the obligation to hire them as regular workers, and to easily cancel the contract.

The company accepted some of the recommendations made by the Commission and announced that it would pursue gender equality in employment. It accommodated the wishes of the petitioners and converted them to regular employees.

## B. Sexual Harassment

### ■ Sexual harassment of employee by business owner

Based on the conclusion that it is sexual harassment for a supervisor, who is the petitionee, to engage with his subordinate, who is the petitioner, with inappropriate and unnecessary questions and comments on relationships with the opposite sex, the Commission on May 26 recommended the petitionee to take special human rights education and make a payment of 5 million won to the petitioner.

Noting that the petitioner had been under serious mental stress due to her supervisor's remarks, had tried to improve the workplace environment by expressing displeasure and asking him to stop making such comments, and decided to leave the company because she felt it would be difficult to work with persistent harassment by the petitionee, the Commission determined that her right to work had been violated by the petitionee.

The Commission concluded that, because the petitionee has, as the business owner, the obligation to ensure a safe environment for the employees, he had violated the petitioner's right to work by making sexual comments and actions. It recommended that he pay damages for her economic loss, and should take special human rights education to prevent future recurrences of sexual harassment and build a workplace free of sexual harassment.

The petitionee accepted parts of the recommendations and made a payment of 5 million won to the petitioner.

## C. Disability-based Discrimination

### ■ Major TV companies not providing sign language interpretation during prime time news

On April 20, the Commission made recommendations to three major television companies based on the conclusion that their failure to provide sign language interpretation during prime time news constitutes discrimination against hearing-impaired people for the following two reasons: First, prime time news is broadcast during evening time so that people can conveniently watch

and hear the top domestic and international news of the day after returning from work. For this reason, prime time news is more important than news broadcast at other times. Second, subtitles are not the best way to deliver news to hearing-impaired people. Unless news is translated into sign language, hearing-impaired people can hardly understand the content. Even when subtitles are provided, those who use sign language as their first language have difficulty reading and understanding them. Persons without disabilities experience the same difficulty understanding subtitles as hearing-impaired people.

Based on the recommendation by the Commission, the broadcast companies have, since September, provided sign language interpretation in their prime time news.

## D. Age Discrimination

### ■ Discrimination of scholarship applicants based on age

On April 28, the Commission recommended the director of a research institute to review the eligibility requirements for one of its scholarship programs, including making it open to those who are within a certain number of years since obtaining a doctor's degree and raising the age limit for application.

The respondent institution runs a scholarship program to financially support a select group of up-and-coming researchers to focus on their research and become outstanding scholars. Based on the rationale that the purpose of the program is to select and support promising young scholars with a doctor's degree, and that the program has the effect of indirect employment, the institution set the age limit at 34 years old, the upper age range of young people established under the Special Act on Promotion of Youth Employment.

However, the Commission concluded that the Special Act on Promotion of Youth Employment is designed to stimulate youth employment through aggressive incentives and, as such, has a different intent from that of the scholarship program. Considering that the average age for obtaining a doctor's degree is 35.7 for full-time students and 46.5 for part-time students, which leads to an overall average of 41.3, the age limit of 34 years is excessive. It also concluded that because an up-and-coming researcher can be anyone who has recently obtained a degree and displayed new potential for growth in his/her given field, the important criteria should be when

a candidate obtained his/her final degree, but the program only determines up-and-coming researchers based on age.

The respondent institute accepted the recommendation and deleted the regulation on age limit.

## E. Discrimination Based on Social Status

### ■ Wage discrimination against indefinite-term contractors in a government-funded research institute

On March 27, the Commission recommended the director of a research institute to pay indefinite-term contract workers who perform the same or similar work as employees in administrative or high-skill positions the same wage as those in administrative or high-skill positions. It also recommended the chairman of a research council to merge full-time employee labor costs and indefinite-term contract worker labor costs under the same category when reviewing and deciding the institute budget.

Based on position descriptions submitted by indefinite-term contractors and statements given by witnesses who are full-time employees in administrative positions, the Commission found no practical difference between work performed by indefinite-term contract workers and that of full-time employees in administrative or high-skill positions at the research institute.

The victims were in the same evaluation group as full-time employees in administrative and high-skill positions in the same office, and were applied the same performance evaluation criteria. It was also found that irregular employees who had the same eligibility and social status as the victims were mostly moved into researching, administrative, or high-skill position groups when they were made full-time employees in 2018. Based on these considerations, the Commission concluded that matching the victims' wage to that of low-skilled workers as opposed to administrative or high-skilled workers is a discriminatory act. Both the research institute and the research council accepted the recommendations.

## F. Discrimination Based on Religion

### ■ Discrimination in employment for reason of wearing a hijab

On December 29, the Commission made recommendations to the chair of a commission that measures be taken to ensure that, during future interviews by hiring board members, no discrimination be made using religion-related questions that have nothing to do with the position.

The petitioner had applied for an administrative and translation-related internship at the commission. She filed a petition that her not being selected for the job was discrimination based on religion, because she was told during the interview that a person wearing a hijab can be disturbing to others, and as such cannot work with them.

The petitionee, who was the interviewer, claimed that the reason why he did not select the petitioner was because she was late to the interview, did not submit a personal statement, and did not do well in the interview. However, the petitioner admitted asking the petitioner if she ‘would wear her hijab when working with people from a different culture’ during the interview. The Commission concluded that in interviews, the interviewer and the interviewee are not at the same level of power, and that an interviewer question can cause an interviewee to be psychologically intimidated or humiliated, or feel that he/she might not get hired. Especially, if the question addresses the position of a social minority or disadvantaged person, it is likely to have a decisive impact on the result of the hiring board. Thus, it cannot be denied that the petitioner may have felt that the interviewer was suggesting she would not be hired by asking about her intention to wear the hijab. The Commission found that, while there is no controversy about Christians wearing a cross necklace or Catholics holding a rosary, the petitioner made an issue with the hijab because Islam is not as familiar a religion in Korea, and by doing so, may have led the petitioner to believe that she would either be disadvantaged in the hiring or, if hired, would face considerable restrictions. Based on these considerations, the Commission concluded that the hijab question during the interview was, by itself, a discriminatory treatment.

Also, because the petitioner had applied for a position requiring linguistic and translation capabilities in both English and Arabic, it is hard to believe that the question was in anyway related to the vocational ability or description of the job, but rather was directed at the applicant’s intention to wear the veil, and was not a question on a religious feature. As such, it cannot be said that there was any reasonable reason to ask the question in the interview.

## G. Discrimination Based on Medical History

### ■ Discrimination in employment due to mental health-related question on identity statement form

On October 15, the Commission recommended the Minister of Justice to delete questions related to mental diseases and mental health from the identity statement form (descriptive form) required of all applicants seeking to land a prosecutor job.

For the purpose of screening prosecutor candidates for appointment in 2021, the Ministry of Justice included in the identity statement form a question on past records of mental health treatment and/or counseling. The petitioner is a law school student who wanted to visit a mental clinic for treatment, but had delayed the visit for fear that it might negatively impact his screening result. He filed a petition for a revision of the mental health-related question in the identity statement form so that it does not unfavorably affect candidates who are in compliance with the Regulations on Physical Examination for Public Service, and are now fully recovered from a past mental health condition.

The Commission concluded that, while neither public official background checks nor the identity statement form required for a background check has a section on health, the question on mental health history in the descriptive identity statement has no clear legal basis and does not serve the purpose of gauging a person's loyalty, hard work, high moral character, and reliability. Also, because a prosecutor's role of leading investigations, filing prosecutions, and appearing in court requires quick thinking and sound judgment, and the degree of sound judgment has implications on basic human rights, even if the need to verify a candidate's mental condition and suitability for the job during the final selection process is recognized, the current Regulations on Physical Examination for Public Service provide that certain mental illness, drug addiction, and other chronic addiction to medication that greatly inhibit job performance be reasons for disqualification, and as such, it would suffice to verify a candidate's current condition through physical examination. Based on these considerations, the Commission concluded that it is inappropriate to demand past medical data and doing so unjustifiably disadvantages a person in employment based on medical history, and thus constitutes a discriminatory act that violates the right to equality.



The Ministry of Justice accepted the recommendation and decided to remove the mental health-related question from the descriptive identity statement form for 2022.

## H. Discrimination Based on Sexual Orientation

### ■ Banner of a sexual minority club disapproved from being posted inside school

On January 22, the Commission recommended a college president to stop banning sexual minority clubs from posting notices for reason of sexual orientation, and to revise related regulations to prevent a violation of the freedom of expression.

The respondent college claimed that the disapproval of the petitioner's request to hang a banner was an inevitable decision because, should sexual minority clubs be allowed to post their welcome banners for first-year students, it could be seen as the school tacitly supporting the activities of sexual minorities and raise public doubt about its founding principle of Christianity.

However, the Commission concluded that the school's decision is equivalent to negatively labelling sexual minorities and officially asking them to be inconspicuous, is likely to shape a discriminatory and isolated environment in which school constituents would opt to either be unsupportive of or be indifferent towards sexual minorities, and the potential damage done to sexual minority students cannot be smaller than damage done to the religious identity of the school that the petitionee is concerned about.

The Commission also concluded that the petitioner's freedom of expression was excessively violated as it cannot be presumed that phrases like 'sexual minorities, or non-sexual minorities' on the banner would damage the founding principle claimed by the school; that the expression 'sexual minorities, or non-sexual minorities' cannot be seen as a legal violation or a serious violation of individual rights; that, because there are no clear regulations on what content or forms are prohibited on banners, the officer in charge made a discretionary decision about the appropriateness of the wording of the banner in question; and that there are no procedures on how to challenge or contest a disapproval decision.

Thus, the Commission concluded that the college's disapproval of the petitioner's banner from being posted based on its founding principle constitutes a violation of the principle of

proportionality as it exceeds the need or scope of restriction, and a violation of the freedom of expression guaranteed under Article 21 of the Constitution.

The respondent college, however, refused to accept the Commission's recommendations, on the ground that, it cannot approve the promotional activities of clubs that advocate homosexuality which it believes is likely to undermine its Christian founding principles.

## I. Discrimination of Foreigners Based on Country of Origin

### ■ Local Governments' Discrimination of Foreigners in Basic Disaster Allowance Payment

On September 15, the Commission recommended the Governor of a province and the Mayor of a city to not exclude foreign residents registered under their jurisdiction from basic disaster allowance payment to provide them with some relief, guarantee their basic social rights, and help them contribute to the local economy during the crisis situation.

Previously on May 21, the Commission had recommended the governor and the mayor that changes be made to their basic disaster allowance payment plans so that foreigners whose residence is registered under their jurisdiction are not excluded from the payment. The recommendation was made based on a conclusion that treating foreign residents differently constitutes discrimination without justifiable reasons, and as such is a violation of equal rights, especially considering similar calls from international human rights organizations, the nature of the emergency relief funds, the legal status of foreigners, and the status of foreign residents.

The Commission also made the recommendation based on the rationale that the basic disaster allowance is intended to support citizens and small businesses who are economically challenged by the COVID-19, that economic challenges caused by the pandemic are no different for foreign residents, and that foreign residents can contribute to vitalizing the local economy by using the allowance, which is in the form of local vouchers or pre-paid cards.

The level of guarantee of rights for foreigners cannot be the same as that for nationals. Particularly, when it comes to the social security system, the principle of reciprocity applies to foreigners in accordance with Article 8 of the Framework Act on Social Security. That said, there are numerous Supreme Court precedents recognizing alien registration the same legal effect as that of resident

registration, and Article 12 of the Local Autonomy Act also recognizes settlers who reported their address through alien registration as ‘residents.’ Based on these considerations, the Commission concluded that foreigners are equally entitled to use of local government property and public facilities, and to local government administration benefits in their area of residence provided under Article 13(1) of the Local Autonomy Act. The Commission also concluded that the basic disaster allowance be paid to foreign residents, because the COVID-19 virus knows no nationalities and equally affects everyone living in the same region, and the imposed safety guidelines and obligations apply to foreigners in the same way as they apply to Korean nationals.

## J. Discrimination Based on Marital and Family Status

### ■ **Blended families not eligible for education allowances education allowances available for families with multiple kids**

On July 30, the Commission made a recommendation to a superintendent of education to grant education allowances education allowances to blended families with multiple kids.

The petitioner got re-married and formed a new family with three children, two of which came from the petitioner's previous relationship and one from her current partner's previous relationship. The petitionee supports families with multiple kids with education allowances starting from the third child. The petitioner filed a petition that her family was not eligible for the allowances because the petitionee does not classify blended families as families with multiple kids.

The Commission found that the superintendent grants allowances to families with multiple natural or adopted kids based on a relevant ordinance, and that the purpose of the policy is not only to encourage birth but also to alleviate the financial burden facing families with multiple kids for equality in educational opportunity. The petitioner's family and other reconstituted families with multiple kids face the same financial burden as families with multiple, natural kids. In addition, the fact that other offices of education service provide blended families with multiple kids with educational allowances is an indication that "encouraging birth" is not the sole purpose for the policy. For these reasons, the Commission concluded that the petitionee's not granting the funds to blended families with multiple kids constitutes an act of discrimination concerning the supply and use of goods and services.

The petitionee accommodated the recommendations of the Commission, stating that it would identify those who were ineligible for the funds between 2019 and 2020 because of their re-marriage status, secure the necessary budget, and make the payments to them.

## K. Appearance-based Discrimination

### ■ Refusing to accept police officer applications from persons having bowlegs

On August 25, the Commission recommended the Chief of the National Police Agency to revise the Police Rules regarding Examination for Service to make sure that bowlegs are not a factor that disqualifies applicants from being considered for employment as a police officer.

Based on the Rules regarding Examination for Service, the agency refused to accept applications from those who were found to have bowlegs with five centimeters or more between the knees (and has not received a doctor's opinion that the legs are normal) during the physical examination.

The Commission referred to a report of a study commissioned by the police agency to assess and refine the physical examination criteria for hiring police officers. The report suggested that the bowlegs criteria under the Police Rules regarding Examination for Service should be relaxed or abolished because bowlegs are not a medically classified disease and people who have bowlegs without any histories of injury or pain have lifestyles and motor ability that are not significantly different from those of people without bowlegs. The Commission also found that under the Military Rules on Physical Examination for Service, bowlegs are not a reason for military service exemption. Based on these considerations, it concluded that there is no justifiable reason to restrict people with bowlegs from applying to the police force.

The National Police Agency accepted the recommendation from the Commission. On November 26, it deleted the bowlegs provision from the detailed physical examination criteria ([Table 1]) in its rules.

## L. Criminal Record

### ■ Discrimination in non-commissioned officer selection due to previous record of custody disposition under the Juvenile Act

On November 25, the Commission recommended the Minister of National Defense to revise related rules and regulations so that custody disposition records under the Juvenile Act are not used against non-commissioned officer candidates during selection. It also recommended the Minister of Justice to amend the Enforcement Decree of the Act on the Lapse of Criminal Sentences so that custody disposition records under the Juvenile Act are not circulated to related organizations.

The petitioner filed a petition for his son who applied for the military as a non-commissioned officer. The victim passed all the tests, i.e. written test, physical examination, and personality test. However, because of his past custody disposition record under the Juvenile Act, he failed to make the final list. The petitioner filed the petition, stating that the victim was discriminated in employment based on status.

While recognizing the discretion military authorities have in selecting, training, and supervising military personnel, the Commission found that using the victim's custody disposition under the Juvenile Act – in addition to the disqualification criteria provided for under Article 10 of the Military Personnel Management Act – as a key reason for disqualifying him constitutes a violation of the provision in Article 32 (6) of the Juvenile Act that “a protective disposition on a juvenile shall not in any aspect affect the juvenile's future status,” as well as a violation of the provision in Article 67 of the same Act that “in applying Acts and subordinate statutes on qualification, in any case of the following, to a person to whom sentence has been rendered for a crime committed when he/she was a juvenile, it shall be deemed that no sentence has been rendered in times to come.” As such, the disqualification decision constitutes a violation of the freedom of occupation guaranteed under Article 15 of the Constitution by fundamentally blocking the victim from being appointed as a career soldier, as well as the right to equality under Article 11 of the Constitution by placing the victim at a disadvantage compared with others without any justifiable reasons.

## Section 6. Administrative Appeal

The Administrative Appeals Committee of the Commission has conducted merit trials since the Constitutional Court recognized the dispositive nature of Commission decisions (2013heonma214 ruling, March 26, 2015). Administrative appeals have been on a continuous rise, with the number increasing significantly from April 2019 when the Commission began informing petitioners of appeal procedures upon termination of their case. In 2019, the number of appeals increased by 244% from the previous year; the number of appeals in 2020 has remained at levels similar to that of 2019.

Since 2019, the backlog in administrative appeals has caused delays in processing. The situation requires more personnel assigned to the Administrative Appeals Committee and development of efficient processing procedures to enable the committee to handle appeals more expeditiously.

[Table 2-2-13] Administrative Appeals Processed

(Unit : cases)

Year	Appeals filed				Appeals processed (petitions)				Total
	Petitions	Information disclosure	Others	Total	Withdrawn	Dismissed	Rejected	Withdrawn after transfer	
Cumulative sum	431	39	32	502	49	188	48	35	320
2020	171	14	6	191	23	80	10	11	124
2019	163	15	18	196	13	44	26	22	105
2018	50	2	5	57	8	24	4	2	38
2017	28	1	2	31	2	29	4	-	35
2016	19	7	1	27	3	11	4	-	18

## Section 7. Assessment

In 2020, the number of petitions processed was 9,301, an increase of 163 from the previous year. The number of remedied cases also reached 1,610, representing an increase of 569 from the previous year. This resulted in a higher rate of remedied cases at 17.3%, which is a significant increase of 5.9% from the previous year, reversing the downtrend of 2019 and pushing upward in 2020.

To list some of the more significant recommendations made in relation to human rights violations by type of organizations, the Commission recommended the prosecution to change the practice of making departure ban requests without justifiable reasons, and to educate the staff on unlawful search and confiscation practices.

Regarding petitions related to police violations of human rights, it recommended enabling suspects to get legal aid, developing regulations to secure safety of suspects during police escort in a car, developing a detailed manual on locating people who make a report using 112 text messages, and developing regulations on police use of self-purchased recording equipment.

As to courts, the Commission recommended changing the practice of forcefully opening residential properties to remind debtors of the execution of judgments without a legal basis.

For the military, the Commission recommended gender sensitivity education and on-site inspection of Military Academy cadets in relation to a case of sexual harassment committed in a group chat, measures to prevent the recurrence of forceful collection of COVID-19 donations, and revocation of a decision to discharge a non-commissioned officer from military service for undergoing gender reassignment surgery while in active duty and revision of relevant rules and regulations.

As to correctional facilities, it recommended disciplinary actions be taken against prison guards who forced a prisoner to drop a petition, removing indiscriminate restrictions on entries of outside books, and training the staff so that no restraints are used without a detailed assessment of risks and needs.

As to state organizations, local governments and public organizations, the Commission recommended that foreign residents not be excluded from emergency relief payments, and disciplinary actions be taken against those involved in bullying and abuse of power in a public organization.

With respect to educational institutions, it expressed opinion on the need for schools to hear the views of students and other constituents regarding school attire, recommended removing restrictions placed on students' use of smartphones during school hours and revisiting school regulations so as not to excessively restrict students' general freedom of action and freedom of communication, and changing teachers' practice of forcing students to write apology letters and having the letters examined by other teachers.

In the case of multi-person care facilities, the Commission recommended measures to protect personal information in relation to the disclosure of the personal information of a victim who had been forced to work in Japan's military brothels. It also recommended issuing a warning to an officer in a facility for persons with disabilities for relocating the desk of a non-military service member out into the hallway, because the latter had complained about the job.

As to immigration authorities, the Commission recommended institutional improvements to address the shortfalls in the fast-track review of refugee applications, reviewing granting sojourn status to undocumented children whose parents have overstayed their visas, and stopping use of restraints without legal basis.

Following the establishment of a special planning and investigation team in March, the Commission organized two planning sessions with on-site inspection specialists in the areas of children, older persons, and persons with disabilities, respectively, to discuss which facilities to visit and inspection methods. Subsequently, except for the children care facilities, all the planned visits, which were scheduled to occur in the fourth quarter, were postponed due to confirmed COVID-19 cases in some facilities and heightened social distancing measures.

Under the national pandemic crisis, it became clear that the COVID-19 virus applied equally to everyone. However, its impacts were unequal, becoming a life-threatening factor to vulnerable groups. The virus highlighted the fact that inequality is not just about income and assets; it also plays out in various areas and domains like disability, gender, medical care, and information. In addressing human rights issues and the various forms of discrimination across the society, the Commission worked to bring fundamental changes to laws, institutions, policies, and practices for real, effective changes in the society, while investigating individual petitions and leveraging its expertise to seek remedies. Owing to these efforts, the rate of remedied cases was 33.9% in 2020, which represents a significant and tangible outcome compared to the previous year (20.9%).



With respect to discrimination based on gender, it recommended broadcasting companies to stop gender discrimination in their established hiring practices, as they were hiring female announcers on a contract or freelance basis. It also made recommendations to correct gender-discriminatory practices associated with remnants of the householder system, i.e. interpretation of jangson (eldest grandchild) as ‘the eldest son of the eldest son,’ discrimination against mothers’ side family in granting paid leave to attend family life events, and discrimination between the eldest daughter and second son in family allowance payments.

In relation to sexual harassment, the Commission recognized that asking someone out using one’s higher position and warning of consequences in employment because the date was turned down, and making unnecessary comments or questions regarding one’s privacy, including personal relationships, constitute sexual harassment.

As to sexual orientation, the Commission recommended a university to correct discrimination based on sexual orientation, in relation to the ban on banners of a sexual minority club on campus.

In the area of disability discrimination, the Commission actively recommended that various convenience and services be provided to the visually impaired and the hearing impaired so that their access right be guaranteed. For issues that entail considerable expenses and/or long periods of preparations, such as servicing the visually impaired to vote outside polling places or servicing the hearing impaired with subtitles on public online educational courses, the Commission saw that the political rights and right to education are important in that they enable persons with disabilities to become fully socially engaged. As such, ‘excessive financial burden or considerably challenging circumstances’ cannot be recognized in such cases. Likewise, in order to guarantee the right to self-determination of the visually impaired, the Commission recommended that all necessary efforts be made to allow them to open a bank account.

As to belittling remarks by politicians, the Commission investigated offensive acts against persons with disabilities as a group rather than individuals and saw them as bullying that violates personal rights. Despite restrictions on on-site inspections due to the complete ban of visits in mental hospitals, it did its best to recommend more effective remedies and redress on petitions filed.

As to discrimination based on age, there were many petitions related to age limits – must be at least or at most a certain age – in employment, and restrictions placed on supply and use of goods and services like taking out an insurance, taking part in a contest, and using sports facilities.

As in the past, the Commission maintained the view that age restrictions that are not absolutely necessary considering eligibility or nature of a job, and exclusion from or unfavorable treatment in employment and/or supply and use of goods and services based on arbitrary age criteria without a scientific or objective ground or a justifiable reason constitute discrimination and a violation of equal rights, and recommended redress, which most petitionees accepted.

As to discrimination based on social status, the large majority of petitions filed were associated with diversified employment issues of our times. A particularly great number of discrimination petitions were filed in relation to irregular workers and indefinite-term workers in schools, local governments, and public service-related organizations. The Commission recommended that civil service workers handling civil complaints at the Passport Division of the Ministry of Foreign Affairs be paid civil complaint allowance, as they are obviously performing the same job as public officials. The Commission made it clear that a person performing the same or a similar job as a public official or a regular worker in the same workplace should not, without justifiable reasons, be discriminated in terms of wage, welfare and benefits, career recognition, and other treatments only because the person is not a regular worker or was converted from a fixed-term worker to a civil service worker based on measures to hire temporary workers in the public domain, and recommended improvements or redress.

As to petitions filed in relation to discrimination based on religion, medical history, country of origin, family situation, physical condition, and all other reasons, the Commission determined whether the discriminations were justifiable or not, and recommended improvements or redress. It recommended redress for the exclusion from consideration for promotion to the post of associate professor due to the religion of family members, removal of signs from the beds of patients infected with HIV indicating their HIV status and recommended redress for discrimination of foreign residents in basic disaster allowance payments by local governments. Also, for acts of discrimination that do not fall under the scope of investigation under the NHRCK Act, but have significant and serious social implications, the Commission actively expressed opinion to arouse public interest and encourage necessary actions for redress, further expanding the horizon for addressing discrimination.

Compared to 2018 (169 cases), there was a rapid increase in the number of discrimination cases based on reasons other than the 19 specified under Article 2 (3) of the NHRCK Act, an indication that the scope of discrimination claims is expanding. This calls for urgent legislation of an ‘equality

law’ as an inclusive anti-discrimination law to help more fundamentally address diverse and complex discrimination issues across the society, as well as increased expertise in investigating discrimination petitions and a set of criteria to inform judgment.

In relation to human rights counseling, the Commission made overall improvements to the counseling program. It also hires human rights counselors and special counselors to provide professional counseling services to those in need, , and offers interpretation services for migrant workers and wedded migrants. In 2020, the Commission focused on high-demand areas like legal assistance, labor affairs, and human rights in general for greater efficiency in counseling services, and introduced a reservation system. Also, in cooperation with the Sign for Connect Center, it is providing full-time counseling with sign language.

In 2020, six mediation petitions were filed with the Commission, which led the Human Rights Violation Mediation Committee and the Gender Discrimination Mediation Committee to hold six sessions in total. Compared to 2019 when two Mediation Committee sessions were held for seven cases of non-compliance with mediation, an increased number of mediation committee sessions were held, and two cases were settled with mediation. However, the Commission needs to work on more prompt remedies through workforce expansion, , revisions to the relevant regulations, and introduction of an independent, one-person mediation program as part of simplified mediation procedures.

## Chapter 3

## Human Rights Education and Promotional Activities to Foster Respect for Human Rights

### Section 1. Overview

With a view to raising and enhancing public awareness of human rights, the Commission carries out human rights education and promotional activities in accordance with subparagraph 5 of Article 19 and Article 26 of the NHRCK Act.

In 2020, the Commission was tasked to strengthen its status and roles as the control tower for human rights education and training, ensure a professional and systematic approach to human rights education, shape conditions so that training is available for all, and facilitate training on key human rights issues. To this end, it monitored statutes, institutional arrangements, policies and practices related to human rights education, developed a variety of timely, professional, and usable educational content, laid the groundwork for the Human Rights Training Institute, managed human rights educational councils, and added a course on hate and discrimination in all curricula. Amid the spread of the COVID-19 pandemic, which caused participation in face-to-face group training sessions to be limited, it strove to maintain high quality training by diversifying training programs and facilitating remote learning.

#### Human rights education

With a view to researching and improving statutes, institutional arrangements, policies and practices related to human rights education, the Commission expressed opinion on a proposed bill to promote education on labor rights and recommended introducing human rights education in nursing homes so that the rights of older persons can be protected. It also carried out some policy tasks, including a study on human rights centers in colleges and how to improve their operation, a study on how to apply more systematic human rights training in the renewed curricula for elementary, middle, and high schools, a survey of how state public officials in public administration are trained in human rights, and a survey of how human rights instructors are fostered in the public sector.

For more specialized training and education, the Commission developed a variety of practical content, including a textbook on the rights of senior patients, an educational material on human rights training for older persons, an online education content on children's rights, an educational material on labor rights, on- and offline shared content (14 types), a revised glossary for human rights education, and translation of hate speech-related precedents of the European Court of Human Rights.

To promote more extensive and systematic training and education, the Commission strengthened the roles of the Human Rights Education Committee, Local Government Human Rights Education Council, Military Human Rights Education Council, School Human Rights Education Council, University Human Rights Center Council, Senior Human Rights Education Council, Infant Rights Education Council, and Korea Human Rights Education Forum, and fostered greater cooperation among them. In an effort to raise awareness of the rights of the young, it also translated and disseminated the United Nations' plan of action for the fourth phase of the World Programme for Human Rights Education, which specifically aims to improve the situation of young people.

Given the need for a dedicated training space, the Commission secured land and budgets for a preliminary design of the Human Rights Training Institute. Pending more detailed design and construction, it will ensure that everyone's right to get human rights education can be fulfilled while creating a favorable environment to train and foster human rights instructors.

### Promotional activities

The Commission worked to raise public awareness and consciousness of human rights through new media channels like blogs, Facebook, and Youtube.

Run by 17 online supporting journalists, the blog Byeolbyeol Stories posted a total of 580 blog content. The content was also linked to Facebook, KakaoStory and other new media platforms for active promotion of activities. A series of video contents were created, including Living a Wise Life with Respect for Human Rights, and loaded them on the front page of the NHRCK portal site for greater exposure.

In 2019, the Commission issued a total of 192 press releases on policy recommendations, investigation results, programs, and activities. The materials were released to the media and posted on the website for increased exposure. It also distributed its online monthly newsletter

Human Letter to disseminate top news articles and news of key activities. The Commission also presented the 9th Human Rights Reporting awards, contributing to enhanced human rights sensitivity in the media.

The Commission organized a celebration of the Universal Declaration of Human Rights. The event helped highlight the significance of the declaration adopted by the United Nations in 1948. Nine institutions and persons were awarded the Korea Human Rights Award.

## Section 2. Major Achievements

### 1. Institutionalizing and Shaping Conditions for Human Rights Education

#### A. Instituting Human Rights Education

The Commission expressed opinion on a proposed bill to promote education on labor rights to raise public awareness and protect labor rights. It also recommended the relevant ministries to introduce human rights training in convalescent hospitals, which are similar in functions with sanatoriums (welfare facilities for older persons and long-term care facilities) and where there have been frequent occurrences of human rights violations against senior patients.

With a view to instituting more human rights education into school curricula, the Commission had a study on how to apply such training in the renewed curricula. In consultation with professors, teachers, activists, and various other human rights experts, it sorted out human rights educational content by key area and developed the content with a holistic approach so that it is not just about knowledge but also about values, positive attitude, functions, and actions. Also, to ensure that human rights are respected in all school activities, it presented ways to apply human rights perspectives throughout the course of study, and plans to review necessary institutional improvements so that they can be captured in the new curricula.

In addition, the Commission carried out a study on human rights centers in colleges and how to improve their operation, a survey of how state public officials in public administration are trained

in human rights, and a survey of how human rights instructors are fostered in the public sector. Based on the findings, it will work to improve the laws, institutions, policies, and practices related to human rights education.

## B. Fostering and Appointing Human Rights Instructors

With more human rights education and training becoming available in various sectors of the society, human rights instructors play an increasingly important role in enhancing the quantity and quality of education. Through the human rights instructor development program, the Commission has laid the basis for making human rights education more widely available across the society, and in 2015, it introduced an instructor appointment program. It also offers a variety of capacity-building programs for instructors and makes instructor evaluation for re-appointment every one or two years for quality control of training.

The Commission takes instructor development program applications through the Cyber Human Rights Training Center in early March every year. A few areas – rights of persons with disabilities, children, older persons, etc. – are selected for the program every year based on demand, and program participants are selected based on previous experience in a given field.

The instructor development program is a four-step program, including Beginner 1, Beginner 2, Intermediate, and Advanced, with a basic format of a 12-day group class and step-by-step advance learning (cyber human rights education and reading list). Group classes are given over the course of four months and the basic classes are 101 courses on Understanding Human Rights, Understanding the Right to Liberty, Social Rights, and Equal Rights, and Understanding the international human rights system and national human rights organizations. Intermediate and advanced programs cover topics that are highly relevant with job performed. Course participants are required to give a teaching demonstration for assessment and to become familiar with the methodology of human rights teaching. Instructors are appointed based on teaching demonstrations and assessment.

## C. Establishment of Human Rights Training Institute

The Human Rights Training Institute is educational space necessary for fostering instructors and trainers, and for guaranteeing the right to human rights education for all. The institute will play a key role in ensuring quality human rights education and shaping favorable human rights culture, by capturing the expertise and sense of current topics of the Commission in the curricula.

The Commission consulted with the Ministry of Economy and Finance on the possible use of the old Customs Clearance Center site in Yongin, Gyeonggi-do Province and secured 226 million won from the state-owned property funds for a preliminary design of the institute. The Commission will examine the design, construction, and construction supervision plan once the existing building is remodeled and feasibility review of proposed extensions is complete.

## 2. Establishing Networks of Cooperation for Education

In 2020, the ‘Local Government Human Rights Education Council’ discussed a plan to pursue an equality law and its key content, sharing of human rights education plans between the Commission and local governments, ways to cooperate to promote human rights education in local governments, and training program for human rights education officers and human rights defenders. Through implementation of the plan, more quality education was made possible for local governments and ties with the Commission were further strengthened.

The program for human rights education officers and human rights defenders is a capacity-building program that leverages and expands upon the existing workshop program. It \ was designed to better accommodate internal education and investigation needs. The scope of participants was also expanded from metropolitan government officials to primary local government officials, providing social networking opportunities for participants.

In June and December, the Commission held the ‘Military Human Rights Education Council’ with representatives of the Ministry of National Defense, Army, Navy, Air Force, and the Marines, to discuss human rights education and ways to cooperate. Various areas of cooperation were identified, including early opening and use of the cyber human rights education content Understanding Human Rights of Military Personnel, making joint use of the military's professional



human rights educator pool, and revising an education textbook jointly developed by the Ministry of National Defense and the Commission.

To facilitate discussions on ways to promote human rights and human rights education in schools, the Commission held the 14th session of the ‘School Human Rights Education Council’ together with the Ministry of Education, and metropolitan and provincial offices of education. In-depth discussions were held on improving human rights education for school teachers and what roles each organization can play. The Commission continued to cooperate with schools to support capacity-building efforts, including training of principals and vice-principals on human rights leadership and training of teachers on school labor rights.

In October 2019, the Commission established the ‘University Human Rights Center Council’ with 62 colleges to support their capacity-building efforts and help create an environment where human rights are respected. Held in writing due to COVID-19 restrictions, the second council meeting held in 2020 discussed center activities to promote human rights and how cooperation can be fostered, received feedback on a study on college human rights centers, and discussed how the proposed improvements can be implemented. In January, the Commission organized the College Human Rights Center Capacity-Building Workshop with the center in Busan. The workshop was attended by 87 representatives from 44 college human rights centers and human rights committees to discuss current human rights issues and improvements. The online community established in May 2019 to facilitate sharing of experience and best practices among staff of college human rights centers now has 123 members who conduct day-to-day communication online.

Following institution of mandatory human rights education of personnel working in senior welfare facilities and long-term nursing homes, the Commission worked on a system of cooperation, re-defining the roles of the Korea Human Resource Development Institute for Health & Welfare, Center Senior Protection Institute, and educational institutions, and developing quality education programs. It principally focused on building the capacity of instructors attached to educational institutions, and developing and distributing educational materials.

The Commission consulted with the Ministry of Gender Equality and Family and the Korean Institute for Healthy Family to prevent child abuses associated with dispatched children home care services. They also cooperated to strengthen the capacity of human rights instructors assigned to home child-care providers. Specifically, the Commission organized with the Korean Institute for

Healthy Family 17 education sessions for human rights instructors assigned to home child-care providers, using an education material developed for this purpose in 2019.

On June 25, the Commission held a session of the Human Rights Education Committee to discuss a plan to pursue an equality law and its key content, and ways to foster and build the capacity of specialized human rights educators, and update its business plan based on feedback received. The Commission cooperates with the committee on a day-to-day basis, to identify tasks, develop business plans, discuss how key emerging issues are being addressed, and evaluate work done.

The 19th Korea Human Rights Educational Forum hosted by the Commission on November 6 was attended by members of the Human Rights Education Committee, human rights and civil society groups, and local government officials in charge of human rights affairs. The forum discussed directions and tasks for human rights education, the result of which were captured in the Commission's 2021 business plan and will be considered in the mid- to long-term implementation plan.

### 3. Expanding Education through Human Rights Education Centers

In line with a continuous increase in demand for human rights education, the Commission upgraded the Cyber Human Rights Training Center, established a system for distance learning, and made space available for education in the human rights offices. It also appointed human rights instructors through the instructor development program.

In 2020, due to challenges in organizing group training as a result of the COVID-19 pandemic, it moved programs totally online and replaced the existing collective training for mandatory courses with specialized training courses of two to more days.

Overall, the Commission organized 2,177 specialized sessions, visiting programs, cyber training, and lectures for as many as 257,949 persons. The number of persons who completed the program fell from the previous year due to the suspension of mandatory human rights training of nursing home operators and staff due to the spread of COVID-19. However, thanks to the Commission's efforts to expand the use of its educational contents, the number of public organizations using the contents increased from 30 in 2019 to 60 in 2020, making human rights education and training more accessible.

[Table 2-3-1] Implementation Status of Human Rights Education in the Last Five Years

(in number of sessions and persons)

Classification	Total		Educational course		Visiting education		Cyber education		Special lecture		Government's e-learning platform <sup>13)</sup>	
	Session	Participant	Session	Participant	Session	Participant	Session	Participant	Session	Participant	Session	Participant
Cumulative sum	37,508	2,744,954	3,961	182,504	3,396	75,404	6,547	991,732	17,865	1,161,694	5,739	333,620
2020	3,443	362,459	150	5,011	163	2,700	1,131	220,392	733	29,846	1,266	104,510
2019	6,282	445,807	330	12,527	556	10,694	1,363	261,505	2,699	107,372	1,334	53,709
2018	5,189	344,562	427	19,957	484	8,542	1,133	166,183	2,116	106,189	1,029	43,691
2017	4,447	249,428	494	28,916	533	10,974	915	79,799	1,968	101,482	537	28,257
2016	4,247	242,147	734	33,953	380	5,930	828	71,434	1,760	96,302	545	34,528

\* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2020.

## 4. Development and Distribution of Educational and Promotional Content

### A. Educational Content

Educational content helps communicate the key concept and values of human rights. Education and training can become more effective when highly usable content on on-going issues are made available. Recognizing the importance of human rights educational content from the start, the Commission has remained committed to publishing and distributing content.

So far, the Commission has developed a total of 164 human rights educational content (31 for public organizations, 28 for schools, 28 for citizens) to meet the varying demands and needs for human rights education, and in line with the changing environment and specific requests from educators and trainees. The content are available for immediate use, as it is provided and disseminated to relevant organizations, associations, human rights lecturers and educators, public libraries, and online websites.

13) (Government's e-learning platform) Sharing online human rights education contents with other organizations via the government's e-learning platform for their internal training

In 2020, to support training and education on special topics, the Commission developed a variety of practical content, including a textbook on the rights of older patients, an educational material on human rights training for older persons, an online content on children's rights, a material on labor rights, on- and offline shared content (14 types), a revised glossary for human rights education, and translation of hate speech-related precedents of the European Court of Human Rights.

## B. Promotional Content

### 1) Web Dramas

Web dramas were produced to depict discrimination or human rights violations, which are often considered to be heavy topics, as something that happens in our everyday lives, so that viewers can better relate to the issues.

Following the 2018 web drama *Calm Down* and the 2019 web drama *The Secret of Secret*, the Commission produced *Chatagongin* in 2020. *Chatagongin* addresses prejudices facing young people who live in facilities, gender discrimination in everyday life, and human rights in sports. It was released on Youtube in November. Together with *The Secret of Secret*, which was uploaded in December 2019, *Chatagongin* had 900,000 accumulated views, an indication that disseminating content through online platforms is working. Notably, *Chatagongin* was made available not only with sign language but also in English to enhance accessibility for international viewers.

### 2) Human Rights Contests

Every year, the Commission organizes several contests to promote to the public that human rights are universal values that must be preserved in every aspect of life.

The themes for the 2020 Human Rights Contest were “countering discrimination” and “preventing discrimination.” In addition to the poster and interactive news categories, the contest also featured a human rights essay category. A total of 1,071 entries were received, including 658 in the adult group and 413 in the youth group. Following preliminary and final screenings, a total of 43 works were selected for a chairperson award. The selected works in the poster category were produced as postcards for distribution to libraries, human rights offices, and the general

public; they were also put on display during the Human Rights Week events organized by local governments, including the municipal government of Seoul. The works were also posted on the Commission's Facebook, KakaoStory, and blog, and were used as educational and promotional materials using new media.

## 5. Operation of the Human Rights Library

The Human Rights Library is the only library dedicated to human rights in Korea. It was established in 2002 as a separately affiliated human rights reference library, based on Article 27 of the NHRCK Act. During a restructuring process in 2009, the library became affiliated to the Administrative and Legal Affairs Division. Then, in 2012, its name was changed to Human Rights Library. Since 2016, it has been managed by the Human Rights Education Planning Division.

The library facilitates research, collection, analysis, and preservation of human rights-related information and materials; offers reading and loan services; documents, manages, and preserves Commission's publications; and engages in exchange and cooperation with other libraries in Korea and abroad. A variety of human rights information is available on the library's website.

The library offers rental services for individual and group patrons (schools, organizations, and associations) to facilitate and expand use of its services. In 2020, the library complied with the government's social distancing guidelines. Under the COVID-19 circumstances, it reviewed policy to develop its book collection and developed contact-free service options to sustain patron services amid the spread of the pandemic.

In cooperation with regional human rights offices, the Commission also operates annex libraries (libraries in Busan, Gwangju, Daegu, and Daejeon opened in 2015; library in Gangwon opened in 2017) so that residents in the areas can conveniently access human rights library services. This initiative is designed to make use of human rights information convenient for all.

## 6. Promotional Activities to Raise Public Awareness

### A. Promotion through Media Reports

In 2020, the Commission distributed 192 press releases and posted them on its website. Press releases mostly covered factual survey results, policy recommendations and opinions, results of investigations on human rights violations and discrimination, statements and commentaries on major current issues, and other activities at home and abroad. They helped raise public understanding of human rights issues and shape public consensus by publicizing various human rights issues via newspaper articles, broadcast programs, and online portal services.

The Commission continued to service press coverage and interview requests. Notably, it promoted its opinions on key human rights issues, including the proposed legislation of an equality law, through special interviews with the Chairperson. When announcing key recommendations on issues such as platform laborers, COVID-19 and human rights, undocumented migrant children, and human rights in sports, it actively sought opportunities for interviews, news articles, or TV news, in consultation with the offices of primary responsibility. It also engaged closely with the media in response to negative media coverage of its activities, such as the ex officio investigations of violations in the sports community and oversight of nonprofit organizations under its jurisdiction.

The Commission organized press briefings on key decisions and responses, including a press conference by the chairperson regarding its opinion to the National Assembly on the enactment of an equality law. The briefings helped increase understanding and interest in the media, and clearly and promptly communicated the Commission's position and plans. Also, by engaging regularly with accredited reporters and building good rapport with them, the Commission increased their understanding of its roles and activities. It also took the lead in raising awareness among media personnel, by spreading the human rights reporting standards and other programs to enhance human rights sensitivity in the media. The Commission also strengthened internal communication through press monitoring, using news clipping and weekly media trend briefs.

### B. Promotion through Other Forms of Media

While continuing promotional activities through its existing blog and the Human Letter, the Commission also used new media for promotion.

The Commission sent out the Human Letter, an online monthly newsletter, to 40,000 or so subscribers, informing them of its key activities and news. Through the Byeolbyeol Reporters, a group of 17 online supporters, it posted over 580 promotional content on the blog Byeolbyeol Stories, and also posted them on Facebook and KakaoStory.

Notably, the result of a discrimination survey and the need for an equality law and what the law is about were summarized and produced as interactive news, videos and campaign images. The content was also used for advertisement online or on electronic displays and buses, and used as educational materials.

The electronic display located in front of the Commission headquarters was used to promote some key decisions, as well as information on the Korea Human Rights Awards and the Commission's mediation system.

The Commission used various forms of media and techniques to promote human rights in everyday life and highlight its role, policies, and key achievements. The promotional activities were carried out and managed based on a detailed plan, informed by each division and reflecting their specific promotional needs.

## C. Human Rights Day Ceremony

In celebration of the Universal Declaration of Human Rights, the Commission organized the 2020 Human Rights Day with an online and offline ceremony (NHRCK's Youtube channel, the 10th floor of the NHRCK Headquarters) at 10am on December 10.

The ceremony was mainly broadcast online to prevent the spread of COVID-19. It kicked off with commemorative remarks by the Commission chairperson, followed by congratulatory remarks by Chief Justice Kim Myeong-su, Co-representative of the Civil Society Organizations Network in Korea Kwon Tae-sun, and Media Plaza representative Kim Jung-bae. The event also featured the Korea Human Rights Awards and congratulatory performances by the North-South Korean Women Choir Yeouillim.

At the 2020 Korea Human Rights Awards, nine awards were presented – one Order of Service Merit, one ROK President commendation, three NHRCK Chairperson commendations, and four group awards. The Order of Service Merit (Red Stripes) went to Professor Baek Do-myung of

Seoul National University for his achievements in researching the causal relationship between humidifier disinfectants and lung damage, occupational diseases among semi-conductor workers, damages caused by radioactivity, and the impacts of radon beds on health, among others, and his active role in state reparation.

## D. Publication of the Human Rights Magazine

The Human Rights magazine was first published in August 2003 as a monthly magazine. It turned into a bimonthly publication in 2007, and the 131st issue was published in December 2020.

A total of 3,600 copies are printed for distribution to welfare facilities for older persons, facilities for persons with disabilities, facilities for the homeless, junior high schools and high schools, and small libraries. The magazine is also available as a webzine for digital publication.

In 2020, the magazine featured special coverage of key human rights issues, including human rights amid the COVID-19 crisis, election politics and human rights, child rights in relation to the death of an abused child, and the proposed equality law. It also highlighted emerging human rights domains, as well as various perspectives and discussions through the sections “Human rights grow” and “How the millennials view human rights.”

Published by the national human rights organization dedicated to human rights issues, the magazine features Commission news, advice columns, and many interesting and easy-to-read stories on human rights. It is also made in the form of a webzine and braille book for greater accessibility.

## E. Human Rights Reporting Awards

In 2008, the Commission selected and awarded the top ten human rights news reports to keep media attention on human rights issues and encourage voluntary reporting efforts. From 2012, the Human Rights Reporting Awards were jointly organized by the Commission and the Journalists Association of Korea.

The jury for the 9th Human Rights Reporting Awards in 2020 comprised eight members, including six external members (from academia, media, and civil society) and two internal members (Director of the Discrimination Remedy Division and Director of the Public Relations Division). A total of 33 entries were received, including 10 daily news articles, 17 television



programs, one news agency article, four Internet reports, and one magazine article. Following two rounds of screening, six winning entries were selected.

## F. Key Decision Videos

Since 2014, the Commission has produced and distributed a series of videos on decisions taken. Previously available in the form of texts, some key decisions are now produced in the form of dramas or animations to make them easier to understand. In 2020, the Commission presented cases of human rights violations based on hierarchical relations in the military and workplace in the form of Youtube talks, which were useful in communicating the related decisions, including how they were made and what role the Commission played in the decision process.

In response to a rise in contact-free learning amid the COVID-19 pandemic, the Commission uploaded the videos on Youtube and other online sites, making them easier to access. The videos are produced and distributed in the CD format as well, so that they can readily be used in schools, welfare facilities, and public organizations.

## Section 3. Assessment

The findings of a study on human rights centers in colleges and how to improve their operation, survey of how state public officials in public administration are trained in human rights, and study on how to apply more systematic human rights training in the renewed curricula for elementary, middle, and high schools will serve as valuable reference for raising public awareness on the need for quality human rights education and develop further improvements to the programs. Research and studies of policy, practice, and institutional arrangements related to human rights education must be sustained and strengthened in the future, along with efforts to continuously improve the programs.

To promote more extensive and systematic education, the Commission organized Local Government Human Rights Education Council, Military Human Rights Education Council, School Human Rights Education Council, University Human Rights Center Council, Care Program Education Council, Human Rights Education Committee, and Korea Human Rights Educational Forum to share program plans and identify new projects of cooperation. It also organized educational programs to help relevant personnel build capacity. In the future, the

Commission must continue to strengthen cooperation with different stakeholders, from planning to operation of programs, and evaluation, to enable them to build competence and take it unto themselves to respond to human rights issues.

Much work was done to develop and disseminate a variety of human rights educational content in cooperation with human rights specialists and activists. Making available quality content for quality education remains a key task. Efforts must continue in the future to develop useful content that can meet actual educational needs. This would require an increase in workforce and budgets.

The Commission quickly distributed and posted press releases on the policy issues and human rights agendas it helped investigate and redress via the media and the press, TV, and online portal services, thereby raising public interest in and understanding of human rights, and shaping consensus on issues.

The Commission promoted key issues such as legislation of an equality law through chairperson interviews and other forms of special reports. When announcing key recommendations on such issues as platform laborers, COVID-19 and human rights, undocumented migrant children, and human rights in sports, it actively sought promotional opportunities so that its activities can be covered as interviews, news articles, or TV news in close consultation with offices of primary responsibility. It actively engaged with the media regarding negative media coverage of its key activities, such as its ex officio investigations of violations in sports and oversight of nonprofit organizations under its jurisdiction.

For wide coverage of its activities and key issues, the Commission engaged with the press corps in real time using face-to-face meetings, phone, and mobile means. In the future, it will also resort to in-depth reports and/or series to promote its key programs and human rights issues continuously and with greater detail.

In 2020, as a result of the spreading pandemic, the Commission made more active use of new media such as blogs, facebook, and Youtube for promotional purposes. Existing promotional content – interactive news, brochure, and postcards – was converted into videos and quickly uploaded on the Commission’s Youtube channel. Following *The Secret of Secret* in 2019, the show *Chatagongin* was praised for highlighting the message without being too promotional in nature. “The show also deals with collective bullying of students, which is a frequent topic in school TV shows. However, unlike other programs that try to explain bullying from the perspective of fierce

competition to enter college, Chatagongin is different in saying that poor human rights conditions, especially those of teenagers, are really at the heart of the problem.” – The Hankyoreh, November 27, 2020 –

In 2020, the Human Rights magazine mainly covered the disaster situation caused by the pandemic, the general elections, and equality law. It also offered up-close coverage of fatal child abuse cases, the Nth room case, and other current key human rights issues. For greater diversity of content and professional coverage of human rights, the Commission organized a magazine planning committee to raise the quality and readability of the magazine through planning sessions.

The Commission organized a celebration of the Universal Declaration of Human Rights on December 10, highlighting the significance of the declaration and presenting the Korea Human Rights Award to select human rights advocates. Though the ceremony was mainly broadcast online to prevent the spread of COVID-19, it was attended by human rights commissioners, advisory committee members, diplomats in Korea, civil society groups and the general public, and was a great opportunity to raise human rights awareness.

Despite challenges posed by the pandemic, the Commission organized various programs to help the staff with capacity building. However, there is a need to ensure greater linkage between effective civil society programs and capacity-building programs for civil society groups. Also, the investigator school needs to offer specialized training on investigation techniques and more hands-on practical training, while the policy school requires more focus on methodologies to explore policy tasks in line with dynamic social changes.

## Chapter 4

## Domestic and International Exchanges and Cooperation

### Section 1. Overview

Pursuant to the Principles relating to the Status of National Institutions and Subparagraphs 8 and 9 of Article 19 of the NHRCK Act, the Commission is striving to safeguard and promote human rights through exchanges and cooperation with human rights and civil society organizations and human rights-related international organizations and national human rights institutions.

#### Exchanges and cooperation with domestic human rights and civil society organizations

The Commission worked to engage with human rights and civil society groups. In the first half, it had online discussions with these groups to hear and capture their inputs regarding the budget and operational plan for 2021, and factual surveys of human rights conditions. In the second half, it met with these groups to hear their opinion on the development of strategies for actions to promote human rights promotion. Due to limitations posed by COVID-19 on large-scale meetings, the Commission worked to strengthen exchanges and cooperation with human rights groups by visiting them as needed.

In line with the changes in the human rights safeguard system at the regional level, with more local governments establishing and implementing human rights ordinances, and discussions held by the international human rights community on ‘local governments and human rights,’ the Commission established the Regional Special Human Rights Committee to better address local human rights issues, and had two meetings.

The Commission also carried out joint cooperation programs (in the form of funding) with human rights organizations on a variety of topics and areas. This was part of efforts to support the activities of groups advocating the rights of the socially disadvantaged and expand the human rights horizon.

The Commission worked to strengthen and expand the network of regional human rights organizations by engaging with personnel in charge of cooperation programs at regional human rights offices, the human rights committees in metropolitan municipalities, and personnel in charge of human rights affairs at local governments in the capital area. On August 26, it organized a convention of human rights advocates on ‘What the legislation of an equality law means and what roles human rights advocates can play,’ expanding a nationwide dialogue and strengthening cooperation with regional human rights organizations and groups.

### **Exchanges and cooperation with international organizations and human rights institutions in other countries**

In 2020, despite limitations posed by the spread of COVID-19 on international exchanges and cooperation, the Commission continued its exchanges and cooperation activities, especially with GANHRI and the APF.

In June, it participated as a panel in the virtual GANHRI conference to safeguard and promote the rights of older persons during the COVID-19 pandemic, and made a presentation on activities related to their rights. At the annual meeting of GANHRI in early December, it shared a report of the same activities with the international community.

In September, the Commission hosted the 2020 International Conference on Combatting Hate and Discrimination jointly with the APF, raising awareness in Korea and abroad through in-depth discussions of equality law as a mechanism to counter hate and discrimination and other related human rights issues. In October, it also organized a meeting with ambassadors of EU member states to Korea and representatives of UN organizations on the topic of equality law. The participants shared their country’s experience in introducing an equality law and the resulting social impacts.

Notably, at the 25th APF Annual Meeting held in September, the chairperson of the Commission was elected as Deputy Chair of APF and Deputy Chair of the APF Governance Committee, raising the international standing of the NHRCK as an NHRI.

## Section 2. Major Achievements

### 1. Exchanges and Cooperation with Domestic Human Rights Organizations

#### A. Day-to-day Cooperation with Human Rights Groups

Over the course of 2020, the Commission had regularly scheduled meetings with human rights and civil society groups to capture their feedback in its key strategies and business plan.

In the first half, it had online discussions with human rights and civil society groups to hear and capture their inputs regarding the budget and operational plan for 2021, and factual surveys of human rights conditions. In the second half, it met with the groups to present and hear their views on its draft strategies for actions to promote human rights, which lays out the mid- to long-term directions for the Commission. Due to limitations posed by COVID-19 on large-scale meetings, the Commission worked to strengthen exchanges and cooperation with human rights groups by visiting them as needed. These efforts helped facilitate communication and cooperation with human rights and civil society groups.

As part of efforts to actively support the various needs of human rights and civil society groups, the Commission sponsored the Good Neighbors Hope Letter Contest and supported them with a Chairperson award, and sent written congratulatory remarks of the Chairperson to the award ceremony of the NCKK Human Rights Award organized by the National Council of Churches. It also co-hosted the Human Rights Reporting Conference with the Korean Bar Association.

#### B. Joint Programs with Human Rights Groups (Funding)

Every year since 2003, the Commission organized programs jointly with human rights organizations to facilitate human rights campaigns by civil society groups and support various initiatives that promote human rights. Programs are selected based on originality (addressing emerging human rights domains), timeliness and expected effects, and the selected groups are granted funding to organize the programs.

In an effort to identify tasks and programs that can support its mid- to long-term objectives, the Commission in 2020 it presented four designated tasks (countering hate speech, building public consensus on an anti-discrimination law, monitoring of human rights conditions facing airport refugees, and competence-building of human rights activists) in line with its key strategic tasks.

Twelve programs were selected by the Commission for funding, including monitoring accessibility of persons with disabilities to patrol stations, police substations, and community security centers, monitoring to safeguard the rights of ‘airport refugees’, and lectures on new technologies for human rights activists. These programs helped to safeguard the rights of persons with disabilities, refugee status applicants and other minority groups, build the capacity of civil society groups, draw lessons learned and identify tasks from key pending issues. To disseminate the outcomes of the best programs, it selected and awarded the top seven programs.

## C. Exchanges Including Visits to Sites of Human Rights Interest

The Commission makes on-site visits to various locations to hear the voices of those on the ground, discuss current human rights issues, and identify policy tasks.

Over the course of 2020, the chairperson and standing committee members visited the National Center for Mental Health to see how persons with mental disorders are doing and hear the views of related organizations and institutions.

The Commission engaged with people at all levels of society to explain the importance and intent of introducing an equality law, and get feedback from related institutions. It visited the Korean Bar Association and Seoul Bar Association to hear the opinions of the legal profession, and the Christian Institute for the Study of Justice and Development to hear the views of the religious community.

The Commission visited Korean-Chinese residential areas to console them for suffering from hate speech and hear about their experiences with hate and discrimination. The visits were attended by 30 or so people, including the head of the Korean-Chinese community in the area, Chinese residents whose children go to an elementary, junior, or high school, immigration group activists, teachers, and education office personnel.

Prior to making the visits, the Commission announced a special statement regarding aggravating online and offline hate speech against Chinese or Korean-Chinese people in Korea amid rising public unrest and fear about the COVID-19 situation, and expressed concerns about use of hate speech to justify discrimination or instigate hate against certain groups. It also committed itself to fostering a society where every constituent can live a life of dignity and respect.

## D. Cooperation and Networking with Local Governments

The Commission is committed to safeguarding and promoting human rights at the local level by networking and cooperating with local governments.

Amid establishment of human rights ordinances and dedicated human rights institutions at the local level, and discussions of ‘Local Governments and Human Rights’ at the international level, the Commission established and operated the Special Regional Human Rights Committee to build expertise on regional human rights issues.

As part of efforts to strengthen communication and information sharing, the Commission held a meeting with the human rights committees of metropolitan municipalities in May, a meeting with human rights officials of the local governments of the greater Seoul metropolitan area in October, and a meeting with human rights officials from Gyeonggi-do Province in November.

Due to COVID-19, the Commission organized the 2020 Convention of Human Rights Advocates virtually on August 26. The event was attended by 130 or so participants from local governments and human rights groups, including personnel in charge of human rights, committee members, advocates, and activists, who discussed about ‘What the legislation of an equality law means and what roles human rights advocates can play.’ Separate sessions were held in relation to the equality law, i.e. one on key issues and responses on the ground, one on obligations of human rights organizations (regional public administration, local assemblies, and groups) affiliated to local governments, and one on effective enforcement of human rights ordinances, to facilitate presentations and discussions for sharing of experience.

From October 7 to 10, the Commission co-hosted the 10th World Human Rights Cities Forum held in Gwangju. It gave a presentation at the plenary session and led the Korea Human Rights cities human rights advocates workshop and a meeting of the anti-discrimination subcommittee.



## 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 national human rights institutions (NHRIs) established to comply with, develop, and reinforce the resolution adopted by the United Nations Human Rights Council on March 3, 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 annual meetings and Bureau meetings to strengthen multilateral exchanges and cooperation with NHRIs. The virtual annual meeting in December discussed approving the new Bureau members, approving the 2019 Annual Report, and approving the proposed 2020-2021 budget. After being elected the Asia-Pacific representative on the GANHRI Bureau in 2019, the Commission was voted to be a member of the GANHRI Bureau at the December annual meeting, and will serve in that capacity for the next four years.

Also, as the chair of the GANHRI Working Group on Ageing, the Commission took part in the virtual GANHRI conference in June to safeguard and promote the rights of older persons during the COVID-19 pandemic, and presented its activities. Then, in early December, it shared a report on its activities related to COVID-19 with the international community in an effort to strengthen solidarity.

Also in its capacity as Chair of the GANHRI Working Group on Ageing, it prepared a statement on the independent expert's report on the enjoyment of all human rights by older persons and submitted it to the United Nations Human Rights Council.

## 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.

Amid the COVID-19 situation, the Commission took part in the 25th online APF Annual Meeting on September 9. The meeting discussed the APF performance report, annual report, and audited accounts; election of APF Governance Committee; mainstreaming of gender equality; and location of the 26th APF Annual Meeting and Biennial Conference. At this meeting, the chairperson of the Commission was elected Deputy Chair of APF and Deputy Chair of the APF Governance Committee.

Meanwhile, the Commission and the APF co-hosted a conference on September 17 to address hate and discrimination. It performed its role as a leading NHRI by raising the need to enact an equality law as a mechanism for countering hate and discrimination, raising awareness both in Korea and abroad on human rights issues associated with hate and discrimination, and strengthening cooperation with other NHRIs.

## B. Cooperation with the United Nations and Other Human Rights Organizations

With the 11th United Nations Working Group on Ageing cancelled due to impacts of COVID-19, the Commission hosted the 2020 Conference on the Rights of Older Persons in mid-December together with NHRIs and civil societies and used it as an opportunity to prepare for the only inter-governmental working group conference on the rights of older persons. In conjunction, it also sent a letter to the High Commissioner for Human Rights, United Nations Deputy Secretary-General, Chair of the United Nations Working Group on Ageing, and Bureau members, underscoring how important it is to protect the rights of older persons, whose vulnerabilities were more starkly revealed during the pandemic, and actively raising this topic with government representatives and United Nations organizations.

The Commission received office calls from Dr. Liv Torres, Director of the Pathfinders in New York, Ambassador Wolfgang Angerholzer of Austria, Ambassador Linus von Castelmur of

Switzerland, and other representatives of NHRIs and diplomatic delegations and held discussions on key human rights issues.

Meanwhile, on October 23, the Commission organized a meeting with ambassadors of EU member states to Korea and representatives of UN organizations on the topic of equality law and human rights. The meeting was attended by ambassadors from Belgium, Finland, Italy, Sweden, and Switzerland, and representatives of the UN Human Rights Office (Seoul). The Commission explained the progress made for an equality law, which it had proposed and is being discussed at the National Assembly, and the participants shared their experiences and stories on how an equality law was introduced, the resulting social impacts, and how hate and discrimination is addressed in their own countries.

### 3. International Conferences

#### 1) 2020 International Conference on Combatting Hate and Discrimination

On September 17, the Commission hosted the 2020 International Conference on Combatting Hate and Discrimination to secure the strategic drive for legislation of an equality law. Co-hosted by the Commission, the APF and the European Union, the conference was attended by 80 or so experts, including representatives from the United Nations, international organizations, human rights organizations, civic groups, researchers, activists, Internet businesses, and Embassies in Korea (1,300 online participants). It offered an opportunity to raise awareness in Korea and abroad on human rights issues related to hate and discrimination.

During the conference, which was held under the COVID-19 situation, individuals and organizations dedicated to the fight against hate and discrimination from the European region, namely the European Commission, Council of Europe, Danish Institute for Human Rights, representatives of Embassies and civil society groups in Korea had discussions about key related policies in their countries and challenges faced. More specifically, Session 1 covered international human rights laws regulating hate and discrimination, and the trends, Session 2 good policies, practices, and challenges, focused on legislation of comprehensive anti-discrimination laws, and Session 3 measures to address hate and discrimination in social media and information communication technologies.

Above all, the most tangible outcome from the conference was the ‘oral statement on equality law’ for cooperation and support to get the law enacted. The Commission took the initiative to develop the draft oral statement, which was circulated among the co-hosts, the speakers, attending ambassadors for their feedback, and revised into a final draft. This effort helped continue the momentum for an equality law in Korea and build international solidarity on this matter.

## 2) NHRI 2020 Conference on the Rights of Older Persons

On December 7, the Commission hosted the NHRI 2020 Conference on the Rights of Older Persons as a webinar, which was sponsored by the United Nations Department of Economic and Social Affairs (UNDESA), Office of the United Nations High Commission (OHCHR), Global Alliance of National Human Rights Institutions (GANHRI), and the Permanent Mission of the Argentine Republic to the UN.

The conference was organized based on a common understanding among the United Nations, state governments, and civil society organizations that, under the COVID-19 situation more than any other times, the right to life and the right to safety of older persons must be urgently protected as a top priority. In Session 1, María del Carmen Squeff, Chair-elect of the United Nations Open-Ended Working Group on Ageing, updated participants on preparations and intergovernmental consultations in the run-up to the 11th session of the United Nations Open-Ended Working Group on Ageing, which will be held in 2021. Session 2 dealt with normative contents for the development of a possible international standard on focus areas of education, training, lifelong learning and capacity building. Session 3 was dedicated to normative contents on focus areas of social protection and social security and measures to protect the right to safety of older persons during the pandemic situation. The last session focused on the right to work, access to the labor market and access to justice of older persons.

## Section 3. Assessment

With a view to building a nation-wide human rights safeguard system, the Commission carried out various activities in cooperation with local human rights organizations and civil societies. It launched and operated the Regional Special Human Rights Committee comprising regional human rights specialists. The Committee serves as a venue for continued discussions and for helping human rights offices build their capacity.

The Commission actively engaged with human rights and civil society groups, holding online discussions to hear and capture their inputs regarding the budget and operational plan for 2021, surveys of human rights conditions, and strategies for actions to promote human rights. Due to limitations that COVID-19 posed on large-scale meetings, the Commission worked to strengthen exchanges and cooperation with human rights groups by visiting them as needed. These efforts helped further strengthen cooperative ties with human rights and civil society groups.

Due to COVID-19, the Commission organized the 2020 Convention of Human Rights Advocates virtually. The event was attended by 130 or so participants from local governments and human rights groups, including human rights commissioners, advocates (defenders), human rights administrative officials, human rights and civil society group activists, and specialists, and discussed about the topic ‘What the legislation of an equality law means and what roles human rights advocates can play.’ In-depth discussions were held in relation to equality law, specifically on key issues and responses on the ground, obligations of human rights organizations (regional public administration, local assemblies, and groups) affiliated to local governments, and effective enforcement of human rights ordinances.

The key areas of international exchanges and cooperation were hate and discrimination. The Commission hosted the 2020 International Conference on Combatting Hate and Discrimination jointly with the APF and the European Union, and took the initiative in releasing an oral statement in which participants expressed their support for an equality law in Korea. It also organized a meeting with ambassadors of EU member states to Korea and representatives of UN organizations to hear and share with the group their experiences and stories on how an equality law was established in their own countries, raising awareness at home and abroad about the need for Korea to legislate an equality law.

The Commission contributed to the establishment of National Guidelines for Human Rights to protect the rights of older persons, particularly as population aging is progressing worldwide and older persons are considerably threatened by the effects of the COVID-19 pandemic. Through the NHRI 2020 Conference on the Rights of Older Persons, it provided an opportunity to discuss normative contents to protect the social rights of older persons and the topics of the eleventh session of the United Nations Open-Ended Working Group on Ageing. As the chair of the GANHRI Working Group on Ageing, the Commission led international discussions on the rights of older persons, including submitting a statement to the independent expert on her report on the enjoyment of all human rights by older persons.

With a view to ensuring that international human rights standards are effectively implemented in Korea, the Commission reminded the government of its obligations under the International Covenant on Civil and Political Rights by expressing opinion on the draft fifth periodic report of the Republic of Korea to the United Nations Human Rights Committee. It monitored progress made by the government in relation to the Universal Periodic Review (UPR) of the human rights records of member states and the concluding observations of the UN Committee on Economic, Social and Cultural Rights on the fourth periodic report of the Republic of Korea, organized a conference to strengthen implementation of international human rights standards in Korea with a focus on the legislative branch.

Notably, in 2020, the Commission began to serve as the Asia Pacific representative on the GANHRI Bureau. Also, at the 25th APF Annual Meeting, the Chairperson of the Commission was elected as Deputy Chair of APF and Deputy Chair of the APF Governance Committee. In that capacity, the Commission will deliver the voices of NHRIs in the Asia Pacific region on the international human rights stage, while actively strengthening cooperation with NHRIs and state governments.

## Chapter 5 Regional Human Rights Offices

### Section 1. Overview

The Commission operates six regional human rights offices in Busan, Gwangju, Daegu, Daejeon, Gangwon, and Jeju to enhance and protect the human rights of local residents and facilitate prompt remedies. Starting with the launching of the Busan and Gwangju offices in October 2005, the Daegu office opened in July 2007, followed by the Daejeon office in October 2014, the Gangwon office in June 2017, and the Jeju office in October 2019.

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

Name	Location	Jurisdiction
Busan Regional Human Rights Office	Busan	Busan Metropolitan City, Ulsan Metropolitan City, and Gyeongsangnam-do
Gwangju Regional Human Rights Office	Gwangju	Gwangju Metropolitan City, Jeollanam-do, Jeollabuk-do, and Jeju Special Self-governing Province
Daegu Regional Human Rights Office	Daegu	Daegu Metropolitan City and Gyeongsangbuk-do
Daejeon Regional Human Rights Office	Daejeon	Daejeon Metropolitan City, Sejong Special Self-Governing City, Chungcheongnam-do, and Chungcheongbuk-do
Gangwon Regional Human Rights Office	Wonju in Gangwon-do	Gangwon-do
Jeju Regional Human Rights Office	Jeju-do in Jeju	Jeju-do

The Commission's regional human rights offices investigate and redress petitions filed in relation to human rights violations and/or discrimination that occurred in the police, state organizations (with the exception of the National Assembly, courts, Constitutional Court, National Intelligence Service, the prosecution, and the military), local governments, public-service related organizations, schools, detention facilities, welfare facilities for persons with disabilities, and

mental health promotion facilities; conduct human rights education and training; and engage in exchanges and cooperation, and promotional activities with human rights related organizations and groups within given jurisdiction. They also operate human rights experience centers and run programs tailored to specific regional needs.

## Section 2. Major Activities

### 1. Petitions, Counseling Requests, Complaints and Inquiries Filed

In 2020, 1,638 petitions, 9,172 counseling requests, and 5,139 complaints and inquiries were filed with the regional human rights offices. Compared to the previous year, there were 259 (13.7%) fewer petitions filed, with the numbers falling in all regional human rights offices, except the Gangwon office. On the other hand, the number of counseling requests and complaints/inquiries increased by 343 (3.9%) and 1,231 (31.5%), respectively.

[Table 2-5-2] Number of Petitions, Counseling Requests, and Complaints and Inquiries Submitted by Regional Human Rights Offices in the Last Two Years

(Unit : cases)

Regional Human Rights Office	Year	Petitions	Counseling requests	Complaints and inquiries	Total
Total	2020	1,638	9,172	5,139	15,949
	2019	1,897	8,829	3,908	14,634
Busan	2020	476	2,337	405	3,218
	2019	483	2,361	759	3,603
Gwangju	2020	280	2,315	1,614	4,209
	2019	453	2,332	1,326	4,111
Daegu	2020	283	1,677	582	2,542
	2019	408	1,720	413	2,541
Daejeon	2020	319	2,459	661	3,439
	2019	360	2,099	501	2,960



Regional Human Rights Office	Year	Petitions	Counseling requests	Complaints and inquiries	Total
Gangwon	2020	260	231	1,820	2,311
	2019	188	298	904	1,390
Jeju	2020	20	153	57	230
	2019*	5	19	5	29

\* The statistics for the Jeju branch office represent the total from the day it was opened (October 1, 2019) to December 31, 2019.

## 2. Face-to-face Petitions Filed and Processed

In 2020, 1,745 face-to-face petitions were filed with the regional human rights offices and 1,636 were closed. Of those closed, 171 (10.5%) were filed as petitions, 792 (48.4%) were closed by counseling, and 673 (41.1%) were withdrawn by the petitioners. Compared to 2019, there were 45 (2.6%) fewer face-to-face petitions filed and 142 (8.7%) fewer face-to-face petitions closed.

[Table 2-5-3] Face-to-Face Petitions Submitted and Processed by Regional Human Rights Offices in the Last Two Years

(Unit: cases, %)

Regional Human Rights Office	Year	Submitted	Petitions processed						
			Subtotal	Petitions submitted		Petitions closed by counseling		Petitions withdrawn	
Total	2020	1,745	1,636	171	10.5	792	48.4	673	41.1
	2019	1,790	1,778	319	17.9	720	40.5	739	41.6
Busan	2020	559	542	38	7	276	50.9	228	42.1
	2019	504	502	90	17.9	192	38.2	220	43.8
Gwangju	2020	365	344	19	5.5	176	51.2	149	43.3
	2019	402	385	65	16.9	184	47.8	136	35.3
Daegu	2020	483	438	62	14.2	195	44.5	181	41.3
	2019	556	564	87	15.4	207	36.7	270	47.9

Regional Human Rights Office	Year	Submitted	Petitions processed						
			Subtotal	Petitions submitted		Petitions closed by counseling		Petitions withdrawn	
Daejeon	2020	268	240	38	15.8	123	51.2	79	32.9
	2019	231	235	56	23.8	114	48.5	65	27.7
Gangwon	2020	59	57	12	21.1	15	26.3	30	52.6
	2019	89	88	21	23.9	23	26.1	44	50
Jeju	2020	11	15	2	13.3	7	46.7	6	40
	2019*	8	4	-	-	-	-	4	100

\* The statistics for the Jeju branch office represent the total from the day it was opened (October 1, 2019) to December 31, 2019.

### 3. Petitions Processed

In 2020, 3,052 petitions were assigned to the regional offices, of which 3,225 were processed. A total of 736 were remedied, 232 resulted in a recommendation, nine were closed by agreement, and 495 were resolved during investigation.

Compared to 2019, the number of petitions assigned to regional offices fell by 117 (3.7%), but the number of petitions processed increased by 677 (26.6%). The reason behind the large increase in the number of petitions processed is the unusually large number of merged remedied cases in Gwangju and Gangwon.

[Table 2-5-4] Number of Petitions Processed at Regional Human Rights Offices in the Last Two Years

(Unit: cases, %)

Regional Human Rights Office	Classification	Assigned	Processed	Remedied						Rejected	Transferred	Dismissed	Investigation suspended
				Subtotal	Criminal investigation requested	Recommendations, etc.	Mediation	Closed by settlement	Resolved during investigation				
Total	2020	3,052	3,225	736	-	232	-	9	495	1,686	20	774	9
	2019	3,169	2,548	284	-	115	-	11	158	1,510	22	731	1
Busan	2020	805	784	88	-	36	-	2	50	511	7	175	3
	2019	777	714	67	-	17	-	3	47	387	10	250	-

Regional Human Rights Office	Classification	Assigned	Processed	Remedied						Rejected	Transferred	Dismissed	Investigation suspended
				Subtotal	Criminal investigation requested	Recommendations, etc.	Mediation	Closed by settlement	Resolved during investigation				
Gwangju	2020	610	630	171	-	138	-	1	32	320	4	134	1
	2019	774	563	92	-	47	-	5	40	352	2	116	1
Daegu	2020	662	700	43	-	19	-	-	24	438	1	216	2
	2019	725	532	47	-	17	-	-	30	338	-	147	-
Daejeon	2020	537	568	80	-	32	-	5	43	286	5	194	3
	2019	575	569	70	-	32	-	1	37	325	8	166	-
Gangwon	2020	379	486	342	-	6	-	1	335	109	2	33	-
	2019	292	159	8	-	2	-	2	4	98	1	52	-
Jeju	2020	59	57	12	-	1	-	-	11	22	1	22	-
	2019*	26	11	-	-	-	-	-	-	10	1	-	-

\* Recommendations, etc.: Sum of recommendations made for settlements, remedial action, disciplinary action, and emergency remedies, to which recommended institutions are obligated to confirm whether they accept such recommendations under the National Human Rights Commission of Korea Act

\* Resolved during investigation: Cases resolved smoothly or without the need to take remedial measures thanks to the efforts of or mediation by investigators among the cases rejected or dismissed

\* The statistics for the Jeju branch office represent the total from the day it was opened (October 1, 2019) to December 31, 2019.

## 4. Human Rights Education

The regional offices organized human rights instructor training courses, human rights sensitivity training courses, and special human rights lectures at their education centers.

In 2020, the regional offices organized a total of 734 human rights education sessions (24,693 persons). By type, 22 sessions (361 persons) were for human rights instructor training, 36 sessions (808 persons) for human rights sensitivity training, 159 sessions (2,631 persons) for visiting education, and 517 sessions (20,893 persons) for special lectures. The largest number of education and training was in the form of special lectures.

[Table 2-5-5] Human Rights Education Conducted by Human Rights Offices in 2020

(in number of sessions and persons)

Regional Human Rights Office	Total		Instructor cultivation		Sensitivity improvement		Mandatory education		Visiting education	
	Session	Participant	Session	Participant	Session	Participant	Session	Participant	Session	Participant
Total	734	24,693	22	361	36	808	159	2,631	517	20,893
Busan	367	12,887	4	84	22	515	20	370	321	11,918
Gwangju	106	3,401	4	86	6	95	23	640	73	2,580
Daegu	93	1,925	5	86	5	88	35	402	48	1,349
Daejeon	127	4,857	6	68	1	16	65	1,121	55	3,652
Gangwon	41	1,623	3	37	2	94	16	98	20	1,394

## Section 3. Assessment

In 2020, there were 3,052 petitions assigned to regional human rights offices, and 3,225 were processed. The number of petitions remedied was 736, of which 232 closed with a remedy recommendation, 9 with settlement, and 495 resolved during investigation. Compared to the previous year, there were 117 (3.7%) fewer assigned petitions. On the other hand, the number of petitions processed shoot up by 677 (26.6%), thanks to efforts to increase efficiency in petition processing – through investigator discussions, investigator competence-building training, and joint investigation program – and achieve a higher rate of remedied cases, as well as an increase in merged cases. The offices also helped arbitrate disputes by carrying out prompt on-site investigations and monitoring of emergency remedy cases related to strikes in the region.

The Busan Regional Human Rights Office worked to enhance public awareness and shape discussions on equality law and actions to counter hate and discrimination. An 'Equality Bench' was installed inside the Busan Citizens Park, and meetings were organized with religious leaders on legislation of an equality law. The office was also the first in the nation to operate 'Visiting Human Rights Schools,' offering a variety of educational programs for different groups and in different areas.

It also organized regular policy council meetings with human rights officials in local governments, education council meetings with the regional police and offices of education, a

network with organizations advocating the rights of children, older persons, and persons with disabilities in the region, a communication and cooperation committee with human rights and civil society groups to gather opinions and feedback, and the Busan Human Rights Policy Forum with local governments, colleges, offices of education, lawmakers, associations, and citizens, in an effort to open more venues for discussing policy development and increase cooperation with regional human rights entities.

In 2020, the COVID-19 pandemic posed significant challenges in organizing face-to-face petition sessions, face-to-face counseling, offline promotional activities, and face-to-face meetings and training. The office was forced to conduct meetings and training through Zoom and other teleconferencing methods. However, the limited availability of contact-free communication options and the lack of alternative means limited efficiency of operation. Thus, the office must come up with new means of communication in the future.

The Gwangju Regional Human Rights Office organized monthly roundtable meetings to learn and discuss newly emerging human rights issues, including platform labor, COVID-19 and education, climate change and human rights, and media and hate speech. In relation to the COVID-19 crisis, it invited experts to a conference to discuss discrimination and hate against socially vulnerable groups – women, children, youths, persons with disabilities, and migrants – and build a network of cooperation with relevant organizations to work together on addressing this issue.

Together with local governments, the office organized policy discussions on fair service and deinstitutionalization of persons with disabilities, and a council to promote their human rights. Together with human rights and civil society groups, it organized presentations of regional case studies, and public screening of a human rights film on state violence. All these efforts were aimed at expanding rights-respecting culture across the community.

Meanwhile, the office considers it a task to identify human rights agendas in cooperation with various human rights groups in the region and strive to institutionalize human rights. It should also monitor the local governments' human rights promotion plans and their implementation, and see if human rights are effectively institutionalized and integrated into public administration. There is also a need to open channels of communication with public organizations in the region and monitor their implementation of human rights in management to prevent human rights violations such as bullying in the workplace.

The Daegu Regional Human Rights Office strived to establish regional human rights governance through sustained cooperation with local governments. It cooperated with the local governments and the district police for education and training, and promotion of human rights, and held workshops with college human rights staff. Notably, a team was launched to organize human rights programs together with the local governments and the district police in the run up to a joint celebration of the Universal Declaration of Human Rights.

Meetings were held in the first and second half with the Daegu and Gyeongbuk regions to discuss regional human rights issues and gather opinion on programs. It held presentations on the intent of a proposed equality law, and together with human rights groups, held discussions on 'Human Rights of Persons with Disabilities amid COVID-19' and 'Deinstitutionalization,' special lectures to counter hate and discrimination, and book concert.

Given the pandemic situation, the office focused on online education, promotional activities, and content production. It organized human rights sensitivity enhancement training for the police, public corporations, local journalists and reporters, teachers, and political party members, and had live broadcast of human rights talk concert and debate on the rights of persons with disabilities. The videos were further used as educational material.

The office also strived to expand human rights culture in the region through sustained promotional activities on TV programs and social networking services. It responded to the sharp fall in demand for the human rights experience center under the extended pandemic situation by identifying various contact-free programs such as online exhibitions and experience center. Because the cooperation system with local governments and relevant organizations is still in its nascent stage, there is a need to further strengthen the foundation for regional human rights governance.

The Daejeon Regional Human Rights Office leveraged its regional network with the Daejeon Teenagers Human Rights Network, the Chungbuk Human Rights Council and the Chungnam Public-Private Cooperation Working-Group Council for sustained cooperation and solidarity. Together, they worked on the Dajeon City School Me Too campaign, legislation of an equality law, and other key human rights issues, shaping various discussions and looking for solutions. It also monitored rallies (in Asan and Jincheon) opposing admission into living facilities of expats who were evacuated from China due to COVID-19 in early 2020. Together with civil society groups,

it dealt with the industrial waste burial site case in Seosan and enactment of student human rights ordinance in Chungnam Province, and organized a campaign to counter hate and discrimination against socially vulnerable groups.

It posted or advertised on subway trains and buses human rights promotional videos and audio ads that were produced to familiarize the public on key human rights issues, raising public interest and understanding, and shaping public consensus on regional human rights issues.

To ensure early re-opening of the Daejeon Human Rights Experience Center and secure a space that would be available for long-term operation of the center, it concluded a memorandum of understanding with the Daejeon Metropolitan City Government and the Daejeon Express Transit Corporation to use part of the heavily-trafficked space inside the City Hall station building free of charge, contributing greatly to promoting rights-respecting culture in the community.

The office will have to develop various online programs and methods to cooperate with civil society groups, as physical discussions, lectures, campaigns, and other promotional activities were challenged due to the social distancing measures under COVID-19.

The Gangwon Regional Human Rights Office planned for virtual events and programs as existing face-to-face programs became limited due to COVID-19. During planning, it tried to maximize linkage with other programs and cooperate closely with other divisions and organizations to increase program effects. Considering timeliness of topic and regional characteristics, it held online debates two times, one on discrimination facing persons with disabilities under national disaster situation and ways to solve them, and one on the right to mobility of persons with disabilities in Gangwon Province. It also held the Wonju Human Rights Film Festival online. The award-winning works of the 2020 Human Rights Competition were produced into videos for distribution and screening in local governments and public organizations. This allowed for larger numbers of citizens to attend the events with no physical limitations.

The office also opened a new online promotional channel and reorganized its blog for enhanced accessibility and service to users. In association with the activities of the Gangwon Human Rights Supporters, it posted various content – webtoon, videos, and news articles – on the blog, while also leveraging supporters' personal SNS and the office's online promotional channel.

Meetings with the Communication Cooperation Committee, the Human Rights in Business Management Council, and human rights officials in local governments were conducted in writing.

Competence-building programs for human rights instructors were conducted three times online, and online exhibitions were organized four times jointly with the Human Rights Experience Center of other regional offices.

With a view to raising public awareness on equality law, prevention and actions against hate and discrimination, it worked with the Hate and Discrimination Response Planning Group, Gangwon Provincial Government, Gangwon Office of Education, and Gangwon Human Rights Education and Research Society to develop educational materials for elementary school students. The materials were used to educate 318 students in 20 elementary schools, and the program received positive feedback.

In its second year of operation since it was opened on October 1, 2019, the Jeju Regional Human Rights Office sought to define its role as a human rights organization by holding meetings with regional human rights organizations, policy roundtable meetings, and discussions (online) of key issues facing persons with disabilities amid the pandemic, and launching regional councils by domain and by phase.

The office will work closely with residents to become a trusted gatekeeper of human rights for the community. It will continue its activities to expand rights-respecting culture through counseling services, investigations, human rights education, and cooperation with human rights organizations and civil society groups.



National Human Rights Commission of Korea  
Annual Report 2020



# 33

## Appendices

1. Commissioners and Senior Executive Officers
2. 2020 Business Roadmap



National Human Rights Commission of Korea

## Annual Report 2020

# 1. Commissioners and Senior Executive Officers (as of December 31, 2020)

## Commissioners



Name	Profile	Nominating/ electing authority (Term)
 Chairperson Choi Young-ae	<ul style="list-style-type: none"> <li>• President, Korea Sexual Violence Relief Center</li> <li>• Chairperson, Special Committee on the Enactment of the Special Act on Sexual Violence</li> <li>• Co-Representative, Joint Task Force for Sexual Harassment Committed against the Teaching Assistant of Seoul National University</li> <li>• Secretary-General, NHRCK</li> <li>• Standing Commissioner, NHRCK</li> <li>• Board President, People Who Support the Human Rights of Women</li> <li>• Chair, Human Rights Committee, Seoul Metropolitan City</li> </ul>	Nominated by the President (September 4, 2018-September 3, 2021)
 Standing Commissioner Jeong Moon-ja	<ul style="list-style-type: none"> <li>• Member, Women's Development Committee, Incheon Metropolitan City</li> <li>• President, Korean Women Workers Association</li> <li>• Co-Chair, Korean Women's Association United</li> <li>• Member, Committee on Civil Society Development, Office of the Prime Minister</li> <li>• Chairperson, Subcommittee on Policy, Human Rights Committee, Seoul Metropolitan City</li> <li>• Member, Fact-Finding Committee on Human Rights Violation, National Police Agency</li> <li>• Board Director, Korean Women's Association United</li> </ul>	Elected by the National Assembly (June 22, 2018-June 21, 2021)
 Standing Commissioner Lee Sang-chul	<ul style="list-style-type: none"> <li>• Judge, Seoul High Court</li> <li>• Judge, Daegu High Court</li> <li>• Head of Andong Branch, Daegu District Court</li> <li>• Head Judge, Seoul Central District Court</li> <li>• Chief Judge, Seoul Northern District Court</li> <li>• Standing Commissioner, National Unification Advisory Council</li> <li>• Member of North Korean Human Rights Committee, Korean Bar Association</li> <li>• Non-standing Commissioner, National Special Investigation Committee on Sewol Ferry Disaster</li> </ul>	Elected by the National Assembly (September 19, 2019 – September 18, 2022)
 Standing Commissioner Park Chan-un	<ul style="list-style-type: none"> <li>• Professor, Ph.D., The Law School, Hanyang University</li> <li>• President, Human Rights Law Society</li> <li>• Member, Police Reform Commission, National Police Agency</li> <li>• Commissioner, Seoul Metropolitan Human Rights Commission</li> <li>• Board member, Human Rights Policy Institute</li> <li>• Vice Chairman, Human Rights Committee, Korea Bar Association</li> <li>• Director General of Human Rights Policy Bureau, NHRCK</li> <li>• Chairman, International Solidarity Committee, Lawyers for a Democratic Society</li> </ul>	Nominated by the President (January 13, 2020-January 12, 2023)

Name	Profile	Nominating/ electing authority (Term)
 Commissioner Cho Hyun-wook	<ul style="list-style-type: none"> <li>• Senior Judge, Incheon District Court</li> <li>• Chair, Work-Family Balance Committee, Korean Bar Association</li> <li>• Chair, Special Committee on Support for Victims of Child Abuse, Korean Women Lawyers Association</li> <li>• Commissioner, Press Arbitration Commission</li> <li>• Commissioner, Central Administrative Appeals Commission</li> <li>• Senior Vice President, Korean Women Lawyers Association</li> </ul>	Nominated by the Chief Justice of the Supreme Court (June 21, 2017-June 20, 2020) * Served a second term from July 3, 2020 * Resigned on December 10, 2020
 Commissioner Lim Sung-taek	<ul style="list-style-type: none"> <li>• Special Investigator, Special Investigation on the Cloth Lobby Case</li> <li>• Commissioner for Legal Advice, Empowerment of People with Different Abilities Institute</li> <li>• President, Research Council for Legislation on Disabilities</li> <li>• Auditor, Korea Post Foundation</li> <li>• Member, Policy Committee, Ministry of Justice</li> <li>• Member, Commission on Legislation Interpretation, Ministry of Government Legislation</li> <li>• Lawyer, Jipyong LLC</li> </ul>	Nominated by the Chief Justice of the Supreme Court (August 27, 2018-August 26, 2021)
 Commissioner Kim Min-ho	<ul style="list-style-type: none"> <li>• Member, Personal Information Dispute Mediation Committee</li> <li>• Member, Truth and Reconciliation Committee</li> <li>• Member, Central Administrative Appeals Commission</li> <li>• Member, Committee on Resident Registration Number Alteration</li> <li>• President, Personal Information Protection Law Association</li> <li>• Professor, Sungkyunkwang University Law School</li> </ul>	Elected by the National Assembly (August 27, 2018-August 26, 2021)
 Commissioner Mun Sun-hye	<ul style="list-style-type: none"> <li>• Director, Korean Buddhist Research Institute for Future Society</li> <li>• Member, Steering Committee, People's Solidarity for Participatory Democracy</li> <li>• Representative Director, Ungajabiwon Welfare Foundation</li> <li>• Permanent Representative, Shilcheon Bulgyo</li> <li>• Co-Representative, task force on return of public funds illegally obtained by government officials</li> <li>• Chief, Beobjangsa Temple of Jogye Order of Korean Buddhism</li> <li>• Adjunct Professor, Joong-Ang Sangha University</li> <li>• Advisor, Transparency International Korea</li> </ul>	Nominated by the President (July 9, 2019 – July 8, 2022)

Name	Profile	Nominating/ electing authority (Term)
 <p>Commissioner Yi Zoon-il</p>	<ul style="list-style-type: none"> <li>• Professor, Ph.D., The Law School, Korea University</li> <li>• Constitutional Researcher, Constitutional Court of Korea</li> <li>• Legislative Advisor, National Assembly Secretariat</li> <li>• Member, Special Committee of National Human Rights Commission of Korea</li> </ul>	<p>Nominated by the Chief Justice of the Supreme Court ( February 28, 2020 - February 27, 2023)</p>
 <p>Commissioner Seo Mi-hwa</p>	<ul style="list-style-type: none"> <li>• President, Research Institute for Disabled Rights, Jeollanam-do</li> <li>• President, Yudal Self-reliance Support Center for Disabled persons</li> <li>• Member of Advisory Committee for gender equality, Ministry of Health and Welfare</li> <li>• Standing representative, Solidarity Against Disability Discrimination, Jeollanam-do</li> <li>• Member, 9th Mokpo City Council</li> </ul>	<p>Nominated by the President (May 1, 2020- April 30, 2023)</p>
 <p>Commissioner Seok Won-jeong</p>	<ul style="list-style-type: none"> <li>• Director, Seongdong Global Migrant Center</li> <li>• Director, Association for Migrant Workers' Human Rights</li> <li>• Member, Human Rights Advisory Group, Ministry of Justice</li> <li>• 2nd Expert Member, Committee on Civil and Political Rights, NHRCK</li> <li>• Member, Human Rights Committee, Seoul Metropolitan Government</li> </ul>	<p>Elected by the National Assembly (July 3, 2020- July 2, 2023)</p>

## Former Chairpersons

Name	Profile	Term
 1 <sup>st</sup> Chairperson Kim Chang-guk	<ul style="list-style-type: none"> <li>• Chief Prosecutor, Jeonju and Gwangju District Prosecutors' Office</li> <li>• 82<sup>nd</sup> President, Seoul Bar Association</li> <li>• 40<sup>th</sup> President, Korean Bar Association</li> <li>• Co-Representative, People's Solidarity for Participatory Democracy</li> <li>• Chair, Committee for the Inspection of Property of Pro-Japanese Collaborators</li> </ul>	November 25, 2001-December 23, 2004
 2 <sup>nd</sup> Chairperson Choi Young-do	<ul style="list-style-type: none"> <li>• Judge, Seoul District Criminal Court</li> <li>• Human Rights Director and Commissioner, Korean Bar Association</li> <li>• President, Lawyers for Democratic Society</li> <li>• Standing Co-Representative, Korea Human Rights Network</li> <li>• Co-Representative, People's Solidarity for Participatory Democracy</li> </ul>	December 24, 2004-March 22, 2005
 3 <sup>rd</sup> Chairperson Cho Young-hwang	<ul style="list-style-type: none"> <li>• Standing Director, Seoul Bar Association</li> <li>• Lawyer in Charge of Maintaining Public Prosecution against Sexual Torture That Occurred at Bucheon Police Station</li> <li>• Director, Anti-Corruption Committee, Citizens' Coalition for Economic Justice</li> <li>• Judge, Goheunggun Court, Suncheon Branch of Gwangju District Court</li> <li>• Chairperson, Ombudsman of Korea</li> </ul>	April 4, 2005-October 1, 2006
 4 <sup>th</sup> Chairperson Ahn Kyong-whan	<ul style="list-style-type: none"> <li>• Professor and Dean, Seoul National University College of Law</li> <li>• Visiting Professor, University of Illinois College of Law</li> <li>• 8<sup>th</sup> President, Korean Constitutional Law Association</li> <li>• Vice-Chairman, Asia-Pacific Forum of National Human Rights Institutions (APF)</li> <li>• Vice-Chairman, International Coordinating Commission (ICC)</li> </ul>	October 30, 2006-July 5, 2009

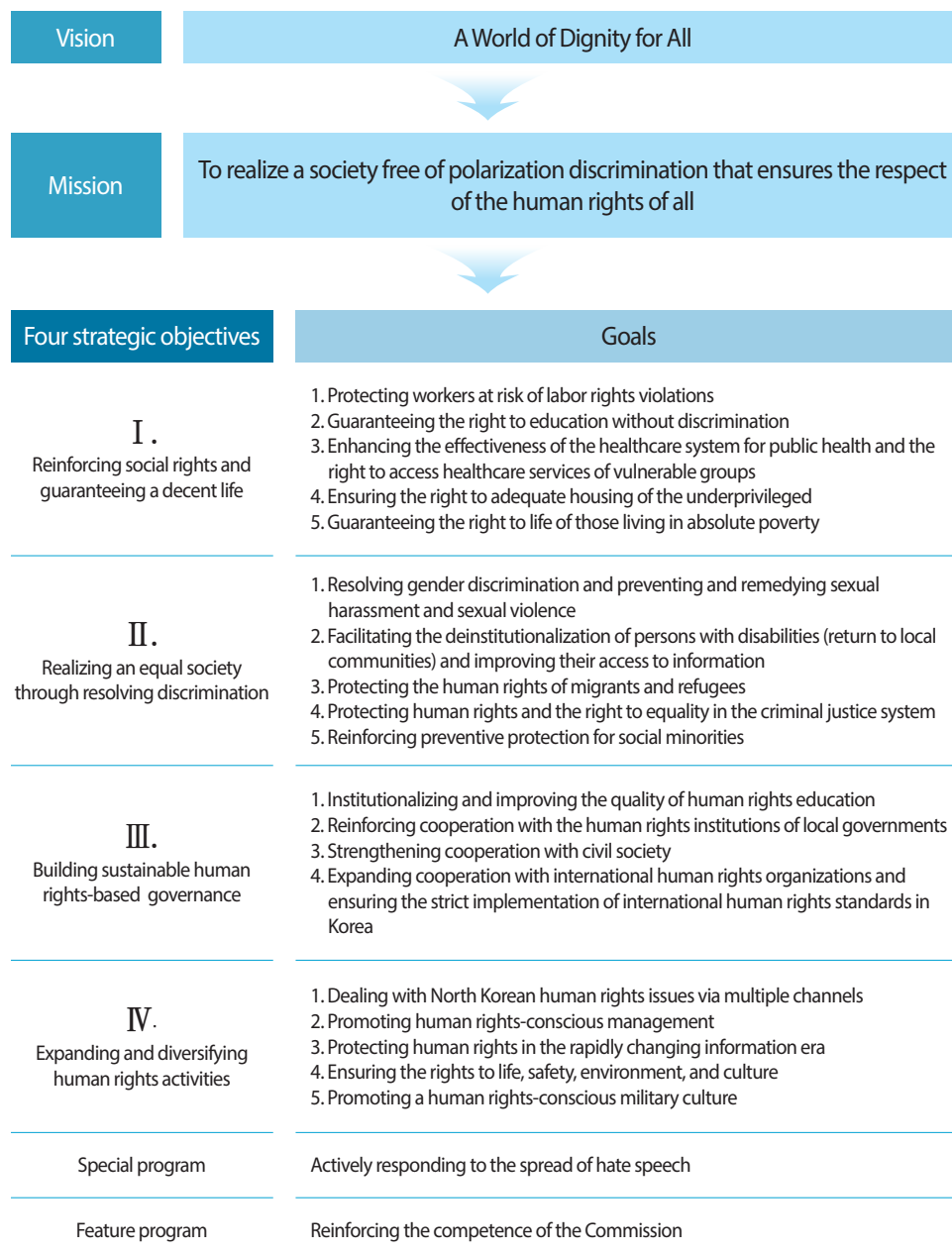
Name	Profile	Term
 <p>5<sup>th</sup> and 6<sup>th</sup> Chairperson Hyun Byung-chul</p>	<ul style="list-style-type: none"> <li>• Dean, Hanyang University College of Law</li> <li>• Director, Hanyang University Administration Department</li> <li>• Secretary General and Vice-President, Korea Law Professors Association</li> <li>• President, Korea Association of Comparative Private Law</li> <li>• Director, Hanyang University Graduate School of Public Administration</li> <li>• Dean, Hanyang Cyber University</li> </ul>	<p>July 17, 2009-August 12, 2015</p> <p>*Served a second term from August 13, 2012</p>
 <p>7<sup>th</sup> Chairperson Lee Sung-ho</p>	<ul style="list-style-type: none"> <li>• Passed the 22<sup>nd</sup> Judicial Examination</li> <li>• Judicial Researcher, Supreme Court</li> <li>• Director, Cheonan Branch of Daejeon District Court</li> <li>• Chief Judge, Suwon, Seoul, Seoul Eastern District Court</li> <li>• Chief Judge and Senior Chief Judge, Patent Court</li> <li>• Chief Judge and Senior Chief Judge, Seoul High Court</li> <li>• President, Seoul Southern and Central District Court</li> <li>• Chairperson, Seoul Metropolitan Election Commission</li> <li>• Chairperson, GANHRI Working Group on Ageing (from 2016)</li> </ul>	<p>August 13, 2015-September 3, 2018</p>



## Secretary General and Senior Executive Officers

Name	Profile	Name	Profies
 <p>Secretary General Song Soh-yon</p>	<ul style="list-style-type: none"> <li>• General affairs manager, Democratization Practice Movement Council</li> <li>• Special adviser, Jipyong LLC</li> <li>• Executive director, The Truth Foundation</li> </ul>	 <p>Director-General of Planning and Coordination Bureau Lee Suk-jun</p>	<ul style="list-style-type: none"> <li>• Chief, Migration and Human Rights Team, NHRCK</li> <li>• Chief Secretary, NHRCK</li> <li>• Director, Human Rights Policy Division, NHRCK</li> <li>• Director, Rights of Persons with Disabilities Division 1, NHRC</li> </ul>
 <p>Director-General of Policy and Education Bureau Cho Young-ho</p>	<ul style="list-style-type: none"> <li>• Director, Investigation of Civil and Political Rights Division, NHRCK</li> <li>• Director, Public Relations Division, NHRCK</li> <li>• Director, Rights of Persons with Disabilities Division 1, NHRCK</li> <li>• Director, Human Rights Policy Division, NHRCK</li> </ul>	 <p>Director-General of Civil and Political Rights Bureau Ahn Sung-yul</p>	<ul style="list-style-type: none"> <li>• Director, Investigation on Civil and Political Rights Division, NHRCK</li> <li>• Director, Human Rights Policy Division, NHRCK</li> <li>• Director, Administrative and Legal Affairs Division, NHRCK</li> <li>• Director, General Affairs Division, NHRCK</li> </ul>
 <p>Director-General of Discrimination Remedy Bureau Gang Mun Min-seo</p>	<ul style="list-style-type: none"> <li>• Human Rights Manager, Gwangju-Jeonnam Coalition</li> <li>• Secretary General, Gwangju Human Rights Movement Center</li> <li>• Member, NHRCK preparation team</li> <li>• Vice Director, Gwangju Trauma Center</li> </ul>		

## 2. 2020 Business Roadmap



## **National Human Rights Commission of Korea Annual Report 2020**

---

First published in July 2021

© National Human Rights Commission of Korea. All Rights Reserved. This volume may not be reproduced, stored in a retrieval system, or transmitted in any form or by any means, without prior permission of the copyright holder.

This English Edition is published by the National Human Rights Commission of Korea.

---

### **National Human Rights Commission of Korea**

NaraKium Jeo-dong Bldg., 340, Samil-daero, Jung-gu, Seoul, Korea 04551  
Tel. +82-2-2125-9793  
Fax. +82-2-2125-0913  
[www.humanrights.go.kr](http://www.humanrights.go.kr)  
ISSN 1738-804X



Narakium Jeo-dong Bldg., 340, Samil-daero, Jung-gu, Seoul, Korea, 04551

TEL: +82-2-2125-9793 FAX: +82-2-2125-0913

[www.humanrights.go.kr](http://www.humanrights.go.kr)