

**NATIONAL HUMAN RIGHTS COMMISSION
OF THE REPUBLIC OF KOREA**

ANNUAL REPORT 2014



National Human Rights Commission
of the Republic of Korea



National Human Rights Commission of the Republic of Korea

Symbol of National Human Rights Commission of Korea

The symbol of National Human Rights Commission of Korea (NHRCK) is designed in a simple logo type to signify the mandate and credibility with greater aesthetic sophistication appropriate for the status of the NHRCK as the national institution for the promotion and protection of human rights. Blue, the color believed to represent 'creation' and 'life', and in particular 'spring' according to the Yin–Yang Theory, was used in an attempt to represent the unique identity of the NHRCK in its commitment to human beings.

It also takes a form that combines a dove and a hand to embody the message of 'peace' and 'tolerance'. The land-shaped bird is seen with a small circle, the most elemental shape, to communicate the ideas of 'center and concentration', 'diversity and positive-ness', 'sun and light', 'harmony and tolerance', and 'fairness'.



National Human Rights Commission of the Republic of Korea

National Human Rights Commission of Korea Annual Report 2014

National Human Rights Commission of Korea publishes and distributes this Annual Report of its activities from January 1st to December 31st of 2014 to submit to the President and the National Assembly of the Republic of Korea, pursuant to Article 1 (1) of *the National Human Rights Commission Act*.

Chairperson's Foreword

Since its establishment in 2001, National Human Rights Commission of Korea (NHRCK) has been active in protecting the inviolable and fundamental human rights of every individual, promoting the human rights of the most vulnerable members of society, internalizing human rights in daily life, and broadening the horizons of human rights.

The year 2014, particularly, had numerous and diverse human rights concerns in and out of Korea. Domestically, these include the tragic sinking of the Sewol Ferry and the Pangyo Techno Valley collapse incident claiming hundreds of lives and threatening people's right to life. In the military there were fatal beating death and firearm incidents. Internationally, there was the UN's adoption of the Resolution on the Human Rights Situation in the DPRK.

Moreover, with society developing and human rights awareness among people increasing, the sphere of human rights has been consistently expanding to include such diverse issues as business and human rights, information rights, human rights of seniors, and migrants' rights. Accordingly, the expectations for the Commission have been heightened with its investigation areas expanding and increasing needs for further human rights education. However, the lack of manpower and budget support significantly hinders the Commission's ability to meet its commitments.

Despite these difficulties, the Commission has continued to make its best efforts in implementing its human rights protection mandates: improvement of laws and regulations, institutions, policies and practices; investigations of and remedies for human rights violations and discriminatory acts; education and publicity for the promotion of human rights culture; and domestic and international exchange and cooperation. In particular, in 2014 the number of receipts of complaints exceeded 10,000 for the second year in a row. The *suo moto* investigation into institutional care facilities for persons with disabilities was estimated to become an opportunity for the protection of the most vulnerable groups in society.

In addition, the Commission enhanced its activities in institutionalizing human rights and broadening the horizons of human rights tasks by proactively presenting its opinions on the process of enacting the North Korean Human Rights Act and the Human Rights Education Support Act in the National Assembly; suggesting that the 2014 ASEM Summit to adopt projects to promote human rights of the elderly; recommending public institutions to comply with *the Guidelines and Checklists on Human Rights Management* for the implementation and promotion of human rights-sensitive business management; and translating and distributing *ICTs and Human Rights* into English which was originally published in 2013.

As such, the Commission has been fully dedicated to realizing values of respect for human rights and creating a happier society where people are most valued and everyone can enjoy a decent life. I expect the Annual Report, comprehensively presenting and analyzing these efforts, to be a chance for the Commission's activities to be recognized and future plans developed.

I sincerely ask for your continuous support, care, and criticism for the improvement of the Commission. To meet your expectations, the Commission will continue to step up its efforts to lighten the disadvantaged and dark sides of society and create a better world for all.

Thank you for your attention.

현 명철

Hyun, Byung-chul

Chairperson

National Human Rights Commission of the Republic of Korea

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Part I

Introduction

Introduction

National Human Rights Commission of Korea Annual Report 2014

Chapter 1. Overview

National Human Rights Commission of Korea (hereafter “the NHRCK” or “the Commission”) is an independent national institution which was established on November 25, 2001. The mandate of the NHRCK is to protect and further promote the inviolable human rights of all, thereby realizing the dignity and value of people and contributing to the establishment of fundamental democratic order.

The Principles relating to the Status of National Institutions (or the Paris Principles)¹⁾ stipulate the competence and responsibilities of a national institution, its composition and guarantees of independence and pluralism, and methods of operation. As a comprehensive and independent national human rights institution in compliance with the Paris Principles, the NHRCK has been fulfilling the following responsibilities: the improvement of laws, regulations, institutions, policies and practices on human rights; the investigations of and remedies for human rights violations and discriminatory acts; the implementation and integration of international human rights treaties in Korea; and the cooperation with domestic and international organizations and bodies defending and promoting human rights.

The year 2014 marked the 66th anniversary of the adoption of the Universal Declaration of Human Rights. It was also the final year of the third phase of the

1) The Principles were adopted by the UN Human Rights Committee Resolution 1992/54 of March 3, 1992 and the UN General Assembly Resolution 48/134 of December 20, 1993. As the meeting to establish the principles was held in Paris, France, they are often called ‘the Paris Principles’.

Three-Year Plan for the Promotion of Human Rights (2012 to 2014) developed by the NHRCK. Accordingly, the NHRCK continued to fulfill its mandate as a human rights protection body by completing every project conducted for the last three years of the Plan and establishing the fourth phase of the Three-Year Plan for the Promotion of Human Rights (2015 to 2017).

Chapter 2. Domestic and International Environment in 2014

The year 2014 saw a number of major accidents and incidents claiming many lives. In February, the collapse of Mauna Resort, in Gyeongju, killed 10 university students, and in April the Sewol Ferry sinking tragedy took 295 lives with 9 people still missing. Also in the same month, 10 people were killed by a big fire in the Goyang Bus Terminal. Later, in October, the collapse at Pangyo Techno Valley claimed 16 lives. Coupled with this, other devastating accidents, including fires at a resort pension in Damyang and a long term care hospital for the elderly in Jangseong, mainly caused by poor safety precautions, continued to hit Korean society.

The military also experienced a series of grave incidents such as the death of a soldier caused by beatings and other cruel treatment, soldiers killing themselves, and several sexual harassment cases of female soldiers perpetrated by their seniors. In June 2014, a shooting spree incident among colleagues in Goseong GOP (General Out Post) claimed 5 lives, revealing serious human rights violations in the military.

In addition, sexual harassment and assault cases committed by former lawmakers or professors continued to be a serious issue, resulting in broad social consensus of the need to take fundamental measures to address them.

Films and dramas such as “*Misaeng* (Incomplete Life)” and “*Cart*” raised public

awareness about the situations of irregular jobs, while the need to establish policies to protect human rights of the socially deprived at the state level continued to come to the fore due to a number of social tragedies including a mother and her two daughters who killed themselves after suffering for a long time from economic difficulties, and a security guard at an apartment complex who burned himself to death because of being frustrated by degrading treatment.

A massive leak of personal information from credit card companies, a controversial cyber surveillance on Kakaotalk (a mobile messenger application), and the practice of monitoring the personal lives of baseball players through closed-circuit television raised citizens' interest in privacy protection while the restriction over the screening of the film "Diving Bell" and the cancellation of exhibiting the painting "*Sewolowol*" ignited social debates about the freedom of expression.

Moreover, fierce arguments, for and against discriminatory measures based on sexual orientation such as banning a cultural event of LGBT, caused deep social conflicts.

Meanwhile, the international community enhanced its efforts to improve North Korean human rights by adopting the Resolution on the Human Rights Situation in the DPRK at the UN General Assembly. Accordingly, the National Assembly of the Republic of Korea stepped up the move to enact a North Korean Human Rights Act, creating a positive environment, both in and out of Korea, to improve the human rights situation in North Korea. On the other hand, unfortunately the International Coordinating Committee of NHRIs' Sub-Committee on Accreditation deferred the review of the NHRCK's reaccreditation twice (March and November) for the lack of transparency in the process of selecting its commissioners.

In a nutshell, the year 2014 saw a wide range of issues in diverse sectors including the right to freedom, social rights, and human rights in North Korea raised and debated

actively across society. Against the backdrop of changing social environments, the NHRCK has continued to be dedicated to reviewing the human rights situations sector by sector and fulfilling its mandate as a national human rights protection and promotion mechanism.

Chapter 3. Basic Directions and Major Achievements in 2014

1. Basic Directions for Human Rights Work

Following 2013, in 2014 the NHRCK carried out its work based on its mid-term plan or the Three-Year Plan for the Promotion of Human Rights (2012~2014).

The Three-Year Plan for the vision of “A World of Dignity for All” has five strategic goals, one special task and two featured projects. The five strategic goals are: i) Providing institutional protection for and reinforcing basic human rights; ii) Improving human rights protection for the underprivileged and underrepresented; iii) Enhancing the efficacy of investigations and remedial actions; iv) Fostering public understanding of human rights by enhancing educational programs; and v) Strengthening remedies for discrimination. The special task is to improve North Korean human rights while the two featured projects are to spread a culture of human rights in company management and improve information-related human rights.

As 2014 was the final year to complete the mid-term plan, the NHRCK reviewed the past progress and successfully finalized projects. Moreover, it confirmed the fourth phase of the Three-Year Plan for the Promotion of Human Rights (2015~2017) in September by estimating the changing human rights situation and collecting opinions from a diverse group of experts.

2. Achievements by Project

A. The Five Strategic Goals

1) Providing Institutional Protection for and Reinforcing Basic Human Rights

Regarding the protection for and reinforcement of the right to freedom, the NHRCK recommended to improve the practices and institutions in regards to the police's taking pictures of participants, without their consent, for evidence in demonstration or protest sites, in response to several complaints about the violations of the freedom of assembly, the right of self-determination regarding personal information, and the right to one's portrait due to the police's evidence collection practices (on March 4). The Commission also recommended that the police improve upon the practices of arresting flagrant offenders of police contempt on October 30, as there had been an increasing number of cases of human rights infringements during the arrest of offenders of verbal abuse against police officials since August 2013.

In February 2014, the NHRCK expressed an opinion to the Chief of the XX Provincial Police Agency to be cautious in deciding and managing the security area to prevent human rights violations and inconveniences in the daily lives and passage of residents after on-site investigations in Miryang in response to a number of complaints raised by the local residents about human rights violations caused by the security measures in the power transmission tower construction site in Miryang. The Commission also, on December 8, expressed its concerns over the announcement of the Ministry of Justice to enact the "preventive custody" provision, suggesting that the provision might violate the dignity and value of people and their personal liberties which are guaranteed by the Constitution, as the preventive custody would be no different, in practice, from imprisonment punishment.

The NHRCK established an exclusive team on human rights in the military on August 29 in order to carry out thorough investigations on, provide remedy for, and prevent recurrence of human rights infringements that incur in the military including beating, cruel treatment, and sexual assault, especially in the wake of the tragedy in which a private was killed because of beatings and other cruel treatment.

With regard to the promotion and enhancement of social rights, the Commission recommended that local governments comply with the guidelines on the wage for employees in social welfare facilities to prevent regional wage disparity on August 21. In order to ensure the job security and improve the treatment for irregular workers in the public sector, on November 10, the NHRCK recommended the Minister of Employment and Labor and the Minister of Education to ease the conditions for permanent employment, cut down exceptions from converting non-regular position to permanent ones, and change the job status of outsourced contract workers whose work is regular and permanent to that of a regular position.

In addition, on November 27, the Commission recommended the Speaker of the National Assembly and the Minister of Employment and Labor to implement reforms in order to address the problem relating to persons dispatched overseas, and persons in special types of employment, who are not fully protected from occupational accidents as they are categorized as special cases in the Industrial Accident Compensation Insurance Act. The NHRCK also researched the human rights situation of those who earn less than the minimum standard cost of living but are not eligible for state support from April to November, as well as the elderly residing in long-term care hospitals from May to November, and prepared improvement measures based on the research results by sector.

With regard to implementing international human rights standards, the Commission

conducted studies on the current situation of Korea's Official Development Assistance (ODA) policies and human rights-sensitive improvement measures from April to October. Also, with the aim of laying a foundation for human rights through the enactment and amendment of related laws, the NHRCK closely monitored the implementation of the National Action Plans for the Promotion and Protection of Human Rights (NAP) and explored specific implementation measures tailored to different local situations by holding workshops with local governments in order to establish human rights institutions in local authorities.

Finally, regarding the development of the "Human Rights Index", the NHRCK commissioned the research on "the simulation assessment and the management plans of the national human rights index" as the final year's project of the three-year plan for national human rights index development. Based on the outcome, the Commission plans to determine a human rights index after collecting diverse opinions and feedback through consultations with relevant authorities, and to finalize the national human rights index system.

2) Improving Human Rights Protection for the Underprivileged and Underrepresented

In order to improve the human rights, and treatment, of residents in foreigner protective facilities, the Commission made on-site investigations of three immigration detention centers and presented seven recommendations to the Minister of Justice including applying stricter standards for the most vulnerable groups such as children, prioritizing the benefits of children, and providing the freedom of movement on November 25. This was done as a part of the Commission's efforts to promote the overall human rights of foreigners.

In the area of promoting the human rights of the elderly, the Commission, on November 21, recommended that the Minister of Health and Welfare reform relevant legislations, such as the Welfare of the Aged Act and the Act on Long-term Care Insurance for the Aged, in order to protect the human rights and the right to receive appropriate services of senior citizens in health and welfare facilities for the elderly. In addition, in consideration of the fact that a large number of senior citizens live alone and the number of elders who commit suicide or die alone due to a rapidly deteriorating quality of life increases, the NHRCK submitted its recommendation to the Minister of Health and Welfare to improve applicable laws and institutions for protecting the human rights of senior citizens living alone on December 4. Again in 2014, the sixth batch of the Monitoring Group on the Rights of the Elderly was formed, so that seniors can actively take part in the promotion of their human rights.

Regarding the promotion of the human rights of children, youth, and care facility residents, the NHRCK conducted on-site investigations of five selected child nursing facilities in Seoul City and Gyeonggi Province and subsequently presented its recommendations for institutional improvement on November 25. It also expressed its opinion on the Enforcement Decree bill of the Act on Special Cases Concerning the Punishment, etc., of Crimes of Child Abuse, asking the Ministry of Justice to integrate proper procedures to hear the child victim's opinion on June 19. Moreover, the Commission presented its consult opinion to the Ministry of Health and Welfare regarding the draft guideline on ensuring safety and human rights in child welfare facilities on December 11, suggesting that it is desirable to include the installation of the NHRCK complaints box into the self-checklist of child welfare facilities and to encourage the residing children's participation in the operating committee of the facilities.

The Commission continued to promote the human rights of residents in care facilities

by, for example, recommending that the Minister of Health and Welfare establish the conditions and procedures for quarantine and confinement of patients when imposing isolation or constraint measures in general medical institutions as a means of treatment on May 28.

3) Enhancing the Efficacy of Investigations and Remedial Actions

The NHRCK has come up with various arrangements to ensure easy access for everyone to its remedial process such as counseling and complaints filing. Its efforts to enhance the accessibility to human rights services include operating circuit counselors for different groups of needs including persons with disabilities, multi-cultural families, migrant workers and local residents; developing a video counseling system for those who have language or hearing difficulties; and utilizing an SNS counseling system reflecting the high penetration of smartphones. In addition, the Commission has diversified the means of providing counseling including the reservation system, English language service for foreigners, and sign language service for those with hearing difficulties.

The number of complaints filed to the Commission in 2014 showed about an 8.5% increase compared to the previous year while the number of counseling cases was down 2.7% from the previous year. In order to effectively address counseling cases and complaints, which have become more complicated and diversified in content, the Commission has made internal capacity strengthening efforts such as establishing a manual on counseling and investigation, computerizing relevant data and information, and promoting staff education and training.

The Commission has the authority to conduct *suo moto* investigations on important social issues involving human rights violations or discriminatory acts, even in cases

where relevant complaints are not received. In 2014, it conducted a total of 14 *suo moto* investigations including cases involving constraint measures imposed on persons with disabilities living in care facilities, the exclusion of short-term contract teachers from the flexible benefits plan, beatings and other cruel treatments in the military, the deprivation of access to a lawyer, and discriminatory acts against people with disabilities when using express buses. It is especially notable that seven *suo moto* investigations (50%) dealt with human rights violations in the military, reflecting the sustained concerns in regards to this issue in 2014.

With the aim of enhancing the accessibility of local communities to human rights services, the Commission established a human rights counseling network of its regional offices with human rights organizations in their jurisdictions to share important counseling cases, especially in such areas as migrants, children, people with disabilities, and women, thereby raising the satisfaction with human rights counseling services in local communities. The NHRCK also conducted on-site examinations investigating the status of complaints boxes in group care facilities to further ensure the right of residents to file complaints.

In particular, the opening of the Daejeon Regional Human Rights Office (Oct. 15, 2014) is expected to play an important role as a human rights guardian in monitoring human rights violations and promoting the human rights of local residents in Daejeon City and North and South Chungcheong Provinces.

4) Fostering Public Understanding of Human Rights by Enhancing Educational Programs

In 2014, the NHRCK conducted a total of 2,334 human rights education sessions in a variety of areas including the police, the military, the elderly, the homeless,

multi-culture, children and youth, persons with disabilities, the ICTs and human rights and mental health. The number of participants, which had shown a steady increase in the past, decreased by a small margin (2.6%) to 164,075. It seemed to be a result of the change in the size of each group of learners. In order to enhance the educational effect and encourage participatory learning, the Commission provided educational sessions to smaller sized groups while increasing the number of sessions (from 1,834 in 2013 to 2,334 in 2014).

In accordance with the Mental Health Act and the Act on Support for Welfare and Self-reliance of the Homeless, etc., the Commission successfully provided the mandatory human rights education for employees in mental health facilities and homeless care facilities. More importantly, by strengthening its role in human rights education for the mental health sector through close consultations with the Ministry of Health and Welfare, the number of employees in mental health facilities participating in human rights educational programs increased 170% in 2014, compared with the previous year.

With the aim of building the institutional foundation for human rights education, the NHRCK continued to promote the enactment of a Human Rights Education Act in the 19th National Assembly. To that end, it organized an advisory committee and a working group and supported the “Human Rights Education Support Act” (co-sponsored by the ruling and opposition party with Rep. Yoo Seung-min as the leading sponsor on Oct. 10, 2014). However, the bill was withdrawn due to strong protest by some organizations and the Commission issued a statement of regret on November 12.

5) Strengthening Remedies for Discrimination

As an independent body designated to address discrimination against persons with disabilities, the Commission has been very active in investigating discriminatory acts and providing remedies by conducting *suo moto* investigations in group care facilities, prosecuting perpetrators of human rights violations, and recommending measures aimed at fostering improvement. On the occasion of the June 4 local elections, it presented policy recommendations to guarantee the equal rights of persons with disabilities in exercising political rights during the voting process on April 22. It also recommended that public organizations find ways to decrease instances of job discrimination against persons with disabilities in October.

In order to strengthen remedies for gender discrimination, the NHRCK conducted a research study on the current situation and progress of gender equality regarding female public officials in special services. It also determined that limiting the percentage of female students' enrollment in the National Police University to 10~12% was a discriminatory act. In addition, for the promotion of the human rights of female workers engaged with emotional labor, the Commission undertook a pilot project to improve the working conditions of women in emotional work by posting posters and stickers to prevent degrading treatment such as verbal abuse in customer centers of retail shops in cooperation with big distribution companies. It also conducted a campaign to raise awareness amongst people, in April, in partnership with a number of organizations including the Korean Confederation of Trade Unions, Korea Health & Medical Workers' Union, the Korean Federation of Service Workers' Unions, and the Union Network International.

To strengthen its mandate of preventing sexual harassment, the Commission expressed its opinion over the Draft Act on the Prohibition of Gender Discrimination and Sexual Harassment and Remedies for Violations and the partial amendment bill

on the Enforcement Decree of the Act on Equal Employment and Support for Work–Family Reconciliation to the National Assembly.

As for the prevention of human rights violation during medical treatment, the NHRCK published *A Handbook on the Prevention of Sexual Harassment during Medical Treatment* and distributed the handbook to medical institutions, health workers’ organizations, community health centers and women’s organizations across the country. In addition, it created a short animation film “A Step Forward to Equality” to provide education about sexual harassment prevention in the military with a humorous twist.

The Commission also continued to take steps to protect rights and provide remedies for violations in individual complaints filed such as determining that the request for female soccer players to undergo gender determining examinations and the inappropriate actions of a same sex superior fall under the category of sexual harassment.

On the other hand, in celebrating the fifth year of the enforcement of “the Act on Prohibition of Age Discrimination in Employment”, the NHRCK stepped up its efforts to address discriminatory practices based on age by producing and distributing publicity materials and issuing a series of recommendations such as removing the age limit in selecting vocational trainees (July 30) and revising the age limit in appointing a village-head (July 30). It also continued to discourage discriminatory practices on the grounds of social status or academic background through the investigations of complaints and remedial acts for those guilty of violations.

Regarding the protection and promotion of minorities, the Commission conducted a research study on discrimination practices based on sexual orientation and gender identity to examine the current situation of students in schools and the understanding of teachers on sexual orientation and gender identity issues. After identifying the discriminatory practices in general society by analyzing the research results, the

NHRCK plans to develop policy recommendations. Moreover, it tried to address discriminatory acts based on sexual orientation by determining that a local government's forbidding a sexual minority group from using its public facility, on the sole basis that it was a sexual minority group, constituted a discriminatory act.

B. Special and Featured Projects

1) Improving North Korean Human Rights

Reflecting the increasing interest in the North Korean human rights situation, and the ways to improve it by the international community, including the UN, with heightened expectations in regards to the role of a national human rights institution, the NHRCK has designated and promoted the improvement of human rights in North Korea as its special task since 2009.

The year 2014, in particular, saw significant progresses in this regard such as the launch of the report of the Commission of Inquiry (COI) on human rights in the DPRK (February), the adoption of the report in the UN General Assembly, and the adoption of the UN General Assembly Resolution on the Human Rights Situation in the DPRK including referral to the International Criminal Court (November). Accordingly, the move to enact a North Korean Human Rights Act became accelerated with a draft bill, co-sponsored by the ruling and opposition parties, put forth to the National Assembly.

Against this backdrop, the NHRCK also made active efforts to contribute to the improvement of North Korean human rights including: recommending the early enactment of a North Korean Human Rights Act proclaiming the NHRCK as a main agency in charge of North Korean human rights and placing the North Korean human rights documentation center & archives within the Commission; delivering its opinion

on the enactment of a North Korean Human Rights Act; issuing the Chairperson's welcoming statement on the COI report; issuing the Chairperson's welcoming statement on the establishment of the UN North Korean Human Rights Field-based Structure in Korea; and announcing the NHRCK's position on the debate over the enactment of a North Korean Human Rights Act.

Again in 2014, the Reporting Center for Human Rights Violations in North Korea and the North Korean Human Rights Documentation Center & Archives, launched in 2011 to lay the institutional foundation for the improvement of human rights situation in North Korea, conducted surveys on North Korean defectors who have recently entered South Korea (466 cases). The collected information was categorized into human rights violation types and analyzed to generate policy tasks and used as basic materials to create publicity videos. In addition, a research on the citizen's understanding of North Korean defectors, and the discriminatory practices against them, was conducted as an effort to bolster the popular perception of, and the conditions for, North Korean defectors.

In regards to international cooperation activities, the Commission continued to build and enhance the cooperative network with major international actors by holding an international symposium on North Korean human rights in partnership with Freie Universität Berlin (Free University of Berlin) and the Hwa-jeong Peace Foundation of Dong-A News Journal in May and conducting on-site investigations around the Chinese-North Korean border areas where a number of North Korean defectors reside. The NHRCK has continuously managed the North Korean Human Rights Forum since its creation in 2008. In 2014, a total of 43 expert members of the Forum who represent academia, legal circles, the press, civil society organizations, etc. convened for a total of four times to develop collaborative policies concerning North Korean human rights.

2) Spreading a Culture of Human Rights in Company Management

Since the 1990s, with the growing number, and influence, of multinational corporations in the wake of globalization, human rights violations by companies have been high on the agenda of the international community. In response, international organizations, including the UN and the OECD, began to seek various measures such as the OECD Guidelines for Multinational Enterprises to prevent human rights violations by companies. The NHRCK, on its part, designated “Spreading a Culture of Human Rights in Company Management” as its featured project in the Three-Year Plan for the Promotion of Human Rights (2012~2014). In 2014, the Commission pushed forward with the targets of creating social consensus in regards to business and human rights as well as establishing the legal and institutional foundation to integrate human rights in business.

In January 2014, the NHRCK distributed *the Guidelines and Checklists on Human Rights Management* which was developed and has been updated since 2012, to public corporations, semi-public organizations, and 300 listed companies. Later, on September 30, the Commission recommended to the presidents of 30 public corporations and 87 semi-public organizations that they develop improved measures reflecting the Guidelines and using the Checklist in business management with the aim of encouraging the public sector to take the lead in developing human rights-integrated management.

In addition, the Commission expressed its opinion on the draft enforcement decree of “the Act on Compensation and Support for Surrounding Areas of Power Transmission and Distribution Facilities” in May and conducted a number of research studies including the survey on the current status of human rights management at SMEs and policy improvement measures, a study to develop evaluation benchmarks for best practices in human rights management, the translation of *The Guide to Human Rights*

*Impact Assessment and Management*²⁾, and the case study on the international practices of human rights impact assessment. It also held a conference on the human rights violations perpetrated by Korean companies overseas (February) and the first and second Human Rights Management Forum (June and November) in 2014 as an effort to spread a culture of integrating the values of human rights in the conducting of business.

3) Improving Information-related Human Rights

With the development of ICT devices, the problems of personal information infringements by government entities and private firms have been widely dealt with. ICTs and human rights have received an increasing amount of attention both internationally and domestically. Under such circumstances, the NHRCK selected the improvement of information-related human rights as its featured project for its third phase of the Three-Year Plan for the Promotion of Human Rights. The objectives of the project are: i) promoting institutional improvements and establishing standards for the protection of information privacy; ii) investigating the practice of the violation of workers' human rights including the surveillance of workers with information devices; and iii) developing measures to create a human rights-friendly online culture.

In this regard, the Commission continued to endeavor to improve institutions with the goal of more effectively protecting information-related human rights by making a number of recommendations including: to revise provisions pertaining to providing

2) This tool is the result of collaboration between the International Business Leaders Forum (IBLF) and International Finance Corporation (IFC), in association with the United Nations Global Compact. It is designed to be a practical tool that enables companies to identify, understand, and evaluate actual or potential human rights impacts of a project at each stage of development and operations.

communication confirmation data in the Protection of Communications Secrets Act to enhance the requirements for providing said data to investigative agencies (Feb. 10); to reform the resident registration numbering system (May 26); to strengthen the restrictions of sharing personal information among financial holding companies and their affiliates (Apr. 28); and to make institutional improvements ensuring senior citizens' accessibility to pertinent information (Dec. 19). In addition, it issued a statement on the need to strengthen protection of human rights relating to personal information in wake of the massive personal information leakage incident by credit card companies (Jan. 27).

More importantly, the NHRCK enhanced publicity on the practice of violating workers' human rights including issuing orders via SNS, by organizing a panel discussion on the current situation of workers' rights violation by information devices. It also collected opinions from domestic and international experts on information-related human rights by participating in the 9th UN Internet Governance Forum and holding a panel discussion pertaining to possible institutional improvements in regards to the practice of investigative agencies' collection of personal information.

In addition, it translated *the ICTs and Human Rights*, the first report of its kind in the world, published in January 2013, into English and distributed said report to information experts in, and outside of, Korea and other NHRIs, thereby publicizing the remarkable activities of the NHRCK to the domestic and international community.

Chapter 4. Evaluation and Challenges

As the final year of the third phase of the Three-Year Plan for the Promotion of Human Rights (2012~2014), the Commission made the final review of the achievements of the five strategic goals and endeavored to complete the projects successfully in 2014.

First of all, the Commission took various measures to protect the human rights of socially vulnerable groups by conducting research studies into the current human rights situation and submitting recommendations to revise relevant legislation and regulations based on these research results. Also, it has continued to proactively respond to important human rights issues such as the tragic Sewol Ferry incident and the fire in a long-term care hospital for the elderly in Jangseong.

In addition, with the 2014 ASEM Summit's officially adopting ASEM Conference on Global Ageing and Human Rights of Older Persons, the NHRCK gained important momentum to proactively examine policy improvements and create a cooperative network with the international community regarding human rights of the elderly in an aging society. It also continued to fulfil its mandate to protect human rights by sector, for example by closely monitoring whether the rights to vote of persons with disabilities were guaranteed, in particular in the advance voting system which was first introduced in the 6th local elections and preparing measures for improvement. The presentation of the result of its investigation on the human rights violations in a facility for persons with disabilities in Dobong-gu in March presented an opportunity for the Commission to bring about positive social changes by leading to comprehensive inspections in all group care facilities for persons with disabilities in the entire country.

On the other hand, the Commission has contributed to the promotion of the citizens'

understanding of human rights by employing a variety of media including the human rights film “The Golden Carriage in the Sky”, *A Handbook on the Prevention of Sexual Harassment During Medical Treatment*, the animated film “A Step Forward to Equality” for the prevention of sexual harassment and assault against female soldiers, the booklet “*Gunin* (군인, or military human rights)”, the human rights book *If You Feel Uncomfortable, Ask*, promotional videos of important decisions made by the NHRCK, and human rights promotional campaigns via radio programs.

It was regretful that the enactment of the Human Rights Education Support Act, developed to lay a foundation for the institutionalization of human rights education, was cancelled due to protest from a few groups. However, the Commission will continue to promote similar legislation in the future. Moreover, it is very important to attain ample resources in education facilities and operational manpower in order to fully meet the increasing needs for a smaller group-based human rights education course to enhance the efficacy of human rights education. In this regard, fortunately, human rights education centers, scheduled to be established in every region where the regional human rights offices are located, will become significant forums to further facilitate human rights education for local residents.

In the international community, the NHRCK has tried to fulfil its mandate as a leading NHRI with various activities by holding international symposiums on human rights in North Korea, operating international training courses as a part of the ODA projects, participating in a number of international meetings, and signing relevant MOUs.

However, the ICC-SCA deferred the reaccreditation of the NHRCK twice (in March and November), expressing concerns over the lack of consistent criteria and transparency in regards to the selection and appointment of commissioners. In

response, the Commission has exerted good faith efforts to ensure the diversity and transparency in the selection and appointment of its commissioners by proposing the “Partial Amendment to the National Human Rights Commission Act” and preparing the “Guideline Regarding Principles and Procedures on the Selection/Appointment of Commissioners of the National Human Rights Commission of Korea”. The third review of the NHRCK by the ICC-SCA is scheduled to be conducted in March 2015.

As a quasi-judicial body which can take remedial actions, the NHRCK continued to make great efforts in 2014 to promote the accessibility of the complaints filling system. The Commission was active in promoting the effectiveness of its investigations and remedial actions. Moreover, special investigations and *suo moto* investigations contributed to the active response to undisclosed human rights violations and conventional discriminatory acts. Considering the sustained concerns over human rights violations in the military, the Commission especially created an exclusive team on human rights in the military on August 29 and carried out *suo moto* investigations. As such, the NHRCK has made consistent efforts to prevent human rights violations in the military despite a myriad of difficulties due to the lack of investigators dedicated to human rights issues in the military.

Given the ever increasing number of complaints submitted to the Commission, it is expected to see a rise in the filing of complaints and greater need for *suo moto* investigations and on-site investigations with important social human rights issues multiplying and the human rights sensitivity of society enhancing. Therefore, the NHRCK needs to continuously strengthen its efforts to ensure it has a satisfactory number of investigators and achieves internal capacity building, while opening new regional human rights offices with the aim of improving the accessibility of local residents to human rights services along with providing investigations and remedies

swiftly and effectively.

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



Part II

Major Activities of the Commission

- Chapter 1. Improvement of Laws, Regulations, Institutions, Policies and Practices
- Chapter 2. Investigations and Remedies: Human Rights Violations and Discriminatory Acts
- Chapter 3. Education and Publicity for the Promotion of Human Rights Culture
- Chapter 4. Domestic and International Exchange and Cooperation
- Chapter 5. Activities of Regional Human Rights Offices

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

National Human Rights Commission of Korea Annual Report 2014

Section 1. Overview

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

In 2014, the Commission issued 27 recommendations with regards to the improvement of laws, regulations, policies, institutions, and practices, while expressing 18 opinions and submitting 1 opinion.

Section 2. Policy Recommendations and Opinions

1. Overview of Policy Recommendations, Opinions, etc.

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

	Cumulative total	Recommendations	Opinions expressed	Opinions submitted
Cumulative total	538	248	269	21
2014	46	27	18	1
2013	43	27	16	0
2012	41	23	18	0
2011	40	18	20	2
2010	45	22	20	3

* Cumulative total: November 25, 2001 ~ December 31, 2014

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

2. Highlights of Policy Recommendations³⁾

A. Recommendation on the Practices of Police's taking the Picture of Participants at the Sites of Demonstrations

In response to several complaints filed regarding the violations of the freedom of assembly, the right of self-determination for personal information, and the right to one's portrait due to the police's evidence collection practices, the

3) For detailed policy recommendations, see respective chapters and sections: *suo moto* and on-site investigations (Chapter 2 Section 3); North Korean human rights (Section 4.1); human rights in business practices (Section 4.2); and promotion of information-related human rights (Section 4.3).

NHRCK examined policy improvement measures in order to fundamentally address the issue.

After the review, on March 4, 2014, the Commission recommended the Chief of the National Police Agency to amend the practices and institutions of the police's taking pictures of participants at the sites of demonstrations and protests as follows: i) evidence collection should be limited to cases when the necessity and urgency of preserving evidence is accepted when the unlawful actions of protest or demonstration participants are taking place or immediately after such actions; ii) the police officer's evidence collecting activities and use of related devices should be thoroughly monitored and supervised in order to prevent human rights violations; and iii) the appropriate management procedures of collected evidence should be established, with independent experts from outside of the police participating, so that the objectivity and transparency of the procedure, with regards to the collection, use, storage, and disposal of the evidence, can be enhanced.

The Chief of the National Police Agency accepted the majority of the recommendations, except the participation of independent experts in the management procedure of the collected evidence, citing concerns over the difficulty in the protection of personal information by its own nature of collected evidence, undermining the fairness of investigations, and the potential danger of information leakage.

B. Recommendation on the Establishment of Proper Standards and Procedures in Cases of Quarantine and Confinement of a Patient under the Influence by Medical Staff

The Commission identified that though quarantine and constraint of patients are imposed as a means of protective medical treatment in general health institutions,

there is no specific requirement established regarding the conditions and procedures of quarantine and confinement unlike in mental health facilities.

Article 46 (1) of the Mental Health Act stipulates the conditions of the imposition of physical restrictions, such as confinement or restraints of a patient and regulates that such measures should be minimum necessary within the facility for the purpose of treating or protecting the patient. Moreover, Article 18-2 of the Mental Health Act and Article 11-3 (1) v of the Enforcement Regulations of the Mental Health Act states the need to document and preserve the records of the following: grounds for isolation and constraint; details of such measures; direct diagnosis at the time of hospitalization; symptoms at the time of hospitalization; names of the person who orders and imposes such measures; and the start time, duration, and finish time.

As the measures of quarantine and confinement are directly imposing physical restrictions of a patient, it restricts the patient's personal liberty significantly and may undermine the human rights and health of the patient in cases of abuse, therefore such measures should be carefully undertaken. While the same standards should be applied to cases when similar measures of quarantine and confinement are imposed in general medical facilities other than mental health facilities, at present there is no provision regarding confinement or constraint as a means of treatment in the Medical Service Act.

Therefore, the Commission recommended the Minister of Health and Welfare to establish and implement the appropriate conditions and procedures pertaining to the confinement and constraint imposed on a patient as a means of treatment in general health institutions on May 28, 2014.

In response, the Minister accepted the recommendations and enacted and distributed the "Guidelines on the Reduced Use of Physical Restriction Measures and Tools." The

Minister also announced that the evaluation on the use of physical restriction measures, and the appropriateness of confinement and constraint imposition would be included in certificating medical institutions from January 2015, while ensuring the proper use of such measures in medical institutions through monitoring.

C. Recommendation concerning Seats for Persons with Disabilities to Ensure their Right to Culture

Pursuant to Article 2, Attached Form 1-20 A of the Enforcement Regulations of the Act on the Guarantee of the Promotion of Convenience of the Disabled, the Aged, Pregnant Women, etc., seats or cubicle areas, which are wheelchair accessible in a theater or concert hall should be placed where they are easily accessible to exit or evacuation passages.

However, the above provision does not include whether or not such wheelchair seats should have a proper view of the stage or screen or whether a companion not confined to a wheelchair can sit by their side. In response to several complaints about this issue filed to the Commission, it reviewed similar provisions in the U.S. and Germany and relevant surveys of civil society organizations. It also made on-site investigations of theaters and concert halls with wheelchair accessible seats.

Based on the review, the Commission recommended the Minister of Health and Welfare to revise the provision about seats for persons with disabilities to say, “Seats or cubicle areas for wheelchair users should be placed where the user has the equal view of the stage or screen with the rest audience and can sit with his or her companion. The location should be easily accessible to exit or evacuation passages” on June 2, 2014.

The Minister accepted the recommendation and agreed to revise the Enforcement Decree of the Act on the Guarantee of the Promotion of Convenience of the Disabled, the Aged,

Pregnant Women, etc. according to this recommendation in the first half of 2015.

D. Recommendation on the Promotion of Social Workers' Human Rights and the Improvement of their Treatment

The human rights of social workers became an important social concern as a series of incidents, such as the suicides and deaths related to the overwork of social workers, or the verbal or physical abuse by civil petitioners continued. The Commission conducted an investigation looking at the human rights situations of social workers and found that the general working conditions of social workers were very poor, leading to very grave issues of exhaustion and high turnover.

With the aim of promoting the human rights of, and improving the treatment for social workers, thereby protecting the human rights of those who need social welfare services and enhancing the quality of social welfare services, the Commission recommended that the Minister of Health and Welfare integrate new provisions to guarantee the rights and status of social workers in the Enforcement Decree of the Act on the Enhancement of the Treatment and Status of Social Workers. It also recommended that the Minister stipulate a local government's responsibility to comply with the guidelines on the wages for employees in social welfare facilities in Article 4 of the same Enforcement Decree and to take measures to encourage the implementation by announcing the compliance/non-compliance rate on August 21, 2014.

The NHRCK also recommended local governments to comply with the guidelines on the wages for employees in social welfare facilities to prevent regional wage disparity on the same date.

E. Recommendation of the Guideline Regarding Principles and Procedures on the Selection/Appointment of Commissioners of the NHRCK

In order to fulfil the expectations of the international community including the Paris Principles and the recommendations of the ICC-SCA, and to better carry out its duties of promoting and protecting the human rights of people as an independent national institution, the Commission created the Guideline Regarding Principles and Procedures on the Selection/Appointment of Commissioners of the NHRCK (hereafter the Guideline).

The Commission established a Planning Team composed of members from both commission insiders along with external stakeholders including those from civil society organizations. The Planning Team held meetings three times (July 24/July 30/Aug. 12) to prepare a draft Guideline that reflected the Paris Principles and the ICC General Observations 1.7 and 1.8. Following a public hearing to receive opinions regarding the Guideline on August 22, the Commission's Plenary Committee determined the Guideline.

The Guideline contains major principles and procedures on the selection/appointment of its commissioners: i) principles regarding the qualifications and responsibilities of commissioners including expertise, experience, and independence in the performance of duties; ii) principles regarding securing diversity among commissioners including representing the diversity existing in Korean society and securing participation from diverse societal sectors in the process; and iii) principles regarding the appointment process including public notification of vacancies and public announcement of the rationale behind the appointment.

The Commission recommended to the Speaker of the National Assembly, the

President, and the Chief Justice of the Supreme Court to establish provisions on selection/appointment procedures of the commissioners in their internal regulations, reflecting contents of the Guideline, as well as to carry out selection/appointment procedures pursuant to the Guideline on September 22, 2014. Each nominating body replied to work on implementing the recommendation.

F. Policy Recommendation on the Improvement of Inside Safety Devices of Special Means of Transportation

In response to complaints about accidents regarding call taxis for persons with disabilities (hereafter special means of transportation) in operation across the country, such as a wheelchair having turned over in transit due to the lack of a seat belt for the passenger or wheelchair stabilizing device, resulting in a passenger hitting his/her head on the car body or hurting his/her back from a sudden turn or stop, the Commission reviewed the relevant legal provisions.

The Commission found that since the introduction of special means of transportation by the enforcement of the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons on January 28, 2006, safety incidents including a wheelchair user being turned over in his/her wheelchair causing injury due to a slipped or loosened wheelchair locking device in transit, or cases of a wheelchair user hitting his/her body on a car frame during a sudden turn or stop, though he/she was wearing a seat belt, have been consistently reported every year.

Therefore, the Commission, on October 21, 2014, presented the following recommendations to the Minister of Land, Infrastructure and Transport: i) to establish detailed requirements regarding the structure, material, and safety level of inside safety devices (e.g. wheelchair locks and seat belts specially designed for wheelchair

users) in special means of transportation, taking into account the type, degree, and features of disabilities and the form of the wheelchair of the user; and ii) to have service operators of special means of transportation conduct safety education for drivers of special means of transportation including case studies of safety accidents and the proper use, maintenance, and management of safety devices.

G. Policy Recommendation on the Arrest of Flagrant Offenders of Police Contempt

In August 2013, the National Police Agency directed police stations to strictly respond to those who make fusses or disturbances while under the influence during an investigation by arresting them on the charge of flagrant offenders of police contempt, as an attempt to address the matter of interfering with a police officer. Since then, the practice of arresting citizens accused of verbal abuse against police officers during an investigation has increased, and a number of complaints regarding this issue were submitted to the Commission.

In response, the Commission reviewed the possible human rights infringements pertaining to the arrest of flagrant offenders of police contempt in legal and procedural aspects by hosting a forum for discussion on August 27, 2014, outlining problems and possible improvement measures relevant to the arrest of flagrant offenders of police contempt in order to collect diverse opinions.

After the review, it found that the practices likely cause human rights infringements for the following reasons: i) the police are customarily arresting offenders of police contempt even when there is no concern in regards to possible escape or the destruction of evidence as the police officer knows the offender's personal information and has many witnesses at the site; ii) the fairness or objectivity is not guaranteed as the

affected police officer becomes the main actor in arresting the flagrant offender and conducting the early investigation while his/her peer officers become the witnesses; and iii) the case of police contempt, transferred to the prosecution, is often closed (with a monetary penalty) based on the investigation report of the police officer, thereby the offender has to go through accusation and court proceedings with few means to defend himself/herself when a police officer deliberately, or mistakenly, arrests someone on a charge of police contempt.

Moreover, a crime of contempt, which is an offense subject to complaint, is generally processed by a paper investigation after a complaint has been submitted. However, in the case of police contempt, the police arrests and investigates the person as a flagrant offender prior to filing a complaint, thereby infringing the rights of the offender.

In this regard, the Commission recommended the Chief of the National Police Agency to establish improvement measures to prevent the violation of due process and human rights in regards to the arrest of flagrant offenders of police contempt on October 30, 2014, and the Chief of the National Police Agency accepted said recommendation.

H. Recommendation on the Improvement of the Job Security of and the Treatment for Non-Regular Workers in the Public Sector

Since 2004, the government has established improvement measures several times to ensure the job security, and improve the treatment of non-regular workers in the public sector, resulting in certain achievements. However, the Commission believes further improvements are still necessary.

In this regard, on November 10, 2014, it recommended the Minister of Employment and Labor and the Minister of Education to ease the requirements for permanent

work which is the qualification to be converted to permanent workers, cut down exceptions from converting non-regular positions to permanent ones by revising the guidelines on the conversion of indefinite contract workers, and include the outsourced contract workers, whose work is regular and permanent, into the category qualified for the conversion to regular positions in principle.

I. On-Site Investigation to Foreigners' Protection Facilities and Recommendation on the Human Rights of Foreigners

In 2014, two years in a row, the Commission organized an on-site investigation team with independent experts and visited three foreigners' protection facilities including the Hwaseong Immigration Processing Center (June 27), the Cheongju Immigration Processing Center (July 1), and the Yeosu Immigration Office (July 9).

The 2014 investigation was conducted with an emphasis on the sustained improvement in the human rights and treatment of foreigners in detention facilities in order to provide positive future directions in changing the way of operating these facilities from that of the current detention- and control-oriented one to a human rights-friendly environment ensuring the human rights of the most vulnerable groups such as children and women.

Based on the investigation results, on November 25, 2014, the Commission presented to the Minister of Justice the following seven policy and institutional improvement recommendations; i) enhancing the screening process of the human rights-disadvantaged groups including children and identifying alternative protection facilities; ii) prioritizing the benefits for children in every administrative process regarding children; iii) introducing programs for the mental health of foreigners in detention; iv) providing relevant information for better understanding of remedial

systems for foreigners in detention including copies of the Refugee Act; v) guaranteeing the right to external communication via online platforms such as e-mail; vi) protecting privacy by installing upgraded toilet doors; and vii) ameliorating the foreign detainees' accessibility to medical service.

J. Recommendation on the Human Rights Improvement Measures in the Jeju Prison

For the first time since its establishment, the Commission decided to make on-site investigation to the Jeju Prison in 2014. An investigation team, organized of insiders and independent experts, visited the Jeju Prison from 25th to 26th of August. The team conducted a general environmental inspection on the cells, health room, kitchen, and sport facilities as well as in-depth interviews with prisoners, prison officers, and managers.

The investigation results confirmed that this 43 year-old prison has numerous problems due to outdated facilities and inmate overcrowding. In particular, it manages prisoners who are on trial and those who have already been tried in the same manner void of a separation area for prisoners on trial, resulting in a variety of problems regarding the treatment of two groups which are vastly different in nature. The ward where prisoners on trial are detained has no recreational area, so prisoners have to be satisfied with access to a minimum of sunlight in a confined place. Water drips off the ceiling, causing a severe stench of mold during the summer. It lacks even one solitary cell and a few cells are even accommodated by up to more than 30 prisoners. Without different types of rooms by the number of inmates, it was virtually impossible to accommodate prisoners on trial effectively by category or treatment such as by the type of their crime, whether or not they are a first offender, whether or not

theirs is a crime of negligence, and the possibility of a separation of accomplices.

In this regard, on November 25, 2014, the Commission submitted to the Minister of Justice the following five recommendations: i) to construct new buildings where the ward for prisoners on trial can be separated from that for convicted prisoners; ii) to repair facilities for better hygiene and make available improvements such as installing air-conditioning, heating, and dehumidifying apparatuses even prior to the completion of new construction; iii) to provide frequent and regular education for prison officers to treat prisoners properly according to their status in regards to whether they are on trial or already convicted; iv) to acquire adequate medical staff to prepare for emergency situations and ensure inmates are able to take medicine(s) on time without delay due to prolonged examination of prescription drugs from outside medical institutions; and v) to operate mental health care programs for prisoners and prison officers.

K. Policy Recommendation on Child Care Facilities after On-site Investigation

With the aim of preventing the human rights violations of children and improving their rights and treatment in care facilities, the Commission visited five child care facilities with more than 50 child residents in Seoul and Gyeonggi Province from 15 to 24 July, 2014.

The 2014 investigation was particularly focused on the issues of the dietary life of children, punishment and remedial measures, consultation with relevant authorities prior to admission, the protection of children in need of psychological therapy, programs to support the economic independence of children after leaving the facility, and whether children's opinions are reflected and their engagement is guaranteed in the decision-making process.

Based on the investigation results, the Commission, on November 25, 2014, presented its recommendations on the need for institutional improvements pertaining to the guarantee of human rights of children to the Mayor of Seoul, the Governor of Gyeonggi Province, and the heads of local governments governing the investigated facilities as follows: i) to establish procedures with which a child or his/her protector can choose the most appropriate facility by providing full information on the management system and amenities of each facility; ii) to ensure all documents, including the counseling report of a child and his/her guardian at local governments and temporary facilities, be transferred to the selected facility without omission so that the facility can arrange systematic preparedness for the protection of the child; iii) to ensure the disposition of a clinical counselor within legal deadlines pursuant to Article 54 of the Child Welfare Act and Article 52 of the Enforcement Decree of the same Act and support for the protected child to receive relevant psychological tests in time before the clinical counselor is placed; iv) to have a staff member dedicated to provide support for independence development and facilitate tailored program to the child's characteristics and capacity from the first day of admission and to take measures for expertise and capacity building of the staff in charge of self-reliance programs in order to ensure the efficacy of such programs; and v) to supervise each facility to address problems identified during the on-site investigation.

L. Policy Recommendation on the Situation of Low-Wage Non-Regular Female Workers

As for the promotion of human rights of non-regular female workers facing a number of overlapping challenges of employment discrimination and gender discrimination, the Commission conducted the survey on the status of wages for non-regular female workers in 2013 which showed a high percentage of non-regular female workers have

no guarantee of receiving a minimum wage. The additional survey on the status of the economically active population by job type in March 2013, announced by the National Statistical Office, also confirmed that the percentage of women in non-regular jobs was high and non-regular female workers severely suffered due to low-wages. In addition, many workers do not receive pay slips which is a basic document to confirm the official employment status along with the employment contract and a fundamental source to assess overdue wages as it stipulates itemized pay receipts. Absence of a pay slip is often a precursor to low wages.

In this regard, on November 27, 2014, the Commission recommended the Minister of Employment and Labor to impose stricter punishment to employers who fail to comply with the minimum wage system, take measures to prevent the abuse of Article 5 (2) of the Minimum Wage Act which allows the exception of minimum wage for a person employed on probation, and make the provision of pay slips mandatory.

M. Recommendation on the Institutional Improvement of Integrated Holding Cells following On-Site Investigation

With the introduction of an integrated holding cell system managing and operating 3 to 4 local holding cells in one unit in 2010, the Commission made on-site investigations to three integrated holding cells in different regions and recommended improvements to facilities such as providing accessible toilets in a cell in accordance with the design criteria standard for holding cells in 2012.

In response, the National Police Agency secured KRW 2 billion in additional budget to improve holding cell facilities in 2013. It completed the improvement project for 7 police stations in 2013 and 4 more projects got underway in 2014. However, given that there are 78 integrated holding cells and 33 conventional holding cells in the

country, it amounts to only about 10%.

Therefore, with the aim of re-examining the overall conditions and environment of an integrated holding cell, and in considering the human rights situations regarding the treatment of people in custody and promoting the development of improvement measures, the Commission divided the country into three regions of metropolitan areas, Gyeongsang Provinces, and Chungcheong/Jeolla Provinces and conducted document and on-site investigations into a total of 10 police stations.

The on-site investigation showed that some are well operated with an existing guidebook for foreigners or skylights installed to have adequate natural light, while many fall short of the design criteria standard for holding cells, the established regulations of the National Police Agency in terms of the location of holding cells, the accessibility to exits, or the structure of cells for persons with disabilities.

In this regard, on November 28, 2014, the Commission recommended the Chief of the National Police Agency to review whether the basic facilities of police holding cells meet the design criteria standard for holding cells and submit necessary improvement plans based on the review.

N. Recommendation on the Institutional Improvement to Protect Human Rights of the Elderly Living Alone

Due to societal changes, more senior citizens who have economic or physical difficulties live alone and their quality of life rapidly deteriorates, with an increasing number of them committing suicide or dying alone, making human rights for the elderly a serious societal concern.

In this regard, the Commission, on December 4, 2014, recommended that the Ministry of Health and Welfare establish improved measures to enhance communal responsibility

for caring for the elderly living alone such as universally applying the basic care service for the elderly which provides the minimum preventive services for the life and physical health of elders living alone, and to improve the treatment for elderly care service providers to become equivalent with the standards as set in the guidelines on the wages for employees in social welfare facilities as established by the Ministry of Health and Welfare, so that they can provide regular and consistent care for senior citizens living alone.

3. Highlights of Opinions Expressed

A. Opinion on the Police' s Restriction of Passage Regarding the Construction of Power Transmission Tower in Miryang

In response to a number of complaints about the security measures taken by the police regarding the construction of power transmission tower in Miryang, the Commission made several on-site investigations.

After investigation, the NHRCK found the disposition of security personnel and the demand for inspection at almost every step of the passage from villages to the construction site might cause significant difficulties to local residents, thereby producing psychological stress in villagers or resulting in emotional conflicts between those who oppose the construction and police officers, even though the police allowed the passage of villagers for daily needs.

Therefore, the Commission expressed its opinion to the Chief of the XX Provincial Police Agency that it is desirable to carefully decide and manage the security area to prevent human rights violations and inconvenience in the daily lives and passage of residents on February 10, 2014.

B. Opinion on Operating and Raising the Number of Low-Floor Buses to Secure the Mobility of Persons with Disabilities

Article 6 of the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons stipulates that the Minister of Land, Transportation, and Maritime Affairs shall establish a plan to improve the transportation convenience of mobility disadvantaged persons including persons with disabilities, the elderly, and pregnant women. The 1st phase plan aimed to raise the number of low-floored buses to 9,130 across the country, but the actual number of vehicles in operation was as little as 3,899 buses (42.7% compared to the goal). A person with disability in XX city submitted a complaint to the Commission for the violation of his right to move as the solitary low-bus route was discontinued.

The Commission found that the relocation of low-floor buses to other routes, in accordance with the bus route change permission, cannot be determined as direct discrimination against persons with disabilities, however, that additional measures should be taken to improve the situation as the number of low-floor buses in operation fall short of the target set by the Act on Promotion of the Transportation Convenience of Mobility Disadvantaged Persons and that the Mayor of XX city is obliged to carefully allocate low-floored buses appropriately to every route in order to prevent mobility disadvantaged persons from being out of the access to low-floored buses.

Therefore, on August 20, 2014, it expressed its opinion to the Mayor of XX city to raise the number of low-floored buses and take into consideration where mobility disadvantaged persons live, in comparison to where low-floored buses are currently operating, when determining bus route change plans.

C. Opinion on Discriminative Expressions against Disability in Media

According to the Commission's survey on the current status of implementing Human Rights Reporting Standards in 2013, the top 10 newspapers were found to use expressions and negative idioms that might heighten stereotypes and prejudices against persons with disabilities. A media monitoring report by Wefirst, a disability rights defense organization, showed that negative idioms such as 'mute', 'cripple', 'handicapped', 'blind', 'deaf', 'retarded', and 'deformed' continued to be used frequently, though the number of cases had decreased from 344 in 2011 to 296 in 2012 and 220 in 2013.

174 complaints submitted to the Commission, in 2013, were also about the mass media highlighting newspapers insulting and discriminating against persons with disabilities by using derogative terms or expressions such as 'deaf', 'mute', or 'blind'. Given the ripple effect associated with the media, such expressions in media are believed to intensify stereotypes or prejudices against persons with disabilities.

In this regard, the NHRCK expressed its opinion that broadcasters and newspapers should comply with the Human Rights Reporting Standards pertaining to disability reporting to prevent the use of terms, pejoratives, or idioms which are likely to degrade persons with disabilities along with implementing human rights education to journalists, while encouraging the Korea Communications Standards Commission and the Minister of Culture, Sports, and Tourism to pay special attention to prevent degrading expressions referencing disabilities in broadcast and news report on August 20, 2014.

D. Opinion on the Partial Amendment Bill on the Enforcement Decree of the Act on Equal Employment and Support for Work–Family Reconciliation

Regarding the partial amendment bill on the Enforcement Decree of the Act on Equal Employment and Support for Work–Family Reconciliation, on September 12, 2014, the Commission expressed its opinion that the mandatory education to prevent sexual harassment should be maintained at the current status, on the grounds that the employer's responsibility to conduct education to prevent sexual harassment at work, as stipulated by the Act does not cause an extreme economic burden to small businesses and a number of alternatives rather than the expansion of exceptional cases can be sought for. Moreover, it recommended to identify measures, in the long term, to conduct effective education to prevent sexual harassment in work environments with less than 10 employees which are classified as an exempt under the current Act.

E. Opinion on the Bill of Preventive Custody Act

On September 3, 2014, the Ministry of Justice initiated the pre-announcement of the Preventive Custody Act intending to put highly dangerous criminals such as sexual offenders, murderers, or child sex offenders in custody for a certain period of time after they serve out the term of their sentence.

Regarding this legislation pre-announcement, the Commission, on December 8, 2014, expressed its opinion to the Minister of Justice that the enactment of the Preventive Custody Act is not desirable as it may undermine human worth and dignity (Article 10) and personal liberty (Article 12) guaranteed by the Constitution, given that the adequate grounds for the proportionality of the means and the principle

of the last resort required in introducing laws which restrict fundamental human rights are not provided and that the preventive custody, in and of itself, is no different from criminal punishment in practice, despite its inevitable purposes of protecting society from violent criminals.

F. Opinion on the Guideline for the Promotion of Safety and Human Rights in Child Care Facilities

Regarding the guideline for the promotion of safety and human rights in child care facilities, due to the fact that the Ministry of Health and Welfare asked its opinion, on December 11, 2014 the Commission expressed that it is desirable to integrate the following items in a self-checklist on child rights violations by child care facilities: conducting regular announcement or education about the Commission's complaint box; effectively ensuring the participation of children in the facility's operational committee; preventing cruel and degrading disciplinary methods; taking appropriate measures for child abuse victims; taking appropriate measures for the mental health of children, in particular children with disabilities; and complementing the self-checklist to include going and doing outside activities, the usage of cell phones and computers, and other daily life activities into items that should reflect the opinions of children while adding more items such as the implementation of regular human rights education for children for the staff of the facility and the implementation of self-reliance support programs individually tailored for each child in the facility to check.

4. Highlights of Opinions Submitted

A. Opinion on the Case of Disapproving Damage to an Artificial Leg during Work as an Industrial Accident

At the 1st Plenary Committee meeting on January 13, 2014, the Commission decided to submit its opinion regarding a revocation litigation on the disapproval on request for medical benefits which was pending in the Supreme Court (2012 Du 20991).

The plaintiff of the case was an apartment security guard whose artificial leg was damaged while clearing snow during his work. He requested medical benefits for the damage of his artificial leg to the Korea Workers' Compensation and Welfare Service. However, the agency disapproved his request for the reason that the damage of an artificial leg is not a physical injury but falls under property damage. The plaintiff filed revocation litigation on disapproval of medical benefits against the Korea Workers' Compensation and Welfare Service, however the lower courts ruled against him, saying that his artificial leg cannot be seen as part of his body, and the damage of an artificial leg does not fall within the category of damage from which one can receive medical care benefits.

On February 18, 2014, the Commission submitted an opinion regarding the revocation litigation to the Supreme Court. In its opinion, the NHRCK said that the ruling of the lower courts, which only considered the lexical meaning of an artificial leg and decided that the damage to the plaintiff's artificial leg was not subject to medical care benefits under the Industrial Accident Compensation Insurance Act, is discrimination against persons with disabilities without reasonable grounds when comprehensively considering the legislative purpose and intent of applicable laws including the Industrial Accident Compensation Insurance Act and the Framework

Act on Social Security, and the fact that the plaintiff's artificial leg not only assists his body, but also replaces his leg functionally, physically, and practically. It asked the Supreme Court to take full account of these extenuating factors in its ruling.

In line with the opinion presented by the NHRCK, the Supreme Court ruled in favor of the plaintiff, saying that when an employee's artificial leg, which not only assists the employee's body but also replaces the employee's leg functionally, physically, and practically is destroyed during work, it is subject to medical care benefits under the Industrial Accident Compensation Insurance Act on July 10, 2014. As such, the Commission contributed significantly to improving the working condition of workers with disabilities.

5. Highlights of Statements Issued on Important Human Rights Issues

A. Chairperson's Statement on the Suicide of Mother with her Two Daughters

Late February 2014, a mother and her two daughters killed themselves while in desperate economic difficulties due to a lack of any support from the social security system established by the state and local governments. In the wake of this tragic news, the social consensus for the need to eliminate the blind spot of the social welfare system and strengthen the social safety net for the poor was developed. In this regard, the Commission issued the Chairperson's statement on March 7, 2014, demanding that the government identify the fundamental causes of blind spots in the social security system, re-establish a tighter social safety net, and prioritize the budget providing support for the destitute, in light of the right to enjoy a worthy life for human beings

as guaranteed by Article 34 of the Constitution, and the right to social security provided by Article 22 of the Universal Declaration of Human Rights.

B. Chairperson's Statement on the Fire in a Long-term Care Hospital for the Elderly in Jangseong

On May 28, 2014, a fire, believed to be started by arson, in a long-term care hospital for the elderly in Jangseong, South Jeolla Province claimed 21 lives and left 8 injured.

In response, the Commission presented the chairperson's statement on June 3, 2014, expressing his deep condolences for the tragedy and demanding the urgent need to reestablish safety measures in medical benefits for the elderly in a rapidly aging society with the understanding that it is difficult to secure the right to the life and safety of senior citizens in a disaster such as this tragic fire when society, itself, fails to fully support the elderly with institutions or facilities customized to the special needs of elder citizens.

In the statement, the NHRCK said that though there are many senior residents who have mobility related difficulties due to various senile disorders, such as dementia and stroke related hardships, in long-term care hospitals like the one in Jangseong, legal and institutional standards, which take into account these physical conditions and illnesses, are not fully established, and that the current human resources and safety regulations in long-term care hospitals have structural deficiencies to prevent such a tragic incident. In this regard, the Commission has made a great effort to protect and promote human rights of the elderly by conducting a survey on the current status of human rights in long-term care hospitals for the elderly and developing policy improvements across the spectrum of medical care facilities and the general service system for senior citizens.

C. Chairperson's Statement on Measures for Fact-Finding and the Prevention of a Recurrence of the Sewol Ferry Accident

Regarding the tragic Sewol Ferry accident, which occurred on April 16, the enactment of a special act which includes the establishment of a fact-finding committee for truth and the prevention of a recurrence, was still pending at the National Assembly while the bereaved families of the victims were in their 31st day of hunger strikes at the National Assembly and in the Gwanghwamun Square. Against this backdrop, the Commission issued the chairperson's statement on August 13, 2014, emphasizing that it is time for every single member of our society to respond and act together in order to come up with measures for fact-finding and the prevention of a recurrence, and that politicians should gather their collective wisdom to find ways to guarantee the life and safety of the people.

D. Chairperson's Statement Calling for Measures to Stabilize the Employment of Security Guards at Apartments

Starting from January 1, 2015, the minimum wage standard will be applied to apartment security guards, which is expected to increase labor costs. There was a growing concern that increased labor costs will lead to massive dismissal in an attempt to reduce expenses. Therefore, the Commission issued the chairperson's statement on November 20, 2014, demanding the Minister of Employment and Labor to take measures to prevent massive layoffs, guarantee job security and improve the overall human rights situation of apartment security guards including conducting nation-wide surveys on the working conditions of apartment security guards.

In response to the chairperson's statement, a series of media reports on the job instability and poor treatment of apartment security guards were produced and as

a result, on December 4, 2014, the government presented a comprehensive plan for stabilizing the employment of apartment security guards including increasing subsidies, which at least partially contributed to the job security of security guards at apartments.

Section 3. Research and Surveys on Human Rights Conditions and Human Rights Protection Activities

1. Research, Surveys and Studies on Human Rights Conditions⁴⁾

The NHRCK has conducted various research, study, and survey projects to come to a more complete understanding of various human rights issues and their actual conditions in our society. The reports of the surveys, studies, and research have been reviewed and subsequently used as the basic materials for establishing human rights policies and the foundation for developing policy recommendations. The major surveys of 2014 are as follows:

[Table 2-1-2] Research, Surveys and Studies on Human Rights Conditions in 2014

No.	Title	Research Institution in Charge
1	Survey on the human rights conditions of those who earn less than the minimum standard cost of living but are not eligible for state support	Industry–University Cooperation Foundation Office of Research Promotion, Sogang University
2	Survey on Job Categories Vulnerable to Industrial Accidents	Industry–University Cooperation Center, Hallym University
3	Survey on the human rights conditions of the elderly in long-term care hospitals	Industrial–University Collaboration Division, Seoul Cyber University
4	Research on the simulation assessment and management plans of the national human rights index	Korean Women’s Development Institute

4) For detailed information, see respective chapters and sections; North Korean human rights (Section 4.1); human rights in business practices (Section 4.2); and promotion of information-related human rights (Section 4.3).

No.	Title	Research Institution in Charge
5	Survey on the human rights conditions of female migrants with E-6 visa	Industry–University Cooperation Center, Hanzhong University
6	Survey on the discriminatory practices against female public officials in the police, correction and fire defense sectors	Korean Women’s Development Institute
7	Survey on the discriminatory practices based on sexual orientation and gender identity	Human Rights Law Foundation GongGam
8	Research on the improvement of personal assistance service for persons with disabilities	Korea Social Welfare Policy Institute
9	Research on the enhancement of housing support for persons with disabilities	Industry–Academic Cooperation Foundation, Hanshin University
10	Survey on the promotion of right to education of students with disabilities	Industry–University Cooperation Foundation, Kongju National University
11	Survey on the promotion of right to health of persons with disabilities	Research Institute of the Differently Abled Person’s Right in Korea
12	Survey on the current status of exercising the right to vote of persons with disabilities living in group care facilities	Hanyang Cyber University
13	Survey on the human rights conditions of employees in group care facilities for persons with disabilities	Industry–Academic Cooperation Foundation, Hanshin University
14	Survey on the human rights conditions of the military with an emphasis on remedial actions and protection system	Industry–Academic Cooperation Foundation, Konyang University

2. Human Rights Promotion Projects

A. Establishment and Improvement of Human Rights System in Local Governments

With the recommendation of the NHRCK in 2012, and the increasing consensus on the need to establish human rights systems in local communities, as of May 2014, 69 local governments⁵⁾ enacted human rights ordinances. However, the implementation level is varied by the understanding of local government officials and the interest of local communities.

In this regard, the Commission determined to match the pace of the local community human rights system establishment project up to the level and conditions of each region in 2014. First, on July 4, it held a workshop to identify implementation measures of the human rights system in Gangwon Province, which resulted in a number of outcomes such as the increased awareness of local government officials in charge of the human rights system, the sharing of best practices in other governments, the development of strategic directions and implementation tasks in Gangwon Province, and the networking with civil society organizations in the region. Consecutive workshops on regional human rights systems were held in Ulsan (Oct. 13, 2014), and Daejeon/Chungcheong (Nov. 25, 2014), to identify the best implementation measures tailored to the differing conditions of each region.

With the support from the Commission, there has been significant success in realizing the institutionalization of human rights system in many local governments, including Busan Metropolitan City, South Chungcheong Province, and Suwon City which either conducted the basic research to establish a framework of human rights

5) 15 metropolitan governments and 54 primary local governments

policy or confirmed the framework. In particular, with the opening of the Daejeon Regional Human Rights Office (Oct. 15, 2014), the human rights institutionalization is expected to be actively discussed in the Daejeon and Chungcheong region.

B. ASEM Initiative on Global Aging and Human Rights of Older Persons Acknowledged in the 10th ASEM Summit

On the occasion of the 10th ASEM Summit in October 2014, the Commission suggested the ASEM Initiative on Global Aging and Human Rights of Older Persons as a new initiative, led by the Republic of Korea, for approval.

Human rights of the elderly is an issue that every person and family in the world shall face in the life cycle. In particular, the complex human rights issues of the elderly, one of the most vulnerable groups, including poverty, health, and housing should be addressed. Given that these issues are not unique in Korea, but common in every member state of ASEM, there has been consensus for developing joint action plans and directions through mutual cooperation among countries in Asia and Europe.

The experience of European countries in responding to issues of an aging society provides significant lessons to Asian countries, including Korea, in addressing low-birth rates and the restructuring of the social security system. On the other hand, Korea's struggle for, and achievements of resolving the issues of an unprecedentedly rapid aging population can have implications for other Asian and European countries.

According to the project plan which was suggested by the Commission, and included to Annexes of the Chair's Statement of the 10th ASEM, ASEM Initiative on Global Aging and Human Rights of Older Persons will hold an international conference in 2015 and run a working group with the aim of adopting the Joint Declaration for

the Protection and Promotion of Human Rights of the Elderly and founding the ASEM Human Rights Policy Center for the Elderly (tentatively named). The progress will be reported at the 11th ASEM Summit (scheduled to be held in Mongolia).

In the mid- and long-term, the ASEM Human Rights Policy Center for the Elderly will play an important role in encouraging the protection and promotion of human rights for the elderly, developing action plans, and monitoring their implementation by collecting and building a comprehensive database regarding the current human rights conditions of senior citizens in ASEM member states.

C. 6th Batch of the Monitoring Group on the Rights of the Elderly and its Monitoring Activities

In 2014, the Commission organized the 6th batch of the Monitoring Group on the Rights of the Elderly (60 members) and surveyed 1,700 people, aged 60 or older, through questionnaire-based interviews in order to monitor the accessibility of the elderly to information.

According to the survey results, 27.5% of respondents do not use IT devices at all with more than half (56%) of that 27.5% answering they either do not know how to use IT devices, or that IT devices are too complicated. 17.6% said they don't use IT devices as there is no need to do so, while 11.6% are concerned about money issues such as buying the device and paying the communication fees. In response to what they think is necessary for them to use information technology are education on how to use IT devices (32.3%), reduced rates (22.1%), and subsidy for purchasing (19.0%) in descending order.

The Commission announced the survey results conducted by the 6th batch of the Monitoring Group on the Rights of the Elderly on November 6 along with regional

conferences on the survey results where the members of the Monitoring Group participated as presenters in Daegu (Nov. 12), Busan (Nov. 13), Gwangju (Nov. 14), and Seoul (Dec. 15). On December 18, the NHRCK recommended that relevant government agencies establish, and implement institutional improvement measures to secure the rights of the elderly to information.

D. Monitoring Group on the Implementation of the Guidelines on the Human Rights of Migrants with the Emphasis on Marriage Migrant Families

The Guidelines on the Human Rights of Migrants that the Commission recommended to related government authorities in February 2012, include the category of strengthening the human rights protection of marriage migrants. In addition, the survey on the current human rights conditions of migrant children in changing family status in 2013 showed that migrant children, including those who were born and raised in Korea and born outside of Korea but later raised in Korea, are in poor human rights situations due to the change in their family status such as international marriage and divorce.

With the aim of examining the difficulties faced by marriage migrant families and raising the public awareness on the issue, the Commission organized the Monitoring Group on the Implementation of the Guidelines on the Human Rights of Migrants and collected cases in 2014.

According to the monitoring, marriage migrant families have a number of difficulties such as economic vulnerability, inaccurate or false information, the lack of sincerity in marriage, the lack of understanding due to different cultural backgrounds, difficulty in language communication, physical or verbal abuse, conflicts among family members, child related issues, adultery, spouses who run away, or difficulties following divorce,

death, or spousal disappearance. Based on the results of the survey of 2013 and the monitoring of 2014, the NHRCK will develop policy improvement measures to address the diverse challenges faced by marriage migrant families.

E. Project to Improve the Human Rights of Female Workers Engaged in Emotion Work

Emotion work, or emotional labor, is a type of work where more than 40% of one's job is managing emotion in order to display or maintain specific emotions required during work.⁶⁾ Roles that have been identified as requiring emotional labor are mostly service workers including nursing, call center workers, and store clerks.

Finding that especially female emotional workers are constantly exposed to verbal abuse and insulting treatment from customers and not fully guaranteed to break time, the Commission conducted a pilot project to improve the working conditions of female service workers in emotional labor by posting posters and stickers to prevent degrading treatment or verbal abuse in customer centers of retail shops in cooperation with a large distribution company which runs 139 retail shops across the country.

In addition, with the aim of ending the bad practices of customers demanding excessive kindness of workers or sexually or verbally abusing them due to a prejudiced assumption that, "the customer is king" which is deeply rooted in the majority of people, and raising societal awareness that emotional workers are our friends and families through caring consumption practices, the Commission conducted a public service campaign in April in partnership with a number of organizations including

6) Arlie Hochschild, professor of sociology at the University of California, Berkeley first explained the term in her book *The Managed Heart* in 1983, to represent the modern society which even commercializes human feelings.

the Korean Confederation of Trade Unions, Korea Health & Medical Workers' Union, the Korean Federation of Service Workers' Unions and the Union Network International. Its activities for protecting the human rights of female emotional workers also include monitoring relevant legislative trends and collecting experts' opinions.

F. Publishing *A Handbook on the Prevention of Sexual Harassment During Medical Treatment*

According to a survey on the standards to prevent sexual harassment during medical service of 2013, 11.8% of respondents said they had the experience of feeling sexually uncomfortable or sexual humiliation during medical treatment in health care facilities. While the number of complaints about sexual humiliation during medical treatment has been on the rise, medical workers insist most of the cases are due to patients' misunderstanding conversations necessary in medical examination as sexual harassment, revealing a gap in recognizing sexual harassment.

Against this backdrop, the Commission, with the aim of closing the gap and preventing sexual harassment during medical service, published *A Handbook on the Prevention of Sexual Harassment during Medical Treatment* which contains the definition and benchmarks of sexual harassment during medical service, the introduction of agencies and procedures providing remedies for victims, and frequently occurring cases with precautionary tips.

It also made a great effort to create a human rights-friendly environment in medical facilities by distributing the handbook to medical institutions, health workers' organizations, community health centers, and women's organizations across the country and encouraging the voluntary effort of medical staff to further prevent sexual harassment during medical services.

G. Featured Projects to Celebrate the Fifth Year of the Enforcement of the Act on Prohibition of Age Discrimination in Employment

On the occasion of the fifth anniversary of the enforcement of the Act on Prohibition of Age Discrimination in Employment, the NHRCK held a conference in March 2014 to review the current status of age discrimination in the public and private sectors and to develop improvement tasks.

The percentage of companies stating an age limit in job vacancy announcements was down to 20% in 2014, the fifth year of the Act from 55% before the enforcement of the Act. However, the age restrictions in large companies remain relatively high.

In response to the deep rooted age discrimination practices which remain in our society, despite a certain degree of improvement in corporate and social awareness after the enforcement of the Act, the Commission published promotional materials to prevent age discrimination through public service campaigns in 2014.

A promotional video, created by the Commission, was uploaded to its official Youtube account and distributed to the public through SNS services such as Google banners and Facebook. There is also preparation underway to distribute the DVD through public libraries.

H. Creation and Distribution of a Promotional Video to Prevent Sexual Harassment in the Military

In 2014, the NHRCK produced a short animation film “A Step Forward to Equality” to improve the human rights of female soldiers and prevent sexual harassment in the military, thereby building a more human rights-friendly military culture. The film gives the definition of sexual harassment, frequently found cases in the military, and preventative measures. It also explains that jokes, insulting gestures, or malicious

affronts highlighting the femininity of female soldiers, which had been regarded as trivial, can constitute sexual harassment. In particular, it emphasizes the need to convert prejudiced perceptions about female soldiers focusing solely on the fact that they are ‘female’, such as “military service is not suitable for women” or “women are not necessary in the military”, into a recognition of female soldiers as equal colleagues serving in the military and create a sound military culture built on mutual respect and trust.

The Commission is planning to distribute the animation to relevant authorities including the Ministry of National Defense, so that it can be effectively used as educational material for the prevention of sexual harassment in the military and make copies easily accessible to general units through IP TV and on-line channels.

I. Effective Implementation of the Convention on the Rights of Persons with Disabilities

Since the UN Convention on the Rights of Persons with Disabilities took effect in Korea in 2009, the Commission has served as a monitoring body of promoting, guaranteeing, and supervising the implementation of the Convention in pursuant to Article 33 (2) of the Convention. In addition, in accordance with Article 19 vii of the National Human Rights Commission Act, it has performed research, offered recommendations, and presented its opinions with respect to the implementation of the international treaty on human rights.

The State Report of the Republic of Korea was first reviewed at the UN Committee on the Rights of Persons with Disabilities (UN CRPD) in 2014. The NHRCK actively participated in the Pre-sessional Working Group Meeting organized by the UN Committee in April and the State Report Review of the Republic of Korea in September

to present and submit its opinions.

In its opinion letter, submitted to the UN CRPD, it presented the social areas where disability discrimination most frequently occurs and major issues which have led to repeated complaints due to the failure of positive remedies despite the improvement recommendations of the Commission, based on a comprehensive analysis of complaints filed to the Commission. The policy recommendations, improvement recommendations, and opinions expressed by the NHRCK were also included in the opinion letter. In addition, the NHRCK met the UN CRPD commissioners to ensure that the deficiencies in implementing the state's duties to promote and protect the human rights of persons with disabilities as a state party of the Convention be fully reflected in the Concluding Observations to the 1st State Report of Korea.

As a result, many of its opinions were reflected in the Concluding Observations to the 1st State Report of Korea. On November 7, the Commission hosted a forum on measures to enhance implementation of the UN CRPD with the aim of raising public awareness of the Convention and encouraging the government to proactively implement the recommendations found in the Concluding Observations.

J. Monitoring the Implementation of the Act on the Prohibition of Discrimination against the Disabled

In order to identify cases of disability discrimination in daily life and secure the successful settlement and effective implementation of the Act on the Prohibition of Discrimination against the Disabled, the NHRCK appointed a total of 174 members of the Monitoring Group on the Act, mainly in 6 cities in 4 regions (Seoul, Daejeon, Busan, Daegu, Gwangju, and Jeju). 68.4% of the monitors are persons with disabilities including physical disabilities, brain lesions, visual impairment, and hearing

impairment.

The 2014 monitoring activities were divided into two categories: “on-site monitoring” examined the accessibility of persons with disabilities to a public library (150 libraries), judicial authority (82 agencies), theater (73 theaters), exhibition (24 museums and art galleries), public institution (14 agencies), and medical service (14 medical care institutions) while “policy monitoring” reviewed whether persons with disabilities are provided legitimate and adequate conveniences in national competency tests.

The Commission sent the on-site monitoring reports to every agency monitored and encouraged them to voluntarily improve the condition and more than 98.4% replied to the Commission with improvement plans, significantly contributing to addressing and preventing disability discrimination. In addition, through policy monitoring activities, it developed policy tasks for guaranteeing adequate conveniences to persons with disabilities in national competency tests.

The NHRCK also evaluated its monitoring activities of the year and identified future policy tasks by presenting the monitoring results to the public and publishing and distributing *The 2014 Report of Monitoring the Implementation of the Act on the Prohibition of Discrimination against the Disabled*.

Section 4. Special Task and Featured Projects

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

A. Overview

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

To that end, the NHRCK has conducted policy activities including reviewing government policies related to the promotion of human rights in North Korea and presenting relevant recommendations or opinions. The Commission also has concentrated its efforts on strengthening the exchange and cooperation with international human rights bodies and NGOs at home and abroad. In addition, it has conducted surveys and policy researches on various issues such as the latest human rights status in North Korea, human rights conditions of North Korean defectors overseas, human rights issues of South Korean prisoners of war, abductees detained in North Korea, families separated in the two Koreas, and ways to promote the human rights of North Korean defectors.

B. Major Activities

Despite the actual difficulties due to the special characteristics of inter-Korean relations, the Commission has put forth various activities such as examining human rights conditions in North Korea, developing and presenting policies to improve human rights in North Korea, promoting diverse activities and establishing domestic and international networks as a forum to discuss North Korean human rights issues, and systematically collecting and managing data and documents related to North Korean human rights.

To that end, the Commission has taken various steps to develop policies for the promotion of North Korean human rights. They include taking surveys, releasing policy recommendations, expressing opinions and the chairperson's statements, operating the Reporting Center and Archives for Human Rights Violations in North Korea, conducting policy consultations with relevant government bodies, operating the Special Committee on the Human Rights in North Korea, as well as the North Korean Human Rights Forum, and sponsoring a variety of panel discussions and round tables. In addition, it has continued to host international symposiums to create an international network for the promotion of North Korean human rights, supported and cooperated with the UN COI, consulted with ambassadors of major countries, and visited relevant agencies in overseas which address the human rights issues of North Korean defectors abroad.

1) Policy Recommendations, Opinions, and the Chairperson's Statement

In 2014, the Commission presented one recommendation, one opinion and three chairperson's statements in relation with North Korean human rights issues. The highlights are as follows:

① Recommendation Calling for a North Korean Human Rights Act

On March 24, 2014, the NHRCK recommended that the Speaker of the National Assembly, without delay, enacts a North Korean Human Rights Act which is pending at the National Assembly while separating the main agencies in charge of North Korean affairs into two. Pieces of legislation related to the livelihoods of North Korean people would fall under the Ministry of Unification while legislation dealing with issues related to the human rights of North Koreans would be under the NHRCK based on a bill the NHRCK developed and submitted.

② Opinion Calling for Adopting its Recommendation on a North Korean Human Rights Act

On December 1, 2014, the Commission expressed its opinion to the Speaker of the National Assembly that a North Korean Human Rights Act should be enacted based on the NHRCK's recommendation of March 24, 2014 which says that the main agencies in charge of North Korean affairs should be divided: with the NHRCK in charge of legislation related to North Korean human rights and the Ministry of Unification in charge of legislations related to the livelihoods of North Korean People.

③ Welcoming Statement from the Chairperson regarding the Report of the UN COI

On March 20, 2014, the Commission issued the chairperson's welcoming statement regarding the report of the UN Human Rights Commission of Inquiry on North Korea (COI), appreciating that the report successfully confirmed the systematic and wide ranging human rights violations by North Korean authorities through transparent and objective investigations mobilizing every possible means including interviewing victims and collecting evidence from satellite pictures despite the fact that it is impossible to directly access North Korea.

In the statement, it also encouraged North Korea, China, other important state

parties, the UN and the international community to fully implement the recommendations of the UN COI with the aim of improving the human rights conditions of the North Korean people.

④ Welcoming Statement from the Chairperson Regarding the Establishment of the UN North Korean Human Rights Field-based Structure in Korea

On May 29, 2014, the Commission issued the chairperson's welcoming statement regarding the establishment of the UN North Korean Human Rights Field-based Structure in Korea, saying the decision will serve as an opportunity to raise awareness of the seriousness of the human rights conditions in North Korea as well as to initiate nation-wide movements for the improvement of the North Korean human rights situation. It also expressed its full support for the field-based structure's successful settlement in Korea and execution of practical roles for the improvement of human rights conditions in North Korea.

⑤ Opinion Regarding the Current Process of Enacting a North Korean Human Rights Act

On November 27, 2014, the NHRCK released its position regarding the current status of enacting a North Korean Human Rights Act. In the opinion, it welcomed the fact that the process is picking up speed by bringing up the bill for discussion to all relevant committees in the National Assembly and submitting it to the legislative subcommittees. In addition, it called for the following issues to be reflected in enacting the law: i) the NHRCK, an independent national human rights institution should be the main agency in charge of a North Korean Human Rights Act; ii) the Act should be established and implemented in a way to effectively protect and promote the human rights of North Korean people; and iii) the North Korean Human Rights Archive under the Act should be under the control of the NHRCK, so that it can effectively serve

for collecting human rights violation cases in North Korea, providing reparations to victims, and conducting human rights education.

2) Establishment of Institutional Foundation for North Korean Human Rights

① The Reporting Center for Human Rights Violations in North Korea and the North Korean Human Rights Documentation Center and Archives

The NHRCK opened the Reporting Center for Human Rights Violations in North Korea and the North Korean Human Rights Documentation Center and Archives with the aim of collecting and documenting the experiences of North Korean defectors over the entire process of their escaping from North Korea and gaining passage to South Korea, and actual cases of human rights violations suffered by North Korean defectors, Korean War prisoners and abductees, and separated families on March 15, 2011.

There have been cases in the private sector to collect testimonies or records of human rights violations suffered by North Korean defectors. However, it is the first time for a national body to systematically collect and manage information about cases of North Korean human rights violations. With the number of North Korean defectors reaching almost 30,000, it is significantly meaningful that a national institution is collecting the information scattered here and there and compiling it into a single database.

Since March 2012, the Centers have documented North Korean human rights violation cases experienced or witnessed by North Korean defectors through surveys conducted with newly entering defectors. They surveyed 619 defectors in 2012, 652 in 2013 and 446 in 2014, totally 1,717 North Korean defectors. The collected data is categorized into violation types and analyzed to develop policy tasks and create promotional videos.

The Commission has also made numerous efforts to raise the general awareness of people, in particular the younger generation, about North Korean human rights issues by creating a promotional video on the UN COI Report that is easy for youth to understand and translating North Korea's 2nd UPR Report.

② Survey on the Public Perception of and Discriminatory Practices against North Korean Defectors

From April to November in 2014, the Commission surveyed how South Korean people perceive North Korean defectors and how many North Korean defectors suffer discrimination with the aim of understanding the perception of the general public in our society about North Korean defectors and discriminatory practices against them, and developing policy improvement measures based on this understanding. A variety of research methods were used including a preliminary study, documentary research, analysis of relevant domestic and international institutions, a case study, a questionnaire survey (given to the general public and friends and neighbors of North Korean defectors), in-depth interviews (North Korean defectors) and general brainstorming for policy identification.

The survey results showed that the majority of the general public in South Korea perceive North Korean defectors not as the equal members of our society but as "North" Koreans and have deep prejudices against them. Also many think it is hard to trust and build close relations with North Korean defectors because they are from the "North", while acknowledging that they (the defectors) are largely discriminated against, particularly in employment. The respondents said that more mutual understanding education and cultural change are what is most necessary to improve perceptions of and reduce discrimination against North Korean defectors. However, not many of them agreed with providing special institutional support to North Korean defectors

beyond basic adjustment training and national basic livelihood security subsidy. In addition, regarding the question of whether to accept North Korean refugees in the case of a mass refugee originating out of North Korea, a majority of respondents said it would be better to selectively accept only some, taking account of South Korea's economic capacity and diplomatic burden, rather than to accept all or none. The majority of respondents wanted to maintain the current level in exchange with or support for North Korea rather than either expanding or reducing.

On the other hand, neighbors or peers at work demonstrated a higher interest in, and sense of intimacy toward North Korean defectors than the general public. According to in-depth interviews with North Korean defectors, 38% of interviewees experienced discrimination in finding a job while about 20% experienced it in their relations with neighbors and 52% in school or work.

The Commission plans to perform necessary policy recommendations by collecting diverse opinions from experts and relevant authorities and organizations based on this survey result.

③ Activities of the Special Committee on the Human Rights in North Korea

The Special Committee on the Human Rights in North Korea (chairperson, Yoon Nam-geun) is an exclusive body in the NHRCK dedicated to responding to important human rights issues of North Korea domestically and internationally.

In 2014, a total of six meetings were held in the Special Committee where the draft North Korean Human Rights Act with related recommendations were developed, and statements on the major human rights issues of North Korea such as the UN COI work and the establishment of the UN North Korean Human Rights Field-based Structure in Korea were prepared and issued. As such, the Special Committee continued to play a proactive role in improving human rights in North Korea.

3) Strengthening International Cooperation

① International Symposium for the Promotion of Human Rights in North Korea⁷⁾

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

In 2014, it held the international symposium under the title of, “the World's Tasks and Strategies to Improve North Korean Human Rights in the wake of the UN COI” at Bundesstiftung zur Aufarbeitung der SED-Diktatur in Berlin in partnership with Freie Universität Berlin (Free University of Berlin) and the Hwa-jeong Peace Foundation of Dong-A News Journal (May 13).

② On-site Investigation Overseas

From the 8th to the 12th of December, the NHRCK conducted on-site investigations in the China–North Korea border areas of the Tumen River basin in order to examine the current status of North Korean defectors in the Three Northeastern Provinces of China, where a number of North Korean defectors reside, and study China's policy toward North Korean defectors.

In addition, it visited Geneva, from the 15th to the 21st of March, to monitor the UN COI report and understand international trends on North Korean human rights issues. It also continued to build and strengthen its cooperative network with major international NGOs including Human Rights Watch.

7) For detailed information, see Chapter 4 Section 2 (International Exchange and Cooperation)

③ Encouraging the International Community's Interest in and Cooperation with North Korean Human Rights Issues

The Commission met the Ambassadors to Korea of the EU, Germany, and Indonesia as well as other important international figures visiting Korea and discussed mutual cooperation and understanding for the promotion of North Korean human rights while strengthening the inter-relationship with the international community.

It also organized gatherings with important international figures engaged with human rights in North Korea including Michael Kirby, Chair of the UN COI, Marzuki Darusman, the Special Rapporteur on the situation of human rights in the DPRK, Frank Heinrich, member of the German Bundestag, and Julie De Rivero, Geneva Director of Human Rights Watch, enhancing cooperative networks and contributing to making North Korean human rights issues an important part of the agenda of the international community.

4) Promoting Domestic Cooperation

① The North Korean Human Rights Forum

Since May 2008, the Commission has operated the North Korean Human Rights Forum whose members include experts on North Korean human rights from academia, the legal community, media, and civil society organizations. The Forum provides a venue for the systematic development of policies on North Korean human rights by promoting communication about major issues and expanding the horizon of their awareness. It has also strengthened the cooperative network with experts on North Korean human rights and encouraged social discussion of various human rights issues.

In 2014, a total of four meetings (once every quarter) were organized. The meetings

dealt with different themes: Evaluating the Implementation of State Policy Recommendations and Future Directions for the Promotion of Human Rights in North Korea at the 22nd meeting (Feb. 21~22); The Implication and Prospect of the UN North Korean Human Rights Field-based Structure in Korea at the 23rd meeting (July 1); Measures to Promote the Fundamental Rights of North Korean Defectors at the Early Stage at the 24th meeting (Oct. 2); and Discussion on Sending Promotional Leaflets to North Korea and the North Korean People's Right to Information at the 25th meeting (Dec. 16).

② Panel and Roundtable Discussions

The NHRCK has organized a number of panel and roundtable discussions to collect the opinions from the related groups and stakeholders on the policy options regarding North Korean human rights issues and build popular rapport.

In detail, four debates were held in 2014 on diverse themes: Debate For Enacting a North Korean Human Rights Act in a Desirable Way (Feb. 5); Debate on the UN COI Recommendations and Strategies for the Promotion of Human Rights in North Korea (Mar. 27); Debate on the Implementation Measures of the UN COI Recommendations (Aug. 27); and Debate on International Trends on North Korean Human Rights and North Korea's Strategy to Respond (Nov. 27).

③ Cooperation with Organizations Working on the Promotion of Human Rights in North Korea

The Commission hosted more than 10 roundtable meetings with domestic and international human rights organizations and experts to share opinions on North Korean human rights issues and discussed improved methods of cooperation. In addition, it continued to make concerted efforts for the promotion of human rights

in North Korea by actively participating in meetings and conferences hosted by human rights organizations.

Notably, it enhanced the cooperation network with NGOs through a number of roundtable meetings including a roundtable with heads of North Korean human rights organizations (Jan. 15), a roundtable with North Korea defectors (Feb. 12), and a roundtable with writers on human rights in North Korea (July 25). It also visited Hana Centers which provide support for new arrivals of North Korean defectors, met North Korean defectors to learn their stories, and listened to difficulties in operating the center from the staff.

2. Featured Project I: Spreading a Culture of Human Rights in Business and Management

A. Overview

With the ever growing transnational business activities and rapidly expanding influence of multinational corporations over the global economy, the issue of business and human rights has become an important global policy agenda since the 1990s. The international community, including the UN and the OECD, has sought a range of measures for the prevention of and remedies for human rights violations by business enterprises, reflecting the heightened social awareness of the influence of businesses regarding human rights.

It is notable that the UN Human Rights Council adopted the Guiding Principles on Business and Human Rights in June 2013. The Guiding Principles cover three main points: the State Duty to Protect Human Rights; the Corporate Responsibility to Respect Human Rights; and Access to Remedy. In addition, a Working Group on the issue

of human rights and transnational corporations and other business enterprises was organized. Among many mandates, this Working Group guides the work of the Forum on Business and Human Rights for the implementation of the Guiding Principles which covers the UN bodies, inter-government bodies, national human rights institutions and business enterprises. The annual Forum on Business and Human Rights, first held in 2012, is the largest global gathering on business and human rights with more than 1,500 participants from more than 100 countries.

In the meantime, the OECD adopted the OECD Guidelines for Multinational Enterprises in 1976 and created a new chapter on human rights in its fifth revision of the Guidelines in May 2011.

As such, the international community, notably international organizations such as the UN and the OECD, has been very active in highlighting the importance of “human rights” in business by performing a variety of activities including organizing forums, presenting best practices, and holding working group meetings with the aim of encouraging business enterprises in the world to respect and comply with international business and human rights standards such as the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises. Integrating human rights in business has become a new challenge for not only multinational corporations but also domestic companies to respect. However, it is regretful that many of Korea’s business enterprises have a low level of awareness of, or interest in the issue of business and human rights. When it comes to business and human rights, many of them still think solely of social contribution activities such as philanthropic donations or volunteer services.

In 2014, the Commission performed diverse activities in reflecting the international trends on business and human rights and expanding the awareness of Korean companies

on the issue to encourage them to practice it in general.

B. Major Activities

1) Recommendations and Opinions on Human Rights Laws and Policies

■ Recommendation on Applying the Guidelines and Checklists on Human Rights Management

The NHRCK established a plan to develop *the Guidelines and Checklists on Human Rights Management* in February 2012 and presented its first draft in May 2013. Finally on January 8, 2014, it published *the Guidelines and Checklists on Human Rights Management* after collecting opinions and feedback from business enterprises in October 2013, and distributed the Guidelines and the Checklists to public corporations, quasi-governmental agencies and 300 listed companies.

In August 2014, it reviewed the current status of integrating human rights in business in public organizations and found their understanding of business and human rights and its implementation measures remained low though some of the requirements have been implemented on the grounds of responsible or ethical management. Given that the majority of public organizations issue sustainable reports which is one of main factors in implementing human rights friendly management, the Commission expected to lay a significant foundation for the implementation of human rights integrated management when specific indexes such as guidelines and checklists are presented.

In this regard, on September 25, 2014, it recommended the heads of 30 public corporations and 87 quasi-governmental organizations to integrate the Guidelines on Human Rights Management, conduct self-evaluations by using the Checklists, and develop improvement measures for deficiencies with the aim of encouraging the public

sector with a great social ripple effect to initiate human rights integrated management.

■ Opinion on the Draft Enforcement Decree of the Act on Compensation and Support for Surrounding Areas of Power Transmission and Distribution Facilities

On May 29, 2014, the NHRCK expressed its opinion to the Minister of Trade, Industry, and Energy on the draft bill of the Enforcement Decree of the Act on Compensation and Support for Surrounding Areas of Power Transmission and Distribution Facilities as follows: i) to organize the examination committee proportionally by appointing a resident or representative of residents as a member of the committee and reducing the proportion of project operators and public officials in central administrative bodies who already account for the majority, so that the opinions of different stakeholders can be fairly and reasonably reflected in examining compensation and support; and ii) to delete the provision of “the person who has professional knowledge or experience of local development and conflict management” from Article 10 (1) iii of the draft bill of the Enforcement Decree.

2) Highlights of Surveys and Studies on Human Rights Conditions

■ Survey on the Current Status of Human Rights Management at SMEs and Policy Improvement Measures

The NHRCK conducted the survey on the current status of human rights management and key challenges at SMEs from May to November with the aim of identifying improvement measures of related laws, policies and institutions for the introduction, practice, and spread of human rights integrated management at SMEs based on the survey result.

The survey team analyzed the differences between human rights management and corporate social responsibility, surveyed the current status at SMEs and presented policy options for the promotion of human rights friendly management at SMEs.

■ Survey for Developing Best Practice Indexes of Human Rights Management

The Commission conducted the research on best practices of human rights management to develop indexes for evaluating and identifying best practices with the aim of raising awareness on business and human rights including the corporate responsibility to respect and protect human rights by assessing human rights management practices at Korean companies and identifying best practices by categories to publicize.

The research team reviewed the existing best practices of human rights friendly management and divided them into policy and implementation system to select 69 indexes in 7 categories: ① 8 indexes in the establishment of human rights management system ② 6 indexes in equal opportunity ③ 6 indexes in labor rights ④ 14 indexes in environmental rights ⑤ 12 indexes in the management of supply chain ⑥ 6 indexes in consumer rights and ⑦ 17 indexes in the rights of local people.

With the above selected indexes, the team graded 114 major Korean companies listed on the Developed Index of the FTSE (Financial Times Stock Exchange), 104 among which are in the KOSPI 200 Index, and identified best practices by categories. The research result was presented to the public on November 5, 2014.

■ Translation of the Guide to Human Rights Impact Assessment and Management and Case Study on the International Practices

The Commission translated *the Guide to Human Rights Impact Assessment and Management*⁸⁾ and conducted the case study on the international practices of human

rights impact assessment in order to establish the infrastructure and raise the public awareness of human rights impact assessment.

The research team analyzed the 4-step process of scoping, assessing, acting & integrating, and tracking & communicating regarding human rights impact assessment, one of 8 key factors of human rights-related activities by reviewing Nestl 's experience assessing human rights impacts in its business activities. The team also introduced the detailed information on how to make best use of the assessment including who should conduct the impact assessment, how to assess the impacts, and how to make best use of the outcome. The research result was presented to the public on November 5, 2014.

3) Highlights of Discussion Meetings

■ Discussion on Human Rights Violations by Korean Companies Overseas

On February 14, 2014, the NHRCK held a panel discussion on human rights violations by Korean companies operating overseas on the occasion of presenting the research report on the issue, with the aim of preventing human rights violations by Korean companies overseas and developing remedial measures.

At the discussion, panels presented different human rights violation cases, mainly caused by the lack of Korean companies' awareness of international human rights standards, their unwillingness to consult with local residents, the operation of unsafe working environment or poor decontamination facilities, the absence of internal

8) This tool is the result of a collaboration between the International Business Leaders Forum (IBLF) and International Finance Corporation (IFC), in association with the United Nations Global Compact. It is designed to be a practical tool that enables companies to identify, understand, and evaluate actual or potential human rights impacts of a project at each stage of development and operations.

communication channels such as grievance procedures, and the lack of supervision by diplomatic office or KOTRA in host countries and debated about effective ways to address human rights violations perpetrated by Korean companies overseas.

■ 1st and 2nd Human Rights Management Forum in 2014

The Commission hosted the 1st and 2nd Human Rights Management Forum in 2014 to identify corporate social responsibility-oriented management at SMEs, create social consensus on human rights management, and establish objectives and action plans, thereby presenting ways that SMEs can voluntarily implement corporate social responsibility.

At the 1st Human Rights Management Forum on June 11, a range of issues were discussed including the scope and cases of corporate social responsibility management at SMEs, differences between big companies and SMEs, challenges at SMEs in implementing corporate social responsibility, ways to encourage SMEs to operate their businesses with social responsibility, having feasible objectives and prioritizing implementing corporate social responsibility in the objectives, and ways to achieve these objectives.

The 2nd Human Rights Management Forum was held on November 25 in partnership with Sogang University. At the Forum, the outcomes of survey on the current status of human rights management at SMEs were presented and related institutional improvement measures were discussed. It is notable that policy improvement options were developed by reviewing the practices and challenges of human rights management at SMEs in the Namdong Industrial Complex in Incheon.

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

A. Overview

The Commission presented policy improvement measures to protect personal information in response to major human rights issues related to ICTs that impacted the entire population, including the massive leakage of personal information from credit card companies, the controversial cyber surveillance on Kakaotalk (a mobile messenger application), surveillance of workers with information devices, and the reform of the resident registration number system through statements, recommendations, and opinions.

It also conducted a survey on the current status of the accessibility of the elderly (aged 60 or older) to information as an attempt to identify institutional improvements for the promotion of the elderly's right to information, given they are the main ICT accessibility disadvantaged group. In addition, it continued to contribute to informing about Korea's current status of ICTs and human rights along with the Commission's activities on this issue to the international community by taking part in the 9th UN Internet Governance Forum and translating and publishing *the ICTs and Human Rights* in English.

The NHRCK also actively participated, and presented its opinions in a number of international and domestic conferences discussing a range of issues including foreign intelligence surveillance, ICT companies' excessive collection of personal information, surveillance on the freedom of expression, and information disparity, and continued to closely monitor important human rights issues in ICTs.

B. Major Activities

1) Recommendations and Opinions on Human Rights Laws and Policies

■ Recommendation on Amending the Protection of Communication Secrets Act for the Better Protection of Personal Information during Investigations

Since 2008, the amount of communication confirmation data provided to investigative agencies has been steadily increasing whereas the personal information of about 15% of the population is provided by telecommunication companies to investigative agencies without their knowledge. The Protection of Communications Secrets Act requires the permission from the competent district court for the acquisition of communication confirmation data. However, the term “when it deems necessary to conduct any investigation or to execute any punishment” as requirements for permission has been criticized as being too ambiguous to prevent investigative agencies from abusing it or to promote the protection of privacy.

In this regard, the Commission recommended the Minister of Science, ICT and Future Planning to amend related legislation in order to strengthen the protection of personal information during the investigation process on February 10, 2014. The recommendations are as follows: i) to include the name, address, and resident registration number of users in “communication confirmation data” and to require court permission for access; ii) to strengthen requirements for access to the communication confirmation data by adding two other requisites such as, ‘relevance to the crime’ and, ‘relatedness of the required material to the case’ on top of the ‘need for investigation’ which is the sole existing requirement for a warrant; and iii) to require investigative agencies to prove that the real-time location data is the only option available for investigation when requiring such data.

However, the Ministry of Science, ICT and Future Planning expressed its refusal to accept the recommendations, by reasoning that investigative agencies are against the strengthening of requirements for access to communication data and communication confirmation data as it will take more time and thereby may hinder investigations, and that an amendment bill was under discussion at the National Assembly on July 9, 2014. The NHRCK publicly announced the Ministry's non-acceptance of its recommendation on September 1, 2014.

■ Recommendation on Amending the Financial Holding Companies Act

Financial institutions collect anywhere from 20 to 50 pieces of personal information items including resident registration numbers and for the past three years from 2011 to 2013, about 15.4 billion information items were shared amongst them. In addition, more than 100 million personal information items have been leaked from 19 financial institutions for the last five years, raising severe concerns over the protection of personal information and the needs for fundamental institutional improvements on collecting, and using, personal information as well as for the revision of Article 48-2 of the Financial Holding Companies Act which allows personal information to be provided and shared by financial holding companies.

After reviewing the provision, the NHRCK found that Article 48-2 of the Financial Holding Companies Act, which allows financial holding companies and their affiliates to share clients' personal information for the purpose of using it in operating their business including marketing, may have legitimate intents of legislation in facilitating the business process and enhancing financial competitiveness, however it undermines the right of self-determination for personal information guaranteed by the Constitution for the following reasons: sharing personal information can be achieved

with the consent of the individual who owns the information; it cannot meet the principle of minimizing damage as the term, “for the purpose of using it in operating the business” is ambiguous in its application scope or limitation, making personal information possible to be used too comprehensively, including for the purpose of marketing, without the individual who owns the information knowing to which extent his/her information is distributed.

In this regard, the Commission on April 28, 2014, recommended the Financial Services Commission to amend Article 48-2 of the Financial Holding Companies Act to restrict the purpose of use to only managing the business such as managing credit risk, not operating the business; and to enhance the guarantee of the right of the individual who owns the information to determine the use of personal information in providing and sharing personal information as well as strengthening punishment for non-compliance.

Later the NHRCK understood the fact that the partial amendment bill of the Act, except the provision to require financial holding companies to delete any information requested by the client to be deleted, was submitted and passed by the National Assembly as its recommendations were partially accepted.

■ Recommendation on Improving Resident Registration Number System

The Commission reviewed policy improvements for the overall reform of the resident registration number system, given that the majority of people have had their resident registration number exposed due to a number of personal information leakage incidents.

After the review, it found that the biggest problem of the existing resident registration number system is that the number given to an individual never changes for a life time and it is utilized in every sector. In this regard, it understood that

to mitigate the negative side effects of resident registration number which is invariable and versatile at the same time, the use of resident registration number should be limited to administrative affairs, a different identification system for different purposes should be introduced, and the use of the resident registration number in the private sector should be minimized.

Moreover, the NHRCK concluded that a new resident registration number has to be provided given that the resident registration number of the majority of people were exposed and when providing new resident registration number, it would be appropriate to form the number with random digits in order to protect personal information such as birth date, gender, and region of origin, which are included in the current number system while allowing for change of the number in preparation for the leakage of private information.

In this regard, for the overall reform of the resident registration number system, on May 26, 2014, the NHRCK recommended to the Prime Minister to limit the use of resident registration number only to administrative and legal administrative affairs, introduce a different identification system for different purposes, and revise related legislations to minimize the use of resident registration number in the private sector. At the same time, it made recommendations to the Speaker of the National Assembly to make efforts for an amendment of the Resident Registration Act to adopt new numbers composed of random digits, devise a procedure for change, and prohibit the use of the number for other purposes.

The Prime Minister replied that he will examine options to introduce various identification systems, besides the current resident registration number, and prepare measures to minimize the use of resident registration number. However, the Commission found the reply is not enough to protect personal information as the

suggested review plan is abstract and does not cover the prohibition of the use of resident registration number except for resident registration administrative affairs and legal administrative affairs. Moreover, it concluded that the reply from the Speaker of the National Assembly to encourage the relevant committee to consider its recommendations and review the related legislations lacks substantiation and clarity. Therefore, on January 8, 2015, the NHRCK publicly announced the partial non-acceptance of its recommendations by the government and the National Assembly.

■ Recommendation on Institutional Improvement of the Current Fingerprint Information Collection Practices

The Commission surveyed the current practices of financial institutions and telecommunication companies' saving photo copies of resident registration cards, finding they usually collect fingerprint information by making photocopies of both sides of an identification card as a procedure of identification in opening a new account, issuing an authentication certificate, or joining a membership club. The practice of collecting a photo copy of an ID card for identification was also widely found in both public and private organizations.

In this regard, the NHRCK concluded that the practice of collecting and saving fingerprint information without encoding it, as part of an identification process, causes excessive restriction over the consumers' right to have their personal information kept private and that making a photocopy of one's fingerprint and saving the information without the consent of the service user, and even refusing to delete held information, likely violates the Personal Information Protection Act and the Act on the Promotion of Information and Communications Network Utilization and Information Protection, etc., given the special nature of biometric information such

as a fingerprint which represents individual authenticity and identification.

Therefore, on August 21, 2014, the Commission recommended the Minister of Security and Public Administration (the current Minister of Government Administration and Home Affairs), Chairperson of Financial Services Commission, and Chairperson of Korea Communications Commission to direct, and supervise the disposal of fingerprint information collected and saved in a process of photocopying an ID card, take disciplinary action for non-compliance after the grace period, and amend the related legislation.

■ Recommendation on Institutional Improvement for Guaranteeing the Accessibility of the Elderly to Information

With the development of new IT technologies, the access to information has become recognized as a fundamental right determining the quality of life. The government is obliged to strive to reduce digital information disparity and stipulates related support, content development and education for narrowing information disparity by the Framework Act on National Informatization. However, the survey on the current status of the elderly's access to information, conducted by the Commission's Monitoring Group on the Rights of the Elderly, showed that in practice, the elderly's use of and access to information remains to be at a relatively low level.

In this regard, on December 18, 2014, the NHRCK recommended the Minister of Science, ICT and Future Planning to come up with plans and policy improvements for the development of the user-oriented devices, interface and contents easily accessible by the elderly, while recommending the Minister of Science, ICT and Future Planning, Minister of Government Administration and Home Affairs, Minister of Health and Welfare, and heads of metropolitan local governments to establish a public/private partnership to provide more effective ICT education for the elderly.

■ Opinion on the Partial Amendment Bill of the Resident Registration Act

The Ministry of Security and Public Administration asked the Commission's opinion on the partial amendment bill of the Resident Registration Act to allow for the change of resident registration number, which was announced for legislation by the Ministry.

After reviewing the bill, the NHRCK concluded that one of the requirements for a change of resident registration number, that is “those who are acknowledged to have grave damage”, is ambiguous in its definition of ‘graveness’, and it is inappropriate to apply the legal remedy differently according to the amount of property damage, in particular, given that a series of financial frauds continues due to the fact that the resident registration numbers of most of the population have been exposed, and the unlawful leakage and trading of personal information has yet to be eliminated.

On October 23, 2014, it expressed its opinion that changing only a few digits from the original resident registration number and providing a special digit with the reason prescribed for victims of violence against women not only undermines one's privacy and the right to keep personal information private, but also is likely to cause a corresponding social labeling effect, though the legitimacy of intent and purpose of allowing these victims to change their resident registration number is understood. In this regard, the Commission recommended the Ministry to use random numbers which do not reveal any personal information.

■ Opinion on Guaranteeing the Accessibility of the Elderly and other Information Disadvantaged Groups to Culture, Leisure, Sports and Transportation Services

Understanding that with the expansion of internet-based work process both in the public and private sectors, a new type of discrimination takes place against the information disadvantaged groups such as the elderly who either do not or cannot

use the internet, the NHRCK, on November 27, 2014, expressed its opinion that a variety of alternative options should be introduced in accessing culture, leisure, sports facilities, and transportation services to prevent discrimination against information disadvantaged groups including the elderly. These options include allowing them to purchase on site or separately allocating a share for on-site purchase.

■ Statement Calling for Better Protection of Personal Information Right after a Massive Leak of Personal Information

Regarding the massive leak of personal information collected and stored by the top three credit card companies, the NHRCK issued an urgent statement on January 27, 2014.

In its statement, the Commission expressed its regret that such a massive leak of personal information repeatedly occurred despite a series of its recommendations and opinions calling for the better protection of personal information and suggested structural improvements including the improvement of real name-based personal information processing practices, the amendment of related legislation such as establishing procedures to allow for a change of resident registration number and introducing a new resident registration number system with random digits, an alteration of the practices of companies' collecting excessive personal information and forcing clients to consent to said collection, and the thorough inspection on the collection, distribution, and management of personal information.

2) Highlights of Conferences the Commission Hosted or Participated in

■ 9th UN Internet Governance Forum

At the 9th UN Internet Governance Forum (Sept. 2014, Turkey), more than 150 issues were discussed under one overarching theme of connecting continents for enhanced multistakeholder internet governance and 8 sub-themes: policies enabling access; content creation, dissemination and use; internet as an engine for growth & development, IGF & the future of the internet ecosystem; enhancing digital trust; internet and human rights; critical internet resources; and emerging issues.

The NHRCK participated in the 2014 IGF and successfully fulfilled its role of governance bridging by performing policy consultations with domestic government bodies including the Ministry of Science, ICT and Future Planning, research institutions, and civil society organizations. It also built an international network to cooperate in hosting meetings at the 2015 Asia-Pacific Regional IGF. In addition, it enhanced exchange and cooperation with NHRIs in New Zealand and Denmark and delivered information on its activities including *the ICTs and Human Rights* report, contributing to heightening the international status of the Commission.

■ Panel Discussion on the Improvement of Investigative Agencies' Practices of Collecting Personal Information

Regarding the issue of telecommunication companies' providing their subscribers' personal information to investigative agencies, such as Kakaotalk surveillance, which raised a serious question regarding the violation of privacy in cyberspace, the Commission hosted a panel discussion on December 22, 2014 to identify challenges and develop improvements.

Despite its recommendation on the amendment of the Protection of Communications Secrets Act (Feb. 10, 2014), investigative agencies' internet surveillance and seizure of communication data and communication confirmation data or telecommunication companies' providing such data to investigative agencies have been steadily increasing. At the discussion, panels from academia, the legal community, internet enterprises, and civil society discussed and presented possible improvement measures of related institutions. They also debated on ways to improve upon the current practice of providing CCTV footage and personal information to investigative agencies without the consent of the information holder or the need for a warrant, but simply upon the request of investigative agencies under the Personal Information Protection Act.

3) *The ICTs and Human Rights Translated and Published in English*

In January 2013, the NHRCK published *the ICTs and Human Rights* report, which was first of its kind in the world. The Report received copious attention from experts at home and abroad, and there were numerous demands for an English translation of the Report.

Therefore, the Commission translated and published *the ICTs and Human Rights* in English in November 2014 and distributed it to domestic and international experts, NHRIs in New Zealand and Denmark, related foreign agencies including the personal information protection bodies in France and Canada, and domestic and international civil society organizations engaged with ICTs and human rights issues. In addition, it distributes the report whenever its commissioners or staff members take part in international conferences, thereby informing about its activities and enhancing its status in the international community.

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

National Human Rights Commission of Korea Annual Report 2014

Section 1. Overview

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

The scope of its investigations includes violations of, and/or discriminatory acts against human rights as stipulated in Articles 10 to 22 of the Constitution of the Republic of Korea, and discriminatory acts committed by legal entities, organizations, or individuals, in relation to the work of governmental organizations⁹⁾, local governments; schools¹⁰⁾, public service-related organizations¹¹⁾, or correctional/institutional group care facilities.

In general, investigations into the aforementioned human rights violations, and/or discriminatory acts, begin with the victim filing a complaint. Complaints can be filed by the victims themselves or by a third party, e.g., an individual or an organization with knowledge of the case. Also, in-person complaints¹²⁾ are utilized for people whose

9) However legislation of the National Assembly and trials of the courts and the Constitutional Court are excluded.

10) Schools that are installed in accordance with Article 2 of the Elementary and Secondary Education Act and Article 2 of the Higher Education Act, etc.

11) Public service-related organizations that are stipulated in Article 3-2 (1) of the Public Service Ethics Act.

12) In-person complaint: Pursuant to Article 31 (2) and (4) (Guarantee of Petition Right of Detainee

right to file a complaint is difficult to protect as they are being held in custody in a detention or protective facility and have difficulties to file a petition in writing or by a phone call.

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

Pursuant to Article 48 of the National Human Rights Commission Act, the NHRCK can recommend urgent relief measures in cases that it deems it is highly probable that a human rights violation or any discriminatory act subject to investigation is in progress, and that it is likely to cause irrecoverable damage if left as violated.

In order to enhance the promptness of, and access to, remedy through the procedure for complaints, the Commission offers counseling desks of counselors and executive counselors who provide exclusive reception and counseling services. It also tries to make a variety of efforts to improve the quality, expertise, effectiveness, and fairness of its counseling service and complaint processing procedures to provide remedies for the victims of human rights violations or discriminatory practices.

of Detention or Protective Facility), if a detainee of any relevant detention or protective facility intends to file a petition to the Commission in the presence of a commissioner or the staff member of the Commission, it shall have a commissioner or its staff member visit the related detention or protective facility to receive an oral or written petition from the detainee.

[Table 2-2-1] Complaints, Counseling Cases, Inquiries and Civil Petitions Received in 2014
(Unit: times, case)

	Total (complaints, counseling cases, inquiries and civil petitions)	Complaints Received	Human Rights Violations			
			Received	Closed	Received	Closed
Cumulative Total	632,446	89,222	68,259	65,878	18,792	18,199
2014	82,079	10,911	8,695	8,097	2,198	2,218
2013	82,234	10,056	7,457	7,453	2,496	2,858
2012	69,791	9,582	6,946	6,938	2,549	2,559
2011	58,728	7,357	5,425	5,158	1,803	1,898
2010	60,736	9,168	6,460	6,264	2,681	2,108

* Cumulative Total: Nov. 25, 2001~Dec. 31, 2014

* The number of cases received may increase when one case is divided into two or more cases after reception.

Section 2. Human Rights Counseling and Complaint Filing

In 2014, the NHRCK received 10,911 complaints, 34,546 counseling cases, and 36,622 civil petitions and inquiries (for instructional information regarding investigations, the filing process and other organizations governing the case), which shows an 8.5% increase (855 cases) in complaints alongside a 2.7% decrease (962 cases) in counseling cases and 0.1% decrease (48 cases) in civil petitions and inquiries, respectively, compared to the previous year.

[Table 2-2-2] Complaints, Counseling Cases, Inquiries and Civil Petitions by Year
(Unit: case)

Year	Complaints	Counseling Cases	Civil Petitions/Inquiries	Total
Cumulative Total	89,222	236,629	306,595	632,446
2014	10,911	34,546	36,622	82,079
2013	10,056	35,508	36,670	82,234
2012	9,582	29,267	30,942	69,791
2011	7,357	25,303	26,068	58,728
2010	9,168	24,772	26,796	60,736

* Cumulative Total: Nov. 25, 2001~Dec. 31, 2014 (Counseling cases include in-person counseling for complaints)

1. Human Rights Counseling

A. Counseling

Since its foundation to 2014, the Commission performed a total of 236,629 counseling cases with 34,546 cases in 2014, showing a slight decrease compared to the previous

year. Among 34,546 counseling cases in 2014, counseling on human rights violation accounted for 40.1% while on discriminatory acts for 8.6%, others for 47.9%, and in-person counseling for complaints accounted for 3.4%. Counseling cases on others include cases on the infringement of property rights, violations between individuals, legislation at the National Assembly, or trials at court.

[Table 2-2-3] Counseling by Year

(Unit: case, %)

	Cumulative Total		Human Rights Violations		Discriminatory Acts		Others		In-Person Complaints Resulting in Counseling	
Total	236,629	100.0	87,092	36.8	20,829	8.8	106,517	45.0	22,191	9.4
2014	34,546	100.0	13,859	40.1	2,974	8.6	16,531	47.9	1,182	3.4
2013	35,508	100.0	13,787	38.8	2,978	8.4	17,421	49.1	1,322	3.7
2012	29,267	100.0	11,823	40.4	2,529	8.6	13,549	46.3	1,366	4.7
2011	25,303	100.0	8,957	35.4	2,293	9.1	12,692	50.1	1,361	5.4
2010	24,772	100.0	8,806	35.6	2,141	8.6	11,825	47.7	2,000	8.1

* Cumulative Total: Nov. 25, 2001~Dec. 31, 2014.

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

B. Counseling on Human Rights Violations

The analysis of counseling on human rights violations by entity shows that counseling cases on human rights violations at schools have risen every year from 453 cases in 2011 to 868 cases in 2012 (almost doubled) and 931 cases in 2014.

It seems to be resulted from the fact that private schools have been included in the scope of its investigations since the revision of the National Human Rights Commission Act on March 21, 2012 and youth issues such as school violence, suicide,

bullying, and cases of social outcasts in schools have become serious social issues recently. In response to the increasing needs, the Commission established an exclusive team on the human rights of children and youths in August 2014.

On the other hand, counseling in group care facilities has consistently increased reflecting the heightened concerns over the human rights of people being held in mental health facilities thanks to a range of efforts by the Commission: i) the NHRCK has been very active in investigating related complaints, ii) it has distributed standard complaint boxes to group care facilities across the country since 2008; iii) education for employees in group care facilities has been expanded; iv) it launched the “National Report on the Protection of Human Rights of Persons with Mental Disabilities” in 2009. The number of counseling cases in group care facilities has seen a rapid increase since 2010, however, in 2014 it decreased about 1.7% compared to the previous year.

[Table 2-2-4] Counseling on Human Rights Violations by Entity and Year

(Unit: case)

Year	2010	2011	2012	2013	2014
Total	8,806	8,957	11,823	13,787	13,859
Prosecution	392	291	339	323	282
Police	2,368	1,849	2,021	2,236	2,236
National Intelligence Service	13	12	15	26	6
Special Judicial Police	10	—	—	—	—
Local Governments	717	679	666	573	673
Judiciary Institutions	206	140	194	180	154
Legislative Institutions	5	1	1	4	5
Other National Institutions	688	568	565	583	630
Detention Facilities	243	219	232	325	266

Group Care Facilities	3,250	4,119	5,774	7,591	7,463
Protective Facilities	7	—	—	—	—
Military	254	337	366	337	502
Schools	334	453	868	815	931
Public Service—Related Organizations	—	—	300	350	378
Immigration office, etc.	—	53	65	48	38
Other	319	236	417	396	295

* The number of in-person complaints resulting in counseling is not included.

C. Counseling for Discriminatory Acts

Counseling on disabilities has seen the largest number with 36% of the total number of counseling cases on discriminatory acts in 2014. Counseling on sexual harassment, which has been on the rise since 2010, ranks next with 27.5%, followed by social status-based discrimination (7.2%) and age-based discrimination (5.2%).

[Table 2-2-5] Counseling on Discrimination by Reason and Year

(Unit: case)

Category	2010	2011	2012	2013	2014
Total	2,141	2,293	2,529	2,978	2,974
Gender	39	61	68	78	72
Religion	11	22	15	11	17
Disability	851	833	937	1,112	1,072
Age	217	142	158	197	155
Social Status	136	157	198	231	213
Place of Origin	9	8	14	10	18
Country of Origin	78	55	42	64	69
Ethnicity	2	3	2	5	3

Appearance	27	27	27	39	55
Marital Status	8	16	8	11	12
Pregnancy/Delivery	34	31	45	45	47
Family Status	15	15	16	17	23
Race	1	2	4	8	5
Skin Color	2	—	2	4	2
Ideology	6	5	4	3	6
Criminal Record	16	22	42	44	39
Sexual Orientation	—	4	4	5	12
Medical History	63	67	71	75	83
Academic background	31	28	30	38	24
Sexual Harassment	491	661	602	764	819
Other	104	134	240	217	228

* The number of in-person complaints resulting in counseling is not included. However, the complaints filed after counseling are counted.

2. Reception of Complaints

The NHRCK has received a total of 89,222 complaints since its establishment in November 2001. 68,259 (76.5%) cases are related to human rights violations, 18,792 (21.1%) to discrimination and 2,171 (2.4%) to other reasons. In 2014, 8,695 (79.7%) cases were related to human rights violations and 2,198 (20.1%) to discrimination. In 2010, the number of complaints had an especially drastic increase as disability right organizations filed almost 800 complaints together and the Torture Reporting Center was temporarily operated in 2010. Since 2012, when private schools and public service-related organizations began to be included into the scope of the Commission's investigations, the total number of complaints has shown a steady increase.

[Table 2-2-6] Complaint Filing by Year

(Unit: case, %)

	Total		Human Rights Violations		Discriminatory Acts		Others	
Cumulative Total	89,222	100.0	68,259	76.5	18,792	21.1	2,171	2.4
2014	10,911	100.0	8,695	79.7	2,198	20.1	18	0.2
2013	10,056	100.0	7,457	74.2	2,496	24.8	103	1.0
2012	9,582	100.0	6,946	72.5	2,549	26.6	87	0.9
2011	7,357	100.0	5,425	73.7	1,803	24.5	129	1.8
2010	9,168	100.0	6,460	70.5	2,681	29.2	27	0.3

* Cumulative Total: Nov. 25, 2001~Dec. 31, 2014

* The number of cases received may increase when one case is divided into two or more cases after reception.

3. Circuit Counseling

The Commission conducted a total of 9 circuit counseling sessions in 2014. Circuit counseling is a kind of on-site counseling to provide quick and effective one-stop counseling services, including receiving complaints if necessary. Starting from the on-site counseling for persons with disabilities in Cheongju, North Chungcheong Province, on April 18, the NHRCK visited the Tapgol Park in Seoul, the Red Cross (Incheon), the National Medical Center, Seoul Olympic Parktel, Bucheon (Gyeonggi Province), and Wonju (Gangwon Province) and provided counseling services in cooperation with a variety of NGOs. It also established and enhanced the partnership with related organizations.

4. In-Person Complaints

Article 31 of the National Human Rights Commission Act guarantees that people being held in detention facilities, or group care facilities, have the right to personally meet the commissioner, or a staff member of the Commission, and file an oral or written complaint. Out of 46,120 in-person complaints, filed from people in detention facilities or group care facilities from November 2001 to December 2014, 45,902 cases were closed and 218 cases are underway. Of the closed in-person complaints, 12,259 cases (26.7%) were received as complaints, with 22,191 cases (48.3%) closed during counseling and 11,452 cases (25.0%) withdrawn by the complainants.

[Table 2-2-7] In-Person Complaints by Year

(Unit: case, %, day)

	Carried over from previous year	Com – plaints Sub – mission	Closed								Average Process – ing Time
			Subtotal		Withdrawn		Complaints		Complaints Resulting in Counseling		
Cumula – tive Total		46,120	45,902	100.0	11,452	25.0	12,259	26.7	22,191	48.3	
2014	218	2,873	2,830	100.0	961	34.0	687	24.3	1,182	41.7	20.7
2013	202	3,068	3,095	100.0	992	32.0	781	25.3	1,322	42.7	22.3
2012	201	3,070	3,069	100.0	989	32.2	714	23.3	1,366	44.5	27.9
2011	139	3,117	3,055	100.0	1,019	33.4	675	22.1	1,361	44.5	20.9
2010	106	3,949	3,916	100.0	1,129	28.8	787	20.1	2,000	51.1	19.9

* Cumulative Total: Nov. 25, 2001~Dec. 31, 2014

5. Civil Petitions and Inquiries

As an exclusive national human rights institution, the NHRCK not only performs its mandate of receiving, processing, and investigating complaints, but also responds to various civil petitions and inquiries. For the cases that the Commission is not able to process as complaints under the National Human Rights Commission Act, it endeavors to help the petitioners by introducing them to other remedial procedures, as prescribed by other laws, guiding them to related entities or organizations and providing legal advice.

Civil petitions are, in most cases, matters regarding human rights violations between individuals, violence of speech on the Internet, credits and liabilities between individuals, and inquiries on remedies for administrative actions. In 2014, out of a total of 14,292 civil petitions, 7,275 cases (50.9%) were received through the Internet (the NHRCK's official website or e-mail) and 4,940 cases (34.6%) via postal mail or fax, and 2,036 cases (14.2%) through *Shinmungo* (literally meaning big drum, a general citizens' online portal for announcing grievances or e-People).

[Table 2-2-8] Civil Petitions Received by Entity and Year

(Unit: case, %)

	Total		Postal Mail/fax		Internet		Presidential Secretariat		<i>Shinmungo</i>		Other	
Cumulative Total	114,092	100.0	30,756	27.0	69,123	60.6	584	0.5	13,349	11.7	280	0.2
2014	14,292	100.0	4,940	34.6	7,275	50.9	14	0.1	2,036	14.2	27	0.2
2013	13,222	100.0	3,321	25.1	7,018	53.1	15	0.1	2,839	21.5	29	0.2
2012	12,212	100.0	3,017	24.7	6,844	56.0	57	0.5	2,263	18.5	31	0.3
2011	10,974	100.0	2,809	25.6	6,575	59.9	26	0.2	1,536	14.0	28	0.3
2010	11,371	100.0	2,680	23.6	7,046	62.0	40	0.4	1,567	13.8	38	0.3

* Cumulative Total: Nov. 25, 2001~Dec. 31, 2014

Section 3. Investigations and Remedies: Human Rights Violations

1. Reception and Processing of Complaints

A. Reception of Complaints

In 2014, the NHRCK received a total of 8,695 complaints on human rights violations, which is an increase of 1,238 cases (16.6%) compared to the previous year. The number of complaints on human rights violations has been on the rise with slight annual fluctuations. In particular, for the past three years up to 2014, complaints related to human rights violations by group care facilities, local governments, public service-related organizations, prosecution and police have consistently increased. Also, it is notable that in 2014 the number of complaints regarding human rights violations in the military showed a drastic increase by 41 cases (29.1%), compared to the previous year, due to repeated human rights violations in the military.

[Table 2-2-9] Complaints on Human Rights Violations Filed Against Entities by Year
(Unit: case)

Year	Subtotal	Prosecution	Police	Detention Facilities	National Intelligence Service	Military	Other National Institutions	Protective Facilities	Judiciary Institutions	Legislative Institutions	Local Governments	Immigration Office etc	Schools	Public Service-Related Organizations	Others
Total	68,259	2,391	14,189	22,250	225	1,392	6,142	13,693	916	56	3,224	118	1,803	542	1,318
2014	8,695	187	1,540	1,629	11	182	392	3,456	83	3	385	18	490	230	89
2013	7,457	157	1,330	1,688	16	141	315	2,728	74	6	343	23	412	179	45
2012	6,946	147	1,221	1,731	16	184	424	2,115	85	0	335	27	480	133	48
2011	5,425	139	1,107	1,360	15	132	530	1,555	71	3	247	40	199	0	27
2010	6,460	234	1,582	1,885	17	116	486	1,372	156	14	295	10	218	0	75

* Total: Nov. 25, 2001~Dec. 31, 2014. The statistics in the table may differ from the previous statistics due to revision of errors.

B. Processing of Complaints

Over the past three years, the number of closed cases of complaints on human rights violations has steadily increased from 6,938 cases in 2012 to 7,453 in 2013 and 8,097 in 2014. It is understood that the increased number of complaints closed was influenced by the increased number of complaints received and the enhanced capacity and higher efficiency in processing complaints by the increased expertise of investigators.

The number of cases admitted saw a slight decrease, by 329 (8.6%), compared to the previous year. Among them, 21 cases were accused, 2 were recommended of disciplinary action, 76 of remedial action, 229 of consensual settlement, and 1 of legal aid request. In particular, the number of accusation and request for criminal investigation cases jumped from the previous year due to serious human rights violations in group care facilities for severely disabled people.

[Table 2-2-10] Complaints on Human Rights Violations by Resolution and Year
(Unit: case)

Year	Received	Closed	Admitted								Not Admitted			
			Subtotal	Accusation & Request for Criminal Investigation	Recommendation for Disciplinary Action	Urgent Relief	Recommendation for Settlement	Consensual Settlement	Legal Aid Request	Mediation	Rejected	Transferred	Dismissed	Suspended
Cumulative Total	68,259	65,878	3,175	107	92	10	1,731	1,213	18	4	41,341	1,054	19,854	454
2014	8,695	8,097	329	21	2	0	76	229	1	0	5,174	49	2,495	50
2013	7,457	7,453	360	1	2	0	113	242	2	0	4,543	18	2,511	21
2012	6,946	6,938	264	2	1	1	155	103	2	0	4,392	22	2,229	31
2011	5,425	5,158	260	6	4	0	130	117	2	1	2,935	35	1,908	20
2010	6,460	6,264	331	6	3	1	198	122	1	0	3,907	130	1,831	65

* The number of closed cases: the number of cases received and closed in the year + the number of cases carried over from the previous year and closed in this year

* Total: Nov. 25, 2001~Dec. 31, 2014. The statistics in the table may differ from the previous statistics due to the revision of errors.

Of the 5,174 rejected cases in 2014, 3,956 (76.5%) were voluntarily withdrawn while 615 (11.9%) were rejected as they were deemed not to fall within the scope of the matters subject to investigations by the Commission, 154 (3%) were either under remedial procedures or closed by other authorities, 136 (2.6%) were filed after the time limitation of the Commission, and 313 (6%) were deemed to have no reason for complaining or considered inappropriate for the Commission to investigate. Among the withdrawn cases, which account for the majority of the rejected cases, many were withdrawn because the facts causing the complaint were resolved after filing to the Commission or the complainants did not desire the continuation of the investigation.

By entity, the NHRCK resolved 1,556 cases (including cases carried over from the previous year) on detention facilities and 3,248 cases (including cases carried over from the previous year) on group care facilities. It also closed 1,320 complaints related to police matters and 495 cases related to schools in 2014.

[Table 2–2–11] Complaints on Human Rights Violations by Entity and Resolution in 2014
(Unit: case)

	Received (A)	Closed (B)	Admitted								Not Admitted				Under Investigation	%
			Subtotal	Accusation & Request of Criminal Investigation	Recommendation for Disciplinary Action	Urgent Relief	Recommendation of Settlement	Legal Aid Request	Consensual Settlement	Mediation	Rejected	Transferred	Dismissed	Suspended		
No. of Case	8,695	8,097	329	21	2	0	76	1	229	0	5,174	49	2,495	50	2,360	100
%	—	100	4.1	0.3	0	0	1.0	0	2.8	0	63.9	0.6	30.8	0.6	—	—
Prosecution	187	156	3	0	0	0	3	0	0	0	93	7	52	1	61	2.2
Police	1,540	1,320	45	0	0	0	7	0	38	0	616	16	613	30	543	17.7
Detention Facilities	1,629	1,556	8	2	0	0	4	0	2	0	926	18	603	1	416	18.7
National Intelligence Service	11	13	0	0	0	0	0	0	0	0	12	0	1	0	4	0.1
Military	182	138	12	0	0	0	5	0	7	0	89	2	32	3	77	2.1
Other National Institutions	392	360	6	0	0	0	4	0	2	0	244	0	108	2	142	4.5
Protective Facilities	3,456	3,248	212	18	2	0	36	1	155	0	2,315	4	710	7	692	39.8
Judiciary Institutions	83	70	2	0	0	0	2	0	0	0	53	0	13	2	25	1.0
Legislative Institutions	3	4	0	0	0	0	0	0	0	0	3	0	1	0	0	0
Local Government	385	423	10	0	0	0	6	0	4	0	257	1	154	1	137	4.4
Immigration Office, etc.	18	12	1	1	0	0	0	0	0	0	8	0	3	0	9	0.2
Public Service—Related Organizations	230	231	8	0	0	0	2	0	6	0	162	0	61	0	96	2.7
Schools	490	495	22	0	0	0	7	0	15	0	332	1	137	3	156	5.6
Others	89	71	0	0	0	0	0	0	0	0	64	0	7	0	2	1.0

2. Highlights of Complaints on Human Rights Violations

A. Central Government Entities and the Military

■ Recommendation on the Improvement of the Practices of Posting Personal Information at the Main Entrance of Apartments

Regarding the complaint claiming that the complainant's privacy was infringed by an employee of XX city's Vehicle Registration Office's posting a summons at the main gate of the complainant's apartment, the NHRCK concluded that posting the announcement where the complainant's name, address, vehicle number and the charge of uninsured driving were written at the gate of the complainant's residential area, so that a third party could see it, was in violation of the Public Service Regulations of Special Judicial Police and infringed on the right to privacy guaranteed by the Constitution (Article 17), especially when there were other possible ways of conducting the work, while ensuring the protection of the complainant's personal information and privacy, such as post-mailing the summons.

Therefore, the Commission recommended the director of the XX district prosecutors' office to develop improvements on the practices of special judicial police posting a summons at a summoned person's residential area and to conduct human rights education, pertaining to the protection of personal information, in the case of summoning people on April 7, 2014. The defendant accepted the recommendation.

■ *Suo Moto* Investigation on Cases of Violence and Sexual harassment in the Military

A civil society organization, working on human rights in the military, filed a complaint to the NHRCK on behalf of a victim (a private soldier) for verbal abuse,

violence, cruel treatment, and sexual harassment by his senior soldiers in the military from October 2012 to April 2013. After the initial assessment, the Commission found that there is high probability that additional human rights violations have been committed in the unit by identifying chronic ill practices in the unit, and if so, it is a grave concern. In this regard, on October 31, 2013, it launched a *suo moto* investigation, pursuant to Article 30 of the National Human Rights Commission Act.

Through the investigation, the NHRCK confirmed that the victim concerned was several times physically and verbally abused, including instances of sexual harassment, by three senior soldiers for the reason of poor work while he was dispatched to, and serving as a medic in, X Company, XX Regiment, X Division from November 2012 to January 2013. It concluded that such acts by the senior soldiers were in violation of Article 15 of the Public Service Regulations of Soldiers (prohibition of personal punishment) and Article 62 (cruel conduct) and Article 92-3 (quasi-rape, quasi-molestation) of the Military Criminal Act, and thereby infringing upon the right to human dignity and personal liberty guaranteed respectively by Article 10 and Article 12 of the Constitution.

In addition, the Commission found that no complaint box, through which soldiers could anonymously report difficulties and grievances, was installed in the unit and that the specific monitoring and supervision system was insufficient in terms of roll call of the dispatched medics, the coordination system with the assigned unit, the responsibility of the assigned unit and the dispatching unit, and the change-over of work after an army surgeon leaves work.

Therefore, the NHRCK requested the Public Prosecutor General to take up criminal investigations of the two perpetrators¹³⁾, who were discharged without any disciplinary

13) At the time of investigation, one was already accused and the trial was underway.

measures taken, and recommended the Minister of National Defense to establish related regulations and manuals to strengthen the management and supervision system of dispatched soldiers for the prevention of a recurrence of similar cases on May 1, 2014. The Ministry of National Defense accepted the recommendation.

■ Recommendation on the Provision of Personal Information of Civil Petitioner without Consent to the Opponent

A complainant filed a complaint to the Commission saying that a public official in the Ministry of Science, ICT and Future Planning, by leaking a closed civil petition, regarding XXX company's evaluation system on online comments about local information the complainant submitted to the Ministry through the Shinmungo system, back to XXX, the recipient of the petition, was a human rights violation.

After conducting an investigation, the NHRCK identified that the public official concerned regarded the civil petition of this case as an individual conflict between a communication service provider and the civil petitioner, and in this case, the public official should have gained the consent of the petitioner for providing the petitioner's personal information when transferring the petition to XXX company in accordance with the provisory clause of Article 6-2 i of the Guidelines on Processing Civil Petitions at CS Center of the Ministry of Science, ICT and Future Planning (the ministerial order).¹⁴⁾ Therefore, it concluded that transferring the petition to XXX company, without the consent of the petitioner, constitutes the violation of the right to privacy guaranteed by Article 17 of the Constitution.

14) Before providing the petitioner's personal information to the business enterprise concerned, the civil petitioner's consent for providing personal information can be acquired for the facilitation of processing.

Based on its findings, the Commission made recommendations to the Minister of Science, ICT and Future Planning to have the supervisor of the public official concerned issue a disciplinary warning to the public official and develop improvement measures to prevent a similar case from recurring on June 24, 2014. The supervisor concerned accepted the recommendation and reported to the Commission that related regulations were revised and human rights education, pertaining to the protection of personal information, was conducted for the staff.

■ Recommendation on Excessive Use of Preventive Equipment in Probation Office

A complainant filed a complaint to the NHRCK for human rights violation that he was arrested and detained in a probation office and during 5 hours of detention, he was handcuffed and roped in the office and, therefore, unable to use his cell phone even though he had not put up strong resistance during his arrest and detention.

On investigation, it concluded that applying the hand-cuffs and ropes to the petitioner for 5 hours before transferring him to the detention facility simply according to customary practice, despite no evidence of strong resistance of the petitioner during his arrest and detention prior to being transferred, goes beyond the requirements and scope of using preventive equipment stipulated by the Act on Probation, etc., thereby violating the prisoner's personal liberty under Article 12 of the Constitution. Article 45-2 of the Act on Probation, etc. states that preventive equipment shall be applied to a minimum extent when the obvious and detailed possibility of potential escape is justifiably perceived.

Accordingly, the Commission recommended that the Minister of Justice to alter the practices that uniformly apply preventive equipment to, and confiscate the cell phones of all arrested suspects during the period at the arresting office before being transferred to the detention facility and outline measures to prevent the recurrence

of such cases on June 24, 2014.

The Minister of Justice accepted the recommendation and reported to the Commission on the following measures taken: revised the Guidelines on Directing and Supervising Persons on Probation to improve the practice of uniformly applying preventive equipment to all suspects arrested (Oct. 2, 2014); took measures to ensure the appliance of preventive equipment conform to the requirements stated by the Act on Probation, etc.; and ordered the prohibition of restrictions pertaining the right to communication by confiscating a prisoners' cell phone without legal grounds.

B. Prosecution · Police · Judiciary Institutions

■ Human Rights Violation: Prohibiting the Entrance of Equipment for Demonstration Pre-Notified

The NHRCK received a complaint that the respondent, a police officer in charge of securing a demonstration site, prohibited the entrance of equipment necessary for demonstration when the complainant tried to carry the equipment into the site, after getting back the equipment which had been previously confiscated under the vicarious administrative execution from district A police agency.

On investigation, it turned out that the equipment, that the complainant tried to carry into the site, was demonstration-related items such as amplifiers, speakers, flags, bullhorns though they were different in detailed item and number from what was notified in the outdoor demonstration notice form, and that the police officers, including the respondent, prohibited all items while the person in charge of the security of the site should have carefully decided each item to be allowed or not by comparing the situation at the site with what was listed on the advance notified items, considering the intent of an advance notification system for assemblies and demonstrations. Based on its

findings, the Commission decided it constituted a violation of the freedom of assembly.

Therefore, it recommended the chief of district A police agency to give disciplinary warning to the related persons, and the chief of police station B to provide relative education, for police officers in charge of assemblies and demonstrations related work, to prevent the recurrence of such cases on February 24, 2014. The chief of district A police agency, and the chief of police station B, accepted the recommendation and conducted the relevant education.

■ Human Rights Violation: Judge's talking Down in Court

The NHRCK received a complaint saying that the respondent, a judge, by talking down to the complainant with phrases such as, "What do you think a trial is?", and "Are you kidding?" committed a human rights violation.

Upon investigation, the Commission concluded that the respondent's word and behavior violated the complainant's right to maintain human dignity for the following reasons: considering that the expression, "Are you kidding?" is typically used when an adult scorns a child and the complainant, who is older than the respondent, felt deeply insulted by the respondent's talking down and saying expressions which go against social rules, it should be seen as undermining the honor of the complainant, though the respondent has an authority to supervise the court as a judge; and that supervisory authority at court should be exercised within limits so as not to infringe on the fundamental human rights of people, including the right to human worth and dignity, as guaranteed by Article 10 of the Constitution.

It decided not to give a separate disciplinary action to the respondent, acknowledging that he is no longer in public service as he has since retired. However, on May 1, 2014, it recommended the chief judge of the district court concerned to take measures

for the prevention of the recurrence of similar cases by publicizing the case, considering that the measures to improve judges' words and behaviors during court already being implemented by the Office of Court Administration are limited to a few courts and judges. The chief judge of the district court accepted the recommendation.

■ Human Rights Violation: Arresting Flagrant Offender of Police Contempt without Arrest Requirements such as Escape Concerns Met

The Complainant mumbled to himself on the way out of a police station after being investigated as a victim of an assault case and the respondents, police officers arrested the complainant as a flagrant offender of police contempt, on which the complainant filed a complaint to the Commission.

On investigation, the NHRCK concluded that the arrest of the complainant as a flagrant offender of police contempt violated the complainant's personal liberty on the grounds that it does not meet the requirements for flagrant offender arrest, under the Criminal Procedure Act and related case laws, as there was no need to arrest him as his identification was verifiable through his ID card and the incident report completed at a patrol division, and it was impossible for him to escape due to the entrance gate's special structure which he was unable to open by himself, thereby providing no valid concern of escape.

Accordingly, it recommended the chief of A police station to conduct education for the prevention of recurrence of similar cases including providing explanation of the related case laws on June, 2, 2014, and the recommendation was accepted.

■ Human Rights Violation: the Supreme Prosecutors' Office's Unfair Summons

The complainant filed a complaint that the Supreme Prosecutors' Office compulsorily

summoned him without any detailed explanation in advance and interrogated him for an internal inspection case which has no relation with the complainant's case, thereby abusing its authority.

Upon investigation, the Commission found that the Criminal Procedure Act cannot be applied to the respondent's summons for the complainant as it was for the purpose of an internal inspection action in an administrative body, and that while the Regulations for the Establishment and Operation of Inspection Headquarters at the Supreme Prosecutors' Office may be grounds for requesting the submission of documents, attendance, or reply for voluntary investigation, but cannot be understood as supporting the legitimacy of a compulsory summons. Moreover, it concluded that the compulsory summons of a detainee, by using the Korea Information System of Criminal-Justice Services (KICS), does not satisfy the voluntariness of investigation as compulsory transferring procedures, including hand-cuffing and roping from the detention facility to the prosecutors' office, are utilized when a detainee is summoned, while an inside inspection should be conducted on the basis of a voluntary investigation. In addition, summoning the complainant through the KICS system by taking advantage of his status as a detainee without providing advance information about the summons including by whom and why he was summoned, and without confirming the clear consent of the complainant for the summons, is in fact a compulsory summons, which the Commission found not legitimate.

Therefore, it recommended the Public Prosecutor General to provide related education to the public officials in charge of internal inspection work for the prevention of summoning detainees through KICS system on August 1, 2014, and the Public Prosecutor General accepted the recommendation.

■ Human Rights Violation: Ill Treatment in Police Custody

The complainant filed a complaint that he felt humiliated because the toilets in A police detention rooms have a mere 1 meter-long opaque wall that could not block the inflow of unpleasant noises and odors from the toilet to inside the detention room.

The NHRCK concluded that while the need to monitor the inside situation of toilets in detention rooms in order to prevent detainees from hurting themselves or attempting to escape can be acknowledged, the purpose can be achieved by placing a transparent window over the current 1 meter-long opaque wall, thereby the current open-type toilet is beyond the minimum restriction principle and in violation of detainees' personal rights under Article 10 of the Constitution.

In this regard, it recommended the chief of A police station to refurbish all of the open-type toilets in its detention rooms in line with the design criteria standard for holding cells on August 1, 2014.

■ Human Rights Violation: Leakage of Personal Information Including Criminal Facts

In a complaint, the complainant argued that the respondent visited his residential place while he was out and told the owner of the house the complainant's DNA should be collected for the investigation of a fight at a funeral, thereby revealing his personal information, including criminal facts, to the owner of the house which is in violation of his human rights.

After investigation, the Commission decided that the respondent's informing a third party about the complainant's criminal facts requiring the DNA sample violates the complainant's right to privacy under Article 17 of the Constitution and the respondent failed to fulfill his obligation to prevent the infringement of privacy while collecting the DNA sample.

Accordingly, on September 1, 2014, it recommended the director of A district prosecutors' office to educate the related staff not to leak sensitive personal information to a third party during the collection of DNA samples.

■ Human Rights Violation: the Practices of Apprehending People with the Photo Copy of the Original Warrant of Execution of Penalty

The complainant argued that the respondent, a judicial police officer at A police station, apprehended the complainant unfairly without presenting an original document of warrant of execution for the penalty of an unpaid fine.

On investigation, the NHRCK found that the respondent's presenting the photo copy of the original warrant of execution of penalty is in violation of due procedure, thereby infringing upon the personal liberty of the complainant under Article 12 of the Constitution. Pursuant to Articles 492, 475, and 85 of the Criminal Procedure Act, a judicial police officer should present the original document of a penalty execution warrant issued by the prosecutor when apprehending a person who did not pay a fine for detention in a work place, and as the warrant of execution of penalty has the equivalent effect of an arrest warrant and the execution of it should follow the regulations on arrest, in the case of presenting a penalty execution warrant, the original warrant, not a photo copy, should be presented in accordance with the regulations in the Criminal Procedure Act and the related case law.

Regarding this issue, the Chief of the National Police Agency expressed a different opinion that in order for a police officer in a police substation or patrol division to present the original document of a warrant at night, he or she should visit the prosecutors' office to pick up the original warrant, inevitably causing a security vacuum and increased workload, therefore, further consultation with the Supreme Prosecutors'

Office on the procedure of executing the warrant of execution of penalty is necessary. However, the Commission concluded that the undesirability of creating a security vacuum and increased workload cannot justify the practice of presenting a photo copy of a warrant when executing the apprehension of a person for an unpaid penalty. Moreover, it recognized that the support from the Supreme Prosecutors' Office, which is the governing body of penalty execution warrant issuance, is critical in order to improve upon the current practice where the majority of those wanted due to unpaid penalties are being provided with only a photo copy of the original warrant for apprehension.

In this regard, the NHRCK on November 28, 2014, reiterated its recommendation to the Chief of the National Police Agency to have judicial police officers present the original document of penalty execution warrant when apprehending the wanted criminal for unpaid fine, and recommended that the Public Prosecutor General seek for measures ensuring the immediate presentation of the original warrant in executing penalty for unpaid fines.

C. Detention Facilities and Protective Facilities¹⁵⁾

■ Legal Aid Request Regarding the Lack of Maternity Protection Measures in a Care Facility for Unwed Mothers

The complainant moved to A facility when she was 23 weeks into her pregnancy. A facility is a social welfare organization providing basic livelihood support for unwed mothers and their babies. At that time the complainant had hydramnion, and thusly

15) Cases related to group care facilities for persons with disabilities will be discussed in disability discrimination section.

a premature delivery risk and made a request for a precise ultrasound. However, the facility refused the ultrasound. From the day before stillbirth, she had abdominal pain and bloody discharge and again asked for an obstetrics exam. She filed a complaint that due to the facility not bringing her to hospital in time, she had a miscarriage.

During investigation, it turned out that A facility did not provide professional nursing services to the unwed mother and her fetus even though she had a high risk of premature birth due to hydramnion as the nurse working at the facility doubles as a nurse and cashier. The facility also failed to immediately transfer her to a hospital when she had stillbirth. Based on the findings, the Commission concluded that even though it was not the direct cause of stillbirth, the facility's neglecting its responsibility for protection as a social welfare organization is a violation of human rights.

Accordingly, on January 27, 2014, the NHRCK requested a legal aid of Korean Bar Association for compensation and recommended A city's Mayor and B ward's Chief, where the facility is located, to conduct administrative guidance including issuing a disciplinary warning to the facility concerned about human rights violations and establish measures for the prevention of recurrence.

The Mayor and ward's Chief accepted the recommendation, encouraged the residents and employees of the facility to implement the recommendation for the prevention of recurrence, and conducted specialized job training and human rights education for the employees of the facility.

■ Human Rights Violation: Transfer to another Mental Hospital and Continued Hospitalization without Examination of Medical Treatment

The complainant was admitted to a mental hospital for a drinking problem and against his will, he was transferred to another hospital instead of being discharged.

Regarding the continued hospitalization in a mental hospital, he filed a complaint to the Commission.

Upon investigation, it was found that the complainant was in A hospital for 172 days, transferred to B hospital and after 179 days of hospitalization, he was again transferred back to A hospital. In addition, after the Commission started to investigate, A hospital transferred the complainant to C hospital. According to Article 24 (3) of the Mental Health Act, when there is need for continued hospitalization even after six months (or 180 days) have passed, such medical treatment should be examined by the Mental Health Deliberative Committee. However, the complainant did not receive any examination by the Mental Health Deliberative Committee concerning the need for continued hospitalization. Regarding this, the NHRCK concluded that when a patient is discharged from one hospital, but transferred to another hospital to be admitted on the same day, the period for hospitalization under Article 24 (3) of the Act should count the entire days of hospitalization combining the periods before and after transfer, therefore the so-called “revolving door” hospitalization is a grave violation of the complainant’s personal liberty.

On March 26, 2014, it prosecuted the two directors of A and B hospitals of violating Article 24 (3) and Article 57 (3) of the Mental Health Act and recommended the director of C hospital to discharge the complainant. Upon the recommendation, C hospital discharged the complainant.

■ The Head of a Social Welfare Facility for the Elderly Prosecuted for Forced Labor and the Exploitation of Money

The complainant filed a complaint to the Commission that the respondent, a representative of a social welfare system for the elderly and director of the board

of XXX social welfare corporation, forced residents of the facility to work, did not pay for their labor, punished them for not obeying the respondent and exploited money from them.

Through an investigation, the NHRCK confirmed that the respondent held the victims' bankbooks, where basic living allowances were paid, and arbitrarily used their money without notifying them. In addition, the respondent forced victims to work for the facility including doing farm work and harvesting crops yet did not pay for their labor. It also confirmed that the respondent punished the complainant, who suffered from a grade 2 mental disorder, to lift and hold a chair for not obeying the respondent, causing physical pain to an elderly person and a person with disabilities. The Commission found that such acts constitutes maltreatment, as prescribed by the Welfare of the Aged Act and the Act on Welfare of Persons with Disabilities, as well as harassment stipulated by Article 32 (4) of the Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of their Rights, etc., thereby infringing the personal liberty of the complainant and the victims under Article 12 of the Constitution.

Accordingly, the NHRCK prosecuted the respondent to the Public Prosecutor General for embezzlement and recommended the Governor of the Province to take necessary measures including dismissing the respondent from representative of XXX social welfare corporation on June 24, 2014.

Upon the recommendation, the governor dismissed the respondent, implemented financial reimbursement, transferred the victims either to other facilities or their families, and directed for stricter supervision of social welfare facilities for the elderly to prevent the recurrence of similar cases.

■ Constraint of Persons with Disabilities for the Convenience of Nursing in Long-term Care Hospital

In the complaint, the complainant argued that the complainant's father, who had a hearing impairment, was hospitalized in a long-term care hospital for dementia treatment and a care worker at the hospital tied the father's hands to a bed.

On investigation, it was found that the care worker restrained the victim's wrist to a bed for about 10 minutes simply because the victim tried to get out of bed after removing his diaper and foley catheter. Even though the body restraint time was for only about 10 minutes, the victim's nervous behavior, alone, could not be interpreted as causing a clear or urgent danger of him hurting himself or falling. The Commission concluded that the care worker should have identified if there were any physiological problems such as itching, pain, anxiety, or an impending bowel movement to remove the cause or consulted a doctor before applying a physical restriction measure, however, the care worker arbitrarily tied the victim's wrist to his bed simply for the convenience of care without a doctor's order and aggravated the victim's pain, and that such an act constitutes a violation of Article 32 (4) of the Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of their Rights, etc.

Therefore, the NHRCK made recommendations to the director of the hospital concerned to conduct human rights education for its employees, and to the local government to strengthen its guidance and supervision for the prevention of unnecessary physical restrictions in long-term care hospitals in its jurisdiction on July 7, 2014. Upon the recommendation, the director of the hospital reported that regulations on the use of physical restriction measures were established and related education was implemented to the hospital's care workers and nurses.

■ Legal Aid Request for Inadequate Medical Treatment for a Victim of Violent Assault in a Long-term Care Hospital

The complainant filed a complaint against the director of A long-term care hospital for the elderly about inadequate medical treatment for a dementia patient (the complainant's mother), and a delay in informing the guardian after a violent assault incident.

Upon investigation, it was found that the victim sustained injuries, including fractures of rib and toe that require over four weeks to recover, due to a fight among patients in the hospital, however the hospital did not record the injury on a daily work log or nurse log and failed to immediately inform the guardian of the fact or report the incident to relevant authorities. The Commission concluded that the negligence of protection and medical treatment consists of maltreatment against the elderly, thereby violating Article 39-6 (2) and Article 39-9 of the Welfare of the Aged Act and infringed upon personal liberty as guaranteed by Article 12 of the Constitution.

Accordingly, on September 24, 2014, the NHRCK recommended the County Governor to take necessary administrative measures, including the suspension of business of the hospital concerned, impose a fine on the respondent for neglecting to properly file a maltreatment report, strengthen the guidance and supervision over social welfare facilities for the elderly in its jurisdiction, and establish and implement measures to prevent the recurrence of such cases. In addition, it requested legal aid from the Korean Bar Association to secure adequate compensation, including medical expenses, for the victim's physical and psychological damage.

■ Recommendation on Institutional Improvements Regarding Naked Physical Examination of Detainees after Returning from Investigation at the Prosecutors' Office

The complainant, who was detained at a detention facility, felt humiliated when

the respondent, a prison guard forced the complainant to remove all clothing, even underwear, for a physical examination after an investigation at the Prosecutors' Office, on which the complainant filed a complaint to the Commission for human rights violation.

Upon investigation, the NHRCK concluded that the physical examination of forcing the complainant's underwear to be removed is excessive compared to the purpose of such a physical examination, thereby violating Article 93 (2) of the Act on the Execution of the Sentences and Treatment of Prisoners and infringing the right to human worth and dignity under Article 10 of the Constitution when considering the following facts: the complainant was alone with the prosecutor at the prosecutor's room during the investigation; there was no contact with any other outsider, including a public defender; another prison guard was always with the complainant in moving from the detention facility to the prosecutors' office until transferring the complainant to the respondent; and no circumstances regarding the possibility that the complainant had hidden contraband on the complainant's private parts were found.

Based on the findings, on November 25, 2014, the Commission recommended the Minister of Justice to reform the Guidelines on Safe Custody Operation in a way to subdivide the means of physical examination according to the necessity, taking account of circumstances such as the gravity of the crime, any peculiarity in the detainee's word and behavior, and any contact from outside in the case of examining a detainee who enters and leaves a detention facility in line with the provision of Article 93 (2) of the Administration and Treatment of Correctional Institution Inmates Act which states, "In cases of conducting medical examinations of prisoners, attention shall be provided so that they may not suffer any unnecessary pain or sense of shame." It also recommended human rights education for the staff in charge of medical examinations of prisoners to prevent human rights violations while conducting medical examinations.

D. Regarding Foreign Citizens

■ Accusation of the Employees in a Protective Facility for Foreigners for Violent Assault and Recommendation of Disciplinary Measures on the Facility

The complainant, who is being held in a protective facility for foreigners, filed a complaint saying the respondents (employees at the facility) physically assaulted the complainant for not obeying the instruction of putting on a prison uniform top.

Upon investigation, the Commission found that the complainant had committed aggressive behavior, such as tearing off an aluminum bar at a toilet and keeping it in a locker in disobeying and resisting the night-shift employees' instruction. Therefore, it is acknowledged that the respondents might have a legitimate purpose of retrieving the lethal weapon and subduing the complainant for the maintenance of safety and order within the facility. Nevertheless, it concluded that the acts of the respondents in this case went beyond the minimum restriction in terms of the method and degree of exercising force to achieve the purpose, and thereby violated the complainant's personal liberty under Article 12 of the Constitution.

Therefore, on April 7, 2014, the NHRCK prosecuted two of the respondents to the Public Prosecutor General and recommended the Minister of Justice to take necessary disciplinary measures on the two respondents, take adequate measures for the reparation of damage suffered by the complainant, and establish measures to prevent the recurrence of similar cases. It also made a recommendation, to the director of the protective facility concerned, to give a disciplinary warning to another respondent and to provide education for the employees about the protection of human rights when exercising enforcement powers.

■ Recommendation on Measures to Prevent the Recurrence of Human Rights Violations Regarding Cracking Down on Immigration Offenders at a Restaurant

The complainant, who runs a restaurant, filed a complaint against an employee of an immigration office for obstruction of business by rushing into the restaurant, without advanced consent, and asking for identification cards to people eating at the restaurant including foreigners.

Upon investigation, the Commission found that the respondent's crackdown into a third party (the complainant)'s restaurant without a clear notification or prior consent for cracking down on offenders of the Immigration Control Act is violating the related laws and regulations of immigration control and infringing the complainant's freedom of occupation and the right to be free from intrusion into a place of residence or business as guaranteed by Article 15 and 16 of the Constitution.

In this regard, on April 29, 2014, it recommended that the director of the immigration office concerned give a disciplinary warning to the respondent and conduct human rights education about the compliance of prior consent procedures in cracking down on immigration offenders. It also made a recommendation to the Minister of Justice to establish measures to prevent the recurrence of similar cases by revising the related regulations to require a clear prior consent from the related persons when visiting a place of residence or a place of business for the purpose of an immigration crackdown.

Upon accepting the recommendation, the director of the immigration office gave a written warning to the chief of the crackdown team concerned and conducted two educational sessions about the Guidelines on the Due Procedure and Human Rights Protection in Cracking Down on Immigration Offenders to the employees. The Minister of Justice also announced that a new provision on the entrance and inspection of immigration control official's in a place of business in an amendment bill of the

Immigration Control Act is being prepared.

E. Local Governments and Public Service–Related Organizations

■ Recommendation on the Restriction of Journalists' Entering a Government Office Building

The complainants visited a city council office building for the purpose of covering news on the deliberation of a student's rights ordinance, interviewing related city council members and monitoring the deliberation process of the education committee, but the respondent, an employee at the city council office, stopped them at the entrance, on which they filed a complaint of a violation of the right to knowledge and the freedom of press.

Upon investigation, the NHRCK determined that restraining journalists from entering the building consists of an excessive control of access, thereby an infringement on the right to knowledge under Article 21 of the Constitution on the following grounds: if there were concerns over the complainants' disturbing the meeting of the education committee held on the third floor, it was possible to allow them access to the second floor where a TV monitor to see the meeting was placed while simultaneously restricting the entrance to the third floor; police officers were assigned for special guard in front of the meeting room to allow only those who had admission passes to enter the room; the complainants, and their organization, had not taken part in the occupation and sit-in protest at the education committee's meeting in the past; while the respondent's claim of the victims trying to enter the building together in a group, holding pickets and shouting slogans was not verifiable, the victims' claim that police officers stopped them when they tried to enter separately, and not in a mass, was confirmed.

Based on these findings, the Commission recommended the chair of the city council to establish and implement measures to prevent the recurrence of excessive restrictions of access and conduct special training for the employees dealing with security work of the building on May 28, 2014.

The Chair of the City Council accepted the recommendation, and accordingly conducted three sessions of education on “the know-how of guiding visitors and civil petitioners, including demonstrators, to government office buildings” to the employees in charge of office security duty. The Chair also reported to the NHRCK of the commitment to the thorough management of the staff for the prevention of excessive restrictions of access to the government office building by providing continuous education on the code of conduct.

■ Recommendation on Improving the Practices of Exposing Personal Information in Announcing Competency Test Results

The complainant argued that the respondent, which governs a competency test, made examinees' slate numbers and names public on its web-site when announcing those who passed the test, allowing the complainant's friends to find out about the complainant's failure on the test in 2012 and 2013, thereby violating the right to privacy.

Upon investigation, the Commission concluded that opening the slate number and name together to the public is likely to undermine human rights, considering that name is one's personal identification and with the enhancement of personal information protection, it is a trend to change the way of announcing test results to prevent a third party from being aware of the specific person's passage or failure through personal information, name.

In this regard, the NHRCK recommended the respondent to change its way of announcing test results to prevent any individual's passage or failure from being exposed to a third party on July 23, 2014.

F. Schools

■ Recommendation on Canceling the Plan to Introduce a Fingerprint Recognizer and Implementing the Consent Acquisition Procedure

The complainants filed a complaint to the Commission for the violation of their privacy by A university's introduction of a fingerprint recognizer to monitor what time professors come to and leave work.

The NHRCK determined that the respondent's monitoring professors with fingerprint recognizers is a violation of the right to privacy and the right to keep personal information private guaranteed by Article 17 of the Constitution on the grounds that pursuant to Articles 17 and 26 of the Personal Information Protection Act, the consent of a subject of information should be obtained to provide personal information to a third party and the matters necessary to do so should be stated in writing, however the respondent did not fulfil such procedures when introducing the fingerprint recognition system to monitor the time in and out of work.

Therefore, on July 23, 2014, the Commission made recommendations to the president of A university to stop the use of the fingerprint recognition system, to obtain the consent of a subject of information, and to comply with necessary procedures to entrust a third person with the management affairs of personal information prescribed by the Personal Information Protection Act before introducing a fingerprint recognition system, and to conduct human rights education related to personal information protection to the staff managing personal information.

Upon recommendation, the president of the university conducted education on the meaning of the Personal Information Protection Act and response measures to the employees and obtained the prior consent from the 9 members of the faculty who use the fingerprint recognizer.

■ Recommendation on the Excessive Restriction over Cell Phone

The complainant filed a complaint which states that a high school excessively restricts the students' use of cell phones by confiscating cell phones from all the students living in a dormitory on Monday mornings and returning them back on Fridays after school.

During the investigation, the respondent insisted that it is necessary to restrict the use of cell phone for the public interest of creating an atmosphere conducive to academic pursuit and nurturing important technology talents required for the development of national industry. However, the Commission concluded that the public advantage of restricting students' from using cell phones is not greater than the disadvantage of restrictions over the right to self-determination and the right to communication caused by students' inability to use their cell phones for such an extended duration, considering that it seems difficult for students to make a phone call when they want or need to within short breaks between tight class schedules as there are only two public phones at the school of about 300 students. Also, in case a student or parent wants to use the landline for an emergency phone call, it is not only inconvenient, but also students are likely to have their privacy hindered as they have to explain to their teachers for what reason they need to make an emergency phone call. In this regard, the NHRCK determined the excessive restriction as a violation of the personal liberty and the right to communication guaranteed by Articles

10 and 18 of the Constitution.

On November 25, 2014, it made a recommendation to the principal of the high school to ease the restriction on the use of cell phones.

■ Recommendation on Inappropriate Investigation of School Violence

The complainants filed complaints to the NHRCK, saying that the teachers conducted an investigation on 1st year of middle school students regarding school violence until midnight, thereby infringing on their human rights.

Upon investigation, the Commission found that late night investigations violate children's right to rest, as guaranteed under the UN Convention on Rights of Children, and it could pose severe impact on people's physical and psychological health according to the investigation's duration and methods, and the health condition, age, and gender of those under investigation, thereby undermining the right to happiness under Article 10 of the Constitution. Therefore, it concluded that conducting late night investigations on students, without notice to or consent of their parents, is a human rights violation. It also determined the principal of the middle school concerned neglected the responsibility for the protection of rights and interests by omitting the name and contact information of the person in charge, and information on appellate procedures including re-deliberation, in a letter notifying the disciplinary results decided by the committee of school violence.

Regarding the omission of information on appellate procedure, the NHRCK recommended the commissioner of the district's office of education, which is the supervisory agency of the school, to give a disciplinary warning to the principal. However, it concluded that as no guidance from the Ministry of Education on late night investigations regarding school violence exists, it is difficult to assume that

teachers deliberately conducted the night investigation. Accordingly, it advised the commissioner of the district's office of education to provide human rights education on teachers for the prevention of similar cases recurring and the Minister of Education to create guidance to prevent further recurrence on November 25, 2014.

Section 4. Investigations and Remedies: Discriminatory Acts

1. Reception and Processing of Complaints

A. Reception by category

Among a total of 18,792 complaints of discrimination, received by the Commission since its foundation, 5,867 cases (31.2%) were about employment, 7,243 (38.5%) about the supply or use of goods, and 1,104 (5.9%) about the use of educational facilities and others. In 2014, there were 573 complaints (26.1%) about employment, 889 (40.4%) about the supply or use of goods, and 108 (4.9%) about the use of educational facilities and others.

[Table 2-2-12] Complaints on Discrimination by Category and Year

(Unit: case)

Year	Received	Employment												Supply or Use of Goods						Use of Educational Facilities		Others			
		Subtotal	Recruitment	Hiring	Assignment	Education	Promotion	Wage	Non-Wage Payment	Loan	Retirement Age	Retirement	Termination	Others	Subtotal	Service	Goods	Transportation	Commercial Facilities	Residential Facilities	Land		Subtotal	Educational Facilities	Vocational Training Facilities
Cumul ative Total	18,792	5,867	1,095	1,232	319	79	219	673	204	6	218	168	565	1,089	7,243	2,641	3,281	580	533	186	22	1,104	1,034	70	4,578
2014	2,198	573	65	123	47	14	27	72	41	1	14	15	68	86	889	401	286	101	81	18	2	108	105	3	628
2013	2,496	617	56	158	41	9	15	46	27	2	30	11	53	169	969	377	449	40	83	20	–	106	98	8	804
2012	2,549	774	125	138	27	11	21	112	35	1	58	23	44	179	1,092	472	419	56	107	37	1	179	170	9	504
2011	1,803	480	75	114	28	7	14	57	16	–	14	16	49	90	768	440	180	64	57	23	4	82	76	6	473
2010	2,681	578	118	112	33	5	16	66	8	1	32	18	43	126	1,467	184	1,146	75	40	21	1	106	96	10	530

* Cumulative Total: Nov. 2001~Dec. 31, 2014

B. Reasons of complaints

The analysis result of the complaints on discriminatory acts received in 2014 by reasons shows a similar trend in general to that of 2013. To be specific, disability discrimination amounted for about 50% of the total number of complaints on discriminatory acts, while there were 233 sexual harassment cases (22%), 158 social status cases (14.9%), 103 age (9.7%), 64 gender (6%), and 48 country of origin cases (4.5%), demonstrating a higher percentage of complaints about social status, country of origin, ethnicity, race, and skin color compared to the previous year.

[Table 2-2-13] Complaints on Discrimination by Reason and Year

(Unit: case, %)

Year	Gender	Pregnancy/Delivery	Marital Status	Family Status	Sexual Harassment	Sexual Orientation	Appearance	Religion	Disability	Age	Social Status	Place of Origin	Country of Origin	Ethnicity	Race	Skin Color	Ideology	Criminal Record	Academic Background	Medical History	Others
Cumulative Total	18,792	578	195	86	138	1,780	67	261	141	8,335	1,305	1,700	119	324	15	89	11	34	179	539	345
2014	2,198	64	13	6	15	233	11	21	15	1,139	103	158	19	48	3	18	2	—	13	36	28
2013	2,496	64	18	5	23	240	8	31	11	1,312	142	146	13	35	—	18	1	4	19	124	39
2012	2,549	45	27	6	8	228	15	40	12	1,340	166	185	6	9	1	1	1	2	20	47	34
2011	1,803	35	19	5	17	216	3	19	10	886	146	127	10	27	1	4	—	1	17	52	30
2010	2,681	45	39	5	8	210	6	24	14	1,695	196	81	7	27	3	12	4	1	13	40	41

* Cumulative Total: Nov. 2001~Dec. 31, 2014.

C. Complaints by resolution type

A total of 18,792 complaints of discrimination were filed to the NHRCK since its establishment until the end of December 2014, of which 18,199 cases (96.8%) were closed.

Of the 18,199 closed cases, 1,129 cases (6.2%) were resolved by making recommendations on institutional improvements, human rights education, or disciplinary actions after being acknowledged to be discriminatory acts, such as a violation of the right to equality. For 12 cases, the Commission requested a criminal investigation or reported criminal charges, finding that criminal punishment should be imposed. 619 cases (3.4%) were settled by consensual agreement during the process of investigation, and 24 cases (0.1%) reached a settlement through the mediation procedure prescribed by Article 42 of the National Human Rights Commission Act.

[Table 2-2-14] Complaints on Discrimination by Resolution Types and Year

(Unit: case)

Year	Received	Closed	Admitted					Not Admitted			
			Recommendation	Recommendation for Disciplinary Action	Accusation or Criminal Charge	Consensual Settlement	Mediation	Dismissed	Rejected	Transferred	Suspended
Cumulative Total	18,792	18,199	1,129	8	12	619	24	5,546	10,604	110	147
2014	2,198	2,218	62	2	2	95	1	753	1,271	7	25
2013	2,496	2,858	101	1	1	111	2	979	1,631	11	21
2012	2,549	2,559	170	2	1	41	2	1,007	1,312	2	22
2011	1,803	1,898	187	0	5	79	1	737	872	5	12
2010	2,681	2,108	103	0	3	100	1	626	1,224	23	28

* Recommendation: Recommendation on rectification or improvement of institutions, policies and practices; prevention of recurrence; or human rights education

* The number of closed cases: the number of cases received and closed in the year + the number of cases carried over from the previous year and closed in this year

* Cumulative Total: Nov. 2001~Dec. 31, 2014.

5,546 cases (30.5%) were dismissed due to the lack of objective evidence supporting the complaint or deemed not to fall under the category of matters subject to the investigations of the Commission, or not to require special remedies. And 10,604 cases (58.3%) were rejected because their remedial actions were underway by different statutes or were voluntarily withdrawn by the complainants. It is notable that among the dismissed and rejected cases, a total of 3,206 cases, which amounts for about 17.6% of the closed cases, were resolved during investigation as reparation for the complainants, or the victims, was provided by the active efforts of investigators.

To categorize the closed cases in 2014 by resolution type, for 64 cases, recommendations on institutional improvements, human rights education or disciplinary actions were made. Among the 64 recommendations, 23 were about sexual harassment, 15 about disability, 9 about sexual discrimination such as gender, pregnancy/delivery, marital status, family status, and sexual orientation-based discrimination, 4 about age, 2 about social status, 1 about academic background and 9 about other causes. In addition, 2 cases related to disability discrimination were prosecuted and 1 case was mediated to a settlement. 61 disability discrimination cases and 25 sexual harassment cases were resolved through consensual settlements (a total of 95 cases reached consensual settlements). As such, the Commission continued to dedicate itself to providing effective remedies for complainants.

[Table 2-2-15] Complaints on Discrimination by Reason and Resolution in 2014
(Unit: case)

Reason	Total	Recommendation	Recommendation for Disciplinary Action	Accusation	Mediation	Consensual Settlement	Dismissed	Rejected	Transferred	Suspended
Gender	73	3	—	—	—	—	25	45	—	—
Pregnancy/Delivery	12	—	—	—	—	—	3	9	—	—
Marital Status	7	—	—	—	—	—	2	5	—	—
Appearance	29	—	—	—	—	—	6	19	—	4
Family Status	27	4	—	—	—	—	9	14	—	—
Sexual Harassment	235	21	2	—	—	25	37	140	1	9
Disability	1093	15	—	2	1	61	449	559	5	1
Age	119	4	—	—	—	3	50	61	1	—
Social Status	172	2	—	—	—	1	50	118	—	1
Country of Origin	54	—	—	—	—	1	18	35	—	—
Ethnicity	2	—	—	—	—	—	1	—	—	1
Race	17	—	—	—	—	—	7	10	—	—
Skin Color	3	—	—	—	—	—	—	3	—	—
Religion	18	—	—	—	—	—	4	13	—	1
Place of Origin	10	1	—	—	—	—	2	7	—	—
Ideology	1	—	—	—	—	—	—	1	—	—
Criminal Records	13	—	—	—	—	—	2	10	—	1
Sexual Orientation	13	2	—	—	—	—	3	8	—	—
Academic Background	36	1	—	—	—	—	13	22	—	—
Medical History	33	—	—	—	—	1	6	25	—	1
Others	251	9	—	—	—	3	66	167	—	6
Total	2,218	62	2	2	1	95	753	1,271	7	25

* Recommendation: Recommendation on rectification or improvement of institutions, policies and practices; prevention of recurrence; or human rights education

2. Highlights of Complaints on Discriminatory Acts

A. Gender

■ Discrimination: 12% Quota limit of Female Students' Enrollment in the National Police University

The complainant filed a complaint which said that setting the female quota far less than the male quota in the National Police University enrollment such as limiting the number of female students admitted to 10% every year and fixing only 12 of the 100 enrollment slots for women in the 2015 entrance examination announcement constitutes gender discrimination.

The Commission had already determined that a significantly smaller quota of female in open employment for police officers is gender-based discrimination as gender cannot be seen as a vital qualification to implement police duty and recommended the abolishment of the gender-divided system in employment in December 2005. It had also found that the 10% limit of female police officer cadets was an excessive restriction and recommended increasing the quota in September 2013.

In the same vein, the NHRCK assumed that the number of female students who passed the entrance exam would have been much higher than a mere 12% limit, considering that more than 28 female students would have passed a written test if there were no gender-divided quota in the 2013 entrance exam, and the percentage of females in the 2012 open employment for police officers was about 38%. Moreover, it found that instilling a 12% limit, which is far lower than the percentage of females in the employment of low-ranking police officers, on the female enrollment of the National Police University may result in the majority of female police officers' being in low-ranking positions. In this regard, it concluded that such restriction is excessive,

without reasonable cause, and a form of discrimination based on gender as defined by Article 2 iii of the National Human Rights Commission Act.

On June 25, 2014, the NHRCK recommended the Chief of the National Police Agency to increase the female quota in recruiting students in the National Police University.

B. Family Status

■ Discrimination: Disqualification in Physical Exam to Enter Flight Operations Major in University for Reasons of Family Medical History of Mental Illness

The complainant failed to pass the physical examination to enter Flight Operations Department in A University due to the complainant's mother's medical history of mental illness (schizophrenia) on which the complainant filed a complaint for discrimination based on a family member's medical history of mental illness.

Upon investigation, the Commission concluded that though the need to apply a strict physical exam standard in recruiting new students for flight operations department is recognized, considering that it takes a lot of expenses and a long period of training to cultivate a pilot and the position has a great influence on public safety. However, the assessment of physical exam should place the first priority on the current health conditions of the applicant and when taking account of family medical history as additional considerations, it should be limited to factors with substantial medical grounds.

To be specific, the NHRCK found that the respondent's disqualifying the complainant in the recruitment of new students to major in flight operations in the university on the grounds of generic heritability of family medical history which has poor medical grounds is a discriminatory act violating the right to equality stated under Article 2 iii of the National Human Rights Commission Act for the following reasons: according

to consultations with medical specialists and university hospitals, it is neither logical nor medically grounded to presume the actual risk of developing a particular disease solely based on a genetic predisposition; given that the disease concerned has a variety of symptoms in months or years, it is possible to determine the qualification of the complainant for the duty through regular physical and mental examinations during the pilot training course; and the U.S. Air Force regulations restrict only those applicants whose both parents have the disease concerned from passing a physical exam.

In this regard, the Commission made recommendations to the director of the air force hospital, which governs the university's physical exam, to revise related regulations not to disqualify any applicants for air duty based on family medical history with poorly grounded medical heritability and to the president of A University to develop measures to prevent the recurrence of such unreasonable discrimination in physical exams for flight operations major applicants on June 25, 2014.

Both of the respondents accepted the recommendation and on October 16, 2014, the director of the air force hospital reported the revision plan of disqualification causes of physical exam to state, "in case both parents have schizophrenia or bipolar disorder", reflecting a series of civil petitions and complaints about the current ambiguous standard of, "apparent mental illness", while the president of A University agreed to fully accept the pass or failure results in line with the revised regulations of physical exams in the hospital.

■ Discrimination: Distinction of Divorcee and Widow in Registering as Dependent in National Health Insurance

The complainant wanted to register her sister, who had no income, after her husband passed away as her dependent in the National Health Insurance, however, the National

Health Insurance Corporation refused to allow it on the grounds that those whose spouses passed away do not fall under the category allowing them to be registered as a dependent, on which the complainant filed a complaint, arguing that such treatment is discrimination by distinguishing a widow from a divorcee.

Regarding this, the National Health Insurance Corporation claimed that to acknowledge a sister as a dependent, she should be un-wed pursuant to Article 2 (1) and Attached Form 1 of the Enforcement Regulations of the National Health Insurance Act and a divorcee can be reinstated in her original family by clearing off her family register to terminate the kinship with her ex-husband, however in the case of a widow, she remains to be in her late spouse's family register, maintaining the kinship, therefore a widow cannot be regarded as un-wed.

The Commission found the above position of the National Health Insurance Corporation is based on the patriarchal family system which presumes a woman becomes incorporated into her spouse's kinship upon marriage, even though there is no responsibility for the late spouse's kin to support the widow. In this regard, it concluded that the National Health Insurance Corporation's refusing to acknowledge a widow as a dependent of her sister, unlike in the case of a divorcee, constitutes a discriminatory act violating the right to equality stated under Article 2 iii of the National Human Rights Commission Act, considering that it is more compatible with the purpose of the National Health Insurance System to recognize anyone who is verified as incapable of independent livelihood on her earned or unearned income regardless of her marital status of divorce or separation by death as qualified for a dependent.

On July 30, 2014, the NHRCK made recommendations to the National Health Insurance Corporation, and the Ministry of Health and Welfare, to make institutional improvements to recognize siblings whose spouses passed away as dependents in the

National Health Insurance. However, the respondents announced their non-acceptance of the recommendation.

C. Sexual Harassment

■ Sexual Harassment: Demanding Female Soccer Players verify their Gender by Examination

With a series of news reports on, “Soccer coaches questioning the gender of female soccer players in business team”, alongside three complaints from third persons arguing such acts constitute sexual harassment, the Commission undertook an investigation.

Upon investigation, it was found out that the respondents (soccer coaches) spoke of the need to demand the victims to be examined to verify their gender and the ‘gender examination demand’ is meant to identify whether these female soccer players are female or male by medical examination. As a result, the victims felt sexually humiliated and emotionally suffered, so much so as to avoiding training in fear of facing the respondents, consequently causing negative effects to their careers as professional players. In this regard, the NHRCK determined the act of demanding female soccer players to identify their gender as a form of sexual harassment under Article 2 iii (d) of the National Human Rights Commission Act.

Accordingly, the Commission made recommendations to the president of Korea Football Association to give the respondents disciplinary actions and have them undergo special human rights education, and to the Minister of Culture and Sports, the president of Korean Olympic Committee, the president of Korea Football Association, and the president of Korea Women’s Football Federation to create measures to prevent the recurrence of such cases on February 24, 2014.

By accepting the recommendations, the respondents completed special human rights

education courses and the related authorities and organizations arranged specific procedures to determine the gender verification of players and grounds for disciplinary actions with the aim of preventing indiscreet demands for it.

■ Sexual Harassment: Inappropriate Acts of a Same Sex Superior

The complainant filed a complaint which says the respondent, a female board member of A research institute, where the complainant works, kissed her several times against her will on different occasions including at her division's workshop and she felt sexually insulted so much so that she felt compelled to quit the job.

Upon investigation, the Commission confirmed that the respondent often hugged her employees and kissed them on the cheek or on the lips when she drank. It recognized that if the complainant felt sexual humiliation, or aversion, due to the sexually oriented words and behaviors of the respondent, even though they are both female, it constitutes sexual harassment. It also found that such acts, though between members of the same gender, are beyond what is commonsensically allowed at the workplace, enough so as to cause sexual humiliation or aversion.

In this regard, on July 30, 2014, the NHRCK recommended the respondent to take special human rights education courses and the research institute concerned to give the respondent a disciplinary action, have the respondent take part in special human rights education organized by the Commission, and establish measures to prevent the recurrence of similar cases by conducting sexual harassment preventive education at work. On November 18, 2014, the research institute concerned reported that it accepted the recommendation and had committed to take preventive measures such as encouraging the respondent to take the recommended special human rights education.

D. Sexual Orientation

■ Discrimination: Local Government's Disapproval of a Sexual Minority Group's using its Public Facility

The complainant requested the XX ward office for permission to use an outdoor wooden stage to host a coming-out cultural festival. However, the ward office disapproved it for the reasons of civil petitions or conflicts with neighbors and the passage of young students. The complainant filed a complaint arguing that disapproving the use of public facilities simply because of the applicants being part of a sexual minority group is discrimination without reasonable grounds and asking for corrections measures including the prevention of a recurrence.

Regarding this, the respondent claimed that the disapproval of the festival was for the protection of youths based on the Juvenile Protection Act, considering there had been civil petitions against the festival of the sexual minority group by the residents' committee and neighbors; some programs of the festival might give a false impression regarding sex to young students as there is an elementary school nearby the wooden stage concerned; and civil petitions against the sexual minority group's cultural festival from school parents in the neighborhood had been filed.

Upon investigation, the Commission concluded that even though an event may cause civil petitions and conflict, the respondent is obliged to try to protect social minority groups from unreasonable discrimination and suppression and eliminate such unreasonable prejudice and hatred to minority groups, therefore the respondent's disapproval on the grounds of the applicants belonging to a sexual minority group is a discriminatory act based on sexual orientation under Article 2 iii of the National Human Rights Commission Act.

Accordingly, it recommended the respondent to take measures to prevent the

recurrence of such cases disapproving any request to use public facilities for sexual minority-related events without reasonable grounds on April 24, 2014 and the head of the ward concerned accepted the recommendation.

E. Disability

■ *Suo Moto* Investigation on Human Rights Violations in Social Welfare Facilities for Persons with Disabilities

Recognizing the continuous and comprehensive human rights violations including physical abuse, financial exploitation, and embezzlement of operation expenses at a facility by A foundation during an investigation on a complaint related to the group care facility for persons with disabilities in B city, the NHRCK decided to conduct a *suo moto* investigation into the facility in November 2013.

Through the investigation, it was confirmed that employees of the facility trampled the legs of a resident, causing a hip joint fracture and habitually assaulted and abused a number of residents with disabilities. In addition, it turned out that the employees withdrew money from the residents' bank accounts of disability allowances with the excuse of paying for goods for them, without their consent, and withdrew a significant amount of money from the bank account for the overseas travel expenses of a teacher in charge without providing notification that the residents were supposed to pay for the teacher in case of a group tour to go abroad.

Based on the findings, on January 15, 2014, the Commission prosecuted the employees, including the director of the facility, of physical assault against persons with disabilities, maltreatment, financial exploitation, embezzlement of allowances, and dereliction of duty. It also made recommendations to the Mayor of B city to reimburse the entire subsidies to the facility and dismiss every board member and

organize a new board for the facility, and to the head of C ward to take administrative measures on the foundation concerned and its facilities and to establish measures for the prevention of recurrence. It also recommended that the Superintendent of Education of B city conduct a special inspection into a special-education school run by the social welfare corporation concerned.

The prosecution indicted the employees of the facility concerned and the mayor of B city directed the dismissal of all the members of the board and pursued the retrieval of subsidies to the facility concerned by accepting the recommendation.

■ Violation of the Right to Equality of Persons with Disabilities at the June 4 Local Elections

Before the 6th local elections on June 4, 2014, a total of 8 complaints were submitted to the Commission on different issues related to the right to vote of persons with disabilities; information on the newly installed polling booths for persons with disabilities is not available online; the size and structure of new polling booths for persons with disabilities are inappropriate; diverse voting methods which consider types of disabilities are not in place; and the visually impaired cannot confirm their vote.

Upon investigation, on April 22, 2014, the NHRCK recommended the Chairperson of the National Election Commission to create measures to guarantee the equal rights of persons with disabilities in exercising political rights during the voting process of the June 4 local elections as follows: to make information on new polling booths for persons with disabilities available online; to place additional polling tables in the front besides the current one on the right side inside the polling booth as well as prepare portable polling tables; and to devise various balloting methods as those who cannot vote for themselves by using a marking tool on which “” mark is engraved may be accompanied by voting assistants under Article 159 of the Public Official Election

Act, which goes against the right to equality and to cast a secret ballot under the Constitution.

It also recommended the following: to change the size of the existing polling booths and to establish clear and unified rules on voting assistance considering that it is difficult for persons confined to wheelchairs to go inside the booth together with an assistant, as the width of the booth is too small, and there is no clear regulation on voting assistance though Article 157 (6) of the Public Official Election Act which prescribes that those unable to vote for themselves, due to a visual or physical impairment, may be accompanied by their family or two persons nominated by them to assist in their voting; and devise measures for the visually impaired to be able to confirm the outcome of their voting as confirming who you cast a vote for is an essential element of the process of voting. The Chairperson of the National Election Commission accepted the recommendation and replied to establish and implement related measures.

■ Violence against Persons with Disabilities in Group Care Facilities

The Commission received a complaint against the executive secretary of A group care facility for persons with disabilities of the dereliction of duty to protect persons with disabilities including violence, punishment and sexual harassment.

Upon investigation, it turned out that the respondent called the victim to his room and assaulted him by beating his head and face with a slipper for 20 to 30 minutes, leaving his face bruised for the reason that the victim often went to female residents' room. During the beating, the respondent is also confirmed to have said, "When they (persons with disabilities) don't obey you, make an example of someone" in front of a probationary employee.

Based on the findings, on June 2, 2014, the NHRCK prosecuted the executive secretary who assaulted the person with disabilities on the charges of violence and abuse under Article 32 (1) and (4) of the Act on the Prohibition of Discrimination Against Disabled Persons and violence under Article 260 (1) of the Criminal Act and recommended the head of the local government to conduct, thorough guidance and supervision of the social welfare corporation concerned, special human rights education to the director of the board of the corporation.

The head of local government accepted the recommendation and conducted a comprehensive inspection on the corporation, providing special human rights education to the director of the board of the corporation.

■ *Suo Moto* Investigation on Violence against Persons with Disabilities in a Group Care Facility

The Commission received a report about human rights violations in a group care facility for persons with disabilities including compulsion, violence, punishment, other cruel treatment, as well as forced labor. After a preliminary investigation, it found a probable cause to believe there were serious human rights violations in the facility and decided to conduct a *suo moto* investigation in January 2014.

It confirmed that until November 2013, a few resident rehabilitation teachers violently assaulted and imposed physical restrictions on persons with disabilities living in the facility without reporting to the director of the facility and upon the direction of the middle manager. The compulsion measures include binding the victims to the foot of a bed with cable ties, gagging them with a towel, twisting their arms behind their backs while naked, binding their arms and wrists together with transparent tape, and fastening both arms and wrists with hair dryer chords and belts. Such

compulsion lasted in durations as short as 2 to 3 hours to as long as 3 to 4 days. In addition, violent actions such as slapping their faces were confirmed.

Based on the findings, the Commission on July 7, 2014, requested the Public Prosecutor General of criminal investigation on the compulsion and violence against persons with disabilities on charges of violence and abuse under Article 32 (1) and (4) of the Act on the Prohibition of Discrimination Against Disabled Persons and cruel treatment under Article 273 (1) of the Criminal Act. It also made recommendations to the head of the local government to change the director of the facility concerned, take protective measures for the victims, and establish detailed measures to protect the human rights of persons with disabilities living in group care facilities, and to the newly appointed director of the facility to establish an internal management and supervision system and conduct multiple sessions of specialized training and human rights education to the entire staff to prevent the recurrence of violence or similar punishment.

The prosecution arrested 6 persons, including the director of the facility, and indicted 14 persons without detention. The head of the local government replaced the director of the facility and conducted guidance and supervision measures to social welfare facilities in its jurisdiction.

■ Disability Discrimination: Lecture Hall Building with No Elevator

The complainant, a university student majoring in social welfare, could not attend special lectures held on the second or third floor, had difficulties to get career counseling or academic counseling, and was not able to use a cafeteria in the basement because the lecture hall building had neither elevators nor a sloped ramp, for which the complainant filed a complaint to the Commission.

During investigation, the NHRCK asked an opinion from experts about the argument

presented by the respondent that the lecture hall building concerned is more than 30 years old and when a new building is constructed in 2016, every problem will be resolved. According to the expert opinion, it is possible to install an elevator without a significant impact on the structural safety of the building, and the expenses to place an elevator is not high enough to cause too much burden on the overall maintenance cost of the university. Therefore, the Commission concluded that restricting the access of a physically challenged person using a wheel chair to the building by not installing convenient facilities such as an elevator until the completion of a new building constitutes a discriminatory act prohibited by the provisions of Article 13 (4) and Article 14 (1) of the Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of their Rights, etc.

Accordingly, on August 20, 2014, it recommended the president of the university concerned to install convenient facilities such as an elevator and a sloped ramp to ensure students with disabilities were able to access and use lecture rooms, toilets, and the cafeteria in the existing building to guarantee the participation of students in education and school activities.

■ *Suo Moto* Investigation on Abuse and Cruel Treatment in a Group Care Facility for Persons with Disabilities

During an investigation on a complaint related to the violence and cruel treatment against a minor with an intellectual disability living in a social welfare facility for persons with disabilities, the NHRCK found there were a lot more victims and instances of serious human rights violations in the facility, and decided to conduct a *suo moto* investigation in August 2014.

Upon investigation, it turned out that the director of the facility often beat the

soles of the feet of the disabled with a bamboo stick and gave other corporal punishment. In case a resident resisted, the director of the facility even forced another resident to hold the other's legs or mount the other to suppress them, which the Commission found far beyond the scope of discipline conventionally allowed. Moreover, it was confirmed that the director confined a number of residents in doghouses and tied up their wrists with chains for hours. The victims also were forced to do farm work of garlic, beans, and onions in the fields owned by the director and the social welfare corporation. When a resident got a jawbone fracture due to a fight with another resident and could not eat, no immediate medical treatment was provided and no record on the injury was documented in a daily log. As such, the Commission confirmed serious human rights violations in the facility.

Based on the findings, the NHRCK prosecuted the director on charges of giving excessive corporal punishment, confining residents in a doghouse, imposing compulsion with wire, and embezzling subsidies on October 21, 2014. In addition, with the judgement that the facility concerned had been operated against the purpose of establishment as stipulated by the Act on the Welfare of Persons with Disabilities and the Social Welfare Services Act, it recommended the supervisory authority governing the facility to close it down. The head of the local government accepted the recommendation and closed the facility and transferred all the residents with disabilities to another facility.

■ Disability Discrimination in Employment in Public Institution

The complainant is a physically impaired person with degenerative muscle disease. The complainant applied for the social equality recruitment of the entry level financial/administrative position for insurance assessment (persons with disability)

of a finance development institute (a public institution). However, the complainant failed to pass the document screening process for the reason of suffering from a severe disability.

Upon investigation, the NHRCK concluded that eliminating candidates, based not on the applicant's knowledge of work or career but solely on the severity of a disability in document screening, is a discriminatory act in employment based on disability, and violation of the provision, "No employer may engage in any discriminatory practice against any disabled person in terms of recruitment and hiring, wage and benefit plans, job training, placement, promotion or transfer, nor retirement, resignation or layoff" of Article 10 (1) of the Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of their Rights, etc.

Accordingly, on October 21, 2014, the Commission recommended the chairperson of the finance development institute concerned to conduct human rights education related to the compliance of regulations stated by the Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of their Rights, etc. to the staff in charge of recruitment for the prevention of a recurrence and to provide a specification of work on the position in posting a job opening, so that any applicants with disabilities can decide for themselves whether or not they are capable of the work.

■ Disability Discrimination: Not Guaranteeing the Right to Defense of a Student with Disability in Investigating School Violence

A complaint which says a 3rd year male middle school student with multiple disabilities including intellectual impairment was forced to give testimony during the investigation at school on the suspicion that he molested a 1st year female student

(grade 2 intellectual disability) of the same school on a slope near the main gate of the school was filed to the Commission.

Upon investigation, the NHRCK concluded that the respondent, the principal of the school concerned, did not take appropriate measures in investigating the victim student and the aggressor student such as informing the related students and their parents that they can have a statement assistant or persons with reliable relation accompany them for the guarantee of the disabled student's right to defense statement in accordance with the Act on the Prevention of and Countermeasures Against Violence in Schools which requires, thereby constituting discrimination under Article 2 iii of the National Human Rights Commission Act.

Accordingly, on November 17, 2014, it made recommendations to the principal of the school concerned to give disciplinary warnings to the vice-principal, the teacher in charge, the guidance counselor, and the special education teacher and to educate the entire faculty about the prevention of disability discrimination. It also recommended that the Minister of Education and the Superintendent of Education of the city complement and revise the related regulations to ensure the presence of persons with reliable relation and engagement with statement assistants in addressing school violence issues in order to prevent students with disabilities being further disadvantaged and to establish measures to protect the human rights of students with disabilities by having professionally trained people take part as a statement assistant.

■ Discrimination against Persons with Disabilities in Insurance Application

The complainant with physical disability of congenital absence of fingers bought an actual cost of insurance plan as there was no explanation about restrictions against

persons with disabilities and paid the monthly premium the next day. However, the insurance company quickly withdrew the contract, saying the complainant is not qualified for the product.

Upon investigation, the Commission found that the insurance company's refusal of the complainant's insurance plan based on the existence of a disability or the disability grade uniformly without considering the individual and specific health conditions of the complainant in judging the possibility of underwriting is an unfair discriminatory act based on disability.

In this regard, it recommended the insurance company concerned to create appropriate underwriting criteria applicable to persons with physical disabilities like the complainant with congenital absence of fingers, establish measures to prevent the recurrence of similar cases, and conduct education on the prohibition of persons with disabilities to the entire staff including insurance solicitors at every branch on November 17, 2014.

F. Age

■ Age Discrimination in Taking a Class

The complainant was admitted through examination into the third year class in the department of nursing science in a university. However, the respondent, the dean of the department forced her to give up school based on her age, on which the complainant filed a complaint for unfair discrimination based on age.

Upon investigation, the NHRCK recognized the practical difficulties of managing the nursing practice and academic courses for the student considering her age. However, it concluded the respondent's acts is discriminating against the complainant in education, training, and the use of an educational facility based on age without

reasonable grounds, thereby constituting a discriminatory act violating Article 2 iii of the National Human Rights Commission Act for the following reasons: considering that the complainant's admission procedure was already completed, the matters related to practicing hospitals are to be addressed by the university; despite the practices of discriminating against trainees based on age in hospitals, the respondent spoke of the possible separate training to the complainant from the early days of school instead of trying to improve such prejudices as an educator, psychologically stressing the complainant; and even though the respondent's claim that she did not induce the complainant to drop out of school explicitly or intentionally is accepted, the respondent's acts consequentially resulted in the complainant's quitting school.

Accordingly, the Commission recommended the president of the university concerned to conduct human rights education for the entire faculty in the nursing science department for the prevention of age discrimination recurrence on June 25, 2014 and the president of the university accepted the recommendation.

■ Discrimination: Age Limit in Recruiting Vocational Educatee and Trainee

The complainant filed a complaint to the NHRCK, saying she was rejected from the recruitment of vocational trainees in the fashion design field because of her age, and it is an unreasonable discrimination based on age.

The respondent claimed that the complainant was rejected not only because her score was subtracted for her age, but her score of document screening and interview combined was relatively lower than that of other applicants. However, the Commission concluded that even though it is true that the psychological and physical competency declines as people get older, the practice of subtracting points by uniformed age criteria without considering individual difference in decrepitude and

activity is unreasonable. Moreover, comprehensively considering that Article 3 (3) and (4) i of the Act on the Development of Workplace Skills of Workers prohibit discrimination on the grounds of gender, age, physical conditions, etc. in workplace skill development training and the certificate obtaining rate and employment rate of trainees in their 50s are 51.0% and 57.2% respectively, not significantly lower than the average certificate obtaining rate (63.3%) and employment rate (62.3%) of the total trainees, the practice of subtracting points by age uniformly is determined as discrimination, violating the right to equality stated under Article 2 iii of the National Human Rights Commission Act.

Accordingly, the NHRCK recommended the respondent to improve the recruitment process so as to not give differential points by age in recruiting applicants on July 30, 2014. The respondent accepted the recommendation and announced the intention to remove age scoring in setting the vocational training plan for 2015.

■ Discrimination: Age Limit of Appointing Village Leader

The complainant is currently serving as a village leader in A city and wants to continue the duty, however the related ordinance of the city sets the age limit to under 65 years, on which the complainant filed a complaint on discrimination without reasonable grounds.

The Commission conducted a *suo moto* investigation in 230 primary local governments regarding the age limit of appointing village and county leaders in 2011, and found the age restriction of under 65 years in appointing village leaders, without considering the person's suitability and capability, constitutes discrimination without reasonable grounds stated under Article 2 iii of the National Human Rights Commission Act.

Accordingly, it recommended the respondent to revise the city's ordinance on village and county system in a way to eliminate age limits and appoint village leaders based on actual capability of duty on July 30, 2014. However, the respondent did not accept the recommendation by reason of the majority opinion for maintaining the current system in the region.

G. Social Status

■ Discrimination: Exclusion of Students of Arts and Sports in National Merit Scholarship

The complainant filed a complaint arguing that the national merit scholarship sponsored by Korea Student Aid Foundation covers only students of science & engineering and humanities & social sciences and excludes students in arts and sports and it is a form of discrimination without reasonable grounds and requesting the correctional improvement the scholarship system.

Upon investigation, the Commission found that the national merit scholarship has been provided for students in science & engineering since 2003 and students in humanities & social sciences since 2008 according to the budget in the national policy level but students in arts and sports, which account for 11.0% of total students, have been excluded. Given that the respondent also explains it plans to acquire budget to include students of arts and sports in the national merit scholarship program, the NHRCK concluded such practices of excluding students majoring in arts and sports from the scholarship is a discriminatory act under Article 2 iii of the National Human Rights Commission Act.

In this regard, it recommended the Minister of Education to take appropriate measures to prevent students in arts and sports from being excluded from the national merit scholarship on April 24, 2014. In response, the Minister of Education reported

that the national merit scholarship for students of arts and sports would be incorporated into the 2015 government budget as a new program.

■ Discrimination: Differentially Recognizing the Career of Short-term Contract Teacher

The complainant has a grade 2 middle school teaching certificate and currently is working as a short-term contract teacher in an elementary school. In the complaint, the complainant argued that while the period of teaching as a short-term contract teacher at a middle school, the same level school of the certificate is 100% recognized as a career, the period in an elementary school is recognized only by 50%, and is, therefore, a discriminatory act without reasonable grounds.

Upon investigation, the Commission acknowledged it may be reasonable to recognize only a part of career as when a teacher's teaching certificate does not match with the school level, a certain degree of restriction may be caused in allocating work to the teacher, given that the educational content in teachers' training course varies by teaching certificate. However, in this case, though in a short-term contract, the complainant performed the same amount of work as regular teachers and the expertise in major subjects can be higher than other teachers as the complainant has middle school teaching certificate and taught in an elementary school. Therefore it concluded that recognizing only 50% of work history is excessive in restriction and constitutes a discriminatory act stated under Article 2 iii of the National Human Rights Commission Act.

Accordingly, on May 22, 2014, it recommended the Minister of Education to develop an amendment of, "The conversion rate of the public educational personnel and staff's career" in Attached Form 22 of the Regulations on Remuneration for Public Officers and ask the Minister of Security and Public Administration to reform the regulation

according to the amendment bill, so that the career of short-term contract teachers, whose teaching certificates are different from the level of school they teach, can be fairly recognized.

By accepting the recommendation, on September 2, 2014, the Ministry of Education announced that it will collect opinions from related departments and city and provincial education offices, taking account of fairness with those who have career of working in central or local government and ask the Ministry of Security and Public Administration for the revision of the conversion rate of the public educational personnel and staff's career.

■ Discrimination: Excluding Short-term Contract Teachers from the Flexible Benefits Plan

In the wake of the tragic Sewol Ferry incident, the NHRCK found that short-term contract teachers have been unfairly discriminated and not guaranteed of basic social security net as they are excluded from the flexible benefits plan. In response, it decided to conduct a *suo moto* investigation in June 2014.

After investigation, it was found that as of 2013, short-term contract teachers account for about 9.47% and their work is not significantly different from that of regular teachers as they also work as home room teachers. When expanding the flexible benefits plan to short-term contract teachers, the increase of expenses is estimated from 0.01% to 0.11% compared to the entire budget. Considering that a few education offices are already allocating 0.01% to 0.02% of the entire budget to provide the flexible benefits plan for short-term contract teachers, the Commission concluded that 15 education offices in city and provincial level, which exclude short-term contract teachers from the flexible benefits plan on budgetary grounds, are committing discriminatory acts without reasonable grounds stated under Article 2 iii of the National

Human Rights Commission Act.

Accordingly, it recommended the 15 city and province education offices to design and operate the flexible benefits plan fairly so that short-term contract teachers will not be unreasonably discriminated against on November 28, 2014.

H. Academic Background

■ Discrimination: Excluding College Graduates in Recruiting Production Workers in a Large Company

The complainant passed the employment test for production workers' position in an automobile company and signed an employment contract after completing a training workshop for new employees. However, later it was found out that the complainant applied as a high school graduate in the job application even though the complainant had in fact graduated from college. As a result, the complainant was forced to leave work and filed a complaint, arguing the exclusion of college graduates in recruiting production workers is discrimination on the ground of academic background.

Through investigation, the NHRCK concluded that not employing 4 year college graduates in production workers' position may provide an affirmative effect for high school graduates whose option in employment is relatively small, nevertheless hiring only high school or vocational college graduates instead of giving additional points to high school graduate applicants or allocating a certain quota for them constitutes reverse discrimination. In particular, given the changing social conditions due to serious youth unemployment, such as the link between academic background and occupational category, is weakening and the definition of "the highest level of education" becomes nebulous as some 4 year college graduates who could not find jobs re-enter vocational colleges, the Commission found completely depriving 4 year

college graduates of the opportunity in employment simply because they graduated from a 4 year college is excessively restricting the job seekers' freedom of choice.

Regarding the concerns over the possible difficulties in managing organizational harmony with the existing employees, most of whom are high school graduates, when hiring college graduates as entry level employees, it said the feeling of the existing workers toward college graduates cannot justify discrimination in employment even though the concern is recognizable. Also in terms of possible conflicts over the differentiated wage to college graduates, it found there is no reason to pay differently if college graduates do the same work as high school graduates as workers get paid for their labor, not for their academic background or social status.

By comprehensively considering the above factors, the Commission determined the respondent committed discriminatory acts without reasonable grounds by restricting the qualification for new production workers to high school or vocational college graduates and depriving 4 year college graduates of the opportunity in employment.

Accordingly, it recommended the automobile company concerned not to exclude 4 year college graduates in recruiting and hiring production workers and to create reasonable qualification criteria for applicants including technical education, training, or technical certificate records directly related to the future duty on February 19, 2014.

The automobile company accepted the recommendation and announced the intention to remove the academic background item from qualifications for applicants in recruiting production workers to ensure 4 year college graduates are not excluded from application and employment.

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

National Human Rights Commission of Korea Annual Report 2014

Section 1. Overview

The NHRCK, in accordance with Article 19 v and Article 26 of the National Human Rights Commission Act, has been active in conducting education and raising public awareness necessary to awaken and elevate public consciousness of human rights.

Human rights can be enjoyed only after one has become aware that he or she is entitled to them. In this regard, human rights education and promotion aimed at enhancing awareness about human rights and forming a human rights-friendly culture is the very cornerstone on which to create an egalitarian society void of discriminatory practices and where human rights are respected. In particular, the year 2014 brought to the fore a variety of sincere debates on ensuring the right to life and safety. Bearing this in mind, the Commission actively facilitated various projects in the areas of human rights education and human rights promotion in 2014.

Section 2. Major Achievements

1. Institutional Foundation for Human Rights Education

A. Legal Foundation for Human Rights Education

Article 26 of the Universal Declaration of Human Rights, Article 33 of the Vienna Declaration and Program of Action, and the Declaration on Human Rights Education and Training adopted by the 66th UN General Assembly Resolution in 2011 emphasize the importance and necessity of human rights education. In particular, Article 7 of the Declaration on Human Rights Education and Training stipulates that the primary responsibility to develop, implement, and improve education and training on human rights lies with the state and relevant government organizations.

Article 26 of the National Human Rights Commission Act identifies human rights education as a key mandate. Since its establishment in 2001, the Commission has been dedicated to conducting human rights education for schools, public organizations, and the general public and developing and distributing the content of human rights education, thereby institutionalizing human rights education. Its efforts resulted in mandatory human rights education for public officials and employees in public organizations by the Mental Health Act, the Act on the Welfare and Assistance of the Self-Support of Homeless Persons, etc., and ordinances of local governments.

There are, however, a lot of difficulties remaining in conducting human rights education in a comprehensive and systematic manner without a basic law for human rights education. The enactment of a human rights education act is certainly one of key factors in laying an institutional foundation for human rights education. A human rights education act is critical for ensuring the right of access to human rights education for all, clarifying the responsibility of the state and other public

organizations to conduct human rights education, and promoting human rights education in all parts of our society on a voluntary basis.

Accordingly, the NHRCK established the 2014 plan to promote the human rights education support act and organized and operated a related advisory committee and working group. More importantly, it provided full support to the Human Rights Education Support Act co-proposed by the ruling and opposition parties at the National Assembly on October 10, 2014¹⁶⁾. Unfortunately, the bill was withdrawn on November 6, 2014 due to strong protest from some organizations on which the Commission expressed its regret in a statement on November 12, 2014. Despite difficulties, it will continue to endeavor for human rights legislation.

On one hand, the UN adopted the General Assembly Resolution (59/113) on the World Program for Human Rights Education with the aim of expanding the human rights education program to all social sectors on December 10, 2004. The first phase (2005~2009) of the World Program for Human Rights Education focused on human rights education in the primary and secondary school systems, while the second phase (2010~2014) put priorities on human rights education in higher education, and for teachers, educators, civil servants, law enforcement officials and the military. The third phase (2014~2019) of the World Program for Human Rights Education is to strengthen implementation of the first two phases and promote human rights training for media professionals and journalists.

In this regard, the NHRCK issued its opinion to the Minister of Security and Public Administration in August 2012. In detail, the Minister was asked to review the laws, institutions, and policies on the education and training of public officials for the

16) Rep. Yoo Seung-min initiated the motion and a total of 45 lawmakers joined it.

promotion of human rights education and encouraged to integrate human rights education in the guidelines for annual education and training for public officials. It also expressed its view to the heads of government education and training institutions for public officials that human rights education courses and sessions should be included and expanded in their programs. In addition, it conducted a survey on the current status of human rights education in 34 education and training institutions for public officials (central and local/provincial governments) and 15 education and training institutions for teachers affiliated with city/province education offices in 2014 as 2013.

[Table 2-3-1] Survey on Human Rights Education in Education and Training Institutions for Public Officials

Institutions	2011			2012			2013		
	Session	Hour	Person	Session	Hour	Person	Session	Hour	Person
Total	152	394	11,559	212	1,144	31,120	171	431	14,053
Human Rights Education Course	10	101	887	45	753	1,272	10	88	458
Human Rights Class or Special Lecture	142	293	10,672	167	391	29,848	161	343	13,595

* Institutions which have human rights education courses: the Ministry of Justice, Seoul City, Busan City, South Chungcheong Province, Jeju Province, etc.

[Table 2-3-2] Survey on Human Rights Education in Education and Training Institutions of Cities and Provinces

Institutions	2011				2012				2013			
	Course	Session	Hour	Person	Course	Session	Hour	Person	Course	Session	Hour	Person
Total	263	321	799	25,241	316	387	2,711	35,464	193	336	2,412	33,383

* Institutions in cities and provinces where a student rights ordinance is enacted or proposed have more human rights education sessions.

According to the survey results, in 2013, human rights education sessions in education and training institutions for public officials decreased sharply with the number of participants down to less than a half, compared to the previous year. The change in the government policy to enhance education and training on creativity, originality, and integrity is understood to result in such decrease. In this regard, the Commission needs to step up its effort to enhance human rights education in education and training institutions for public officials by joining the education development council hosted by the Central Officials Training Institute and organizing and operating local government human rights education councils (sponsored by the NHRCK).

On the other hand, human rights education and special lectures in education and training institutions for teachers in cities and provinces in 2013 showed a considerable decrease in the number of sessions, while the number of times, hours, and participants was about the same compared to the previous year. It is estimated that in order to fulfil the mandatory hours of education for teachers, each session had a relatively large audience in a short period, which may cause a decline in quality, therefore requiring improvement.

In addition, the NHRCK submitted its opinion on the third phase (2015~2019) of the World Program for Human Rights Education to the Office of the United Nations High Commissioner for Human Rights: suggesting the clarification of national human rights institution's responsibility and role; highlighting the development of human rights-sensitive reporting guidelines; and suggesting the establishment of human rights education center.

B. Building Domestic and International Cooperation System for Human Rights Education

For the universal implementation of human rights education, the NHRCK has made efforts to build a domestic and international cooperation network on human rights

education. In 2013, the Commission established the Human Rights Education Council for the Elderly and in 2014 the Human Rights Education Council for Preschool Children was launched on November 11 after a preparatory conference on August 22 with the aim of enhancing human rights education networking for infants, toddlers, and preschool children.

In addition, for the promotion of cooperative network with other organizations engaged with human rights education, it convened the Human Rights Education Council for the Military (Apr. 15 and Dec. 19), the Human Rights Education Council for Schools (Oct. 27), the Human Rights Education Council for Homeless People (Feb. 5) and the Human Rights Education Council for the Elderly (Mar. 5) to discuss improved methods of providing human rights education for people working in the relevant areas. On May 26, a working group meeting to implement the MOU signed with the Seoul Office of Education, the Daegu Office of Education, and the Gwangju Office of Education in 2013, to promote a human rights respect culture in schools, was held.

On the other hand, with the aim of understanding the international trends of human rights education, identifying important issues and challenges, and enhancing the exchange and cooperation with international human rights education organizations, the Commission participated in the Advance Human Rights Education Programme hosted by the APF (India, June 10 to 14); the 5th International Conference on Human Rights Education (Washington D.C. Dec. 3 to 8); and had a meeting with the General Research Institute of the Convention on the Rights of the Child in Japan (Nov. 27) to identify the current status of human rights education in other countries and present its best practices in human rights education. It also made a variety of efforts to share information on a diverse range of issues in human rights education and to create and strengthen its international cooperative network.

C. Strengthening and Expanding Human Rights Education through Panel Discussions on Human Rights Education

In order to find ways to make a safer and caring society through human rights education, the NHRCK hosted “the Human Rights Education Conference on Human Rights Concerns in the Sewol Ferry Incident and the Related Improvement Strategies” on September 24, 2014 in partnership with human rights committees in the ruling and opposition parties.

At the conference, about 100 experts from NGOs, media, the Korean Teachers & Educational Workers’ Union, and political parties including Rep. Lee Han-seong, chair of the human rights committee of the ruling Saenuri Party and Rep. Choi Won-sik, chair of the human rights committee of the opposition New Politics Alliance for Democracy participated and had a lively discussion.

The Commission also held “the Conference on the Introduction of Human Rights Education in Social Welfare Training Program” in cooperation with Korean Council on Social Welfare Education and Korea Association of Social Workers on May 30, 2014. Additional consultations after the conference resulted in significant achievements such as doubling the hours of human rights education from 2 to 4 hours in mandatory refresher training programs for social workers and introducing human rights instructors’ course for social welfare sector.

2. Creating Human Rights Friendly Culture in Schools

A. Human Rights Friendly Textbook

The NHRCK, for the purpose of creating human rights-friendly educational environment and textbooks, has continuously monitored the textbooks of primary and

secondary schools. In 2014, it examined the implementation progress of its recommendations made to the Minister of Education and the Superintendents of Offices of Education on September 27, 2013.

In response to the recommendations, the Ministry of Education expressed its plan to revise textbooks regarding the following descriptions: prejudice on the gender role and gender discrimination; a stereotype on the multicultural families; description on social activities of the elderly as competition in the job market with young generation; and the counterpart of persons with disabilities from normal persons to non-disabled persons. The 17 Superintendents of Offices of Education also accepted the recommendation.

B. Human Rights Education at University

Since 2006, the NHRCK has pursued a wide range of cooperation in human rights education by signing MOUs for the promotion of human rights with and supporting 11 universities which were designated as centers of conducting and researching human rights education, and working as a regional human rights network. The major points of the MOUs are as follows: the development and promotion of research on human rights education; the joint-development of human rights education programs; the establishment and implementation of human rights education programs; the research and implementation work for the promotion of human rights in the region; the exchange of data and information on human rights; the establishment of human rights libraries; and the exchange of human resources including in-service human rights practice training.

In this regard, the Commission conducted two times of in-service human rights practice training for law school students mainly from the MOU-signed universities to nurture human rights experts.

On the other hand, in line with the UN recommendation to strengthen human rights education in higher education through the second phase (2010~2014) of the World Program for Human Rights Education, the NHRCK has conducted annual surveys on human rights courses in universities across the country as an effort to expand human rights education at university within the second phase implementation period.

In 2014, it surveyed the current status of human rights courses at 365 universities (national, public, and private universities combined). The survey results showed that 57% of the surveyed universities have one or more human rights-related curricula and these 57% universities provide 6.22 human rights curricula on average, which is a significant increase compared to 2011 (43%, 3.97 curricula). The Commission will continue to endeavor for the realization of human rights friendly culture in higher education institutions by encouraging them not only to open human rights classes but also to establish a human rights center.

3. Expanding Human Rights Education through Human Rights Education Center

A. Efficient Operation of Human Rights Education Center and Current Status of its Human Rights Education

With the aim of facilitating human rights education by ensuring stable operation of educational courses and providing standardized and systematic educational programs, the Commission opened the Human Rights Education Center in CG Construction Management Training Center in Chungju in 2009. The Human Rights Education Center has provided human rights education courses that cover various fields, and extended the scope of its courses as well as the number of participants

in the courses.

In 2014, the Commission provided a total of 2,334 sessions in a range of courses including training courses, visit programs, online courses and special lectures to 164,075 persons.

[Table 2-3-3] Human Rights Education by Year (2010~2014)

Year	Total		Training Course		Visit Program		Online Course		Special Lecture	
	Session	Person	Session	Person	Session	Person	Session	Person	Session	Person
Cumulative Total	10,397	886,157	1,498	79,605	1,037	27,323	824	157,684	7,038	621,545
2014	2,334	164,075	334	14,325	206	4,926	288	34,744	1,506	110,080
2013	1,834	168,580	245	11,382	159	4,588	150	39,654	1,280	112,956
2012	1,300	124,937	214	10,456	119	2,204	109	21,550	858	90,727
2011	1,167	114,097	166	7,064	153	3,019	71	14,681	777	89,333
2010	1,069	90,079	287	22,451	88	1,726	65	10,538	629	55,364

* Cumulative Total: Nov. 2001~ Dec. 31, 2014.

The NHRCK has assumed the exclusive responsibility to conduct human rights education for employees in facilities for homeless persons, which has become mandatory by law to improve the human rights conditions of homeless people who are economically and socially vulnerable. In addition, it has run human rights education courses for child care teachers, kindergarten teachers, and directors (vice-directors) of kindergartens in order to create a human rights education system tailored to the different developmental stages of children. The Commission also provided “Traveling Special Lectures on Human Rights” for the prevention of school violence and the promotion of human rights of students with disabilities and migrant children: in detail, human rights education for school violence prevention (123 sessions, 5,671 persons); the promotion of human rights of students with disabilities (47 sessions, 2,137 persons);

human rights in a multicultural society (75 sessions, 3,685 persons); ICTs and human rights (26 sessions, 1,294 persons); and basic human rights (11 sessions, 834 persons).

B. Providing Diverse Human Rights Education Courses

With the aim of fully responding to the increasing needs for human rights education and spreading a culture of respect for human rights through human rights education in our society, the NHRCK provided a total of 334 human rights instructors' course, human rights sensitivity enhancement courses and related workshops to a total of 14,325 persons including: children and youth fields in the school sector; administrative public officials, employees in group care facilities (including social workers and employees in mental health, disability, multicultural and homeless persons sectors), military personnel (commissioned officers, noncommissioned officers and enlisted men) in the public sector; journalists, entrepreneurs, the socially vulnerable groups (migrant, North Korean defectors, and senior citizens) in the private sector.

To be specific, a total of 28 sessions in the human rights instructors' courses were implemented in 12 areas (police, military, the elderly, homeless people, multicultural, children and youths, disabled children, welfare facilities for persons with disabilities, ICTs and human rights, mental health, infants and preschool children, and social welfare), contributing to both quantitative and qualitative development in human rights education by fully addressing human rights education needs in various areas.

Human rights sensitivity enhancement courses included 191 mandatory sessions (9,668 persons) for employees in mental health facilities, and 32 mandatory sessions (1,461 persons) for employees in welfare facilities for homeless persons. Other courses, on a voluntary basis, were provided for public officials, military personnel, undergraduate and graduate university students, employees in multicultural sector,

directors of welfare facilities for persons with disabilities, employees in group care facilities for the elderly, employees in charge of ICTs and human rights, school managers and school commissioners, and directors and vice-directors of kindergartens.

1) Human Rights Policy Leadership Course for Public Officials

Since 2010, the Commission has provided regular human rights policy leadership courses for public officials. The course aims to integrate human rights in the policy making and policy implementation process through human rights education. In the beginning, the course was only for grade 4 or lower ranking public officials, however, since 2013, executive sessions for grade 4 or higher ranking officials have been in operation. In 2014, a total of 5 sessions were implemented and participated in by 202 public officials from 36 public organizations including the National Assembly, the Supreme Court, the Ministry of Justice, the National Police Agency, the Ministry of Education, Seoul Metropolitan City, and Jeju Special Self-Governing Province.

2) Human Rights Education Course for Military

In response to the increasing social concerns over human rights violations in the military including firearm accidents and suicides, the NHRCK has made strenuous efforts to prevent human rights violations in the military fundamentally. To that end, it has developed human rights education programs in compliance with the principles and standards of the UN, nurtured human rights instructors specialized in human rights education for military personnel in the Army, Navy, and Air Force and provided year-round human rights sensitivity enhancement courses for commissioned and non-commissioned officers. As such, the Commission has been

dedicated to fostering mutual respect and human rights awareness in the military, creating a human rights-friendly military culture, and regularizing self-initiated human rights education in the military.

In 2014, it implemented 4 sessions of human rights sensitivity enhancement course for 166 persons including not only soldiers but also civilian employees and military life counselors. The participants, by rank, range from non-commissioned officers to commissioned officers; and in case of civilian employees, from grade 9 to grade 4. In terms of human rights instructors' course, one session (20 persons) as a refresher training program was implemented and 35 soldiers, who completed all three phases of the course, were newly recognized as military human rights instructors. For more effective and substantial human rights education in the military, the instructors' course was operated in a small group with participatory curricula such as each participant's presenting a case study on human rights violations in the military with corresponding improvement measures in ppt.

3) Human Rights Education Course for Mental Health and Disability

In accordance with the mandatory human rights education stipulated by Article 6 of the Mental Health Act, the Commission has implemented human rights education for about 20,000 persons including the founders, directors, and employees of 1,455 mental health facilities across the country since 2009. In 2014, it subdivided and specified the educational contents according to different target audiences, reflecting that the level of human rights education varies by group, e.g. medical staff and non-medical staff, to enhance the satisfaction of education. It also held regional briefing sessions on this specification by dividing the country into four regions.

In addition, every Tuesday, designated as "Human Rights Education Day for Mental

Health”, it implemented human rights education for mental health at the head office and regional human rights offices in a systematic and uniformed manner. In 2014, it conducted 191 sessions for 9,668 persons, a 40.8% (2,808 persons) increase in terms of the number of participants, compared to the previous year (112 sessions and 6,866 persons in 2013).

The NHRCK enhanced the Guidelines on Human Rights Education for 2014, in consultation with the Ministry of Health and Welfare, and in accordance with the Guidelines, it changed the practices of some facilities which conducted human rights education for themselves and reported the results to the educational institutions. In 2014, human rights education was implemented under the direct control of educational institutions, and the responsibility and role of the Commission among 23 specialized human rights education institutions for mental health was strengthened, which resulted in the above significant increase.

For the qualitative improvement of human rights education for mental health, it conducted self-study of the Human Rights Education Instructors’ Team for Mental Health once a month, set the maximum number of participants in a session to less than 50 persons, and implemented participatory learning and lectures on a one-for-one basis. In participatory learning, major human rights violation cases in mental health facilities, frequently filed to the Commission, were categorized into 6 types and studied through group discussion, presentations and question and answer sessions. Lectures were also improved with more lively methods and examples in an effort to increase the satisfaction of participants. In addition, the website of the Human Rights Education Center was reformed for trainees to access and print out completion certificates, thereby providing more convenience to the trainees. Moreover, the Commission enhanced the capacity of specialized human rights education institutions by cultivating

37 instructors for 5 institutions which were newly designated as a specialized human rights education institution for mental health by the Ministry of Health and Welfare at the end of December 2014, and strengthened the exchange and cooperation with these institutions.

On the other hand, with the enforcement of the Act on the Prohibition of Discrimination Against Disabled Persons, Remedy Against Infringement of their Rights, etc., the needs for the elimination of social prejudice and discrimination against persons with disabilities, and the protection and promotion of their human rights have been on the rise in all areas of our society such as the public sector, social welfare, and business enterprises. Accordingly, human rights education needs in the disability sector have also been increased in such as the mandatory human rights education for employees in welfare facilities for persons with disabilities has doubled from 4 hours a year to 8 hours a year and a per annum 4 hours of human rights education for the residents in the facilities were added from 2014.

However, human rights education instructors specialized in disability issues are not fully ready to meet the rapidly increasing needs for human rights education in both the number of instructors and their capacity. In response, the NHRCK held a workshop with human rights instructors for disability every second Saturday a month to acquire new instructors and strengthen the expertise and capacity of the existing instructors.

In addition, recognizing the continuous human rights violations in group care facilities for persons with disabilities, the Commission implemented human rights sensitivity enhancement courses for directors or human rights guardians of 452 group care facilities for the disabled across the country, related public officials, and employees in local social welfare centers.

4) Human Rights Education Course for Homeless People

Pursuant to Article 20 of the Act on Support for Welfare and Self-Reliance of the Homeless, etc. which was enacted in June 2011 and enforced on June 8, 2012, employees in a facility for homeless persons should undergo human rights education at least 4 hours a year, and the NHRCK was designated as an exclusive human rights education provider for them. In response, in 2013 the Commission established a mid-term plan and created the Human Rights Education Council for Homeless People to implement human rights education systematically. In 2014, it provided 32 sessions of mandatory human rights education courses for 1,461 employees in facilities for homeless people and 2 sessions of human rights sensitivity enhancement courses for 45 new employees by using instructors who completed the instructors' course in 2013.

5) Human Rights Education Course for a Multi-Cultural Society

For the advancement and improvement of multicultural human rights education, and ultimately the realization of a human rights friendly multicultural society, the NHRCK has consulted with and supported agencies and organizations engaged with multicultural issues, opened and implemented human rights education courses for a multicultural society, and conducted human rights sensitivity enhancement courses for those in charge of multicultural projects. It also has operated traveling multicultural human rights education programs for preschool children, primary and secondary school students, people in related agencies or organizations, and migrants or multicultural families since 2010.

The Commission provided human rights workshop (one session, 21 persons) for employees at Hana center which provides support for North Korean defectors to facilitate the human rights protection and promotion of North Korean defectors. In

2014, it also implemented human rights sensitivity enhancement courses for public officials and employees at Seoul Global Center, public officials in charge of multicultural issue in local governments, and employees in migrant support organizations for the enhancement of human rights sensitivity of public officials in charge of multicultural projects and the establishment of network with local activists working in multicultural issues. In addition, central refresher training programs, to strengthen the capacity of multicultural human rights instructors, were provided both on the regional and central level.

6) Human Rights Education Course for the Elderly

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

As the international community adopted “A Society for All Ages” as the action slogan for aging society issue, it is desirable to change the perspective on aging from “the increase of social cost” to “a human rights-oriented perspective guaranteeing the right to work of the elderly and supporting the economic and social participation of the elderly for the promotion of the quality of their life.” To that end, human rights education should be facilitated not only for the elderly but also for all related persons in family, workplace, and the local community.

In particular, with the introduction of long-term care insurance service in 2008 and the government and the society assuming the responsibility to support the elderly, there has been a sustained increase in various facilities and conveniences for the elderly. Accordingly, the number of people who are engaged with the elderly support

business as well as a range of human rights violations and discriminatory acts including abuse and maltreatment in the process of providing welfare services for the elderly has been on the rise. It is necessary, therefore, to prevent human rights violations by strengthening human rights education for directors and employees of welfare facilities for the elderly and care-givers.

The NHRCK has implemented human rights education courses specialized in the elderly since 2011 for the promotion of human rights of the elderly, the improvement of social perspective towards the human rights of the elderly, and the prevention of human rights violations in welfare facilities for the elderly. In addition, it created the Human Rights Education Council for the Elderly in 2013 and provided 5 sessions of human rights instructors' courses (105 persons) and 6 sessions of human rights sensitivity enhancement courses (253 persons) mainly for related associations, agencies, or organizations in 2014.

7) Human Rights Education Course for Infants, Preschoolers, and Primary and Secondary School Students

The International community recognizes that human rights education should start as early as the level of infants, toddlers, and preschoolers and emphasizes the state responsibility for human rights education so that children, parents, and teachers understand the general idea of human rights and build up an environment of respect of human rights from infancy.

To create a human rights friendly environment for children nursing, the Commission provided a total of 10 sessions (89 persons) of preschoolers' human rights sensitivity enhancement education to educators and employees of kindergartens, daycare centers, and nursing facilities in 2014. In addition, it fostered human rights instructors for

preschool children by conducting basic and advanced courses (a total of 4 sessions, 89 persons) and provided children's human rights education instructors to Seoul city's on-the-job training for kindergarten teachers (3 sessions, 296 persons) and Seoul city's refresher training for daycare center directors (9 sessions, 553 persons) to help human rights education be integrated in certification and on-the-job training courses for directors and teachers.

Moreover, the NHRCK developed online content "the Understanding of the UN Convention on the Rights of the Child" to lay a foundation for children's human rights education and created a human rights education textbook for children *This or That? The Right to Know*, so that children can express their rights and learn the value of mutual respect based on human rights from as early as the age of infancy. It also established the Human Rights Education Council for Preschoolers as a foundation on which the voices of the filed can be reflected and human rights education can be implemented in a sustainable and systematic way.

For the prevention of human rights violations and discriminatory acts at school, the Commission provided the human rights sensitivity enhancement course for 54 teachers from across the country in August 2014 where the participants had opportunities to develop human rights friendly school vision including ways to promote non-violent communications and measures to prevent school violence for the creation of human rights friendly school culture.

In addition, the NHRCK put in its efforts to promote the effective implementation of the Guidelines for the Promotion and Protection of Human Rights in Sports recommended by the Commission in 2011. These efforts included a workshop for sports experts, human rights instructors' course for the sports sector, traveling lectures for middle and high school sports team members and their coaches (12 sessions, 3754

persons) in partnership with Seoul Office of Education and traveling lectures for student athletes with the support of Gyeonggi Office of Education in 2014.

The traveling lectures for student athletes (38 sessions, 695 persons) were provided to football or volleyball players by sports trade in 38 schools in Gyeonggi Province. By conducting a participatory intensive education in a small group of 18 students per session on average, the program especially contributed to creating a human rights friendly culture for student athletes, including laying a foundation to prevent the autonomy and right to study of student athletes from being infringed upon.

In addition, based on the outcomes of conducting human rights instructors' courses three times in 2013 to foster new human rights instructors specialized in the children and youth sector and to create a nation-wide network of human rights instructors, the Commission held a workshop for human rights instructors in 2014.

8) Human Rights Education Course in the ICTs and Human Rights

With the advent of information society in the 21st century, a new risk in privacy has emerged and as the advanced information technologies facilitate brought about not only more convenience in communication but also more massive leakage of personal information beyond national borders, the protection of personal information has become an important societal concern.

In 2014, the NHRCK conducted one session of a refresher training course for 25 human rights instructors of the ICTs and human rights sector with the aim of creating an information society where the right of self-determination of personal information is respected and all human rights and the fundamental rights of an information society are promoted in harmony.

In particular, it built a foundation to meet the increasing human rights education

needs in the ICTs and human rights by promoting the capacity enhancement of instructors through the introduction of the most recent issues and international trends in personal information protection, case studies, and teaching methods in theory and practice. The human rights instructors for the ICTs and human rights provided special human rights lectures on the ICTs and human rights and online school violence for students and parents through “traveling special human rights lecture for schools” upon request of schools in each region.

9) Human Rights Education Course for Women

Women’s rights movement has a relatively long history in our society compared to other sectors, many of which have recently experienced improved human rights awareness. However, as seen from frequently repeated sexual discrimination and sexual harassment cases, the mainstreaming of women’s rights has a long way to go. In this regard, the Commission first introduced and implemented a human rights sensitivity enhancement course in women’s rights to see the world from the women’s perspective for women’s rights activists and human rights instructors (one session, 20 persons).

10) Human Rights Education Workshop for Journalists

Since the UN Decade for Human Rights Education adopted at the UN General Assembly in 1994 recognized the important role of the mass media (journalists) in influencing the realization of human rights, the role of the media as an agenda setter with regard to human rights, has become consistently greater. In the same vein, the Commission has conducted a human rights workshop for journalists covering social issues every year since 2010, with the aim of raising the awareness of journalists’ role as human rights defenders and promoting positive social changes through

investigative reports and featured reports on important human rights issues.

In 2014, the NHRCK held a human rights workshop for 70 journalists (leaders or the equivalent of social issue news teams) who are at the center of news reporting for two days from August 29. At the workshop, their responsibility as a human rights defending group was highlighted and a stricter implementation of the Human Rights Reporting Standards, which state the role of the media and manuals on each sector (democracy and human rights, the right to have human worthy and dignity, human rights of persons with disabilities, gender equality, human rights of migrants and foreigners, human rights of the elderly, human rights of the child, and human rights of sexual minority), was encouraged.

11) Human Rights Sensitive Management Course

With the greater influence of business enterprises and the integration of national economies into a global economy, international standards on corporate social responsibility have been developed and institutionalized and accordingly more attention has been paid to business and human rights in Korean society. Moreover, the National Human Rights Commission Act was revised to include public corporations to the list of entities subject to investigations by the Commission in 2012. In this regard, in 2014, it provided one session of human rights sensitivity enhancement course for the related agencies and the management of business enterprises (50 persons from 22 entities) for the purpose of the promotion of human rights education in public corporations.

C. Commission Visit Program

The NHRCK has continuously provided on-site educational opportunities to help the public become more familiar with human rights education by understanding the

Commission's work and human rights and to enhance the human rights sensitivity of our society based on experiential human rights education. The participants range from schools and public organization to social welfare facilities, and civil society organizations. In 2014, 4,926 persons visited the Commission (the head office and regional human rights offices combined) on 206 occasions.

The Commission provided a variety of thematic participatory activities by lower grade and higher grade students of primary schools, middle school and high school students, university students, people residing in social welfare facilities, and general adults. As such, it created opportunities where the participants can elevate human rights sensitivity and practice human rights by protecting their human rights and respecting the human rights of others. In addition, the Q&A sessions and mini discussions on the Commission's key policies, recommendations, and hot issues of the day improved the effectiveness of the on-site experience program.

D. Constant Learning System with Expanded Online Education

The online human rights education implemented by the Commission since 2007 aims to improve the accessibility of human rights education, enhance human rights sensitivity and competency through online self-learning, and provide general and professional knowledge about human rights. In 2014, 288 online human rights education sessions were taken by 34,744 persons.

The analysis on the number of persons who had online session by month showed a significant increase from June to September as 'Special Course for Teachers' was conducted in partnership with Seoul Office of Education during the period. "Human Rights for Teachers +" was taken by the largest number of persons (11,965 persons) followed by "Prevention of Disability Discrimination" and "Prevention of Gender Discrimination".

[Table 2-3-4] Online Human Rights Education by Year (2010~2014)

Year	Participants(Persons)					Completion Rate(%)			
	Public Officials	Citizens	Teachers	Others	Total	Public Officials	Citizens	Teachers	Others
2014	7,578	2,175	24,863	128	34,744	84.2	36.5	86.4	56.1
2013	9,944	5,338	24,372	—	39,654	90.6	69.4	90.0	—
2012	10,776	2,027	8,747	—	21,550	90.6	66.3	87.4	—
2011	8,511	—	6,139	31	14,681	91.9	—	88.3	100
2010	6,276	—	3,995	267	10,538	81.1	—	83.3	100

E. Provision of Special Lectures on Human Rights

The NHRCK, in order to improve human rights sensitivity of public officials who have a great influence on the promotion of human rights in our society, has been offering human rights courses at various educational institutions (including on-the-job training) and providing special lectures on human rights for organizations and groups on request to spread human rights awareness and expanding the horizon of human rights education. In 2014, it conducted a total of 1,506 special lectures for 110,080 persons. In relation with mandatory education, the requests from primary and secondary schools have been on the rise.

In particular, the traveling human rights education for schools which were implemented across the country with the aim of preventing school violence through mutual respect, improving against prejudice against persons with disabilities and migrants, and creating a human rights friendly culture including in the ICTs and human rights at school has contributed to broadening the regional base of human rights education and promoting human rights education, among the heightened popular interest in human rights in school.

4. Developing and Distributing Educational and Promotional Content on Human Rights

A. Developing and Distributing Human Rights Education Content

Developing educational content on human rights lays a foundation for human rights education in each field and the effect of human rights education varies by its content and teaching methods. With this in mind, the Commission has continuously developed and distributed educational content on human rights for the purpose of broadening social awareness on human rights and facilitating human rights education since 2002.

In 2014, it issued handbooks for the five major human rights issues including mental health, the human rights of the elderly, the human rights of persons with disabilities, the prevention of school violence, and human rights integrated management. It also published human rights educational book *If You Feel Uncomfortable, Ask*. In addition, it developed a total of three human rights education textbooks on specific themes (human rights and social welfare, human rights and local self-governing system, and human rights and administration) and a total of 6 online human rights education materials such as the understanding of human rights, the Universal Declaration of Human Rights, the handbook to human rights of the elderly, the understanding of the UN Convention on the Rights of the Child, the prevention of school violence and the prevention of sexual harassment.

B. Developing and Distributing Promotional Content on Human Rights

1) Human Rights Films

In order to raise public awareness of human rights and create a human rights friendly culture, the NHRCK has produced and distributed films on human rights since 2002. In 2014, it produced the 11th project, titled *The Golden Carriage in the Sky*. The film

deals with rather heavy subject of death, but its caring and touching narrative helps the audience see the topic with pleasure. It was favorably reviewed in and out of Korea by being selected as the opening film of the Jecheon International Music & Film Festival and invited to the Official Selection–Competition in the Karlovy Vary International Film Festival. *The Golden Carriage in the Sky* was screened in more than 30 theaters.

Following the *Golden Carriage in the Sky*, the Commission is producing the 12th human rights film *The Fourth*. The film is planned to question the social ill of only valuing and remembering the winner and spread a human rights sensitive sports culture where people can really enjoy sports without worrying about losing and students can maintain the proper balance between sports and study. Director Jung Ji-woo whose films have been widely loved by the people including *Modern Boy* and *A Muse* is directing the film. It follows a primary school student who loves swimming but has difficulties in establishing good records, dealing with our society's competitive culture obsessed with winning. The film is expected to be showing in 2015.

In 2014, the NHRCK implemented the Traveling Theater project to provide better access of local communities to culture and promote human rights sensitivity through films. With regional human rights offices at center, the project provided opportunities for local residents and civil society organizations to enjoy good films and have in-depth discussion with directors, learning the significance of practicing human rights.

2) Award Programs for Human Rights Content (Reports, Advertisements, and Essays)

The Commission has been hosting the Human Rights Contest in diverse forms with the theme of human rights in our daily lives, with the aim of encouraging research for the protection and promotion of human rights, broadening the horizon of human

rights friendly culture, and laying a foundation for human rights knowledge. In 2014, it improved the official website of the contest and introduced a registration system for more stable and effective operation of the contest.

A total of 863 contents including 44 reports, 549 essays, and 270 advertisements were submitted for the 2014 Human Rights Contest. A total of 38 submissions were selected and cited by the Chairperson of the Commission. Selected prize-winning reports were compiled into a book and were distributed to the Library of the National Assembly, the National Archives of Korea, the National Library of Korea, the regional human rights offices of the Commission, and educational institutions which signed a MOU with the Commission. Human rights advertisements (posters and UCC video clips) were presented at various exhibitions and screenings. All of the prize-winning pieces including essays were also posted on the Commission's official blog Byeol-byeol-i-ya-gi (literally meaning "so many interesting untold stories") and the Human Rights Contest website (www.humangongmo.kr) and used for human rights education and promotion in various ways.

5. Public Relations to Raise Public Awareness of Human Rights

A. Promotional Activities through the Media

In 2014, the Commission issued a total of 187 press releases, which were distributed to the media and posted on its official website. The press releases contributed to raising the public awareness and interest on human rights and creating social consensus of human rights respect by publishing a variety of human rights agenda covered by the Commission in dealing with human rights policies and investigations of and remedies for human rights violations through newspapers, broadcasting, and online media.

The press releases are regarded as the most reliable and official resources and

have 5 to 10 times of effect than conventional advertisements in reliability and attention. By actively mobilizing reputable media reports, the NHRCK has significantly contributed to the improvement and enhancement of the public awareness of human rights and the internalization of human rights in daily lives.

In addition, the Commission has been very responsive to the press inquiries and interviews. In 2014, it answered and supported a lot of interview requests and press inquiries on a total of more than 700 occasions. As such, it endeavored to inform its human rights policies and the process of its investigations and remedial actions to the public effectively. In particular, in case of major events and issues such as the international symposium on North Korean human rights in Berlin, it successfully encouraged the media to have featured reports on the issue by providing related information in advance.

In addition, the NHRCK created a manual on public relations through the media targeting its own staff to strengthen the efficacy of promotional activities through the media and distributed it to its entire staff and the regional human rights offices. At the same time, it conducted media training on media campaign in theory and practice to its executive members including division leaders for the capacity building of sharing the Commission's important issues with and managing risks related to the media.

The Commission also made a lot of efforts to strengthen the understanding of and cooperation with the media including holding regular or special meetings such as brown bag meetings with media correspondents to the Commission and conducted prior announcements and media briefings on major issues to encourage the media to highlight them. As such, it has continued its efforts to call attention to human rights issues and enhance the human rights awareness of our society through promotional activities with the media.

B. Promotional Activities through Diverse Communication Channels

With the aim of deepening the understanding of the public on human rights and raising their human rights awareness, the NHRCK publicized its policies and major achievements through a variety of communication channels and techniques.

It established a comprehensive public relations plan with specific objectives and systematically performed various promotional activities based on the plan. In 2014, it successfully carried out a radio campaign “Creating a Better World Valuing the People Most” with SBS FM. This human rights campaign for creating a world where people can live together in harmony instead of promoting only competition and efficiency was produced with famous radio hosts Kim Chang-wan and Park So-hyeon and broadcasted in May (26 times) and November (28 times).

The Commission also carried out various promotional activities using new media channels such as online and mobile to encourage people to actively participate in, thereby easily learning about human rights and enhancing their human rights sensitivity. It continued to publish its online newsletter “Human Letter” to more than 30,000 subscribers every month to provide updates on the Commission’s important press releases and activities. Its official blog *Byeol-byeol-i-ya-gi* featured diverse human rights issues that people encounter in daily lives, through which people can understand the Commission’s activities easily and with fun. In 2014, a total of 198 pieces of promotional content were released including contributions from the citizen press corps. The NHRCK’s official Facebook page posted a total of 157 interesting stories about human rights as well as its recommendations and articles posted on its official blog.

In particular, it performed grand scale promotion events two times and regular events 12 times on its Facebook page. A total of about 28,000 netizens participated

in these events, resulting in the increase of its Facebook fans by more than 5,000 to about 21,000.

The promotional activities through diverse communication channels also included a webtoon “Mr. Kim’s Human Rights Manual” which deals with human rights in daily lives updated twice a month online, installing a promotional booth at a job expo for public officials, explaining the difference of the Commission and the Anti-Corruption & Civil Rights Commission of Korea through e-Saram system, and publicizing human rights education and the Universal Declaration of Human Rights on about 30 large electronic display boards across the country.

C. Promotional Activities through the Bi-Monthly Magazine Human Rights

The NHRCK launched its magazine Human Rights as a monthly magazine in August 2003, but changed to a bi-monthly in 2007. To December 2014, a total of 89 issues were published, including 6 issues in 2014.

Every issue was published with a circulation of 24,000 copies and distributed to various groups of society including government agencies, local governments, the National Assembly, the prosecution, the police, the offices of education, and other public organizations, group care facilities, libraries, and human rights organizations. It is also available for public access on the Commission’s official website in the form of *Human Rights Webzine* for those who cannot receive the paper magazine for different reasons.

In 2014, the accessibility to *Human Rights Webzine* (<http://webzine.humanrights.go.kr>) was significantly improved for persons with disabilities to use. The webzine is also provided on mobile web and application.

The magazine aims to be a specialized magazine on human rights issues and a general educational magazine for all walks of life at the same time. It also tries to give not only the fun to read but also the fun to see by optimizing the balance of its content and design. In 2014, the magazine *Human Rights* had a number of special articles covering major human rights issues of the times and featured articles on the Commission's policy highlights. By applying diverse formats, it was made easily readable and understandable with fun.

Moreover, reflecting the repeated serious human rights violations in the military such as a private was beaten to death, the NHRCK published a human rights mook *Gunin* (군인, or military human rights) targeting mainly the enlisted men to improve the awareness of human rights in the military and create and spread a human rights friendly military culture. *Gunin* was consisted of educational information on human rights and analysis of and improvement measures for human rights violations in the military. A total of 20,000 copies were printed and 2 to 3 copies were distributed to each company-level unit.

D. Human Rights Reporting Awards and Amendment of the Human Rights Reporting Standards

The NHRCK established the Human Rights Reporting Standards in cooperation with the Journalists Association of Korea on September 23, 2011, in order to enhance the media awareness of human rights reporting and encouraging them to practice human rights reporting. For the sake of promoting the early adoption of the standards, the Commission and the Association created the Human Rights Reporting Awards in 2012. With the strong support of the public, it regularized the awards and in 2014, the third awards were given. The judges of the awards are 8 persons including 6 independent

members representing the academic circle, the media circle, civil society organizations, and the legal circle and 2 of the Commission staff (Director-General for Policy and Education and Director-General for Planning and Coordination) to ensure fair review.

In 2014, the Commission received 26 nominations for the third human rights reporting awards: 8 from daily newspapers, 14 from TV channels, 3 from weekly magazines, and 1 from the internet news. After two rounds of review, it selected a total of 5 winners.

On the other hand, in response to the need to amend the Human Rights Reporting Standards after 3 years in establishment, the NHRCK conducted several roundtables with and collected opinions from experts. It amended the standards to enhance the right to human worthy and dignity category, introduce a category on North Korean defectors and human rights in North Korea, and updated case studies on the manual for practical use.

E. Producing and Distributing Short Film Dramas on Highlights of its Decisions

The existing content introducing its major decisions on complaints were mainly text-based and had limits in widely distributing to the public. As an effort to address this, the Commission created short film dramas of its decisions to help the public understand and emphasize with the cases more easily.

It selected important decisions in 9 categories including the violation of personal rights, age discrimination, and academic background discrimination and produced short film dramas of 2 to 3 minutes long. These films are posted on its official website and produced into DVDs for distribution as useful educational materials.

Chapter 4. Domestic and International Exchange and Cooperation

National Human Rights Commission of Korea Annual Report 2014

Section 1. Overview

The NHRCK, in accordance with Article 19 viii and ix of the National Human Rights Commission Act, is committed to protecting and promoting human rights through exchange and cooperation with individuals, human rights-related groups in and out of Korea, international human rights organizations, and national human rights institutions.

The Commission has continued to perform diverse activities to promote human rights defending activities in civil society and to facilitate support for and cooperation with human rights organizations. On one hand, it continued routine cooperative activities in every possible area including policy improvement, investigations of and remedies of violations, human rights education and exchange and cooperation with local communities with the aim of securing its expertise and presence in civil society in implementing its mandates. On the other hand, it provided practical support for human rights organizations by implementing partnership projects with human rights organizations with a total of KRW 115 million financial supports to 15 selected projects and co-hosting or funding 25 human rights advocate related events organized by human rights organizations.

In addition, the NHRCK has provided a part of its premise (*Baewoomteo* or study room) for civil society organizations to use for free. In 2014, a total of 149 human rights events organized by civil society were held in *Baewoomteo*. Also the Chairperson

of the Commission visited 18 human rights related facilities and organizations to monitor their current situations and listen to their voices.

The Commission has also been actively engaged in exchange and cooperation with international human rights organizations and national human rights institutions. It is a member of the International Coordinating Committee of National Institutions for the Protection and Promotion of Human Rights (ICC) and was elected in 2012, a member of the ICC Bureau for a three year term representing the Asia Pacific region. In 2014, it attended the 27th annual meeting of the ICC, the 3rd UN Forum on Business and Human Rights, the 19th annual meeting of the Asia Pacific Forum of National Human Rights Institutions (APF), the 58th UN Commission on the Status of Women, and the 12th session of the UN Committee on the Rights of Persons with Disabilities, and implemented the 2014 International Fellowship Program for Human Rights Policy Development.

Section 2. Major Achievements

1. Exchange and Cooperation with Domestic Human Rights Organizations

A. Routine Cooperation with Human Rights Organizations

In order to secure its expertise on and presence to human rights sites in implementing its mandates, the Commission has collected opinions from civil society and engaged with civil society both officially and unofficially in every aspect of its mandates. The civil society including human rights organizations participate in all of major activities of the Commission by providing advice for establishing policy improvements, conducting surveys on human rights situations, attending panel discussions and public hearings to express their opinions, accompanying with the Commission in *suo moto* investigations and on-site investigations, and dispatching human rights instructors. In 2014, the NHRCK performed a total of 1,427 cooperative activities with civil society as follows:

[Table 2-4-1] Routine Cooperation with Civil Society in 2014

	Total	Policy Improvement	Investigation and Remedy	Education and Public Relations	Cooperation with Local Community	Others
No. of Activities	1,427	94	27	1,051	81	174

1) Improvement of Laws, Regulations, Institutions, Policies and Practices

The NHRCK holds panel discussions and round tables with related government entities, judicial institutions, legal institutions, NGOs, academia, and other civil society organizations to collect their opinions before presenting human rights related policy recommendations and opinions.

[Table 2-4-2] Cooperation Activities on Improvement of Law, Regulations, Institutions, Policies and Practices

	Total	Panel Discussion	Round Table	Public Hearing	Others
No. of Activities in 2014	94	50	37	1	7

* Others: consultation meetings (4 times), working group meetings for the implementation of projects such as campaigns (3 times)

To be specific by category, out of 87 discussions and round tables, 5 were about human rights in North Korea including Debate on the UN COI Recommendations and Strategies for the Promotion of Human Rights in North Korea (in March); 4 about business and human rights including Panel Discussion on Human Rights Violations by Korean Companies Overseas (in February); 2 about the ICTs and human rights including Round Table on Policy Improvements for the Promotion of the Elderly's Access to Information (in November); 3 about human rights of the elderly including Round Table on Improvement Measures of Long-term Care Welfare Facilities for the Elderly (in September); 5 about human rights of migrants including Policy Discussion for the Promotion of Human Rights of Migrant Children (in November); 10 about human rights of the child including Round Table on Child Abuse Policies (in July); 19 about human rights of persons with disabilities including Regular Round Table with Disability Rights Defenders (in March); and 13 about women's rights including Panel Discussion on the Current Status of Wage for Non-Regular Female Workers (in March). In addition, it created a planning team to establish the Guideline Regarding Principles and Procedures on the Selection/Appointment of Commissioners of the NHRCK and collected opinions from experts through 4 times of round tables and one public hearing on the amendment of the National Human Rights Commission Act in August.

2) Investigations and Remedies: Human Rights Violations and Discriminatory Acts

In investigations and remedies, the Commission asks human rights organizations, legal circle and academia, and other experts for consultations if necessary and in 2014, independent experts took part in its on-site investigation to correctional facilities (5 experts) and to protective facilities for foreigners (9 experts).

To encourage more participation of human rights activists and experts in human rights counseling, the NHRCK appointed a number of persons from 12 organizations and group care facilities in the Gangwon region as honorary human rights counsellors and conducted a total of 25 circuit counseling sessions in partnership with local human rights organizations to provide better access of local residents to human rights services.¹⁷⁾

[Table 2-4-3] Cooperation Activities on Investigations and Remedies

	Total	Independent Experts in On-site Investigation	Circuit Counseling	
			Head Office	Region
No. of Activities in 2014	27	2(14 experts)	9	16

3) Human Rights Education and Public Relations

The Commission has been committed to providing more effective human rights education through consultation, exchange, and cooperation with civil society organizations including human rights organizations.

17) For detail information, see Chapter 2 and 5.

[Table 2-4-4] Cooperation Activities on Human Rights Education and Public Relations in 2014

	Total	Human Rights Education Council	Human Rights Instructors	Human Rights Exhibition	Campaign and Cultural Event
No. of Activities in 2014	1,051	6	1,028	7	10

To that end, it conducted 6 meetings of human rights education councils for homeless people, the elderly, and children where independent experts, human rights activists and related persons participated. It also appointed experts and human rights activists as human rights instructors and dispatched them for human rights education a total of 1,028 times upon request by the private sector.

In addition, the regional human rights offices run human rights exhibition halls for the enhancement of human rights sensitivity of local residents and hold a variety of featured exhibitions including cartoons to raise awareness on human rights of the elderly and exhibition for improving understanding about persons with mental disabilities. They also provide diverse visiting programs according to the target audience.

4) Cooperation with Local Community

The Commission has performed a range of cooperative activities to identify important local issues and prepare improvement measures with the regional human rights offices as the center. In 2014, it held a total of 56 round tables and panel discussions (10 were organized by the head office and 46 by the regional human rights offices). In addition, to build close networks with local human rights and civil society organizations, the regional human rights offices held meetings with local human rights organizations routinely including human rights policy joint meetings (10 times), human

rights policy round tables (8 times) and human rights idea forum (3 times).

The regional human rights offices also create and operate human rights counseling networks to share opinions and understanding on major local human rights issues and share counseling techniques and important cases submitted to the regional human rights offices.

[Table 2-4-5] Cooperation with Local Communities in 2014

	Total	Discussion	Human Rights Policy Joint Meeting	Human Rights Policy Round Table	Human Rights Idea Forum	Others
Cooperation Activities Organized by the Regional Human Rights Offices	81회	56회	10회	8회	3회	3회

* Other: consultation meeting regarding the operation of human rights experience hall (3 times)

5) Others

In addition, for the purpose of promoting cooperation with civil society, the NHRCK responded to 25 requests from civil society including participation in and financial support for events organized by human rights organizations and partnership in human rights projects. It also has been very responsive to the needs of human rights and civil society organizations by opening *Baewoomteo* (study room) for their events on human rights including seminars and discussions (149 times).

[Table 2-4-6] Study Room Opened to Civil Society and Support Provided upon the Request of Civil Society in 2014

	Total	Support upon Request of Civil Society	Study Room
Others	174	25	149

B. Partnership Projects with Human Rights Organizations

The Commission has operated the partnership projects with human rights organizations since 2003 with the aim of identifying and implementing various projects for the facilitation of human rights advocate movement and the promotion of human rights in civil society. The partnership projects are selected by taking account of their novelty (whether they involve new approaches to new areas in which human rights are to be protected), their social influence, and the urgency of the human rights issues that they aim to deal with. Selected partnership projects are financially supported by the Commission.

[Table 2-4-7] Partnership Projects Applied and Selected in 2014

	Total	Disability	Migrant/ Multicultural	Child/ Youth	North Korean Human Rights	Woman	Socially Vulnerable Group	General Human Rights
Applied	72	15	10	17	8	3	7	12
Selected	15	3	1	1	1	3	2	4

The NHRCK selected projects in consideration of the goal of the partnership projects program, which is to promote human rights related activities outside of the capital city and support those advocating for new human rights issues. To this end, it selected 8 projects in Seoul and 7 projects in areas outside of Seoul. The 15 selected projects in 2014 covered diverse areas including the promotion of human rights in the military, communication program for aggressor students of school violence, bus use of persons with disabilities, elimination of lookism and support for stateless children. In addition, five of them were selected as high-performance projects.

C. Field Visits and Networking

The goal of making visits to the actual locations where human rights issues have taken place is to take stock of the human rights conditions that involve minorities and vulnerable groups in our society, listen to their voices in person and incorporate them into human rights policies as well as to raise human rights sensitivity and identify new tasks by experiencing and understanding their sorrows.

In 2014, the Chairperson of the NHRCK made 12 visits to 18 sites. The sites include a multicultural family support center in Jeongeup, a care facility for people suffering from Hansen's disease, and a migrant center in Hongseong. Efforts were made to listen to the voices of social workers and human rights activists who are working in these facilities or engaged with human rights issues on site, share their advice with relevant departments, and subsequently incorporate the findings and proposals into the policies and projects of the Commission.

2. Cooperation with International Human Rights Organizations

A. ICC and APF

1) The International Coordinating Committee of National Human Rights Institutions (ICC)

The International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) is an international association of NHRIs which promotes and strengthens NHRIs to be in accordance with the Principles Relating to the Status of National Institutions (the Paris Principles) which were adopted by the UN Human Rights Commission Resolution on March 3, 1992 and by the UN General Assembly Resolution in 1993 and provides leadership in the promotion and protection

of human rights.

As of December 2014, 109 NHRIs across the world have been accredited by the ICC on the basis of their Paris Principles compliance: 73 are deemed to be fully Paris Principles compliant (A-status), 26 partly compliant (B-status) and 10 non-Paris Principles compliant (C-status). The ICC Bureau is the committee of management composed of 16 NHRIs (4 NHRIs from each regional coordinating committee).

The NHRCK began serving its three year-term as the representative for the Asia-Pacific region at the ICC Bureau in 2012. The Commission attends the ICC annual meetings and the ICC Bureau meeting every year, and strengthens multilateral exchange and cooperation with NHRIs. In 2012, it was re-elected as a member of the ICC Working Group on Business and Human Rights (three-year term).

In 2014, it attended the 27th ICC Annual meeting (in March 2014) and participated in discussions and presented the Commission's best practices on the following themes: i) NHRI experiences with the second cycle UPR; ii) ICC accreditation process; iii) the relationship between NHRIs and Parliament—the Belgrade principles; and iv) women's rights and National Action Plans. The NHRCK as a member of the ICC Bureau, also took part in ICC general meeting of decision making including report of the ICC Sub-Committee on Accreditation, report of the ICC Finance Committee, and report of the ICC Working Group on Business and Human Rights. It also attended the ICC Bureau Meeting held in South Africa in October 2014 and vigorously presented its opinion on key plans of the ICC for 2015.

As a member of the ICC Working Group on Business and Human Rights, the NHRCK reviewed *Business and Human Rights: A Guidebook for National Human Rights Institutions* and related online programs developed by the Working Group and presented its opinion for the ICC statements issued at the 27th UN Human Rights

Council and the G20 Summit.

On the other hand, regarding the ICC-SCA's recommendations for the improvement of its selection and appointment procedure of commissioners made in 2014, the Commission is preparing for the next session of the ICC-SCA in March 2015 by proposing the "Partial Amendment to the National Human Rights Commission Act" and developing the "Guideline Regarding Principles and Procedures on the Selection/Appointment of Commissioners of the National Human Rights Commission of Korea" based on diverse efforts such as creating a task force team, organizing a special committee for the amendment of the National Human Rights Commission Act, consulting with related organizations, and holding round tables and public hearings with independent experts.

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

Asia-Pacific Forum of National Human Rights Institutions (APF) advances human rights in the Asia Pacific and facilitates the formation and growth of national human rights institutions by providing training, networking and resource sharing.

As of December 2014, the APF has NHRIs in 15 countries including Korea, Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Mongolia, Nepal, New Zealand, Palestine, Philippines, Qatar, Thailand, and Timor Leste as full members and NHRIs in 7 countries of Bangladesh, Kazakhstan, Maldives, Myanmar, Oman, Samoa, and Sri Lanka as associate members.

Since joining the APF in 2002, the NHRCK served as its chair in 2004 and 2007 and has attended its annual meeting every year, in order to contribute to strengthening exchange and cooperation with national human rights institutions in the Asia-Pacific region. In 2014, it also took part in a working group to establish the APF Strategic Plan 2015–2020.

In September 2014, the Commission attended the 19th APF Annual Meeting in India. At the annual meeting, it actively participated in discussions and decision making on various agenda such as the ICC secretary report, the ICC-SCA, APF-ICC representation, APF directors and financial report, APF associate membership of the National Human Rights Ombudsman of Kazakhstan, the development of the APF Strategic Plan 2015~2020, reports on international activities relevant to APF members including engagement with the UN Open Ended Working Group on Ageing, and approval of audited accounts of 2013~2014.

In addition, it took part in the Secretary General's Meeting of APF Members held in Sydney, Australia to discuss diverse issues such as: i) the role and responsibility of Secretary General in the relations with government, parliament, judicial body and civil society; ii) the role of NHRIs and regional cooperation in addressing refugees; iii) the role of NHRIs in state emergency situation; iv) business and human rights; and v) the development and trends in APF members. In particular, the NHRCK made a presentation on the outcome and challenges of the Commission regarding business and human rights.

B. Exchange and Cooperation with National and International Human Rights Institutions

1) National Human Rights Institutions in Eastern and Northern Europe: Poland and Denmark

The NHRCK visited national human rights institutions in Poland and Denmark in December and discussed the practical matters in signing the MOUs. The Polish NHRI, Human Rights Defender was established in 1987 pursuant to the Constitution of the Republic of Poland and the Human Rights Defender Act. It began with the mandates to protect the civil and political rights and has expanded its scope to equal treatment,

human rights of the elderly, human rights of migrants, and human rights of persons with disabilities. Danish Institute for Human Rights was founded in 1987 pursuant to the Parliamentary Act and has equal treatment, business and human rights, human rights based approach, and research and education as its key mandates. The Commission met secretary–generals and director–generals of the two NHRIs and reached an agreement of the time and methods of signing the MOUs. The MOUs are expected to be signed in 2015.

2) International Human Rights Institutions

The NHRCK made visits to the Office of the High Commissioner for Human Rights and the ICC secretariat in Geneva and discussed the ways to promote coordination among NHRIs and international human rights bodies as well as the recent progress of the ICC–SCA recommendations. In particular, in–depth discussion on the ways that the two international bodies can support NHRIs and the NHRIs can contribute to the promotion of human rights in the international community, recognizing the increasing influence and significance of NHRIs in the international community.

C. Cooperation with United Nations Bodies and Other Human Rights Institutions

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

The NHRCK attended the 58th session of the Commission on the Status of Women held in New York in March, 2014 and discussed many important agenda including the main theme of challenges and achievements in the implementation of the Millennium Development Goals for women and girls and issues related to gender equality and capacity building of women. The 2014 Commission on the Status of Women

Agreed Conclusions urged the NHRIs and NGOs to take actions in five areas: i) realizing women's and girls' full enjoyment of all human rights; ii) strengthening the enabling environment for gender equality and the empowerment of women; iii) maximizing investments in gender equality and the empowerment of women; iv) strengthening the evidence-base for gender equality and the empowerment of women; and v) ensuring women's participation and leadership at all levels and strengthening accountability.

2) Participation in the UN Committee on the Rights of Persons with Disabilities

In order to ensure the State Report Review of the Republic of Korea fully and appropriately reviewed at the 2nd session of the UN Committee on the Rights of Persons with Disabilities (CRPD) in September 2014, the NHRCK submitted its opinion to the UN CRPD, regarding the ratification of the Optional Protocol, the abolition of grade system, the needs to address the risk of sexual violence and domestic violence against women with intellectual impairments, and the enhancement of human rights awareness education on persons with disabilities. It also closely monitored the review process at the UN CRPD.

It was first time that Korea's state report was reviewed at the UN CRPD, and after the review, the UN CRPD recommended the followings: i) to provide full support to the NHRCK both in manpower and budget; ii) to ratify the CRPD Optional Protocol; iii) to develop policies to prevent sexual discrimination and all forms of violence against women with disabilities, and provide full support for their education, pregnancy, and delivery; iv) to establish appropriate systems to guarantee the fair trial and due procedures; v) to thoroughly investigate forced labor cases of persons with disabilities and protect the victims; and to establish strategies and expand local community support services for the self-reliance of persons with disabilities after leaving care facilities.

3) Participation in the UN Forum on Business and Human Rights

The Commission attended the 3rd UN Forum on Business and Human Rights in December 2014 and participated in the discussion on the implementation measures of the Guiding Principles on Business and Human Rights. As such, it reconfirmed the role of national human rights institutions expected by the international community in terms of human rights friendly business management.

In addition, the NHRCK, as a member of the ICC Working Group on Business and Human Rights, participated in the Working Group meeting and discussed key projects promoted by the member states including the debate on climate change and human rights (Philippines), the promotion of cooperation among NHRIs beyond their national borders on business and human rights (Germany), and the introduction of E-learning programs. Though its term as a member of the Working Group is over in 2014, the NHRCK expressed its strong commitment to continuous efforts and attention on business and human rights issue.

D. Invitation Program for National Human Rights Institutions

The Commission offered the 2014 Partnership Program for Human Rights Defenders from April 21 to 25, 2014. This annual program aims to support capacity building of newly emerging countries, build the network of cooperation and information sharing among national human rights institutions for coping together with regional and international human rights issues.

In the 2014 program, a staff member from Polish NHRI, Human Rights Defender and two staff members from the National Human Rights Commission of Thailand participated and had opportunities to share best practices of the two countries for the protection and promotion of human rights and discuss challenges faced by them.

The participants made a brief introduction of their NHRIs and presentation on the current human rights situations of Korea, Poland, and Thailand. Also in-depth discussions on human rights policies, investigation on human rights violations and notable cases regarding disability discrimination were made. The partnership program has become an important forum to build capacity of the staff of participating NHRIs and create networks not only in the Asia-Pacific region but also in the international community.

E. International Human Rights Education: the 2014 Human Rights Policy Development Program

The Commission, jointly with the Korean International Cooperation Agency (KOICA), held the international Fellowship Program for Human Rights Policy Development from June 19 to July 9, 2014. The program invited 15 public officials from 8 countries, including Gabon, Honduras, Iraq, Laos, Moldova, Mongolia, Nepal, and Nigeria. The participants were in charge of the establishment of national human rights institutions and the development of national human rights policies. At the fellowship program, they had opportunities to learn theories and reviewed related case studies on diverse themes such as the general human rights theories on the universality of human rights and cultural and religious backgrounds, international human rights system, the roles, functions, and forms of national human rights institutions, the development of National Human Rights Action Plan and monitoring of its implementation, human rights education, and the relations between human rights and development.

The Commission had the same program in 2013 (March 10 to 30) with 16 public officials from 8 countries including Belarus, Bhutan, Burundi, Haiti, Kenya, Moldova, Mongolia, and Nigeria. The program received a significant support from the

international community. As such, the NHRCK has been contributing to the promotion of human rights in the international community by sharing Korea's unique experience and achievements of democracy and human rights improvement with the international community.

3. International Conferences

A. International Symposium on North Korean Human Rights

The NHRCK held the international symposium on North Korean human rights at Bundesstiftung zur Aufarbeitung der SED-Diktatur in Berlin on May 13, 2014. As the report of the Commission of Inquiry (COI) on human rights in the DPRK (February) was released in February 2014, and subsequently the UN Resolution on the Human Rights Situation in the DPRK was adopted at the UN Human Rights Council, the international community had a high interest in the promotion of human rights in North Korea. The participants at the symposium also showed great attention on the issue.

The symposium was especially honored by the participation of many important international figures engaged with North Korean human rights issues, including Song Sang-hyun, the president of the International Criminal Court, Sonja Biserko, commissioner of the COI, and Beate Rudolf, the chairperson of the German Institute for Human Rights. Moreover, it had a remarkably large number of participants inside Germany, the host country including journalists of major German media such as Die Zeit and TAZ.

The first session with Matthias Nass from Die Zeit as the moderator highlighted the achievements and limits of the COI investigations and the role of the UN mechanisms including the COI and UPR as well as the contribution of NGOs to improve human

rights situations in North Korea.

At the second session moderated by Kim Jeong-an from DongA Ilbo, participants identified the practical obstacles in applying the international human rights norms to protect the human rights of North Korean defectors who are mostly excluded from the human rights protection mechanism as seen in the COI's recommendations to China on the prohibition of forced repatriation of North Korean defectors to North Korea and the guarantee of the UNHCR's access to North Korean defectors. They also sought for effective and practical measures to overcome such restrictions.

The last session with Sven Hansen from TAZ as the moderator was to identify lessons from the West Germany's human rights policies toward the East Germany before their reunification and the human rights situations faced during the reunification process and based on the lessons, to present specific tasks available in improving human rights situations in North Korea.

The international symposium significantly contributed to expanding the consensus on the North Korean human rights situations and raising awareness on the issue among the EU member states including Germany, and provided an opportunity to facilitate exchange and dialogues with experts working in various fields and projects on human rights in the international community.

B. International Conference on Guaranteeing the Right to Civil and Family Trials and the Right to Vote of Persons with Impairment to Decision Making Ability

On December 1, 2014, the NHRCK held the international conference on guaranteeing the right to civil and family trials and the right to vote of persons with impairment to decision making ability in partnership with Korean Institute for Guardianship Law

and Policy, Research Institute of the Differently Abled Person's Right in Korea, and Korean Parents Association.

At the conference, Sato Shoichi, professor at Kokugakuin University, Japan presented a keynote speech under the title of "the right to have civil and family trials and the right to vote of persons with impairment to decision making ability in Japan" and Kim Won-tae, professor at Chungbuk National University Law School and Kim Hyeong-seok, professor at Seoul National University Law School made presentations on securing judicial access in terms of family trial and civil trial respectively. More presentations and panel discussions were made by and with the Commission's investigators in charge of the related cases, disability rights organizations, and scholars.

The international conference provided a very important opportunity to identify the current situation of the judicial and electoral access of persons with impairment to decision making ability, discuss provisions to be reflected in revising the related legislations such as the Civil Procedure Act and the Public Official Election Act by analyzing legislations of other countries, and raise awareness of stakeholders and civil society on the issue.

Chapter 5. Activities of Regional Human Rights Offices

National Human Rights Commission of Korea Annual Report 2014

Section 1. Overview

The NHRCK has operated four regional human rights offices in Busan, Gwangju, Daegu and Daejeon to protect and promote the human rights of local residents and provide swift remedies in case of human rights violations. The Busan Regional Human Rights Office and the Gwangju Regional Human Rights Office were launched in October 2005 while the Daegu Regional Human Rights Office opened in July 2007 and the Daejeon Regional Human Rights Office in October 2014. The jurisdiction of each regional human rights office is as follows:

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

Name	Location	Jurisdiction
The Busan Office	Busan	Busan City • Ulsan City • South Gyeongsang Province
The Gwangju Office	Gwangju	Gwangju City • North and South Jeolla Provinces • Jeju Special Self-Governing Province
The Daegu Office	Daegu	Daegu City • North Gyeongsang Province
The Daejeon Office	Daejeon	Daejeon City • Sejong Special Self-Governing City • North and South Chungcheong Provinces

The regional human rights offices have been providing various human rights protection and promotion services for local residents under their jurisdictions including i) human rights counseling ii) investigations and remedies for human rights violations and discriminatory acts concerning detention facilities, mental health facilities and local authorities¹⁸⁾ iii) human rights education iv) exchange and cooperation with

human rights-related agencies and organizations and public relations activities. The regional offices also develop and promote unique human rights projects tailored to local needs such as operating a human rights experience hall.

With the increasing accessibility and needs of local communities for human rights protection after the establishment of regional human rights offices, the number of human rights counseling demands, complaints received and human rights education requested to the regional offices has consistently risen, requiring increased manpower and budget to meet such needs.

[Table 2-5-2] Complaints Received and Processed by Regional Human Rights Offices in 2014
(Unit: number of cases)

Region	Total No. of Complaints, Counseling, Civil Petitions, and Inquiries Received	In-person counseling		Complaint		Human Rights Education	
		Received	Resolved	Received	Resolved	Number	Participants
The Busan Office	3,840	645	646	763	709	477	30,441
The Gwangju Office	6,603	497	498	749	713	352	17,678
The Daegu Office	5,013	603	645	665	644	548	39,724
The Daejeon Office	363	90	65	142	32	—	—

* For the Daejeon Regional Human Rights Office, the total number is from Oct. 15, 2014 to Dec. 31, 2014.

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- 18) The head office of the NHRCK investigates human rights violation complaints concerning state agencies, local authorities, schools, detention facilities, group care facilities and public service-related organizations, discriminatory acts committed by legal entities, organizations or individuals, and sexual harassment complaints. As of 2014, the number of cases received by the regional human rights offices accounts for about 21.2% of total complaints.

Section 2. The Busan Regional Human Rights Office

The Busan Regional Human Rights Office, which marked its 9th anniversary on Oct. 11, 2014, has been active in protecting and promoting the human rights of local residents. As a guardian of human rights in Busan and Ulsan cities, as well as in South Gyeongsang Province, it continued to promote diverse activities to prevent human rights violations, provide remedies, create a human rights-friendly culture and strengthen human rights awareness in 2014.

For the past 9 years, the Busan Regional Human Rights Office has processed 23,833 human rights counseling cases, 12,196 civil petitions/inquiries, about 8,000 in-person complaints and more than 5,000 complaints. The Office investigated 733 complaints in 2012, 691 in 2013 and 709 in 2014. The average number of days needed for the processing of complaints have been shortened from 69 days in 2012 to 62 days in 2013 and 50 days in 2014, thereby enhancing the promptness of remedies. In addition, the Office examined the management of complaint boxes in mental health facilities in its jurisdiction to ensure the accessibility of people living in the facilities to human rights counseling and remedial actions.

[Table 2-5-3] Complaints, Counseling Cases, Inquires and Civil Petitions Received by the Busan Regional Human Rights Office

(Unit: number of cases)

Year	Complaint	Counseling	Civil Petition/ Inquiry	Total
Cumulative Total	5,028	23,833	12,196	41,057
2014	679	2,316	845	3,840
2013	753	3,162	687	4,602
2012	786	3,651	548	4,985
2011	533	2,549	1,705	4,787

* Cumulative Total: Oct. 11, 2005 ~ Dec. 31, 2014 (Counseling cases include in-person counseling for complaints)

[Table 2-5-4] Complaints Received by the Busan Regional Human Rights Office by Resolution Type
(Unit: number of cases)

Year	Received	Closed	Admitted						Not Admitted				
			Total	Recommendation/ Recommendation for Settlement	Recommendation for Disciplinary Action	Accusation or Criminal Charges	Legal Aid Request	Consensual Settlement	Total	Dismissed	Rejected	Transferred	Suspended
Cumulative Total	3,740	3,581	271	123	2	3	—	143	3,310	1,470	1,182	10	9
2014	763	709	64	17	—	1	—	46	645	265	378	1	1
2013	692	691	52	13	1	—	—	38	639	315	320	1	3
2012	723	733	51	18	—	—	—	33	682	284	397	—	1
2011	469	430	28	17	—	3	—	8	402	181	220	1	—

* Cumulative Total: Oct. 11, 2005 ~ Dec. 31, 2014

* The number of closed cases: the number of cases received and closed in the year + the number of cases carried over from the previous year and closed in this year

Moreover, there were a number of urgent human rights issues in 2014 in the region, including the ongoing demonstrations of Miryang residents against the high voltage power transmission tower construction and the sit-in protest of disability rights defenders from the region in front of Busan City Hall. The Busan Regional Human Rights Office promptly responded to regional human rights issues by monitoring human rights situations through on-site investigations and supporting human rights guardians' activities and preliminary investigations when necessary. Though it was difficult for a regional office to do on-site monitoring activities and in-office investigation work

at the same time due to a small number of personnel, the Office was able to accomplish its annual work plan thanks to the commitment of the investigators.

The demand for human rights education in the region has been on the rise, reflecting the increasing needs of human rights education for public officials and social workers due to the human rights ordinances enacted by local governments. The human rights education needs for teachers and students has also been increasing. In 2014, the Busan Regional Human Rights Office provided human rights education for a total of 30,441 persons (447 times) or an increase of 10,288 persons (129 times) compared to the previous year. As such, the Office has been very responsive to the increasing human rights education needs of the Busan Metropolitan City Office of Education, Social Workers Association and local governments, while stepping up its efforts to enhance the efficacy in education management.

[Table 2-5-5] Human Rights Education Conducted by the Busan Regional Human Rights Office by Year

(Unit: persons)

Target Audience	2010	2011	2012	2013	2014	Total
Correctional Officers/Prosecutors /Policemen/Public Officials	2,035	488	545	555	43	6,202
Administrative/Educational Public Officials	31	747	1,365	2,654	1,460	7,999
Group Care Facilities (including mental health facilities)	2,273	2,322	2,714	2,016	3,161	16,439
Schools/Students	1,180	6,047	2,964	6,162	8,905	33,677
Migrants/Multi-cultural Families	20	—	5,240	6,028	332	12,278
The Elderly	200	495	645	425	10,623	12,643
Others	2,103	2,117	2,108	2,313	5,917	22,579
Total	7,842	12,216	15,581	20,153	30,441	111,817

* Cumulative Total: Oct. 11, 2005 ~ Dec. 31, 2014.

[Table 2-5-6] Human Rights Education Conducted by the Busan Regional Human Rights Office by Category in 2014

(Unit: times/persons)

	Special lectures	Training of trainers	Mandatory course	Traveling lectures	Others	Total
Times	377	9	62	29	0	477
Persons	26,740	139	3,161	401	0	30,441

In addition, the human rights exhibition hall, (opened in Apr. 2010) in Mulmangol Subway Station in Busan, has been a popular forum for exhibiting paintings, pictures, and art works along with promoting human rights education. In 2014, the Office held 9 featured exhibitions, including cartoon installations, to raise awareness in regards to the human rights of the elderly as well as the paintings of homeless people. The Office significantly contributed to enhancing the human rights understanding of local residents by organizing the Busan Silver Human Rights Choir with the aim of strengthening the human rights of the elderly, holding a ‘Human Rights Concert for Sharing Happiness’ for migrants, and operating a monitoring team of the ‘Act on the Prohibition of Discrimination Against the Disabled’.

Section 3. The Gwangju Regional Human Rights Office

The Gwangju Regional Human Rights Office, celebrating its 9th anniversary in 2014, has become fully rooted in the region as a human rights-specialized local body by promoting the Commission's strategic projects, developing special projects tailored to local situations, and networking its basic operations with the head office's major projects. The Office has also enhanced the efficacy of its work by, 'focusing on carefully selected tasks'.

As of the end of 2014, a total number of 45,163 complaints, counseling cases, inquiries, and civil petitions have been received by the Gwangju Regional Human Rights Office since its establishment in October 2005. In 2014, the Office received 6,603 cases in total with 786 complaints (17.3% up compared to the previous year) and 2,411 counseling cases (7.4% up compared to the previous year).

[Table 2-5-7] Complaints, Counseling Cases, Inquiries and Civil Petitions Received by the Gwangju Regional Human Rights Office by Year

(Unit: number of cases)

Year	Complaint	Counseling	Civil Petition/ Inquiry	Total
Cumulative Total	4,930	16,554	23,679	45,163
2014	786	2,411	3,406	6,603
2013	670	2,245	3,412	6,327
2012	731	2,178	4,155	7,064
2011	684	2,159	3,437	6,280
2010	573	1,776	1,815	4,164

* The number of received complaints does not include the cases transferred from the head office.

* Cumulative Total: Oct. 11, 2005 ~ Dec. 31, 2014.

The number of complaints received and processed by the Gwangju Regional Human Rights Office has seen a moderate increase every year with a total of 749 complaints (11.0% up compared to the previous year) received in 2014. The Office admitted 40 complaints (10 recommendations and 29 consensual settlements) in 2014.

[Table 2-5-8] Processing of Complaints Received by the Gwangju Regional Human Rights Office

(Unit: number of cases)

Year	Received	Closed	Admitted						Not Admitted				
			Total	Recommendation	Accusation	Recommendation for Disciplinary Actions	Legal Aid Request	Consensual Settlement	Total	Dismissed	Transferred	Rejected	Suspended
Cumulative Total	3,550	3,422	234	98	3	3	1	129	3,188	1,684	23	1,478	3
2014	749	713	40	10	1			29	673	390	5	277	1
2013	675	720	56	13				43	664	336	4	324	
2012	750	718	46	28				20	670	392	2	276	
2011	562	531	37	15		2	1	19	494	231	1	262	
2010	517	495	27	18	1			8	468	243	8	215	2

* Cumulative Total: Oct. 11, 2005~Dec. 31, 2014.

The demands for human rights education received by the Gwangju Regional Human Rights Office have been steadily increasing due to circumstantial backgrounds such as the legislation of human rights ordinances. The Office provided 124 special lectures on human rights (8,174 persons), 23 sessions of human rights education for employees in mental health facilities (1,585 persons), 6 sessions of human rights education for employees in homeless shelters (220 persons) and 74 traveling lectures for multi-cultural families (2,220 persons). In addition, it conducted 79 sessions of, ‘traveling lectures for schools’ (3,666 persons) and 46 visiting programs (1,813 persons).

[Table 2-5-9] Human Rights Education Conducted by the Gwangju Regional Human Rights Office by Education Type in 2014

(Unit: times/persons)

	Special Lecture	Mandatory Education		Traveling Lectures (Multi-cultural families, schools)	Special Education	Others (Visiting Programs)	Total
		Mental Health	Home less				
Times	124	23	6	153	—	46	352
Persons	8,174	1,585	220	5,886	—	1,813	17,678

[Table 2-5-10] Human Rights Education Conducted by the Gwangju Regional Human Rights Office by Year

(Unit: persons)

Target Audience	2010	2011	2012	2013	2014
Police/State Agencies	320	825	3,454	1,270	2,497
Public Officials/Military/Local Governments	990	300	691	1,751	534
Group Care Facilities (including mental health facilities)	400	685	1,159	1,227	1,585
Social Workers	327	3115	1,674	1,554	930
Schools (Child/juvenile)	582	5712	1,716	1,043	6,023
People with Disabilities	435	180	—	1,671	200
Migrants/Multi-cultural Families	1335	1,250	2,203	2,352	1,770
The Elderly	529	100	20	160	1,654
Universities	—	—	100	110	—
Homeless Shelters	—	—	—	—	220
Civil Society Organizations	—	—	125	70	—
Others	200	465	40	172	452
Visiting Programs	—	—	1,362	1,468	1,813
Total	4,918	12,167	11,182	11,380	17,678

More importantly, the Gwangju Office has been very active in promoting the effective implementation of human rights ordinances by consulting the most effective ways to support local governments according to the different needs and situations in expanding the promotion of human rights by these entities in compliance with the framework ordinance for human rights developed by the NHRCK.

In addition, the Office established an open library of human rights in the Human Rights Theme Station and provided "Specialized Human Rights-Sensitivity Programs" taking into account the diverse needs of visitors. It also organized a Human Rights Policy Roundtable and a series of Human Rights Policy Joint Meetings to share and discuss important human rights issues with the local community in addition to making significant efforts to promote the human rights of people with disabilities, and the elderly, by operating a monitoring team focusing on the Act on the Prohibition of Discrimination Against the Disabled and safeguarding human rights of the elderly.

Section 4. The Daegu Regional Human Rights Office

The Daegu Regional Human Rights Office, marking its 7th anniversary (opened on July 1, 2007), has been fully implementing its mandates of providing human rights counseling, by receiving and processing complaints as a human rights guardian close to local residents in Daegu City and North Gyeongsang Province. The Office has been consistently committed to providing human rights education, communicating and cooperating with local communities with the focus on improving human rights sensitivity, and promoting human rights of local residents. In particular, it has significantly contributed to protecting human rights, providing appropriate remedies, and raising awareness on human rights among local residents by promoting cooperation with relevant organizations and agencies and engaging with human rights education, public relations, and public service campaigns aimed at particular focal point groups such as children, people with disabilities, the elderly, and migrants.

In 2014, the Daegu Regional Human Rights Office received 665 complaints and closed 644 cases among which 49 cases were admitted with 4 cases accused, showing a significant increase compared to previous years.

[Table 2-5-11] Complaints, Counseling Cases, Inquiries and Civil Petitions Received by the Daegu Regional Human Rights Office

(Unit: number of cases)

Year	Complaint	Counseling Cass	Civil Petition/ Inquiry	Total
Cumulative Total	3,691	14,156	8,540	26,387
2014	665	2,265	2,083	5,013
2013	703	2,330	878	3,911
2012	533	2,249	457	2,888
2011	366	2,097	435	2,585
2010	415	1,963	1,566	3,426

* Cumulative Total: July 1, 2007 ~ Dec. 31, 2014 (Counseling cases include in-person counseling for complaints)

[Table 2-5-12] Processing of Complaints Received by the Daegu Regional Human Rights Office

(Unit: number of cases)

Year	Received	Closed	Admitted						Not Admitted					Under Investigation
			Total	Recommendation/ Settlement	Recommendation for disciplinary Actions	Accusation or criminal charges	Legal Aid Request	Settlement	Total	Dismissed	Rejected	Transferred	Suspended	
Cumulative Total	3,727	3,629	189	72	—	4	—	113	3,440	1,147	2,177	88	28	98
2014	665	644	49	6	—	4	—	39	595	122	461	11	1	98
2013	668	651	62	22	—	—	—	40	589	194	394	1	—	—
2012	494	508	32	24	—	—	—	8	476	159	312	3	2	—
2011	440	492	32	12	—	—	—	20	460	144	305	10	1	
2010	620	703	9	7	—	—	—	2	694	278	370	25	21	

* Cumulative Total: July 1, 2007 ~ Dec. 31, 2014

* The number of closed cases: the number of cases received and closed in the year + the number of cases carried over from the previous year and closed in this year

The Daegu Regional Human Rights Office has been very responsive to the increasing needs for human rights education in its jurisdiction and provided more human rights education. As a designated local body to provide human rights education in the mental health sector, the Office conducted 46 sessions of human rights education for 2,353 persons or 90% of the local target audience. 159 persons (4 sessions) received education pertaining to the human rights of homeless people.

[Table 2-5-13] Human Rights Education Conducted by the Daegu Regional Human Rights Office by Education Type in 2014

(Unit: times and persons)

Year	Total		Special Lecture		Off-line Education (regular courses)	
2014	548	39,724	386	35,090	64	2,749
2013	436	36,960	323	33,132	48	2,171
2012	247	34,839	211	33,187	30	1,576
Variation	189	2,121	112	△55	18	595

In addition, the Office conducted a variety of campaigns such as distributing a map of human rights counseling services in Daegu, creating the participatory human rights idea forum to identify human rights tasks in daily lives, operating a team of human rights journalists, holding the monthly screening of human rights-oriented films, and organizing a Youth Theatre Festival for Human Rights. With the aim of enhancing the citizens' sensitivity to human rights, differences and discrimination, it also conducted diverse activities including providing audio books on human rights and creating pod cast programs.

Section 5. The Daejeon Regional Human Rights Office

The Daejeon Regional Human Rights Office was established with the strong support of local communities to provide prompt remedies of human rights violations and high quality human rights services for local residents. Civil society organizations in Daejeon had requested the opening of a regional human rights office since 2003 and their efforts to host the office resulted in the organizing committee for the Daejeon Regional Human Rights Office in 2013. After a series of active campaigns, including a panel discussion on the need to host the regional human rights office and a meeting with the Speaker of the National Assembly, the Daejeon Regional Human Rights Office was established on Oct. 15, 2014.

Regarding complaints against correctional facilities, accounting for about 36% of the total complaints received by the NHRCK, the Daejeon and Chungcheong region has 10 correctional facilities with more than 7,000 inmates including Daejeon Prison, the largest in the country. The density of correctional facilities in the region is higher than that of most regions with regional human rights offices. In addition, the Sejong Government Complex has the majority of central government agencies, including the Prime Minister's Office, while the Daejeon Government Complex has many ministry-level bodies, making the region the de-facto second capital area.

Moreover, the number of public service-related organizations (those with headquarters in the Chungcheong region) which were recently integrated in entities to be investigated by the NHRCK in 2012 is higher than other regions. The region also has more than 60 universities and colleges, which should foreseeably necessitate even more increase in demands for human rights services. The creation of industrial complexes, in particular in Cheonan and Asan cities, is expected to add human rights tasks in daily lives such as issues related to migrant workers, irregular workers,

and business and human rights.

Regarding human rights education, the local demands for systematic human rights education is very high as it is dominated by conservative education programs conducted by educational institutions or social welfare centers or one-time courses by human rights organizations despite the rapid increase in the human rights education needs after human rights education having become mandatory. In addition, almost no school in Daejeon City, or North and South Chungcheong Provinces, has yet to enact the student human rights ordinance. Human rights ordinances for local government were established, but they are yet to be fully implemented in practice. In this regard, the local communities have high expectations to the role of the Daejeon Regional Human Rights Office.

Since its establishment on Oct. 15, 2014, the Office has received a total of 363 cases (80 complaints, 219 counseling cases, and 64 inquiries). In 2014, 142 complaints were allocated to the Office. Among them, 65 complaints were against detention facilities, 63 against group care facilities, and 11 against local governments.

[Table 2-5-14] Complaints, Counseling Cases, Inquiries and Civil Petitions Received by the Daejeon Regional Human Rights Office

(Unit: number of cases)

Year	Complaint	Counseling	Civil Petition/Inquiry	Total
Cumulative Total	80	219	64	363
2014	80	219	64	363

* Cumulative Total: Oct. 15, 2014~Dec. 31, 2014

[Table 2-5-15] Processing of Complaints Received by the Daejeon Regional Human Rights Office
(Unit: number of cases)

Year	Received	Closed	Admitted						Not Admitted				Under Investigation	
			Total	Recommendation/ Recommendation for Settlement	Recommendation for disciplinary Actions	Accusation or criminal charges	Legal Aid Request	Settlement	Total	Dismissed	Rejected	Transferred		Suspended
Cumulative Total	142	32	—	—	—	—	—	—	32	—	32	—	—	110
2014	142	32	—	—	—	—	—	—	32	—	32	—	—	110

* Cumulative Total: Oct. 15, 2014~Dec. 31, 2014

The early activities of the Daejeon Regional Human Rights Office were focused on identifying the possible needs for human rights services in the Daejeon and Chungcheong region, given that it is still in the beginning stage of its existence. The Office estimated the demands for human rights services by sector and district through meetings with local organizations and examined the current mandatory human rights education courses. The Chungcheong region is expected to have increasing needs for human rights education as there are many universities, public service-related organizations, and state agencies concentrated there. The Regional Human Rights Center, to be established in 2015, will serve as a substantial forum of education befitting to such demands.



Appendix

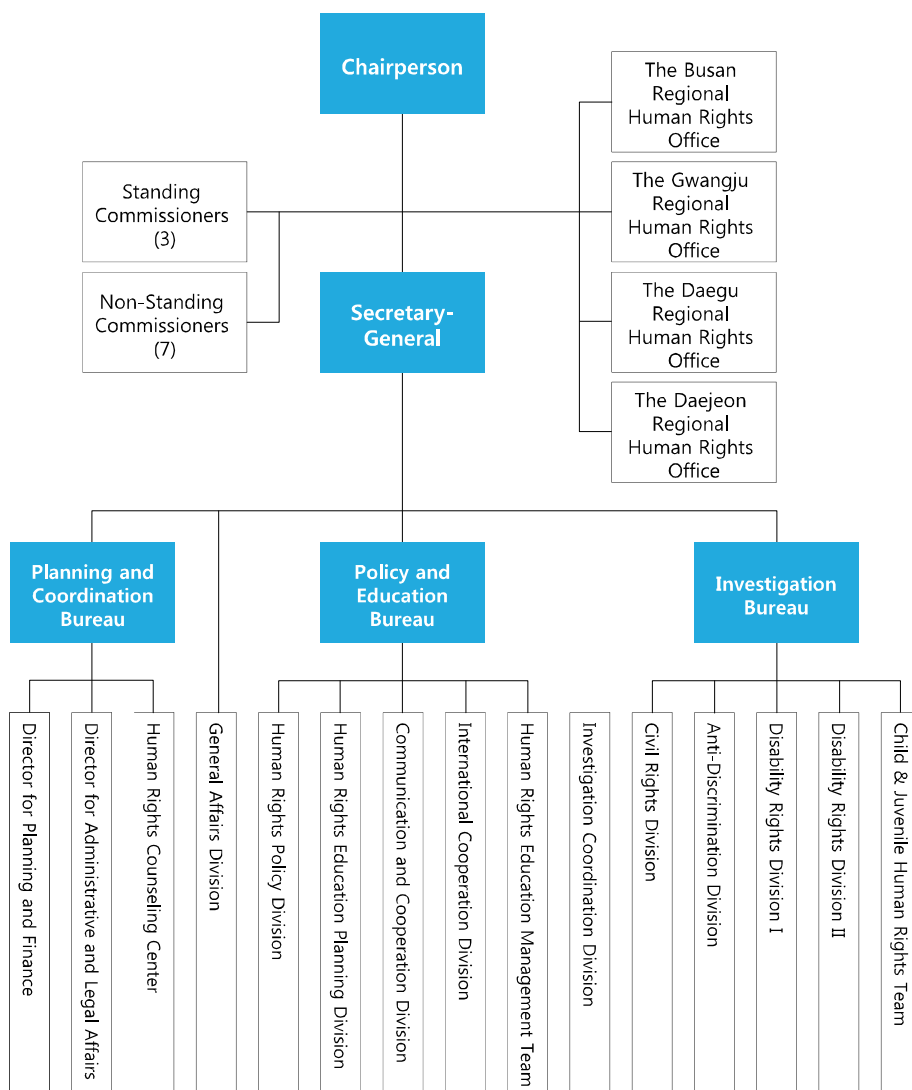
1. Organization
2. Commissioners, Senior Executive Officers and Former Commissioners
3. The Three-Year Plan for the Promotion of Human Rights (2012-2014)

1. Organization

A. Organization and Total Workforce

- Commission: 11 Commissioners (the Chairperson, 3 Standing Commissioners and 7 Non-Standing Commissioners)
 - 4 Commissioners shall be nominated by the President of Korea; 4 shall be elected by the National Assembly; and 3 shall be nominated by the Chief Justice of the Supreme Court and then approved by the President of Korea.
 - Three-year term (only one consecutive term is allowed)
- Secretariat: the Secretary-General, the Director-General for Planning and Coordination, 2 Bureaus (Director-General), 12 Divisions (Director), 3 Teams, and 4 Regional Offices
 - Total workforce: 191 (as of Dec. 31, 2014)

B. Organizational Chart



2. Commissioners, Senior Executive Officers and Former Commissioners

(as of Dec. 31, 2014)

A. Commissioners and Senior Executive Officers

■ Commissioners

Position/Name	Profile	Remarks
 Chairperson Hyun, Byung Chul	• Dean, College of Law, Hanyang University • Secretary General, Secretariat, Hanyang University • Vice President, The Korea Law Professors Association • President, The Korea Association of Comparative Private Law • Dean, Graduate School of Public Administration, Hanyang University • Dean, Hanyang Cyber University	Nominated by the President (July 17, 2009~Aug. 12, 2015) *Consecutive nomination: Aug. 13, 2012
 Standing Commissioner Kim, Young Hye	• Senior Judge, Incheon District Court and Seoul Central District Court • Vice President, International Association of Women Judges • 18th Guest Editorial Writer, DongA Ilbo • Co-Representative, the Lawyers for Citizens • Member, Presidential Council for Future & Vision • Managing Partner, C&B-Lee Law Firm	Nominated by the President (Nov. 15, 2010~Nov. 27, 2016) *Consecutive nomination: Nov. 28, 2013
 Standing Commissioner Jang, Myung Sook	• Head, Counseling Center on Sexual Violence Against Women, Korean Differently Abled Women United • Standing Chair, Korean Differently Abled Women United • Standing Co-Chair, Solidarity for the Prevention of Discrimination against Persons with Disabilities • Executive Director, Korea Disabled People's Development Institute • Executive Director, Korea Employment Agency for the Disabled • Member, Employment Promotion Commission for Disabled Persons, Ministry of Employment and Labor • Member, Vulnerable Women Policy Council, Ministry of Gender Equality and Family • Member, Policy Coordinating Committee for Disabled Persons, Prime Minister's Office	Elected by the National Assembly (Mar. 8, 2012~Mar. 7, 2015)
 Standing Commissioner Yoo, Yeong Ha	• Passed the 34th Judicial Examination • Prosecutor, Changwon, Gwangju (Suncheon), Cheongju, Incheon, and Seoul (North) Regional Prosecutor's Office • Human Rights Ombudsman, Ministry of Justice • Human Rights Commissioner, Seoul Bar Association • Board member, Hansei University • Lawyer, Woojin LLC, Saebit LLC	Elected by the National Assembly (Mar. 7, 2014~Mar. 6, 2017)

Position/Name	Profile	Remarks
 Commissioner Han, Tae Sik	• Dean, Buddhism School, Dongguk University • President, International Electronic Buddhist Text Society • President, Jungto Academy • Professor of Zen Buddhism, Dongguk University • Member, 14th Central Council of Jogye Order of Korean Buddhism • Chief Priest, Mt. Chunggae Jungtosa Temple of Jogye Order	Nominated by the President (Feb. 8, 2010~ Apr. 17, 2016) *Consecutive nomination: Apr. 18, 2013
 Commissioner Yoon, Nam Geun	• Judge, Daejeon District Court and Seoul High Court • Senior Judge, Seoul Eastern District Court • Vice President, Korea Dosan Jurisprudence Society • Chairperson, Subcontract Conflicts Mediation Committee, Fair Trade Commission • Arbitrator, Korean Commercial Arbitration Board and executive director, Korean Arbitrators Association • Member, Legal Ethics and Professional Conduct Council • Member, Judge Personnel System Improvement Committee of the Supreme Court • Professor, School of Law, Korea University	Nominated by the Chief Justice of the Supreme Court (Jan. 19, 2011~ Jan. 18, 2014) *Consecutive nomination: Jan. 19, 2014
 Commissioner Kwak, Ran Joo	• Prosecutor, Incheon (Bucheon) and Daejeon (Cheonan) Regional Prosecutor's Office • Special Prosecutor on the allegation against the development of an oilfield by the Korean Railroad • Spokesperson, Korean Bar Association • Lawyer, Sanji Law Firm • Member, Traffic Broadcasting Audience Advisory Council • Vice Chairperson, Online Advertisement Mediation Committee • Public Interest Commissioner on Adjudication, Seoul Regional Labor Relations Commission • Lawyer, Min Law Firm	Elected by the National Assembly (Jan. 3, 2012~ Jan. 2, 2015)

Position/Name	Profile	Remarks
 Commissioner Han, Wee Soo	• Judge, Seoul District Criminal Court, Seoul District Civil Court and Masan District Court • Judge, Seoul High Court and Busan High Court • Professor, Judicial Research & Training Institute; Research Director, the Constitutional Court • Senior Judge, Seoul High Court and Daegu High Court • 5th President, Korean Society for Media Law, Ethics and Policy Research • Member, Central Environmental Disputes Mediation Committee • Member, Human Rights Commission, Korean Bar Association • Lawyer, Bae, Kim & Lee LLC	Nominated by the Chief Justice of the Supreme Court (Aug. 10, 2012~ Aug. 9, 2015)
 Commissioner Kang, Myeong Deok	• Director, Human Rights Violation Investigation Division I; Director-General, Human Rights Violation Investigation Bureau; Director-General, Human Rights Policy Bureau; Acting Secretary-General, the NHRCK • Director-General, Immigration Control Bureau, Ministry of Justice • Lawyer, Kang Myeong-deok Law Office • Standing Commissioner, Korea Medical Dispute Mediation and Arbitration Agency	Elected by the National Assembly (Aug. 13, 2012~ Aug. 12, 2015)
 Commissioner Lee, Seon Ae	• Judge, Seoul District Court, Seoul Administrative Court, Seoul High Court • Legal Researcher, the Constitutional Court • Member, Society on Constitutional Practices • Editor, the Law Times • Member, Korean Statutory Interpretation Deliberation Committee, Ministry of Government Legislation • Member, Special Committee for the Enactment of Anti-Discrimination Act, Ministry of Justice • Lawyer, Yoon & Yang LLC	Nominated by the Chief Justice of the Supreme Court (Jan. 19, 2014~ Jan. 18, 2017)
 Commissioner Choi, E Woo	• Chaplain, Korean Army • Senior Pastor, Ansan Gwanglim Methodist Church and Wangsimni Church • Director, Childfund Korea • Standing President, Korean Church Volunteers • Advisory Commissioner, Presidential Committee for National Cohesion • Senior Pastor, Chongkyo Methodist Church	Nominated by the President (Nov. 3, 2014~ Nov. 2, 2017)

■ Former Commissioners

Name	Profile	Term
1st Chairperson Kim, Chang Guk	• 40th President, Korean Bar Association	Nov. 25, 2001 ~ Dec. 23, 2004
2nd Chairperson Choi, Young Do	• Chairperson, Human Rights Commission, Korean Bar Association	Dec. 24, 2004 ~ Mar. 22, 2005
3rd Chairperson Cho, Young Hwang	• Chairperson, Ombudsman of Korea	Apr. 4, 2005 ~ Oct. 1, 2006
4th Chairperson Ahn, Kyong Whan	• Dean, College of Law, Seoul National University	Oct. 30, 2006 ~ July 5, 2009
Standing Commissioner Park, Kyung Seo	• First Human Rights Ambassador of Korea	Nov. 25, 2001 ~ Dec. 23, 2004
Standing Commissioner Yoo, Hyun	• Presiding Judge, Seoul High Court	Nov. 25, 2001 ~ July 20, 2004
Standing Commissioner Rhyu, See Chun	• Standing Director, Council of National Literature Writers	Nov. 25, 2001 ~ Mar. 12, 2004
Commissioner Kwak, No Hyun	• Professor of Law, Korea National Open University	Nov. 25, 2001 ~ Feb. 23, 2003
Commissioner Kim, Duk Hyun	• Judge, Seoul District Civil Court	Nov. 25, 2001 ~ Mar. 14, 2005
Commissioner Kim, O Sup	• Presiding Judge, Seoul High Court	Nov. 25, 2001 ~ Dec. 23, 2004
Commissioner Shin, Dong Woon	• Professor of Law, Seoul National University	Nov. 25, 2001 ~ Dec. 23, 2004
Commissioner Lee, Jin Kang	• President, Korean Bar Association	Nov. 25, 2001 ~ Nov. 29, 2002
Commissioner Cho, Mi Kyung	• Professor of Law, Aju University	Nov. 25, 2001 ~ Dec. 23, 2004
Commissioner Jung, Kang Ja	• Co-Chair, Korea Women Link	Nov. 25, 2001 ~ Dec. 23, 2004
Commissioner Ryu, Guk Hyun	• Chief Prosecutor, Gangneung Office, Chuncheon Regional Prosecutor's Office	Dec. 12, 2002 ~ Feb. 23, 2003
Commissioner Lee, Heung Rok	• Lawyer and Chairperson of Human Rights Policy Research Association	May 1, 2003 ~ Apr. 18, 2005

Commissioner Kim, Man Heum	• Professor, Asia-Pacific Research Center, Catholic University	Aug. 1, 2003 ~ Oct. 24, 2006
Standing Commissioner Choi, Young Ae	• Director, Korea Counseling Center on Sexual Violence	July 23, 2004 ~ Sept. 20, 2007
Standing Commissioner Kim, Ho Joon	• Chief Editor and Commentator, Seoul Daily	Dec. 24, 2004 ~ Feb. 3, 2008
Standing Commissioner Jung, Kang Ja	• Co-Chair, Korea Women Link	Dec. 24, 2004 ~ Dec. 23, 2007
Commissioner Ra, Cheon Soo	• Senior Judge, Seoul Central District Court	Dec. 24, 2004 ~ June 28, 2006
Commissioner Lee, Hae Hak	• Co-Chair, National Association of Democratic Reform	Dec. 24, 2004 ~ Dec. 31, 2006
Commissioner Chung, In Seop	• Professor of Law, Seoul National University	Dec. 24, 2004 ~ Dec. 23, 2007
Commissioner Choi, Keum Sook	• Professor of Law, Ewha Womans University	Dec. 24, 2004 ~ Dec. 23, 2007
Commissioner Shin, Hei Soo	• Professor of Social Welfare, Hanil Presbyterian Theological Seminary	Mar. 15, 2005 ~ Mar. 19, 2008
Commissioner Won, Hyung Eun	• Chairperson, Christianity Association in Busan	June 1, 2005 ~ Sept. 9, 2008
Commissioner Yoon, Ki Won	• Managing Partner, The One Law Firm	Oct. 25, 2006 ~ Dec. 28, 2009
Commissioner Chung, Jae Geun	• Chief Priest, Mt. Bukhan Geumseonsa Temple of Jogye Order	Feb. 8, 2007 ~ Feb. 7, 2010
Standing Commissioner Choi, Kyung Suk	• Co-Chair, Korea Differently Abled Women United	Sept. 21, 2007 ~ Oct. 10, 2010
Standing Commissioner Yoo, Nam Young	• Vice President, Lawyers for a Democratic Society	Dec. 24, 2007 ~ Nov. 4, 2010
Commissioner Cho, Kuk	• Professor of Law, Seoul National University	Dec. 24, 2007 ~ Nov. 15, 2010
Commissioner Hwang, Deok Nam	• Public Interest Commissioner on Adjudication, National Labor Relations Commission	Dec. 24, 2007 ~ Jan. 18, 2011
Standing Commissioner Moon, Kyung Ran	• Editorial Writer, JoongAng Daily	Feb. 4, 2008 ~ Nov. 4, 2010

Commissioner Kim, Yang Won	• President, ELIEL Welfare Foundation	Sept. 10, 2008 ~ Sept. 27, 2011
Commissioner Choi, Uni	• Dean, College of Law, Konkuk University; President, Konkuk University Law School	Sept. 4, 2008 ~ Jan. 2, 2012
Commissioner Chang, Chu Young	• Managing Partner, Sangrok Law Firm	Dec. 29, 2009 ~ June 27, 2012
Standing Commissioner Jang, Hyang Suk	• Member of Executive Committee, International Paralympics Committee	Oct. 11, 2010 ~ Jan. 12, 2012
Commissioner Kim, Tae Hoon	• Lawyer, Yoon & Yang Law Firm	Aug. 10, 2006 ~ Aug. 9, 2012
Commissioner Yang, Hyun Ah	• Professor of Law, Seoul National University Law School	Jan. 19, 2011~Jan. 18, 2014.
Standing Commissioner Hong, Jin Pyo	• Director and Editor, quarterly Zeitgeist	Feb. 21, 2011~Mar. 6, 2014.
Commissioner Kim, Sung Young	• Chair Professor, Baekseok University	Sept. 28, 2011 ~Nov. 2, 2014.

■ Secretary-General and Senior Executive Officers

Name	Profile	Name	Profile
 Secretary-General Sohn, Sim Kil	• Director-General, Planning & Coordination, the NHRCK • Director-General, Violation Remedies, the NHRCK • Director, General Affairs, the NHRCK • Director, Discrimination Investigations I, the NHRCK • Anti-Monopoly Bureau, Fair Trade Commission • Economic Planning Bureau, Economic Planning Board	 Director-General Planning & Coordination Kim, Seong Jun	• Director, Disabilities Discrimination Investigations II, the NHRCK • Director, Violation Investigations, the NHRCK • Director, Administration & Legal Affairs, the NHRCK • Director, Remedial Actions I, the NHRCK • Director, Policy Coordination, the NHRCK • Director, Legal and Audit Affairs, the NHRCK
 Director-General Investigation Bureau Shim, Sang Don	• Director-General, Investigation Bureau, the NHRCK • Director, Investigation Coordination, the NHRCK • Director, Personnel and Innovation, the NHRCK • Director, Policy Coordination, the NHRCK • Director, General Affairs, the NHRCK • Personnel Bureau, Ministry of Public Administration and Security	 Director-General Investigation Bureau Ahn, Suk Mo	• Director-General, Policy and Education Bureau, the NHRCK • Director-General, Planning & Coordination, the NHRCK • Director, General Affairs, the NHRCK • Director, Violation Investigations, the NHRCK • Director, Remedial Actions III, the NHRCK • Director, Budget & Administration, the NHRCK • Office of Inspector General, Ministry of Defense

3. The Three-Year Plan for the Promotion of Human Rights (2012~2014)

Vision	A World of Dignity for All
Mission	To create a society in which human rights are respected and the dignity and value of humanity are realized in all spheres of activity

Five Strategic Targets	Goals
I. To provide institutional protection for and reinforce basic human rights	1. Protect and reinforce the right to freedom 2. Expand and improve social rights 3. Implement international human rights standards 4. Improve the human rights of soldiers and the conscription system 5. Lay a foundation for human rights through the enactment and amendment of related laws 6. Develop "the Human Rights Index"
II. To improve human rights protection for the underprivileged and underrepresented	1. Improve the human rights of migrants in a multicultural society 2. Enhance the human rights of the elderly 3. Improve the human rights of children and youth 4. Guarantee the human rights of people residing in social facilities
III. To enhance the efficacy of investigations and remedial actions	1. Expand investigation planning 2. Strengthen efficacy of investigations and remedies 3. Increase the degree of satisfaction with human rights counseling services 4. Improve accessibility to human rights for local residents
IV. To foster public understanding of human rights by enhancing educational programs	1. Establish an institutional foundation for human rights education 2. Strengthen and expand human rights education 3. Form a human rights-friendly culture by developing human rights related content

Five Strategic Targets	Goals
V. To strengthen remedies for discrimination	1. Reinforce remedies for discrimination against people with disabilities 2. Strengthen gender discrimination remedies 3. Get rid of discrimination based on age and educational background 4. Strengthen activities for preventing sexual harassment 5. Get rid of discrimination caused by religion
<Special Tasks>	1. Improve North Korean human rights
<Featured Projects>	1. Spread a culture of human rights in company management 2. Improve information-related human rights
The Process for Achieving the Goals (Strengthening the capacity of the NHRCK)	1. Strengthen independence of the Commission 2. Promote domestic and international cooperation 3. Enhance the expertise of the staff

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Of the Republic of Korea
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