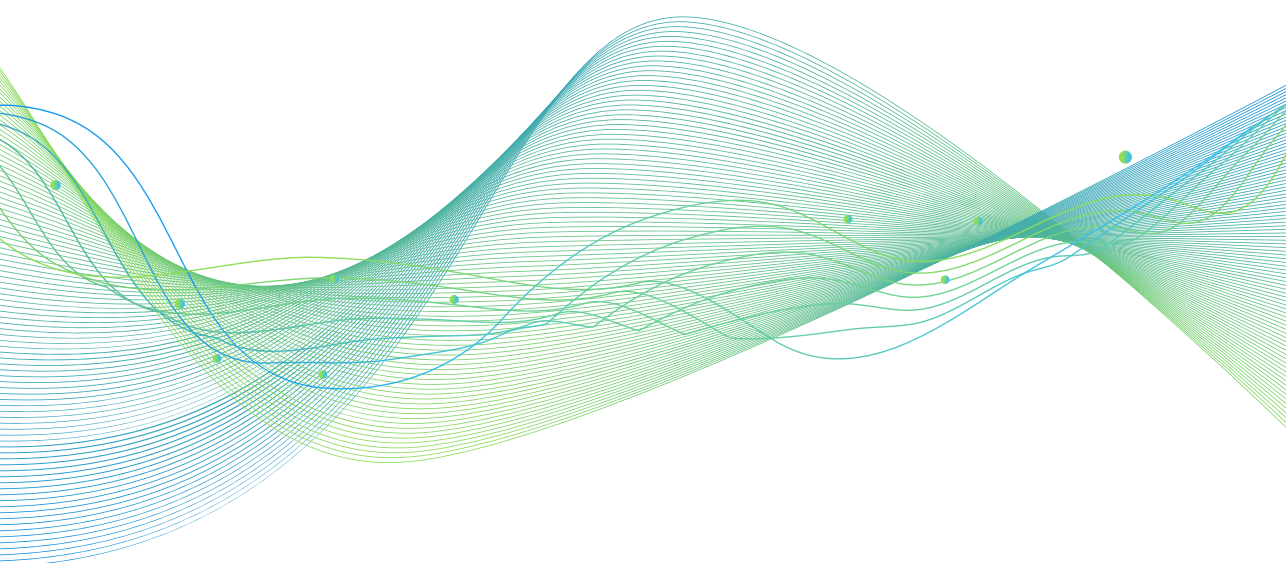


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COMMISSION OF KOREA**

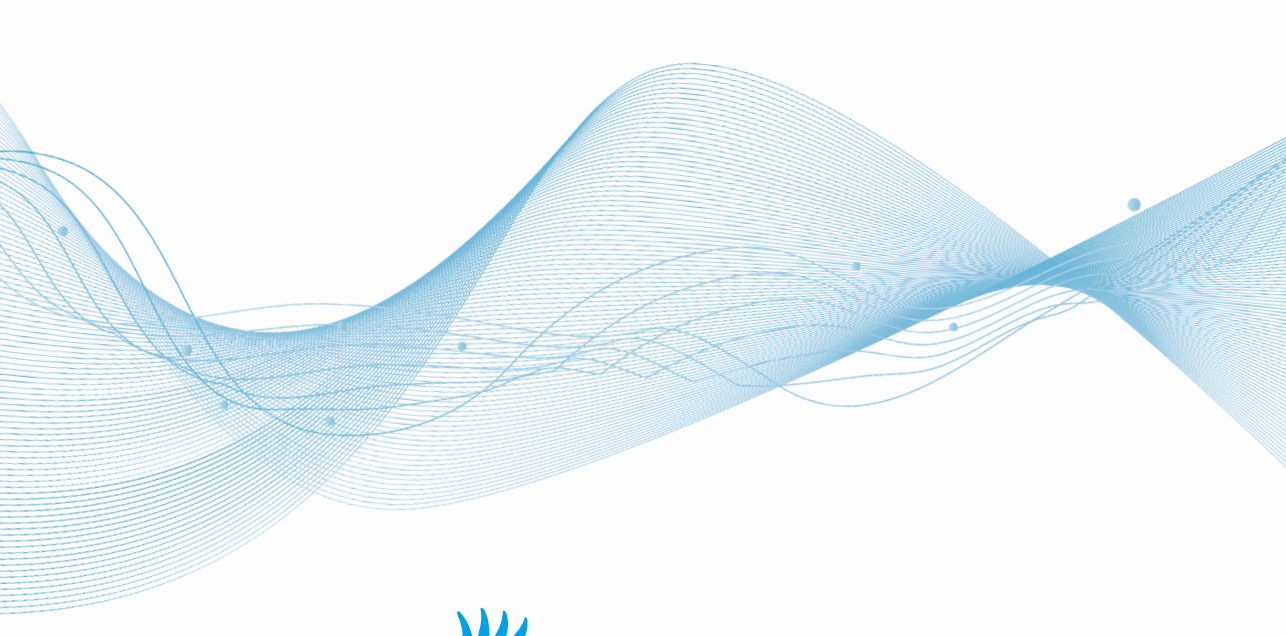
ANNUAL REPORT 2021



National Human Rights Commission of Korea

**NATIONAL HUMAN RIGHTS
COMMISSION OF KOREA**

ANNUAL REPORT 2021



National Human Rights Commission of Korea



Logo of the National Human Rights Commission of Korea

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

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



Annual Report 2021

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



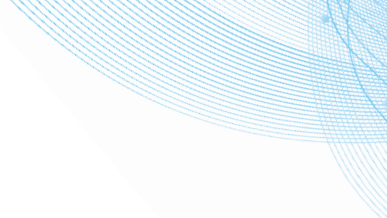
“20-Year-Old NHRCK, Together Again
ensuring that the values of human rights
can take root in the society in a rapidly
changing human rights landscape.”

The year 2021 marked the 20th anniversary of the National Human Rights Commission of Korea, which was established on November 25, 2001 to uphold the right to and respect for human dignity, and contribute to reinforcing the democratic foundation by safeguarding and promoting inviolable human rights inherent to every individual.

As an independent national institution dedicated to the promotion of human rights, the Commission remained committed to its assigned mission, which includes research into associated statutes, institutional arrangements and policies, and making recommendations for improvement, investigating and finding effective remedies to human rights violations and discrimination, engaging in education and promotion of human rights to raise awareness, and engaging in exchanges and cooperation with international human rights organizations and advocacy groups.

In 2021, the Commission expressed 102 policy recommendations and opinions on a range of issues. It processed 75,948 counseling requests and complaints, processed 9,287 out of 10,029 petitions filed and recommended remedial actions on 506 cases, and provided human rights education to 351,463 individuals. Meanwhile, the Commission verified the high esteem in which Korea is held internationally through its renewed A status accreditation granted by the GANHRI Sub-Committee on Accreditation in the last review.

Notably, amid the continuous spread of COVID-19, it carefully monitored the human rights situation of people who are homeless or in detention, and discrimination facing migrant workers and children of foreign nationalities in relation to COVID-19 testing and loss mitigation options, to make proper recommendations. These efforts led to local governments withdrawing or suspending their administrative orders to enforce COVID-19 tests on migrant workers, and the Seoul Municipal Government to service welfare facilities for the homeless to prevent infection.



To ensure that the increased investigative authority of the police following the adjustment of the authorities with the prosecution do not result in new forms of human rights violations, the Commission recommended the Commissioner General of the National Police Agency to make institutional improvements in support of human rights education and training of the police force, and the agency is revisiting its regulations to strengthen police accountability for human rights violations. The Commission also stepped up efforts to find remedies and reparation for police human rights violations during investigation. Meanwhile, regarding the Act on Press Arbitration, which caused great controversy over the introduction of punitive damages, the Commission expressed the opinion that the proposal should be carefully examined so as not to compromise press freedom.

The Commission put forth multilateral effort to protect and promote the rights of social minorities and other vulnerable groups. It recommended the Prime Minister and the Minister of Health and Welfare to use its publication of the Human Rights Report for Persons with Mental Disabilities to develop and implement pan-governmental policies for human rights of persons with mental disabilities, and recommended the Speaker of the National Assembly to legislate a law that provides for necessary safeguard functions for gender minorities, including housing, healthcare, and division of property. Also, its recommendation led to career experience of short-term teachers to be recognized as teaching experience when applying for open competitive job opportunities, as well as improved institutional arrangements to prevent child abuse and protect children victims.

The Commission also worked to increase its role moving forward. Its efforts led to the launching of military human rights protection officers in July 2022, a proposed amendment to the NHRCK Act for a legal basis to strengthen its roles and functions, a proposed Framework Act on Human Rights Policy prepared and submitted to the National Assembly together with the Ministry of Justice as a legal mechanism to protect people's rights.

This Annual Report, now in its 20th iteration, provides an overview of the Commission's activities and some key decisions made in the course of 2021. The report will hopefully help raise public interest and general understanding of human rights issues and what the Commission does, and shape public consensus.

Moving forward, the Commission will remain committed to its role as the nation's human rights watchdog with a greater sense of responsibility and expertise, ensuring that the values of human rights can take root in the society in a rapidly changing human rights landscape.

Thank you.

Song, Doo-hwan
Chairperson, NHRCK



Notes

- 1 Civil society groups and organizations are described herein as human rights and civil society organizations.
- 2 Months stated herein fall in the year 201820 unless specified otherwise.
- 3 The “-” symbol used in the tables signifies “none (0).”
- 4 The total in each statistical table is the sum of pertinent data accumulated from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021, unless specified otherwise.
- 5 All statistics in the tables are rounded, and, therefore, the totals mentioned in the text may not exactly match the sums of the corresponding statistics.

Abbreviations

Commission National Human Rights Commission of Korea

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

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

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

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

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

Civil Rights Covenant International Covenant on Civil and Political Rights

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

APF Asia Pacific Forum of National Human Rights Institutions

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

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

ILO International Labor Organization

OHCHR Office of the United Nations High Commissioner for Human Rights

UPR Universal Periodic Review

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

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National Human Rights Commission of Korea

Annual Report 2021



01

Introduction

Chapter 1 About the National Human Rights
Commission of Korea

Chapter 2 Domestic and International Environment

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National Human Rights Commission of Korea

Annual Report 2021

01 Introduction

Chapter 1

About the National Human Rights Commission of Korea

1. Establishment and Key Functions

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

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

Discussions to establish a national human rights institution in Korea were first sparked when a joint committee of private entities took part in the World Conference on Human Rights in Vienna, Austria, in June 1993. With human rights and civil society organizations continuously voicing the need for a national institution dedicated to human rights issues, these private entities called for enabling laws of an independent national human rights institution responsible for research, study, education, and promotion of human rights protection and improvement pursuant to the United Nations Human Rights Council Resolution (1992/54) and the Paris Principles.

Based on related discussions at home and abroad, presidential candidate Kim Dae-jung included



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

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

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

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



2. Organization

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

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

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

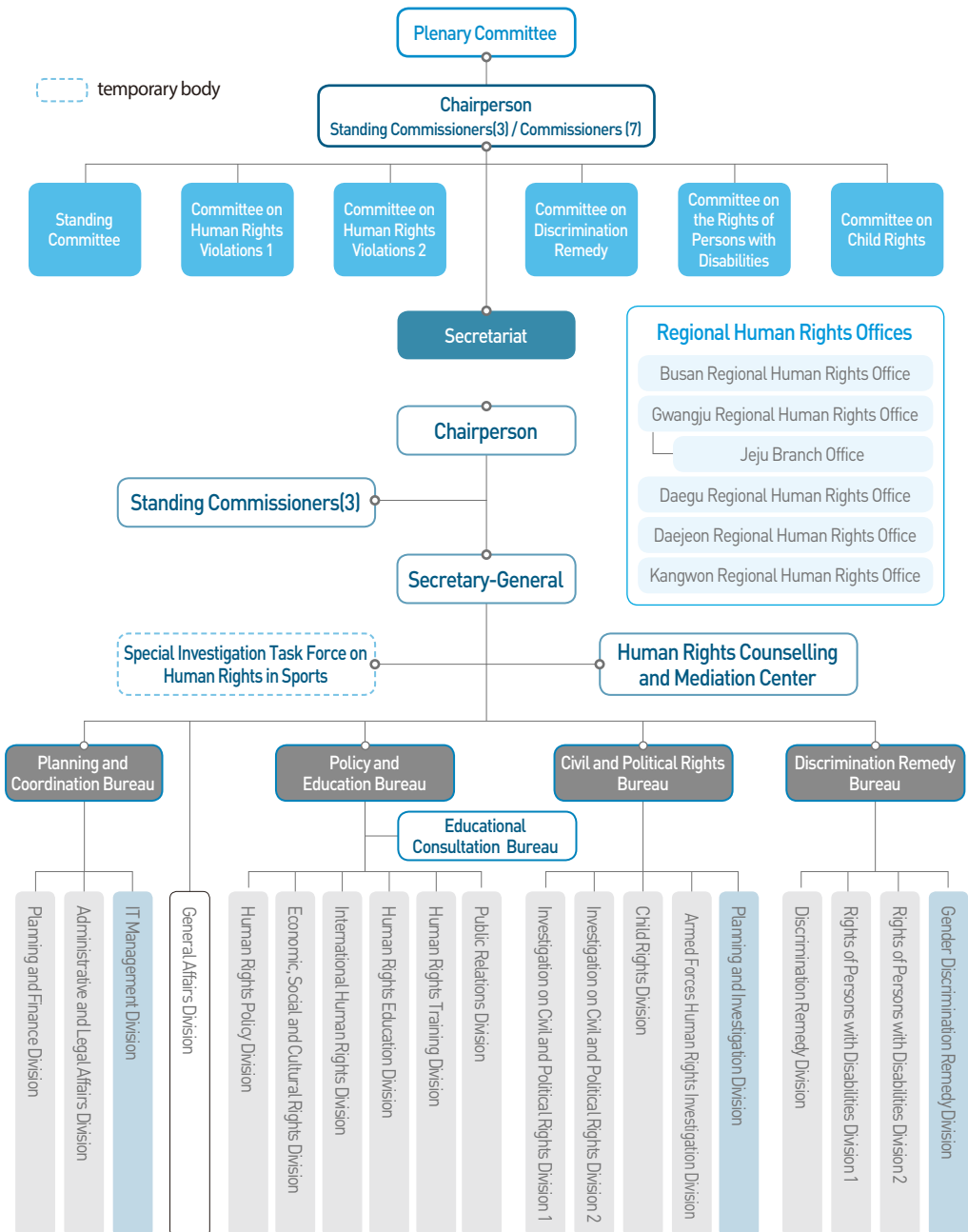
As of December 31, 2020, the Commission's Secretariat consists of the Secretary General, four bureaus, 16 divisions, two teams, five offices, one branch office, and two temporary organizations. The total number of personnel is 225, including 181 in the headquarters (including four public officials in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

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

(As of December 31, 2021)

Classification	Total	Officials in general service	Senior Civil Service Corps	Officials of classes 3 and 4	Officials of class 4	Officials of classes 4 and 5	Officials of class 5	Officials of class 6	Officials of class 7	Officials of class 8	Officials of class 9	Archivists	Inspector
Total	234	4	6	3	19	14	57	57	44	8	20	1	1
Head office	190	4	6	3	14	14	47	48	34	3	15	1	1
Regional offices	44	-	-	-	5	-	10	9	10	5	5	-	-

■ Organizational Chart



**Chapter
2**

Domestic and International Environment

In 2021, the year marking its 20th anniversary, the Commission addressed pending human rights issues along newly emerging ones, which include human rights related with climate crisis, infectious diseases, and other disaster situations; social and economic polarization and inequality; deepening gender-equality issues; and information human rights in a rapidly changing digital environment.

The year saw a continuous emergence of divergent human rights issues as public social-distancing fatigue increased under the continuous spread of COVID-19. The pandemic situation hit the socially vulnerable population hardest, causing ever-deepening social and economic polarization and inequality.

The advancement and proliferation of artificial intelligence has led to increased application of AI not just in everyday life—crime prediction, job interviews, autonomous driving—but also in areas where the technology can have direct implications on human rights, stirring a debate over personal information infringement. Meanwhile, the international community underscored the need for human rights protection mechanisms in relation to the development and use of AI technologies, including the announcement of the Artificial Intelligence Act by the European Parliament and the 2021 Report on the Right to Privacy in the Digital Age by the United Nations High Commissioner for Human Rights.

In 2021, a succession of death incidents involving sexual violence within the military led to increased parliamentary discussions on instituting military human rights protection officers. Consequently, the proposed amendment to the National Human Rights Commission of Korea Act (hereinafter “NHRCK Act”), which was passed in December (to be effective on July 1, 2022), provides for institution of human rights protection officers and Military Human Rights Protection Committee, and gives the Commission the authority to investigate human rights infringements and/or discriminations against military men and women while on duty or in barracks.

The National Assembly finally enacted the Serious Accident Punishment Act following years of demand from labor, ratified key International Labor Organization (ILO) conventions on workers’



rights, and amended the related Trade Union and Labor Relations Adjustment Act. Three bills¹⁾ crafted using the Commission's proposed Framework Act on Equality and Non-discrimination (hereinafter referred to as "Equality Act") were tabled. Despite the various and continuous efforts made, it failed to make progress in discussing the Act.

The year 2021 also saw significant reforms in the criminal justice system. With the Prosecutors' Office Act and the Criminal Procedure Act coming into effect on January 1, the police gained independent investigative authority as adjustments were made between the police and prosecutors. The implementation of local police system on July 1 resulted in autonomous police in 18 municipalities and provinces nationwide, with autonomy in policing and certain areas of investigation. Also, the Corruption Investigation Office for High-ranking Officials was officially launched on January 21 after much prolonged controversy.

Meanwhile, with false and/or fabricated information becoming a serious social issue, notice was given on the partial revision of the Act on Press Arbitration and Remedies for Damage Caused by Press Reports (hereinafter "Act on Press Arbitration") to increase accountability of the media. The introduction of punitive damages in favor of those subjected to harm done by the press resulted in some heated debate. While agreeing with the intent of the law, the Commission expressed the view that its legislation should be carefully examined as some of the proposed provisions may undermine the freedom of the press, which is a right guaranteed under the Constitution.

On the occasion of its 20th anniversary, the Commission worked on revision of the NHRCK Act in order to lay the legal basis to strengthen its role and functions, and take the lead in addressing contemporary human rights tasks as an independent state organization. It held various discussions for the development of the Fourth National Action Plan for the Promotion and Protection of Human Rights (NAP) while motioning the Framework Act on Human Rights Policy together with the Ministry of Justice to facilitate a system to protect human rights.

1) By lawmaker Lee Sang-min (on June 16, 2021, jointly with 23 others); by lawmaker Park Ju-min (on August 9, 2021, jointly with 12 others); by lawmaker Kwon In-sook (on August 31, 2021, jointly 16 others)

**Chapter
3**

Basic Directions and Major Achievements

1. Basic Directions

In 2020, one year before its 20th anniversary, the Commission developed its five-year Human Rights Promotion Action Plan for the period 2021 through 2025, with three strategic objectives and 21 performance objectives. The Commission's annual business plan for 2021 was based on this action plan, and various efforts were made towards achieving the strategic and performance objectives.

To garner increased public trust and support, it improved the way it conducts business, responded to various human rights issues in a timely and effective manner, worked as a quasi-international organization, expanded cooperation with domestic and international partners, and played an increasing role in safeguarding and promoting human rights.

2. Major Achievements by Strategies & Objectives

A. Preemptive response to a rapidly changing human rights environment and global disaster and crisis situations

1) Guaranteeing human dignity and rights under disaster situations

While the government and the public are continuing their efforts to overcome the global COVID-19 pandemic, the prolonged social distancing measures and risk of infection resulted in increased public fatigue. The wide-spread perception that strict quarantine takes priority over human rights protection has given rise to continuous concerns on various human rights issues. In light of these circumstances, the Commission examined ways to ensure that the society-wide quarantine system is sustainable and respectful of human rights, while looking for ways to guarantee basic rights and alleviate inequality.



To address the various challenges and crisis situations facing vulnerable groups under the prolonged COVID-19 situation, which include income and job insecurity, gaps in medical care, and gaps in childcare services, the Commission conducted a survey of vulnerable groups about their human rights conditions under the COVID-19 disaster situation and held seminars on ways that the rights of people in vulnerable situations can be safeguarded during disasters.

Based on the findings of a survey conducted in the previous year, the Commission published a report on the negative impacts of COVID-19 on the rights of people with disabilities. It also held seminars to seek policy directions for harmonizing community safety and guarantee of rights for people with disabilities. Participants discussed the need to actively promote programs for disabled people so that the services are known and solicited by them and their families, and are recommended by public health centers.

Meanwhile, the Commission conducted a survey on climate crisis and human rights, and policy trends at home and abroad to inform policy directions and tasks. It also held discussions with subject matter experts to stir a public debate on human rights in climate crisis, which is an emerging issue with potential impacts across all sectors and domains. It also laid the groundwork for human rights protection in climate crisis and disaster situations by continuously monitoring policy trends in the country, including legislative efforts related to climate crisis, and precedents overseas.

2) Strengthening social safeguards to address poverty and polarization

In view of guaranteeing the right to health of the homeless who became more vulnerable in the COVID-19 crisis, the Commission made recommendations that designated healthcare facilities for the homeless be abolished and guidelines on medical care for the homeless be revised.

It also expressed opinion regarding the proposed partial amendment to the Long-term Care Insurance Act, stating that restriction of long-term treatment benefit payments to those found guilty of assaulting long-term care workers is undesirable as it disproportionately limits beneficiaries' right to social security.

In the face of deepening poverty and social polarization brought by the pandemic, the Commission worked on strengthening the social security system, including examining potential institutional improvements for sustainable childcare services.

3) Protecting information rights in the era of the Fourth Industrial Revolution

The widespread use of new information processing technologies such as artificial intelligence (AI) and big data, coupled with the advent of a wide range of services such as the so-called My Data, which are based on use of personal information, have raised the need to safeguard and promote personal information rights.

In response to these technological advancements, the Commission looked for effective ways to safeguard and promote personal information rights, including expressing opinion on the proposed Data Framework Act and sending a response on the proposed partial amendment to the Personal Information Protection Act.

It also looked for ways that the facial recognition technology can be harmonized with the principle of protecting privacy and personal information. To do so, it conducted a survey to understand the extent to which intelligent CCTVs and facial recognition technologies are being used and how personal video information can be better protected.

The Commission also organized the Information Rights Forum comprising subject matter experts from various sectors on three separate occasions. The forum discussed key information rights issues, including directions for amending the Personal Information Protection Act to ensure that the rights of data subjects can be safeguarded, the United Nations resolution on new and emerging digital technologies and human rights, and the relevant tasks tied to the 4th Human Rights NAP, and sought to identify new agenda items and propose improvements.

4) Increasing the rights of seniors in a super-aged society

In light of excessive disclosure of personal information of those confirmed with COVID-19 during cohort quarantine and infringements of the right to life, right to health, and family visitation right of older persons living in facilities, the Commission conducted a survey of the conditions facing older persons in senior care facilities to make recommendations for improvement. It also organized four separate sessions of the forum on the rights of older persons to review international trends and ways to address poverty of older persons.

The Commission translated and published key literature related to the rights of older persons for use in combating ageism (the stereotypes, prejudice and discrimination towards others or oneself based on age), enhancing awareness, and stirring public debate on the rights of older persons as



owners of those rights. It also issued a chairperson's statement to refresh public interest on human rights issues facing older persons as they become more vulnerably exposed to challenges posed by COVID-19.

5) Addressing new blind spots in labor rights and strengthening human rights in business management

To address the ever-deepening vulnerable conditions facing platform laborers in the form of job and income insecurity, the Commission expressed opinion on a proposed bill to protect and support platform workers. Noting the worsening working conditions of platform workers and their growing precarious situations due to COVID-19, it conducted surveys of the conditions facing those working in logistics centers and of those in call centers to make recommendations for institutional improvements.

The Commission refreshed public interest on the rights of laborers by issuing a chairperson's statement that the reinstatement of Korean trade union leader Kim Jin-suk is not a matter of labor-management relations but one that requires settling of past state violence; a statement on the amendment of the law on bullying in the workplace; and a statement welcoming the enactment of a law to improve employment conditions for domestic workers.

Meanwhile, to expand public consensus on human rights in business management, the Commission organized in the first half of the year the Forum on Business and Human Rights on the topic of "Outcome and Tasks of the United Nations Human Rights and Business Guiding Principles." In the second half, it hosted the forum jointly with the Ministry of Justice to discuss the operationalization of the United Nations Protect, Respect and Remedy Framework, and the Tasks of the United Nations Human Rights and Business Guiding Principles in a new era for the ESG world. The Commission also published an e-book titled ESG Asks and Business & Human Rights Answers, helping build broader public consensus on the matter.

6) Shifting paradigm and strengthening protection for human rights in sports

Based on the result of a survey conducted in 2019, the Commission made policy recommendations to safeguard and promote the human rights of athletes in ice sports, athletes with disabilities, and female sports instructors. Following monitoring of 286 institutions, including on-

site inspections on 83 institutions, on progress made in implementing recommendations, it worked to increase effectiveness of recommendations made for student athletes in elementary, junior high, and high schools, and those made for professional athletes, while driving real change in the sports world.

To prevent human rights violations against student athletes and conduct on-site monitoring, the Commission also attended nine national sports competitions and the 102nd National Sports Festival. The findings were used to inform the publication and distribution of proposed standard competition management guidelines for human rights in sports competitions.

Together with the regional human rights offices, the Commission carried out promotional activities in sports stadiums to raise awareness about human rights in sports. It also sustained public interest through a Declaration of Human Rights in Sports Campaign, which was organized online due to COVID-19. Given the need to continuously highlight human rights issues in sports and change how human rights are perceived in the sports community, the Declaration of Human Rights in Sports Campaign kicked off in 2019 continued into Season 3 in 2021. As in previous seasons, the campaign continued the message that sports should be fun, and to do so, human rights should be the first consideration. The campaign saw 4,100 people get involved in the declaration, for an accumulated total of over 10,000 people since 2019. The commitment garnered from the campaign, coupled with the general public support, is expected to contribute to furthering changes in other parts of the sports community.

7) Improving human rights conditions in North Korea

The Commission announced a chairperson's statement on the adoption by the 76th United Nations General Assembly of the resolution titled Situation of Human Rights in the Democratic People's Republic of Korea and set up a committee specialized in human rights in North Korea to leverage the expertise in the area and respond quickly to various North Korea human rights issues.

It also commissioned research on the state of the policies related to human rights in North Korea, including the Human Rights NAP recommendation, prior to developing the 4th National Action Plan for the Promotion and Protection of Human Rights (NAP) to be implemented from 2023. Together with international human rights organizations and experts, it hosted an international symposium on human rights in North Korea to discuss the topics of 'Tasks and

Directions for Improving the NAP” and “Tasks and Directions to Promote the Rights of North Korean Defectors.”

B. Implementation of International Human Rights Norms

1) Supporting enactment of equality and anti-discrimination law, and responding to hate speech

Supporting the National Assembly to enact an equality law

Given the limitations that individual laws such as the NHRCK Act, Act on the Prohibition of Age Discrimination in Employment and Elderly Employment Promotion (hereinafter “Elderly Employment Act”), and the Act on Prohibition of Discrimination against Persons with Disabilities and Remedy against Infringement of their Rights (hereinafter “Disabilities Discrimination Act”) have in redressing various forms of discriminations facing our society, the Commission continued to support legislation of an equality law, an effort that was revived in 2020 after it had died in 2006, based on the sustained recommendation from the international community and calls from the civil society.

The Commission monitored the legislation effort by hosting strategic meetings with specialists from various related areas, established appropriate response measures, and garnered the support of the international community through Ambassador Roundtables and the 2021 International Human Rights Conference. Through these efforts, three bills developed using the Commission’s proposed equality law were motioned at the 21st National Assembly.

Given the lack of progress in subsequent discussions on the bills, the Commission announced statements in the name of the Committee of the Whole House and of the chairperson on June 21 and November 10, respectively, urging prompt legislation of the law. It also used various other channels to push for the law, including supporting the 100,000 petition campaign in support of an equality law; new NHRCK Chairperson Song Doo-hwan’s office calls with key National Assembly members including the Speaker, party leaders, and the floor leader to ask for their support for an equality law; close cooperation with relevant organizations, including town hall meetings jointly with the Coalition for Anti-Discrimination Legislation and human rights offices



(Jeju, Busan, Daegu, Gwangju); and publication of Equality Law Fact Check Book to address misinformation about the proposed law.

Joint response to combat hate speech

To combat hate and discrimination, the Commission worked on training and education, declaration of self-regulation in the press and the media, development of education materials for private institutes, parents, teachers, and students, UCC and cartoon contests, refinement of school regulations, online survey of how hate speech is perceived, collaboration with the Korean Internet Self-Governance Organization (KISO) to address hate speech in language dictionaries, and revision of terminology that are discriminatory against disabilities in the standard unabridged Korean dictionary.

The Commission also monitored hate speech used in government PR materials and sent a recommended task list to the Office for Government Policy Coordination, and continued to be engaged in raising awareness on and improving the human rights conditions facing gender minorities.

2) Combating racial discrimination and protecting the rights of immigrants and refugees

The Commission continued to make recommendations and express opinion with regards to government policies and laws so that they are consistent with the International Convention on the Elimination of All Forms of Racial Discrimination and other international human rights standards, working closely with the civil society and experts.

The Commission took the lead in enabling institutional improvements so that the rights of migrant workers and humanitarian aliens can be safeguarded. It made a recommendation regarding the policy that excludes foreigners with changed sojourn status from getting health insurance; a recommendation regarding local governments' administrative order that immigrant workers get tested for COVID-19; recommendations for institutional improvements following on-site inspections to immigration detention facilities; recommendations to improve status and treatment of humanitarian aliens; and recommendations to increase public involvement in the recruitment of migrant fishers and to abolish forced labor.



The Commission also presented opinion on a bill to prevent and protect victims of human trafficking and exploitation, the proposed partial amendment to the Immigration Control Act, and the proposed partial amendment to the Framework Act on Treatment of Foreigners Residing in the ROK so that they are aligned with international human rights standards. Working with the civil society and experts, it also remained actively engaged in migrant human rights issues, issuing a welcome statement on the introduction of alien children birth registration and a welcome statement in relation to Afghans.

3) Laying the basis for combating gender discrimination and achieving gender equality

The Commission took timely actions against hatred and discrimination; it expressed opinion on hate speech by local election candidates, local parliamentary members, and local government officials against gender minorities, stopping the spread of hate speech in the public sector and raising public interest on the matter. In an effort to identify and address gender issues, it submitted opinion on the proposed amendment to the Misdemeanor Punishment Act, a legislative bill on the establishment of a commission to investigate sexual crimes committed by elected public officials, the proposed partial amendment to the provisions on sexual harassment and sexual abuse in the NHRCK Act, and the partial amendment to the Equal Employment Act, responded to a collective petition related to feminism backlash and reverse discrimination, expressed opinion to combat hate speech against gender minorities, and organized the Gender Equality Forum.

On January 25, the Commission deliberated and decided on the result of an ex-officio investigation into the sexual harassment involving the former Mayor of Seoul and made recommendations that the Seoul Metropolitan City Government, Ministry of Gender Equality and Family, and the National Police Agency protect the victim and prevent recurrence. All of its recommendations were accepted.

On March 12, 2018, the Committee on the Elimination of Discrimination against Women had recommended that the Commission's gender discrimination-related functions be strengthened through increased authorities and resource allocation. One action that the Commission took to implement the recommendation was to establish the Gender Discrimination Remedy Team, which started off as a temporary team in July 2018 but will be elevated to division level in February 2022. The reorganization effort contributed to more stable management of gender equality and sexual harassment issues, as well as women rights and gender minority rights issues.

4) Facilitating the social participation of disabled people with disabilities from a rights perspective

With regards the Convention on the Rights of Persons with Disabilities (CRPD), the Commission monitored the 14th session of the Conference of State Parties to the CRPD to look for human rights tasks for people with disabilities and the possibility of applying the convention in Korea. It also tracked the status of ratification of the Optional Protocol to CRPD and discussed what role it can play after ratification, including review in response to an inquiry regarding ratification of the Optional Protocol to CRPD, debate for effective guarantee of the Optional Protocol to Convention on the Rights of Persons with Disabilities, and discussions on ways to support the Optional Protocol after ratification.

To combat discrimination and prejudice against people with mental disabilities, the Commission organized a task force to monitor hate speech and discrimination-inducing speech against people with disabilities in policy press releases and the press. It examined how the human rights conditions facing people with mental disabilities have changed since its publication of the National Report on People with Mental Disabilities in 2009, while making relevant policy recommendations in the 2nd Report on Human Rights of People with Mental Disabilities and contributing to furthering their rights and helping them participate in the society.

The Commission carried out research from various angles, including a study on legitimate convenience for people with disabilities, and monitored how accessible electronic payment services are for blind people and examined how they can be enhanced. It also examined the legitimate convenience criteria, which is the reference for determining petitions on discrimination against people with disabilities, while also preparing to establish petition determination criteria.

To safeguard the rights of people who have difficulties claiming their rights and raise public interest, the Commission conducted a deliberate survey of the human rights conditions facing disabled children in residential facilities for the disabled, a survey of the conditions of homes designed for the disabled to live an autonomous life, and made ex-officio investigations and on-site inspections to residential facilities for the mentally disabled.

5) Raising awareness on the rights of children and young people, and supporting legal and institutional improvements

In 2021, children experienced learning gaps and learning losses due to contactless schooling under COVID-19. Moreover, school closures affected children's day-to-day activities, health, relationships with friends, and emotional competencies, limiting overall child development.

In light of these challenges, the Commission selected the theme of 'Achievement of Children's Right to Education as a Basic Human Rights' as part of its children rights initiative for the year. By working with children, guardians, and teachers to monitor policies, looking at what's happening in schools, and how the stakeholders are doing, it explored ways for every child to enjoy an equal, non-discriminatory right to education, rather than being too focused on the learning aspect of the right to education.

The Commission also examined related laws and institutions to ensure implementation of the Convention on the Rights of the Child and to promote the rights of children and youths. In response to its recommendations that the juvenile justice system should be aligned with international human rights standards, youth's political rights be promoted, child abuse be prevented and their victims protected, the Ministry of Health and Welfare established case management guidelines for guardianship staff and developed a system for regular monitoring.

The Commission also strengthened the relief mechanism for children's rights, including a recommendation regarding violation of the right to equality of foreign nationality preschool-age children when making emergency COVID-19 payments and a recommendation regarding discrimination targeting foreign nationality children to go through screened treatment.

6) Response to International Covenants and International Cooperation

Strengthening enforcement of international human rights standards and cooperating with international human rights institutions

The Commission monitored the government's progress in implementing the opinion on the Fifth Periodic Report to the UN Human Rights Committee and its response to the Third Universal Periodic Review recommendations, and prepared for future reviews. It also held seminars to discuss key issues pertaining to Korea's joining the Optional Protocol to the United Nations

Convention against Torture and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and find ways to promote human rights using the United Nations human rights mechanism.

To increase the public's understanding of international human rights standards, the Commission worked on enhancing public access to international human rights information by securing approximately 280 materials related to the review by the seven human rights treaty²⁾ bodies³⁾ of the ROK government's report and posting them on its Internet homepage by review process and date. This effort is expected to help raise public awareness on international human rights norms.

As the chair of the Global Alliance of National Human Rights Institutions (GANHRI), the Commission represented national human rights institutions to highlight the need for the United Nations Council and the GANHRI Working Group on Ageing to craft a Human Rights Convention for Older Persons, while working to increase the visibility of the human rights of older persons agenda in the international community.

The Commission also hosted an international conference on the topic of "Protection of human rights and enactment of an equality law under COVID-19 situation," and also invited ambassadors and international organizations representatives to a seminar on "Combating Hatred and Discrimination, and Enactment of Equality Law" to seek international cooperation in response to pending human rights issues.

2) The ROK government has joined and ratified seven major human rights treaties: International Convention on the Elimination of All Forms of Racial Discrimination, International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Convention on the Rights of the Child, and Convention on the Rights of Persons with Disabilities. There are two treaties to which it is not a member.

3) The human right treaty bodies that monitor implementation of the core international human rights treaties in the ROK are: Committee on the Elimination of Racial Discrimination, Committee on Economic, Social and Cultural Rights, Human Rights Committee, Committee on the Elimination of Discrimination Against Women, Committee Against Torture, Committee on the Rights of the Child, Committee on the Rights of Persons with Disabilities



Replying on the Sixth Periodic Report on the International Convention against Torture

On February 26, 2020, the Commission sent to the United Nations Committee against Torture a proposed list of issues for the Sixth Periodic Report on the International Convention against Torture. On May 7 of the same year, the United Nations Committee against Torture provided the ROK government with the List of Issues Prior to Reporting (LoIPR). After drafting the Sixth Periodic Report on the International Convention against Torture based on the LoIPR, the Ministry of Justice asked the Commission to review the draft on March 16, 2021. The Commission sent its feedback on whether the report seems to provide sufficient answers to the LoIPR.

C. Building Accountability and Competence as the National Human Rights Institution

1) Ensuring more effective investigations and remedies

Investigation of petitioned cases

In 2021, a total of 10,029 petitions were filed, which is an increase of 1,013 (11.2%) from the previous year. Though a continuous decrease was observed in certain petition areas because social activities went down due to the prolonged COVID-19 situation, there was an increase in petitions related to quarantine measures—COVID-19 tests and vaccination certification—and collective petitions related to feminism backlash and reverse discrimination. At 9,287, the number of petitions processed remained at a level similar to that of 2020. The number of petitions remedied was 1,172, which is 440 less (27.3%) than in the previous year. The rate of remedy, which stood at 12.6%, also fell 4.7% from the previous year.

For prompt processing of petitions, the Commission established a plan to manage long-term cases in June, with specific goals set by each investigation division. As a result, the percentage of long-term cases fell to 24.1% in just two months and the total number of long-term cases fell to 723, with goals achieved earlier than anticipated.

Investigations and remedies of human rights violations

In 2021, the number of petitions filed in relation to human rights violations was 7,430, which is 873 (13.3%) more compared to the previous year. The increase can be attributed to a recovery of or increase in the number of cases involving educational institutions, the police, and central administrative agencies, which had dipped in 2020 due to the spread of the COVID-19 pandemic.

The number of petitions processed was 6,839, which is 460 (7.2%) more compared to the previous year. The number of remedied cases was 695, which is 64 (10.1%) more cases over the previous year. Accordingly, the rate of remedied cases also rose 0.3%p to 10.2%, reverting the downward trend observed in 2020.

The Commission continued to make recommendations to remedy violations of human rights by state organizations. These include recommendations regarding infringement of a plaintiff's right to know because the police did not notify him of the reason why his case was not sent to the public prosecutor's office; the maritime police disclosing details of an investigation into the killing of a public official by North Korean troops; the military not recognizing the death of a soldier as death on duty; the Naval Academy heavily sanctioning cadets for being in a relationship; inmate deaths caused by a group infection of COVID-19; local governments' excessive disclosure of the personal information of people who tested positive for COVID-19; suspension of search inside a sunken vessel at deep sea; and a school not allowing students to use a bike for commute.

Investigations and remedies of discrimination

In 2021, the number of petitions filed in relation to discrimination was 2,559, which is an increase of 174 (7.3%) compared to the previous year. Though the number of petitions filed for discrimination against disabled persons was on the fall for two consecutive years since 2020 due to reduced outside activities by disabled persons under the prolonged pandemic situation, the overall increase in petitions filed can be attributed to a continuous rise in collective petitions filed for feminism backlash and reverse discrimination, and those filed for other miscellaneous reasons owing to heightened social sensitivity on fairness and equality.

Meanwhile, a total of 2,410 discrimination-related petitions were processed, which is 469 less (16.3%) than in 2020. This is likely due to a decrease in the cumulative number of discrimination-related petitions from 2020, coupled with the conclusion of hard long-term cases that were



unresolved for six months or more in 2021. Also, unlike in the previous year, there were a considerably smaller number of large-scale collective petitions related with disabilities and nationalities, which could have been processed with a recommendation and/or action, or resolved during investigation. In 2021, 477 such petitions were remedied, which is 499 less than in the previous year.

In 2021, as part of efforts to establish human rights as universal values, the Commission continued to make a series of meaningful recommendations on cases of discrimination and sexual harassment. It also made a series of recommendations to correct various acts of discrimination, including unjustified notice of suspension of an Islamic mosque construction and a banner of hate speech, age discrimination for reason of academic background, lack of convenience provided to people with disabilities at a test site, insufficient web access for the visually impaired on a public organization website, verbal abuse by a social worker against a person with disability, failure by a mental medical institution to guarantee a severely mentally disabled person the right to determine whether to stay or leave the hospital, designation of the parents-in-law as having the obligation to financially support the daughter-in-law for her medical bills to treat a rare disease, and a public organization's refusal to allow advertisements related to gender minorities.

Strengthening deliberate investigations

The Commission carried out ex officio investigations and on-site inspections of cases requiring monitoring and intervention. In 2021, it decided to initiate seven ex officio investigations. Ten cases including six carried over from the previous year were concluded, of which nine led to relief recommendations. It also initiated seven on-site inspections and concluded seven cases including those carried over from the previous year. Six cases ended with policy recommendations.

Investigation technique capacity building

The Commission ran an investigation improvement task force to identify investigation issues. The findings informed an NHRCK investigation manual and an update to the Rules on Investigation and Relief. Also, through a commissioned study on techniques of investigating cases of human rights infringement and discrimination, it examined the techniques employed by other survey or investigative agencies, as well as human rights investigation organizations.

Through Standards for Handling Discrimination Cases, the Commission ensured a more systematic and consistent approach to investigation of discrimination cases. To inform its decisions and determination on key issues, it secured reference materials by translating a case study on overseas laws related to discrimination of gender minorities, a commissioned study on the legitimate provision of convenience to disabled persons, and key discrimination-related precedents of the European Court of Human Rights.⁴⁾

2) Encouraging a lifelong process of human rights learning, and promoting a conducive environment for the enjoyment of human rights

Institutionalizing specialized human rights education

Amid the spread of the COVID-19 situation, the Commission continued to offer human rights education in the public sector, schools, and civil society, and was engaged in stirring public debates on key human rights issues, including the enactment of an equality law by including anti-discrimination and hate speech prevention in school curricula.

The Commission completed the basic design for the Human Rights Training Institute in Yongin-si, Gyeonggi-do Province. The facility will guarantee people's right to human rights training and offer training for public organizations, schools, and the society in a more systematic and professional manner.

In view of institutionalizing professional human rights training and education, it organized meetings of the Specialized Human Rights Education Committee, Human Rights Educational Forum, Local Government Human Rights Education Council, Military Human Rights Education Council, School Human Rights Education Council, and University Human Rights Center Council.

The Commission worked to increase the human rights competence of the police by recommending improved arrangements for human rights education. It conducted a survey of human rights education in the National Assembly, a survey of human rights education for public officials in local governments, a survey of human rights education for schoolteachers, and a survey

4) Beizaras and Levickas v. Lithuania, no. 41288/15, 14 January 2020, J.D. and A v. the United Kingdom, nos. 32949/17 and 34614/17, 24 October 2019, and six other precedents



of abuse prevention education for parents and a study on improving educational programs.

The Commission developed and distributed updated, applicable human rights content, and worked on providing a lifelong process of learning for the public sector, schools, and civil society.

Promoting a conducive environment by developing and distributing human rights content

From its inception, the Commission worked to raise public awareness and promote an environment that is conducive to the respect of human rights. Efforts include production of 14 human rights films, which started with the film *If You Were Me*, the Human Rights Magazine using accessible and friendly storytelling and visuals, and human rights work contest open to the public.

In light of emergence of new, various forms of media, the Commission made available content on blogs, facebook and Youtube. From 2018, it produced webdramas targeting young people; in 2021, it produced *Teaming*, which addresses rising human rights infringement online amid the spread of the COVID-19 pandemic, and posted it on Youtube. It also produced nine video clips on human rights issues in everyday settings. Its Citizen Reports Corps created content from the public's perspectives and the best content were posted on the Internet portal Naver for promotion.

As a new initiative, the Commission worked with EBS Knowledge Channel e on production of television content to change the way people view persons with mental disabilities. It also produced content to change perception on hate and discriminatory speech, and content on families with members of various backgrounds for use online and at KTX train stations.

As part of its 20th anniversary activities, the Commission worked with major newspapers for special coverage on how the public's perception of human rights has changed over time. The bimonthly Human Rights Magazine had special feature series on NHRCK's key recommendations, their policy and institutional impacts over the past 20 years since its inception, its activities within the international human rights community, and its future role.

3) Engaging in effective exchanges and cooperation, and tightening human rights governance

The Commission has, since its inception, established partnerships with human rights and civil society groups as they are the very foundation of the Commission. It also remained opened to the views of the academia and experts, ensuring balance and professionalism in its programs. To support the various activities of human rights organizations, the Commission funded 11 programs on disabilities, adoptive families, human rights in sports, and human rights outside the metropolitan area.

To strengthen communication and day-to-day cooperation with the civil society, the Commission hosted a meeting with HR groups in the first and second half of the year to hear their views on the Commission's proposed plans and surveys. Their suggestions informed the Commission's business planning and program execution.

Despite the spread of COVID-19, the chairperson and commissioners made visits to housing for disabled persons who opted out of institutionalized facilities and a prison used for alternative service, monitoring the human rights conditions facing vulnerable groups and hearing their views on site.

4) Strengthening local human rights safeguards and building capacity of human rights offices

The Commission has long been committed to laying the institutional foundation for safeguarding human rights at the local level. Consequently, 17 local governments enacted human rights ordinances, established offices, or designated personnel dedicated to human rights affairs, and launched Human Rights Committees. Moving forward, more efforts are needed to ensure that the safeguards work to strengthen human rights conditions at the local level.

Meanwhile, more varied human rights advocacy players have emerged, contributing in one way or another. On August 25, the Commission hosted the 2021 Convention of Human Rights Advocates to discuss the status and prospects of human rights in the Korean society from their perspectives. The event was organized virtually due to COVID-19 concerns and was attended by 190 human rights commissioners from local governments, local human rights group activists, and representatives of college human rights centers and advocacy groups. It provided a venue to communicate and cooperate with diverse groups of advocates.



Capacity building of human rights offices has become more necessary than ever as they play a central role for strengthening human rights at the local level. Human rights offices worked closely with local governments and civil society groups to identify area-specific human rights tasks, enhance mutual understanding, and strengthen cooperation. For example, the Busan Human Rights Office hosted the Conference on Human Rights in Business with Local Community, and the Gwangju Human Rights Office managed a program to monitor and discuss policies to foster human rights cities.

The Regional Special Human Rights Committee, which was established to increase expertise on local human rights issues, held a series of debates and discussions on ways to strengthen the human rights offices of the Commission.

5) Strengthening safeguards for human rights in the military

Following the death of Private Yoon who was abused and maltreated while on duty, the National Assembly installed a special committee to improve the human rights conditions in the military and change the military culture. At the same time, it continued to discuss the proposed military human rights protection officer program to improve human rights in the military.

The military human rights protection officer proposal was presented as one of the Moon Jae-in Administration's Top 100 state tasks when the administration kicked off in 2017. To this end, the Commission took part in international military ombudsman meetings to talk about the conditions in the ROK military and highlighted the need for a military human rights protection officer system. A task force was launched and meetings were held with human rights groups, civil society groups, and experts in support of legislation for the program.

Though four related bills were presented to the 21st National Assembly, the legislative effort failed to move forward. However, in 2021, several death incidents associated with sexual violence occurred in the military, triggering more active legislative discussions in the National Assembly. Consequently, the proposed amendment to the NHRCK Act was passed (to be in effect from July 1, 2022), enabling the Commission to have military human rights protection officers and a Military Human Rights Protection Committee, and giving it the authority to investigate human rights infringement and/or discrimination against military service personnel while on duty or in barracks.

Considering the difficulty of investigating death incidents in the military due to its unique,

closed environment, the law provides that the Commission has the authority to make on-site investigations (Article 50-4), incidents of deaths of service personnel while on duty should be immediately notified to the Commission and the latter may demand to attend on-going investigations (Article 50-6); it also provides for exceptions to dismissal of petitions (Article 50-7), exceptions to investigation methods (Article 50-8), and protection of victims (Article 50-9).

Moving forward, the Commission is enabled to take a more systematic approach to safeguarding and promoting the human rights of military personnel by leveraging its 20 years of experience and expertise in policy recommendation, investigation and relief on military human rights issues.

Based on regular on-site inspections, the Commission recommended that the Ministry of National Defense improve the human rights conditions in military detention facilities. Surveys of boot camps showed that the excessive COVID-19 quarantine measures in place could constitute infringement of basic human rights. The findings were used to make institutional improvement suggestions. It also made ex officio investigations into incidents of sexual violence that resulted in infringement of the right to life.

6) Establishing a system for diagnosis and assessment on human rights

Developing recommendations to operationalize the Fourth National Action Plan for the Promotion and Protection of Human Rights

Together with human rights groups, civil society groups, and external experts, the Commission set out to develop recommendations to operationalize the Fourth National Action Plan for the Promotion and Protection of Human Rights (NAP) from 2023.

For the planning and execution of the 4th NAP, the Commission established a task force comprising ten human rights experts and activists, commissioners, and the Secretary-General. The task force held meetings on three separate occasions. The Commission also consulted with experts in 20 areas (right to liberty and correction, information rights, social security, older persons, right to adequate housing, right to work, climate crisis, gender violence, gender gap, family diversity, gender minorities, persons with disabilities, migrants, military, children and young people, disaster and infectious diseases, international human rights, education, business and human rights, and environmental rights) in writing to draw up a list of tasks, held meetings on ten areas (right to



work, climate crisis, business and human rights, gender violence, gender minorities, family diversity, persons with disabilities, military, migration, and gender gap), shared the resulting plans with human rights groups and civil society groups, and received their feedback.

Supporting legislation of Framework Act on Human Rights Policy

Part of the Moon Jae-in Administration's Top 100 State Tasks, legislation of a Framework Act on Human Rights was presented as a critical task for the establishment of human rights safeguards. In light of this, the Commission prepared a proposed Framework Act on Human Rights Policy together with the Ministry of Justice and submitted it to the National Assembly on December 30.

Generating and analyzing national human rights statistics

From 2019, the Commission built human rights statistics by drawing human rights-related statistics from existing state-approved data and administration data, and by conducting national human rights surveys. This effort helped build national human rights statistics data that would later serve as the basis for developing indicators (index).

7) Increasing NHRCK expertise and independence

Working on amendment of the 'National Human Rights Commission of Korea Act'

In light of internal changes within the Commission and the rapidly changing human rights landscape in the Korean society over the past 20 years since its establishment, the Commission examined the role it is expected to play with regards contemporary human rights issues and sought new ways to act as the nation's leading human rights organization, including strengthening cooperation with local governments and the civil society, improving human rights education, and fostering human rights experts. To strengthen its role and functions, a legislative change to the NHRCK Act was necessary.

The proposed partial amendment to the NHRCK Act passed by the Plenary Committee on February 22 anticipates an increased role for the Commission. Specifically, it provides that a nomination committee be established to appoint commissioners; its independence be strengthened by having all organization-related matters be determined based on internal rules and specifying

in the National Finance Act its status as an independent organization for budget formulation; its opinion be heard with regards to the Universal Periodic Review; it fosters human rights educators and establishes the Human Rights Training Institute; and it introduces a national human rights statistics system. The proposal also incorporates added functions, including institution of military human rights protection officers and on-site investigations in military units; refinement of definition of sexual harassment; implementation of the “see but not hear” principle during on-site investigations; and increased authorities in terms of investigation and remedial functions, including extension of the statute of limitations for petitioned cases. It also provides for increased cooperation with external organizations, including establishment of a system for cooperation with and support of local governments and the civil society.

In December, the NHRCK Act was amended with new provisions on military human rights protection officers and on-site inspections in military units. However, more legislative effort is needed to strengthen the expertise and independence of the Commission.

NHRCK 20th Anniversary Celebration and publication of the 20-Year History Book

On November 25, the Commission held its 20th anniversary ceremony at the Cultural Hall of Myeongdong Cathedral under the catchphrase of “Twenty Years in Human Rights, Together Again.” The ceremony, which was attended by President Moon Jae-in and other figures, looked at progress made over the past 20 years and conveyed words of appreciation and respect to those involved in protecting and promoting human rights through the 2021 Korea Human Rights Award.

President Moon emphasized that “twenty years ago, we could not make a framework act on human rights or the prohibition of discrimination but were only able to include human rights standards within the National Human Rights Commission Act of Korea that codifies the organization. This is a task that must be overcome in order for us to become an advanced country in terms of human rights.” The chairperson said, “the NHRCK was able to make changes and progress for the past 20 years, thanks to the commitment, solidarity and support shown by many towards the work the Commission does to make improvements on human rights in Korea.”

At the ceremony, the Commission declared that it would take the lead in implementing pending human rights tasks as an independent state organization, and communicated and cooperated actively with outside representatives to encourage human rights efforts at the grassroots level.

Also, the Commission published the NHRCK 20-Year History Book, which traces the Commission's activities and changes in the nation's human rights conditions over the past 20 years. The effort was led by an internal committee comprising internal and external representatives, an action-level task force comprising Commission staff, and a group of writers.





National Human Rights Commission of Korea

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02

Key NHRCK Activities

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



National Human Rights Commission of Korea

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02 Key NHRCK Activities

Chapter 1

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

Section 1. Overview

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

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

Section 2. Policy Recommendations and Opinions

1. Status of Recommendations and Opinions

In 2021, the Commission made 26 policy recommendations, which is one more compared to the previous year. It expressed 76 opinions, which, though it is a decrease of 17.4% over the previous year, it is still at a higher level than in 2019, an indication that the Commission remained actively involved in addressing human rights issues through institutional improvements.

Meanwhile, since its inception, the Commission's recommendations were accepted at a rate of 87.2% on a cumulative basis. With the exclusion of 2020 (87.5%), the rate of acceptance in the last five consecutive years was 90% or higher.

[Table 2-1-1] Status of Recommendations and Opinions on Related Laws and Policies over the Last Five Years

(in number of cases and percentage)

Classification	Total	Policy recommendations					Rate of acceptance (%)			Opinions expressed	Opinions submitted
		Sub total	Full acceptance	Partial acceptance	Non-acceptance	Under review	Acceptance	Full acceptance	Partial acceptance		
Cumulative sum	1,096	439	210	157	54	19	87.2	49.9	37.3	627	30
2021	102	26	6	3	-	18	100.0	66.7	33.3	76	-
2020	118	25	10	11	3	1	87.5	41.7	45.8	92	1
2019	102	25	7	16	2	-	92.0	28.0	64.0	75	2
2018	63	28	15	11	2	-	92.9	53.6	39.3	32	3
2017	64	30	20	10	-	-	100.0	66.7	33.3	33	1

* The cumulative sum is the total from November 25, 2001 (the date the Commission was established) to December 31, 2021.

* For the purpose of statistics production:

Rate of full acceptance = (Full acceptance) / (Full acceptance + partial acceptance + non-acceptance) × 100

Rate of partial acceptance = (Partial acceptance) / (Full acceptance + partial acceptance + non-acceptance) × 100

Rate of acceptance = (Full acceptance + partial acceptance) / (Full acceptance + partial acceptance + non-acceptance) × 100

* Based on the Guidelines for Production and Management of Human Rights Statistics (Article 109 of NHRCK Regulations), the 'under review' item was excluded from the computation of acceptance rate.

In 2021, the institutions for which the Commission had the most policy recommendations, opinions expressed, or opinions submitted were the Ministry of Justice with 15 cases (16 in the previous year), Ministry of Health and Welfare with 15 (16 in the previous year), National Assembly with 7 (11 in the previous year), Ministry of National Defense with 6 (2 in the previous year), and the Ministry of Education with 5 (5 in the previous year), in this order.

A large proportion of recommendations and opinions expressed continue to be directed to the Ministry of Justice and the Ministry of Health and Welfare as many of their equities are relevant with the Commission', including immigration, correction, disabilities, and children. Compared with other institutions, the two ministries had a particularly higher number of policy recommendations, with seven for the Ministry of Health and Welfare and five for the Ministry of Justice.

The Ministry of National Defense, for which there were two opinions expressed in 2020 (a significant fall from the 11 in the previous year), saw the number rise to six in 2021. For the Ministry of Education, there continued to be five recommendations and opinions expressed from 2019 to 2021.

[Table 2-1-2] Status of Recommendations and Opinions Expressed by Institutions

(in number of cases and percentage)

Institution	Total	Recommendations								Opinions expressed	Opinions submitted
		Total	Full acceptance	Partial acceptance	Non-acceptance	Under review	Rate of acceptance (%)				
							Subtotal	Full acceptance	Partial acceptance		
Total	126	43	11	1	1	31	92.3	84.6	7.7	83	-
Personal Information Protection Commission	1	-	-	-	-	-	-	-	-	1	-
Supreme Prosecutors' Office	3	-	-	-	-	-	-	-	-	3	-
National Police Agency	3	-	-	-	-	-	-	-	-	3	-
Ministry of Education	5	3	1	-	1	1	50	50	-	2	-
Office of Education	4	2	1	-	-	1	100	100	-	2	-
The Prime Minister	3	2	-	-	-	2	-	-	-	1	-
Ministry of National Defense	6	1	-	-	-	1	-	-	-	5	-
Ministry of Land, Infrastructure and Transport	1	-	-	-	-	-	-	-	-	1	-
National Assembly	7	1	-	-	-	1	-	-	-	6	-
Ministry of Economy and Finance	1	-	-	-	-	-	-	-	-	1	-
The President	2	-	-	-	-	-	-	-	-	2	-
Ministry of Culture, Sports and Tourism	3	2	1	-	-	1	100	100	-	1	-
Korea Communications Commission	2	-	-	-	-	1	-	-	-	2	-
Ministry of Justice	15	5	-	-	-	5	-	-	-	10	-
Office of Court Administration, etc.	3	-	-	-	-	-	-	-	-	3	-
Military Manpower Administration	1	-	-	-	-	-	-	-	-	1	-
Ministry of Health and Welfare	15	7	2	-	-	5	100	100	-	8	-
Ministry of Gender Equality and Family	3	1	-	-	-	1	-	-	-	2	-

Institution	Total	Recommendations								Opinions expressed	Opinions submitted
		Total	Full acceptance	Partial acceptance	Non-acceptance	Under review	Rate of acceptance (%)				
							Subtotal	Full acceptance	Partial acceptance		
Ministry Of Foreign Affairs	1	-	-	-	-	-	-	-	-	1	-
National Election Commission	1	1	-	-	-	1	-	-	-	-	-
Disaster and Safety Countermeasures	1	1	-	-	-	1	-	-	-	-	-
Statistics Korea	1	1	-	-	-	1	-	-	-	-	-
Korea Coast Guard	1	1	-	-	-	1	-	-	-	-	-
Ministry of Oceans and Fisheries	1	1	-	-	-	1	-	-	-	-	-
Ministry of the Interior and Safety	2	2	-	-	-	2	-	-	-	-	-
Ministry of Unification	1	-	-	-	-	-	-	-	-	1	-
Others	39	12	6	1	-	5	100	85.7	14.3	27	-

* Others: Local governments (14), private businesses (7), schools (4), public organizations and associations (11), local councils (2), and facilities (1)

* Figures represent every institution to which a recommendation was made and/or opinion expressed.

For the Ministry of Justice, the Commission made policy recommendations for improvement of the status and treatment of humanitarian sojourners, improvement of the juvenile justice system, and in relation to excessive demand for personal information when appointing new prosecutors, and illegitimate punishment in prisons. It expressed opinions in relation to restrooms and inmate treatment at detention facilities, the proposed partial amendment to the Immigration Control Act, the proposed Framework Act on Human Rights Policy, and the proposed partial amendment to the Framework Act no Treatment of Foreigners Residing in the ROK.

For the Ministry of Health and Welfare, the Commission expressed opinions on disability-related laws and bills, including the bill to support disabled persons who opt out of institutionalized facilities, the proposed amendment to the Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of their Rights, etc., and also regarding suspects of child

abuse not given an opportunity to explain themselves prior to being registered on the Child Abuse Information System. It also made policy recommendations regarding the Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients, the Report on the Human Rights of People with Mental Disabilities, and the protection and promotion of the rights of sports athletes with disabilities.

As to the National Assembly, the Commission expressed opinions on the bill to prevent and protect victims, etc. of human trafficking-exploitation, the proposed Data Framework Act, the partial amendment to the Act on Press Arbitration, the bill to protect and support platform workers, and the partial amendment to the Long-term Care Insurance Act, and institutional improvement to promote the political participation of young people. It also made policy recommendation to guarantee the right of gender minorities to legally have a family.

2. Key Policy Recommendations⁵⁾

A. Recommendation to adopt Report on the Human Rights of People with Mental Disabilities

In 2019, the Commission surveyed the status of implementation of the National Report for the Protection and Promotion of Human Rights of Persons with Mental Disabilities (2009, NHRCK), concluding that policies designed to enhance mental health were still largely focused on treatment in institutions. As a result, it laid out in the 2021 Report on the Human Rights of People with Mental Disabilities a blueprint to improve the mental health conditions and welfare of people with mental disabilities so that they can be treated in their local communities while enjoying minimum humane treatment. On February 8, the Commission on February 8 recommended that the Prime Minister and the Minister of Health and Welfare use the report to develop and implement government-wide policies to protect and promote the rights of persons with mental disabilities.

The 2021 Report on the Human Rights of People with Mental Disabilities is organized into five sections. Section 1 through 3 provides an overview of the report, international standards and overseas cases, the human rights conditions of persons with disabilities in Korea, and key changes

5) See Annex for the list of policy recommendations.

using case studies, policy recommendations, and statistics of NHRCK. Section 4 presents four basic principles and seven key tasks for promoting the rights of persons with mental disabilities, with each key task accompanied with 27 policy tasks. Section 5 provides the offices of primary responsibilities for each policy task.

The policy tasks were selected as a result of eight separate debates by the Research Committee, three separate meetings with stakeholders, and consultation with subject matter experts. They vary greatly, ranging from hospitalization and discharge procedures, hospital treatment environment, to recovery services in local communities. Notably, several medium- to long-term policy tasks are included, such as service revocation of a provision in Article 43 of the Mental Health and Welfare Act that puts hospitalization decisions in the hands of patients' guardians, reorganization of the Hospitalization Suitability Assessment Committee into Assessment Agency with a quasi-judicial role, and alignment of the welfare and services provisions under Chapter IV of the Mental Health and Welfare Act with those in the Act on Welfare of Persons with Disabilities and the Act on the Rights and Support of People with Development Disabilities.

B. Recommendation to review policy that disallows foreigners with changed sojourn status from taking up health insurance

On March 12, the Commission recommended the Minister of Health and Welfare and the President of the National Health Insurance Service to modify the provision on “persons determined by the Service” in Appendix 9 of the Enforcement Regulation of the National Health Insurance Act to include long-term sojourners who had health insurance status for a certain period of time,” so that foreigners who entered the country with a long-term sojourn status and had health insurance can keep their insurance even if their sojourn status was changed to one not qualified for the insurance.

The Commission rejected a petition (20-jinjeong-0732400) filed by a foreign worker that his right was violated by the National Health Insurance Service because the latter did not allow him, a long-term sojourner in Korea, to take up health insurance because of a change in his sojourn status. The rejection was made because national health insurance-related matters are part of the state's obligation to promote social guarantees under Paragraph 2, Article 34 of the Constitution, and thus do not fall under the investigation authorities of NHRCK. Instead, based on a conclusion

that this case required an examination of whether the relevant issue is not in conflict with the intent of Article 6 of the Constitution and the International Convention on the Elimination of All Forms of Racial Discrimination, it made a recommendation in accordance with Paragraph 1, Article 25 of the NHRCK Act.

The Commission found that, even considering the intent of the relevant laws and regulations not to grant health insurance eligibility status to people visiting Korea for travel or other temporary purposes, it is neither the intent of the relevant laws and regulations to take away the health insurance eligibility from a person who had entered Korea with a sojourn status that allowed for such eligibility and to treat them like temporary visitors just because his/her sojourn status was changed to G-1, nor is there any reasonable ground to do so.

In addition, the G-1 sojourn status is granted to those who have a specific reason for such status. The presence of any of the specified reasons does not automatically lead to G-1 status; rather, the status is granted only to those approved by the Minister of Justice, and thus there is not much room for the status to be abused. Also, even though foreigners with a G-1 status cannot be locally provided policyholders, there is no reasonable ground to exclude them from becoming employer-provided policyholders or their dependents as there are no restrictions limiting them from doing so.

C. Recommendation regarding local governments' administrative order for migrant workers to get tested for COVID-19

Concluding that it is a discrimination against foreigners for certain local governments to sort out migrant workers from the other population and have them get tested for COVID-19 by administrative order, the Commission on March 22 recommended that the Director of the Disaster and Safety Countermeasures Headquarters, mayors and governors of local governments establish and implement non-discriminatory quarantine policy based on the principles of human rights.

As COVID-19 spread, particularly in workplaces with a high concentration of migrant workers, the Central Disaster and Safety Countermeasures Headquarters established a quarantine plan for foreign workers, based on which local governments issued administrative orders forcing migrant workers to get COVID-19 tests. Some local governments even issued an order that made negative COVID-19 test results mandatory for hiring migrant workers, causing disadvantages in employment based on COVID-19 infection.

The Commission acknowledged the authorities' active efforts to stop COVID-19 from spreading. However, it concluded that pinpointing and separating a certain population group without a justifiable reason could undermine voluntary participation in quarantine, and cause hatred and discrimination by branding foreigners as infection suspects. This, in turn, does nothing to help achieve quarantine objectives but rather threatens the overall safety of the entire community. The Commission also recommended that quarantine measures be established to guarantee migrant workers the right to a safe workplace, including improving labor and living conditions that are at high risk of COVID-19 infection.

On November 22, the Plenary Committee concluded that the Central Disaster and Safety Countermeasures Headquarters did not accept the recommendations for non-discriminatory quarantine measures as no answer was received, while those made to local governments were partially accommodated.

D. Recommendation to improve immigration detention following on-site inspections

On July 22, 2020, the Commission had decided to initiate on-site inspections of immigration detention centers. Under the COVID-19 situation, inspections focused on restrictions placed on immigrants' exercise of their rights.

Based on the findings, the Commission on May 12 recommended that the Minister of Justice work with immigration detention centers to ensure that those who are detained comply with quarantine measures, establish channels of cooperation with medical institutions so that detainees can get proper healthcare from the time they are detained, secure additional guards to enable outside medical examination in time, and positively review options for temporarily releasing detainees so that they are not held for too long since the facilities are designed for short-term detention. Also, to ensure that restrictions placed on detainees' visitation rights are not excessive beyond what is provided in the infection management guidelines of the Central Disaster and Safety Countermeasures Headquarters (CDC), it recommended that visitation conditions be reviewed and, unless restricting visitation is absolutely necessary for quarantine purposes, alternative options such as virtual visitation be established.

E. Policy recommendation to improve status and treatment of humanitarian sojourners

On June 10, the Commission recommended that the Minister of Justice amend the Refugee Act and other related laws and regulations so that the status and treatment of humanitarian sojourners are in line with the intent of subsidiary protection under international norms, and revise related guidelines so that humanitarian sojourners can be granted stable length of sojourn, eased requirements and simplified procedures for employment before changes can be made to the relevant laws and regulations.

Because the 1951 Refugee Convention limits the reasons for persecution for which an applicant can be considered a refugee to one of the five enumerated grounds, which are race, religion, nationality, membership in a particular social group, and political opinion, the international community treats those who cannot return to their home country for reasons other than the five reasons in ways similar to those recognized as refugees based on international and regional human rights instruments. In this respect, Subparagraph 3, Article 2 of the Refugee Act enacted in 2012 provides a definition for a “person granted a humanitarian stay permit,” and from 1994 to 2020, a total of 2,370 persons were granted humanitarian sojourn authorization.

However, a survey conducted by the Commission in 2019 on the treatment of humanitarian sojourners found that humanitarian sojourners are in precarious legal statuses, are concerned about extending their sojourn as they are granted G -1 status even though long-term sojourn is most likely due to the nature of humanitarian sojourn, and as a result face substantial limitations in their day-to-day activities, including getting mobile phone services, taking up insurance, or getting a credit card. Humanitarian sojourners are also found to be challenged in getting a job, both procedurally and economically, and are fundamentally excluded from the opportunity to obtain citizenship as they are not qualified for permanent residency.

A review of decisions and guidelines of the United Nations High Commissioner for Refugees and of the European Union, as well as various cases overseas, revealed that, though differences exist in the levels of protection given, countries grant humanitarian sojourners under subsidiary protection similar sojourn status and treatment to those granted to refugees. Thus, to address the realistic challenges facing humanitarian sojourners in Korea, the Commission concluded that legal amendment is necessary and that the relevant guidelines must be revised prior to such legal amendment.

F. Recommendation on the juvenile justice system

On July 12, the Commission recommended that the Minister of Justice delete status offender-related provisions from the Juvenile Act and find alternative ways to guarantee juvenile welfare, strengthen juvenile's right to be represented in juvenile criminal cases and juvenile protection cases, revisit the relevant regulations to ensure that the principle of separating juveniles from adults in detention is complied with, and institutionalize safeguards for juveniles' right to object provisional actions provided for under Article 18 of the Juvenile Act.

The Juvenile justice system must be administered in line with its intended purpose, which, considering that children are in their developmental stage, is not to just punish and control juveniles but also to support their recovery from crime and reintegrating into the society, while their rights are guaranteed. However, Korea still maintains provisions on status offenders who are under the jurisdiction of a court because of concerns that they might commit a crime even though they haven't committed one. Also, the principle of separation of adults from juveniles is not always properly implemented. As such, there had been calls from both home and abroad that the current juvenile current system is failing to protect juveniles.

Specifically, the Commission found that the provisions in Subparagraph 3, Paragraph 1 of Article 4 of the Juvenile Act is counter to the non-discrimination principle as, unlike adults, young offenders who have not committed an apparent crime are taken into custody just because of the possibility of delinquency; the reasons for custody order are unclear to the extent that they may be counter to the principle of statutory reservation and the principle of due process; the provisions are conducive to manipulation and abuse when used in combination with the notice system where guardians or heads of schools, social welfare facilities, or probation offices can refer a case directly to a court without routing it through the police or prosecution for investigation; and the Committee on the Rights of the Child recommended that status offender provisions be abolished. As such, it concluded that the provisions should be removed and replaced with alternatives that are more considerate of juvenile welfare.

G. Recommendation for public involvement in recruitment of migrant fishers and institutional improvements to prohibit forced labor

On July 26, the Commission recommended that the Minister of Oceans and Fisheries make a series of institutional improvements to promote the human rights of migrant fishers, including revisiting relevant laws and regulations to ensure that rest periods and reasonable labor conditions can be guaranteed by law; legally specifying the principle of non-discrimination and equal treatment for migrant workers through revision of the Seafarers' Act; and reinforcing oversight of labor conditions to prevent unpaid salary or delays in payments, confiscation of passport or other IDs, surveillance of quarters and confinement, and other forms of infringement of human rights.

An on-site monitoring conducted by the Commission in 2020 showed that migrant workers who are hired as fishers are asked to pay heavy agency fees that include security money, and that a large majority of migrants get aboard Korean vessels heavily indebted. It was also found that migrant fishers work shifts running 14 hours or more without rest and without weekends, the wage they get paid is substantially lower than what Korean fishers earn, workers don't get paid their wage regularly and sometimes face delays in payments, and, even though they suffer discrimination in accessing clean water and are subject to poor accommodation, workers cannot leave the vessel and have no choice but to stay because of the measures put in place by brokers to prevent escape attempts.

The international community and NGOs have continuously condemned this situation as 'forced labor' or 'forced debt bondage.' From the perspective of international human rights standards, the Commission examined how migrants get recruited on Korean fishing vessels of 20 tons or more, their human rights conditions, and issues caused by escape prevention measures, and made the above recommendations based on the findings.

H. Recommendation for institutional improvement for police officer human rights education

On August 19, the Commission recommended the Commissioner General of the National Police Agency to make the necessary institutional improvement for more systematic and effective human rights education and training of its force to enhance human rights protection by the police.

More than in any other state organization, a higher level of human rights awareness is required in the police as it exercises public power to enforce public order and safety. Also, the partial amendment to the Criminal Procedure Act and the Prosecutors' Office Act on February 4, 2020 greatly empowered the police with respect to the criminal procedures, including the National Investigation Headquarters, exclusive investigation authority, and authority to terminate investigations. Such a change calls for heightened police accountability regarding protection of human rights.

To address the lack of a legal basis for educating the police force on human rights, the importance of which has grown more than ever, the Commission recommended adding in the on the Organization and Operation of the National provisions on minimum amount of training hours at the local police agency level, as revising Article 20 of the Police Human Rights Protection Rules to specify training hours, trainees, stages and function-specific content, and reorganizing training system so that every officer can be educated professionally and specifically based on his/her position and function from the time they join the force until they leave.

The Commission also found divergence in the levels of education offered, as police human rights education is managed by local police agencies, Police Human Resources Development Institute, National Police University, and Central Police Academy. The lack of an integrated management system to guide these different organizations, combined with an absence of a system of cooperation with internal and external organizations, have greatly limited the flow of information and exchanges of available educational resources such as curricula, content and instructors. This limitation, coupled with each organization's capacity, can result in different educational objectives and programs, with those lacking capacity likely to offer inappropriate, distorted education. The Commission thus recommended establishment of an integrated management system and system of cooperation with external human rights experts to hear various views on how overall management of human rights education can be improved.

The National Police Agency accepted the Commission's recommendations and committed itself to revise the Police Act to incorporate mandatory, increased human rights education, specify mandatory training hours and trainees in the Police Human Rights Protection Rules, and complete revision of the Police Act by February 2022 with new provisions on the Police Human Rights Education Council. It also shared its plan to expand and reorganize the CARE system (victim human rights portal) so that educational plans and education results can be listed for real-time

check and management. A Police Human Rights Educational Council will be launched, involving external specialized institutions, to advise on long-term educational system, development of programs and content, fostering of instructors, and monitoring of educational outcome.

I. Recommendation and opinion expressed on institutional improvement for youth's increased political participation

As part of efforts to facilitate youth political participation, the Commission on December 6 recommended the Minister of the Interior and Safety and the Chairperson of the National Election Commission to revisit the age limit for political party membership and campaigning, and the age limit related to local autonomy. It also expressed an opinion to the Speaker of the National Assembly for early enactment of a bill on youth political participation.

With regards Paragraph 1, Article 60 of the Public Official Election Act, which prohibits political campaign by young people younger than 18 years of age, the Commission saw a need to either lower or delete the age limit, given that young people listen to or express political views through various media, and democratic countries like the United States, the United Kingdom, Germany, and France place no legal restrictions on youth participation in elections.

Also, in 2019, the voting age was lowered to 18 in the amended Public Official Election Act in 2019, and the age limit for residents to initiate ordinances or call for audits was also lowered to 18 in the revised Local Autonomy Act in December 2021. However, young people 18 years of age cannot exercise their right to vote or to recall as the legal age limit for these rights is set at 19 years or above. Thus, the Commission found it necessary to revise the relevant laws, including the Resident Voting Act and the Recall Act.

Though mock elections are effective ways for young people to experience their right to vote, their implementation have been on hold on the ground that they may affect polls and elections. However, the Commission saw a need to develop and distribute educational guidelines in support of mock elections in schools.

J. Recommendation for institutional improvement to guarantee gender minorities the right to form a family

On December 23, the Commission recommended to the Speaker of the National Assembly that a law be legislated on basic functions gender minorities need to live their lives, including housing, healthcare, and division of property; various forms of families and changes in how families are perceived be recognized; and early deliberation and decision on the proposed partial amendment to the Framework Act on Healthy Families be made to counter prejudices and discrimination against gender minorities.

Regarding petitions (19-jinjeong-0871500 and one other combined) that same-sex couples are violated their right to equality and other basic rights because no protection is available to them in terms of housing, pension, healthcare, and tax benefits due to a lack of laws and institutions that protect same-sex couples in Korea, the Commission concluded that the matter requires legislation or legal amendments in the Civil Code, among others, and thus dismissed the petitions on the ground that they are not within the realm of its investigation. However, it did recognize that the current laws, which rest on the traditional concept of families, fails to protect the diverse forms of living communities from discrimination. Also, in light of the movements towards legal protection of various forms of living communities in certain countries, the Commission concluded that the Korean legal system has not kept up with the reality and, as such, needs to be improved. Thus, it made the above recommendations in accordance with Paragraph 1, Article 25 of the NHRCK Act.

The petitions raised by 1,056 same-sex Korean couples living in Korea and abroad highlight the substantial social security challenges faced by this group—housing and pension among others—and other potential issues with regards to their legal relations in case their spouse or partner pass away.

In a 2014 Commission survey of discrimination based on sexual orientation or gender identity, 17% of homosexual or bisexual respondents said they had experienced discrimination due to a legal vacuum. According to a survey conducted by the Korean Sexual Minority Culture & Right Center in 2021, gender minorities feel a need for policies in housing (82.3%), income (71.5%), and healthcare (57.1%). Also, in a family diversity survey by the Ministry of Gender Equality and Family, 68.5% said families are relationships that share housing and livelihood. This is indication that public perception of family diversity is more permissive, calling for a reevaluation of existing family concept based on marriage.

The Commission also concluded that legislation is needed to protect gender minority rights, given that at the end of 2021, same-sex marriage is recognized in 30 countries, same-sex partnerships are institutionally recognized in about 30 countries, and discrimination based on gender and sexual orientation is not allowed under the Constitution and the International Covenant on Civil and Political Rights.

A law is also needed that provides for new forms of partnership relations outside the scope of marriage or blood ties, their effects and registration. Also, family policies should be more reflective of actual changes so that blind spots in legal protection can be addressed and effective guarantees granted to gender minorities. Based on these considerations, it recommended early deliberation and passage of the proposed partial amendment to the Framework Act on Healthy Families to accommodate family diversity, and prevent prejudice and discrimination against gender minorities.

3. Key Opinions Expressed⁶⁾

A. Opinion expressed on Bill on the Prevention, Protection of Victims, Etc. of Human Trafficking-Exploitation

On February 18, the Commission expressed opinion to the chair of the Gender Equality and Family Committee of the National Assembly regarding the Bill on the Prevention, Protection of Victims, Etc. of Human Trafficking-Exploitation, stating that certain terms in the bill should be reviewed because, while the definition of “trafficking in persons” in the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons captures the conceptual indicators of purpose, means, and acts of exploitation, the proposed bill only uses the concept of exploitation and introduces the new term “human trafficking and exploitation,” possibly causing confusion; the bill should specify who determines identification of human trafficking victims and the procedures to protect them; because human trafficking for the purpose of labor exploitation is as important and serious a problem as human trafficking for the purpose of sexual exploitation, public officials in charge of labor affairs should be educated and trained so that they have a good understanding of human trafficking and the competence to identify victims.

6) See Annex for the list of opinions expressed.

The Commission concluded that legislative measures should be promptly aligned with the Protocol so that human trafficking can be established as criminal offences. This is because while recent human trafficking involves the use of recruiting agencies that mislead victims into giving their consent, use victims' debt to turn them into slaves and make it structurally impossible for them to escape exploitation, the criminal code, as it stands, fails to establish such acts as criminal offences as long as there was voluntary consent by the victim. This, in turn, resulted in a situation where there is a victim but no punishment can be imposed on the offender.

B. Opinion expressed on discrimination based on infant toy colors and gender-specific roles

On March 22, the Commission expressed opinion to manufacturers of infant and toddler products that the practice of assigning gender-based colors on products (pink for girls, blue for boys) and explicitly labeling them for girls or boys can manipulate the idea of gender roles set by the society, and as such, the practice of gender-specific color categorization should be dropped. Regarding petitions (20-jinjeong-000400 combined with seven others) that categorization of toy products by gender regardless of functions and treating playing house like girls' play reinforce gender stereotyping in early childhood, the Commission dismissed the petitions as they do not fall under the realm of NHRCK investigations, given that using different colors by type of product or by gender, and using boy-girl labeling do not, by themselves, constitute discrimination. However, in accordance with Paragraph 1, Article 25 of the NHRCK Act, it expressed opinion that such acts can negatively reinforce traditional gender roles and manipulate social and cultural prejudices and, as such, is a matter that requires a change in practice by manufacturers.

The Commission expressed the views that with the majority of infant and toddler products colored differently based on gender, with house toys and dolls colored in pink that is symbolic of the female gender, and cars and tool sets colored in blue, children learn the gender stereotypes that women are weak and passive, and men strong and adventurous, and unconsciously come to believe that housekeeping and care taking are women's work. Gender role stereotypes also impact children's actions, values and choice of vocation, reinforce the way they view gender roles, and internalize gender role stereotypes of 'manly' and 'womanly' traits, ultimately leading to deeper gender discrimination.

Also, because early childhood is a critical time for children to embrace values, including

internalizing social norms and learning gender roles, and also a time when they are likely to accept gender role stereotypes without questioning, any environment involving play and experiences lead children to believe that it is the right environment for them, which in turn can make them choose certain action, attitude, game or vocation not based on what they want or do best, but rather on stereotyped gender perspectives set by the society.

Because gender-typed toys do more than categorize and have the effect of planting gender role stereotypes, the Commission saw a need for the society to move away from gender color association towards gender neutrality, so that roles are not distinguished based on gender.

C. Opinion expressed on proposed Data Framework Act

Regarding the Data Framework Act (tabled by lawmaker Jo Seounglae among others) motioned on December 8, 2020, the Commission expressed opinion on April 12 on the need to refine the bill for better protection of personal information.

First, it expressed the need for Paragraph 2 of Article 13, which allows for personal data to be analyzed without consent of data subjects, to be deleted as it runs counter to the Purpose Specification Principle and Use Limitation Principle, and as such, is likely to infringe upon the right to informational self-determination. It also stated that, in relation to analysis of personal data, the bill should provide for protection of data subjects' right of access, right to erasure, and right to stop processing. As for Paragraph 3 of Article 15, which could lead to transmission and abuse of even sensitive personal information, the Commission called for provisions on how the right to data portability can be exercised and the procedures thereof, and data subjects' right to withdraw data transmission request and their right to have their data erased.

D. Opinion given regarding proposed partial amendment to the Personal Information Protection Act

On April 26, the Commission presented opinion to the Chairman of the Personal Information Protection Commission on the proposed partial amendment to the Personal Information Protection Act to ensure that it is revised in such a way that data subjects' right to informational self-determination and other basic rights can be safeguarded and it is in line with international standards for personal information protection. It advised that the clause on relationship to other

acts in Paragraph 2, Article 6 be deleted as it may lead to misinterpretation. It also proposed that Subparagraph 4, Paragraph 1 of Article 15 on collection and use of personal information not be revised.

The Commission also concluded that Article 35-2 on the right to data portability should specify the minimum requirements for exercise of the right, and Article 35-3 have clearly established criteria for designation and cancellation of institutions specialized in personal information management, and rigorous management and oversight thereof.

In addition, regarding Article 37-2 on the right not to be subject to automated decision-making, the Commission advised that the right not to be subject to automated decision-making that seriously affect the legal effects, or the life, body, mind, and property of data subjects be recognized in its entirety without differentiation by reason of personal information collection and use.

E. Opinion expressed on hate speech against gender minorities during elections and on TV

■ Hate speech by a (preliminary) public office candidate against gender minorities

On July 22, the Commission expressed opinion to the leader of a political party that the party's code of ethics should be revised to prevent and prohibit hate speech against gender minorities and other socially marginalized groups, and measures should be developed to put this into practice during elections. It also expressed opinion to the Chairperson of the National Election Commission on the need to prevent electoral candidates from making hate speech during election campaigns.

Regarding a petition (21-jinjeong-0140600) that a statement made by a mayoral candidate during a TV debate that the Queer Cultural Festival should not be held in a public plaza and the 'right to reject' gender minorities should be respected is discrimination against gender minorities, the Commission dismissed it because, though the statement by the petitioner may constitute hate speech, it is hard to conclude that the statement caused any damages to anyone and, as such, it is not a matter of investigation by the Commission. However, in accordance with Paragraph 1, Article 25 of the NHRCK Act, it expressed opinion based on conclusion that such statements can manipulate negative views and prejudices against gender minorities.

The Commission expressed the view that the Queer Cultural Festival, regarding which the petitionee called for the right to reject to be exercised, is the result of a long history of discrimination against gender minorities and is meaningful in that it liberates gender minorities from a sense of isolation and moves them to one of belonging and pride as they come out and acknowledge themselves in a public venue for visibility.

The Commission saw a need for party code of ethics to incorporate measures against hate speech because the petitionee's statement did constitute hate speech, hate speech expressed by politicians in election periods is likely to spread quickly, and political parties have the responsibility to prevent and combat hate speech against gender minorities and other socially marginalized groups.

The Commission also advised the National Election Commission to consider actions to prevent and combat hate speech by electoral candidates, and to promote respect for diversity, which is the foundation on which democracy rests.

■ Hate speech by local government public officials against gender minorities

On July 22, the Commission expressed opinion to the mayor of a municipal government that the city's public officer service regulations should be revised to stop hate speech against gender minorities and other socially vulnerable groups, and ensure that public officials have a clear understanding of the new regulations.

Regarding a petition (21-jinjeong-0178600) that the statements made in 2019 and 2021 by local government - officials in opposition to the Queer Cultural Festival are discrimination based on sexual orientation and hate speech, the Commission dismissed it on the ground that, though the statements may constitute hate speech, it is hard to conclude that they caused any damages to anyone and, as such, it is not a matter of investigation by the Commission. However, in accordance with Paragraph 1, Article 25 of the NHRCK Act, it expressed opinion based on conclusion that such statements can manipulate negative views and prejudices against gender minorities.

The Commission expressed the view that hate speech by public officials can have more wide-reaching effects than what ordinary people say because their statements carry greater authority, can generate a stronger sense of fear among members of targeted groups, and can lead to a higher degree of acceptance of the ideas they deliver to other groups. It also stated that by making the statements two times, the public officials not only planted negative prejudices against gender

minorities but also instilled a sense of hatred and animosity against them, thereby encouraging discrimination.

■ Discrimination of gender minorities by broadcast company

On July 22, the Commission expressed opinion to the President of a broadcasting company on the need to improve program structure, production, editing, and airing in a way that it doesn't cause or manipulate negative ideas or prejudices against gender minorities. It also expressed opinion to the Chairperson of the Korea Communications Standards Commission that regulatory reviews of broadcast content be conducted with special attention so that approved content do not cause or manipulate negative ideas or prejudices against gender minorities or other socially vulnerable groups.

Regarding a petition (21-jinjeong-0098000) that a broadcasting company's deletion or making blurry same-sex kiss scenes in a film is discrimination based on sexual orientation, the Commission dismissed it on the ground that it is hard to conclude that the company's action caused any damages to anyone and, as such, it is not a matter of investigation by the Commission. However, in accordance with Paragraph 1, Article 25 of the NHRCK Act, it expressed opinion based on conclusion that what the company did could manipulate negative views and prejudices against gender minorities.

Because terrestrial TVs are easily accessible media that can significantly affect values and public behavior, the Commission viewed that deletion of same-sex kiss scenes or making them blurry can plant negative ideas and prejudices against gender minorities, and thus advised the television company to not amplify or reproduce negative ideas or prejudices against gender minorities, and to not exclude gender minorities or other socially vulnerable groups when planning programs so that gender minorities can have equal visibility.

The Commission also advised the Korea Communications Standards Commission to perform due diligence when making regulatory reviews so that negative ideas or prejudices against gender minorities and other socially vulnerable groups can be prevented.

■ Hate speech against gender minorities by a local councilor

On September 2, the Commission expressed opinion to the speaker of a local council that local councilors should be cautioned not to use hate speech against gender minorities and that the council should come up with measures to prevent hate speech.

Regarding a petition (21-jinjeong-0016500) that a local council member made hate speech against gender minorities by saying “I don’t like homosexuality and homosexuals,” “I don’t understand why our children are taught to understand that homosexuality is okay, that it’s normal and not a problem. I think it is encouraging homosexuality,” the Commission dismissed the petition on the ground that it is hard to conclude that the statement caused any damages to anyone and thus the petition is not a matter of investigation by the Commission. However, based on conclusion that the petitionee’s act could be a cautionary tale in preventing similar occurrences in the future, the Commission expressed opinion in accordance with Paragraph 1, Article 25 of the NHRCK Act.

The Commission concluded that the hate speech statement, which described gender minorities as being abnormal and deviant, does significant harm to the society as it not only causes gender minorities to feel vulnerable, fearful and frustrated, but also spread a negative view of them.

It also concluded that the statement denies that homosexuals’ sexual orientation is an inherent part of who they are, instead describing it as an attribute that is changeable and controllable depending on the environment. This not only intensifies the prevalent bias against gender minorities, but also denies the right to sexual self-determination of gender minorities that already exist in the educational community.

Notably, considering that local councilors are in a position of influence, their hate speech risks misleading people into believing that hatred and bias against gender minorities are approved in the local community. This, in turn, can encourage collective actions and even hate crime against gender minorities.

F. Opinion expressed regarding no additional search conducted on sunken vessel

Regarding a petition (20-jinjeong-0197500) that suspension of additional search into Stellar Daisy, which sank on March 31, 2017 in international waters in the South Atlantic Ocean, is infringement of human rights, the Commission dismissed it as the petitioner had filed a suit against the government and the trial was ongoing.

However, the Commission expressed opinion based on conclusion that recurrence of such accidents should be prevented through thorough investigation of the cause of the sinking and that additional deep-sea search is needed. The Commission had on several occasions claimed that it is the obligation of the state to guarantee people's life and bodily safety in casualty incidents.

Also, four human rights commissioners who were opposed to expression of opinion supported giving a recommendation. Their position was that the right to grieve, which is a right to pursue happiness under Article 10 of the Constitution, of the families of the missing was infringed upon as the state failed to fulfill its obligation by not conducting a search inside the steering house and not recovering any remains during a state-sponsored deep sea search, and also failed to extract data from the recovered Voyage Data Recorder (VDR).

G. Opinion expressed and recommendation made regarding unjustified suspension of mosque construction and hate speech banner

On September 2, the Commission expressed opinion to the head of a district that the district office is advised to take the necessary actions for construction of an Islamic mosque to be resumed, and also recommended that advertising materials containing hate speech, which can cause racial discrimination or other forms of human rights infringement under item 5 of Paragraph 2, Article 5 of the Act on the Management of Outdoor Advertisements and Promotion of Outdoor Advertisement Industry, be removed or other necessary actions be taken in accordance with Article 10 of the same Act.

Regarding a petition (21-jinjeong-0426300) that the district office's notice for suspension of construction due to resident complaints is discrimination, the Commission dismissed it for the

reason that an associated trial is ongoing on the matter of fact of the petition. However, it expressed the above opinion based on conclusion that suspending the construction without any other clear reasons than unilateral civil complaints that were driven by prejudice against Muslims and the Islam religion is not a justifiable reason.

Meanwhile, regarding a petition that the district office's failure to take actions on illegal advertisement such as resident banners containing hate speech against Islam, the Commission concluded that failure to take actions on banners that contain expressions of discrimination and violence against Muslims, such as "Muslims kill people cruelly by beheading," "devil religion that kills people," "terrorists," and "war command post," constitutes infringement upon the dignity, values, and personal rights of the petitioner and members of the petitioning organization. It thus recommended that the head of the district office remove or take the necessary actions against racially discriminating advertisement, the use of which even during legitimate, reported rallies is prohibited under the Outdoor Advertisement Act.

The district office accepted the Commission's recommendation and submitted a plan to conduct a crackdown on racially discriminating banners related to the mosque construction from October 2021. Meanwhile, in a lawsuit seeking cancellation of the construction suspension order, the court recognized the unlawfulness of the order and ruled in favor of the plaintiff.

H. Opinion expressed on proposed partial amendment to the Act on Press Arbitration

Regarding the proposed partial amendment to the Act on Press Arbitration and Remedies for Damage Caused by Press Reports, which is currently pending at the National Assembly, the Commission expressed opinion on September 13 to the Speaker of the National Assembly that, while it agrees with the proposal's intent to increase accountability of the press, careful review is necessary prior to legislation as some of the new provisions may shrink press freedom guaranteed under the Constitution.

With fake news and disinformation becoming a serious social problem and while acknowledging that the proposed amendment's intent is to increase accountability of the press by calling to the press attention the importance of reporting news truthfully, the Commission expressed the view that, because the proposed stricter regulation on media activities has implications for the exercise

of the freedom of the press and the freedom of expression guaranteed by the Constitution, the Principle of Clarity and the Anti-Over-restriction Principle should be strictly observed so as not to limit the basic human rights.

In the same vein, the Commission concluded that the proposed concept of fake news and disinformation, as well as the provisions on presumption of negligence or gross negligence, which are requisites for establishing punitive damages, are abstract and lacking of clarity, and that making even Internet news service providers eligible for punitive damages when it is practically impossible for them to know in advance what news is unlawful news would amount to making them more accountable than would be necessary by treating them in the same way as news producers.

The Commission advised that the concept of fake news and disinformation should at least include such requisites as 1) falsehood, 2) intent to cause harm, 3) aim to gain political or economic benefits, 4) manipulation to make believe that given information is based on verified facts or was already actually reported in the media, and that such requisites should be stipulated with sufficient detail so that the provisions' negative impact on media reporting can be minimized.

The Commission also advised that the existing provisions on presumption of negligence or gross negligence be deleted as the associated requisites remain unclear and abstract. Also, considering that the deletion might cause excessive burden of proof on victims, it suggested that a separate provision be established to adequately adjust the burdens of proof among parties involved.

I. Opinion expressed regarding disapproving a teacher's request for parental time

Regarding a petition (21-jinjeong-0314700) that it is unfair for the complainant's school to disapprove the complainant's request for parental time even though no regulation exists that is against it, the Commission dismissed it based on conclusion that, considering all circumstances, including the petitioner's right to childcare, the students' right to learn, and the discretionary authority of the school principal, the case does not constitute infringement of human rights. However, in accordance with Paragraph 1, Article 25 of the NHRCK Act, it expressed opinion, concluding that the educational authorities should be urged to make institutional improvements in this regard, given the special situation that the teacher is in, and given the possibility that there may be similar incidents in the future.

Considering the various government incentives to encourage childbirth, such as parental leave, maternal leave, and reduced work hours for childcare to address the society-wide trend to not have children, the Commission concluded that, if the challenge of using parental time leave is more of a structural problem rather than a temporary one, relief measures should be established so that the challenge does not persist in the long term.

The Commission concluded that, if a person's use of parental time leave is disapproved just because he/she is a class teacher or in a special position, it is indicative of an environment in which parental time leave is not effectively guaranteed. This, in turn, not only runs counter to the government's policy for balance in work and family life, but also represents a step backwards in how the society perceives the right to raise children as a social right.

J. Opinion expressed on the bill to protect and support etc., platform workers

On November 22, the Commission expressed opinion to the Chairman of the National Assembly on certain revisions and refinements that it deemed necessary for the bill to protect and support etc., platform workers.

Because the bill stipulates that it would first apply to all platform workers, platform workers who are actually workers could be misclassified as 'persons other than workers.' To address this problem, and in consideration of how labor is now offered through platform algorithms and of the asymmetry of information, the Commission saw a need to presume "platform workers, in the limited sense of the word, who provide labor through online platforms that affect work assignment, etc." to be workers under the National Labor Relations Act, and clearly stipulate in the bill that the burden of proof to the contrary lies with platform operators. Also, because platform business is operated by a network of businesses, a provision is necessary that calls for the joint responsibility of not just platform operators and businesses using platforms but also those who could infringe upon the rights of platform workers by imposing unfavorable actions against them or who are in a position to effectively affect or dictate their working conditions. To enable platform workers to improve their working conditions through organized activities using collective power, the bill needs to clearly stipulate the right to organize, the right to bargain collectively, and other collective rights stipulated in the ILO Convention No. 87 concerning freedom of association and protection

of the right to organize, and ILO Convention No. 98 concerning the application of the principles of the right to organize and to bargain collectively. Finally, because platform workers' pay is determined by the price they get paid per service but excessively high service fees are imposed by platform operators who unilaterally determine commission rate criteria, the Commission expressed the view that this should be properly regulated by setting an upper limit on applicable fees, among others. The legal intent of regulating bullying in the workplace is to protect people's personal rights, and their physical and mental health. Given that bullying is occurring in various settings due to an increase in service labor, the Commission expressed the opinion that narrowing the scope of the provision against bullying to only businesses using platforms will have limited effect and so the scope should be expanded to "anyone."

K. Opinion expressed on the proposed partial amendment to the Framework Act on Treatment of Foreigners Residing in the ROK

On November 25, the Commission expressed opinion to the Minister of Justice that the provision in Paragraph 1, Article 14-2 of the proposed partial amendment to the Framework Act on Treatment of Foreigners Residing in the ROK, which states that certain provisions of the Refugee Act be applied, should be modified to "applicable provisions pertaining to 'recognized refugees' in this and other laws be applied."

The government had revised and implemented applicable laws and regulations in support of special Afghan contributors who evacuated to Korea in August 2021. The proposed partial amendment to the Framework Act on Treatment of Foreigners Residing in the ROK seeks a legal basis for the government to support Special Afghan contributors, and the Ministry of Justice had asked for the Commission's opinion on the proposed amendment.

While acknowledging that the proposal contains provisions to apply certain laws and regulations on recognized refugee treatment, enable the state or local governments to provide initial settlement funds and employment support, as well as additional support for earlier and more stable settlement by special contributors, the Commission concluded that the provisions alone will likely result in special contributors getting lesser treatment than what recognized refugees would enjoy and even limit support for special contributors.

To ensure that the proposed amendment complies with the intent of the law and does not cause

special contributors to get lesser treatment than recognized refugees, the Commission concluded that the proposed provision on application of regulations on recognized refugee treatment be modified so that it clearly stipulates that all applicable laws, including the Refugee Act, be applied.

L. Opinion expressed on delayed listing of new life-saving leukemia medication for health insurance coverage

On November 30, the Commission expressed opinion to the Minister of Health and Welfare that institutional arrangements be made for prompt inclusion of new life-saving drugs on the list of drugs covered by the health insurance. One such arrangement would be enabling patients to benefit from new life-saving drugs at provisional prices, with health insurance coverage, as soon as they come to the market after Ministry of Food and Drug Safety approval.

Regarding a petition (21-jinjeong-0714500) that the Ministry of Health and Welfare infringed upon the right to pursue happiness and the right to life of victims desperately in need of treatment by excluding Kymriah, a medication to treat acute lymphoblastic leukemia, from national health insurance coverage and not acting promptly to put it on the health insurance coverage list, the Commission dismissed it on the ground that specialty drug payment criteria is an area of highly specialized expertise and, as such, it is inappropriate for it to investigate and decide on this matter.

However, the Commission was of the view that it is a matter of the state to resolve the problem of new life-saving drugs with proven safety and efficacy being priced at levels beyond a patient's reach, and to do so, the government should seriously consider victims' request that the drugs be promptly listed for national health insurance coverage in the spirit of safeguarding people's basic rights to life and happiness.

Also, considering that the right to life, which the national health insurance stands for, is the most basic of the fundamental human rights as it is a prerequisite for all other basic human rights under the Constitution, the Commission concluded that the government should positively consider ways to promptly list new life-saving drugs for national health insurance coverage, and thus expressed the above opinion in accordance with Paragraph 1, Article 25 of the NHRCK Act.

M. Opinion expressed regarding foreigner discrimination with regards COVID-19 disaster payments

On December 23, the Commission expressed opinion to the Minister of the Interior and Safety, Minister of Economy and Finance, and Minister of Health and Welfare that refugees who are entitled to the same treatment as nationals under the Refugee Act and the 1951 Refugee Convention be entitled to COVID-19 disaster payments, and that the scope of foreigners entitled to the payment be expanded based on period of sojourn, and contribution to the state and the society.

The Commission dismissed the associated petitions (5 petitions combined, including 21-jinjeong-0668500) based on conclusion that they don't involve discrimination, and considering that the entities that offered the one-time COVID-19 disaster payment had much discretion in implementing it without a specified legal basis, with the intent of supporting a large percentage of the population impacted by the prolonged COVID-19 pandemic, and that not all foreigners were entirely excluded from the payment.

However, in accordance with Paragraph 1, Article 25 of the NHRCK Act, the Commission expressed the view that the scope of payment beneficiaries should be expanded. This opinion was based on conclusion that refugees should also be entitled to the payment in accordance with the Constitution, the Refugee Act, and the 1951 Refugee Convention, COVID-19 related payments were made in many other countries without distinction of nationality, the risks and economic challenges of the disaster hit nationals and foreigners equally, and foreigners also have an obligation to prevent the pandemic from spreading.

4. Key Content of Plenary Committee Statement

■ NHRCK statement a year after opinion expressed on need for equality law

On June 30, 2020, 14 years after the Commission had made a recommendation for enactment of a comprehensive anti-discrimination law to realize human dignity and equality under the Constitution, and the grand democratic propositions, the Commission expressed opinion urging the 21st National Assembly to enact an equality law. These efforts led to 24 lawmakers, including Lee Sang-min of the Democratic Party of Korea, to table on June 16, 2021 an equality law based on a draft proposed by the Commission, followed by several other associated laws.

At an Ambassador Roundtable meeting hosted by the Commission on June 11, several country representatives affirmed that, though there had been many concerns voiced over legislation of a comprehensive anti-discrimination law, the latter actually helped foster an environment conducive to respect for all, contributing greatly to social integration. Participants stressed that anti-discrimination legislation is an urgent obligation that the ROK has to fulfill in order to advance democracy and promote human rights, and pledged their support and cooperation.

The international community, including United Nations human rights treaty bodies, has continuously called for an equality law to be enacted in Korea. In a 2020 survey by the Commission on how the public views discrimination, nine out of ten respondents said legislation is needed to safeguard the right to equality. Also, the petition for enactment of such a law was presented with 100,000 signatures, which is an indication that legislation of the law is a task demanded by the society.

Given the general social consensus, the National Assembly has no good reason to remain silent on this. However, discussions have not begun in earnest for a year since the Commission's expressed opinion. With little progress being made in relevant discussions, the country has seen a rise in hate and discrimination in the political, economic and social sphere, while witnessing tragic consequences of an absence of a legal safeguard, such as the death of the former transgender soldier Byun Hee-soo. Recognizing that, in the spirit of the Constitution, discrimination should be banned in all spheres of life, effective remedies should be available for victims of discrimination, and the basic principles of human dignity and equality should be realized, the Commission announced a Plenary Committee statement on June 21, urging the 21st National Assembly to work together for adoption of an equality law as soon as possible, and another Chairperson statement on November 10 to repeat similar calls for an equality law.

Section 3. Surveys and Studies of Human Rights Conditions

1. Surveys and Commissioned Studies

A. Status

[Table 2-1-3] List of Surveys and Commissioned Studies

No.	Task	Period
1	Survey on perception of climate crisis and human rights, and policy trends	Apr. 22 - Oct. 18
2	Survey of human rights safeguards for vulnerable groups under COVID-19 disaster situation	Jun. 17 - Dec. 20
3	Survey of human rights conditions in senior care facilities in relation to COVID-19	Jul. 1 - Dec. 22
4	Survey of human rights conditions through lifecycle of older persons	Jun. 16 - Dec. 20
5	Study on human rights guidelines in relation to development and use of artificial intelligence (AI)	Jun. 24 - Oct. 22
6	Survey of usage of intelligent CCTVs and facial recognition technologies, and ways to improve protection of personal video information	Jul. 21 - Dec. 17
7	Survey of labor and human rights conditions of logistics center workers	Apr. 26 - Nov. 29
8	2021 survey of human rights conditions of call center workers	Jun. 22 - Dec. 14
9	2021 study of overseas laws and cases related to gender minority discrimination	Jun. 22 - Nov. 30
10	Study on legitimate convenience for people with disabilities	Jul. 7 - Nov. 30
11	Survey of the human rights conditions of disabled children in residential facilities for the disabled	Jun. 25 - Dec. 17
12	Survey of the conditions of homes designed for the disabled to live an autonomous life	Jun. 29 - Dec. 17
13	Survey to promote local community integration of people with mental disabilities through overseas case studies	Jun. 21 - Dec. 17
14	Study on prevention of sexual exploitation of children and youth, and remedies	Apr. 26 - Nov. 21
15	Survey of human rights safeguards for children under COVID-19 disaster situation	Apr. 26 - Nov. 21
16	2021 survey of human rights condition in military basic training	May 18 - Nov. 12
17	Survey of human rights education in the National Assembly	Mar. 10 - Oct. 30

No.	Task	Period
19	Survey of human rights education for schoolteachers	Apr. 27 - Oct. 23
20	Study on abuse prevention education for parents and ways to improve education	Jun. 10 - Nov. 7
21	Commissioned study on techniques of investigating cases of human rights infringement and discrimination	May 18 - Dec. 13
22	Commissioned a study to update the Human Rights in Sports Charter and Guidelines	Jul. 5 - Dec. 24
23	Study for development of human rights education for children welfare facility staff	Jun. 17 - Dec. 13

B. Key Surveys & Studies

■ Survey on perception of climate crisis and human rights, and policy trends

The Commission surveyed perception of climate crisis and human rights, looked into climate crisis-related policy initiatives in Korea and abroad, and analyzed policies in support of vulnerable groups. The findings showed that there is little perception of climate crisis and human rights compared to interest in climate crisis itself. Of those surveyed, 80.4% responded they have an interest in climate crisis issues and 93.7% said climate crisis is serious; however, only 52.1% said they have awareness of climate crisis. Regarding who is most likely to be hit by climate crisis, 47.5% responded farmers and fishermen, 21.5% financially vulnerable groups, and 14.0% outdoor laborers. As to top considerations for state climate crisis policy-making, respondents said R&D support (33.3%), followed by more skilled people and budget (21.1%), and change in perception and education (19.9%). The Commission gave a presentation of the survey results and limitations of policies designed to support vulnerable groups. It also held seminars where representatives of construction laborers, mart delivery workers, farmers, and other vulnerable groups took part as speakers.

■ Survey of human rights safeguards for vulnerable groups under COVID-19 disaster situation

The Commission conducted a survey of human rights safeguards for vulnerable groups under COVID-19 disaster situation. The survey was designed to understand the challenges faced in terms

of income and job insecurity, healthcare gap, childcare gap, and hatred and discrimination, and to discuss institutional improvements.

For the purpose of the survey, vulnerable groups as they relate to COVID-19 were categorized based on demographic characteristics, their standing in the labor market, and COVID-19 infection. This led to selection of older persons, women (pregnant women), persons with disabilities, homeless people, migrants, gender minorities, part-time workers, workers in special employment types, freelancers, persons taking unpaid leave, self-employed people, small merchants, and people infected with COVID-19 as groups vulnerable in the COVID-19 disaster situation.

With 6 to 21 people drawn from each group, a total of 154 people were selected for in-depth interviews in 14 areas—right to health, quarantine and sanitation, income guarantee and right to an adequate standard of living, right to work, right to adequate housing, right to care, social relations, right to education, right to data portability, right to access information, right to privacy, right to safety, hatred prevention and right not to be discriminated, and others.

Based on the findings, the Commission made policy recommendations on ways to safeguard the rights of these groups, including improving the public healthcare system and public care system, military allowance, promoting the right to health using paid leave, increased universality of social insurance programs such as employment insurance, and minimum housing standard considering quarantine safety.

■ Study on human rights guidelines in relation to development and use of artificial intelligence (AI)

The increased development and application of artificial intelligence (AI) across the society has led to a growing number of areas—crime prediction, job interviews, and autonomous driving—in which AI could have potential impacts on human life and rights. While AI development and application will likely lead to increased productivity and convenience for a higher quality of life, there have been controversies over human rights infringement risks, particularly misuse of technology, data bias, and personal data infringement.

These issues require a regulatory framework to ensure that basic rights can be protected, but the various government AI guidelines are still largely theoretical and self-regulatory in nature. In light of this limitation, the Commission conducted a survey to better understand the essential human

rights principles and applicable human rights response options to inform robust legislation in the future.

Based on the survey results, the Commission plans to establish guidelines to prevent human rights infringement in relation to AI development and application, including transparency and information obligations with regards to AI application and assessment, guarantee of data subjects' rights, anti-discriminatory measures, AI human rights impact assessment, risk ratings, and establishment of risk ratings and associated laws and institutions.

■ Survey of usage of intelligent CCTVs and facial recognition technologies, and ways to improve protection of personal video information

The Commission conducted a survey to understand the extent to which intelligent CCTVs and facial recognition technologies are being used and examine ways to improve protection of personal video information, as concerns have been raised over the risk of infringement upon privacy and personal information amidst active, recent development and use of intelligent CCTVs (CCTVs that record sounds, sudden movements, and other particular situations) and facial recognition system (technology capable of learning certain features of a person to identify him/her from a group of random people).

In the survey, associated laws and institutions, and international human rights norms were examined, as well as technologies that are actually developed and applied, and technologies introduced into state organizations and local governments. The Commission also conducted a survey and interviews of the general public and experts to understand the general perception. Based on the findings, it proposed ways for information rights to be protected and promoted in this area.

■ Commissioned study into national policies related to human rights in North Korea, including recommendations for the Human Rights NAP

The National Action Plan for the Promotion and Protection of Human Rights (NAP) provides a five-year national human rights policy blueprint. It is a pan-national human rights policy plan to improve associated laws, institutions, and practices. The government is obligated to affirm that

North Korean residents have the right to happiness while maintaining their human dignity and value, and to strive to protect and promote their human rights.

Prior to developing the Fourth NAP for the Promotion and Protection of Human Rights, which will be implemented from 2023, the Commission commissioned a study into national policies related to human rights in North Korea, including recommendations for the Human Rights NAP, to evaluate policy effectiveness and seek improvement options by analyzing the status of implementation of tasks to improve human rights in North Korea, which were part of the Human Rights NAP tasks. The study made policy task proposals in four areas, which are improvement of North Korean human rights, settlement and assimilation of North Korean defectors, inter-Korean efforts to resolve humanitarian issues, and human rights education and promotion. The result of the commission study will be further discussed and used to inform recommendations for the Fourth NAP.

■ Study of overseas laws and cases related to gender minority discrimination

Given the absence of gender minority policies in Korea, the Commission conducted a study of overseas laws and cases related to gender minority discrimination to inform policy-making efforts.

Analysis was made of decisions made by the United Nations and human rights organizations, anti-discrimination regulations, and best practices, which helped establish a theoretical basis for investigation and deliberation of petitions related to gender minority discrimination. The study also introduced precedents in which gender-related anti-discrimination regulations were broadly interpreted to include gender identity and sexual orientation, precedents recognizing, 'discrimination by perception' and 'discrimination by association' and precedents recognizing the inherent limitations of the freedom of expression and the freedom of religion. World-wide issues and policy trends were also examined to identify areas that would require further surveys and policy reviews in the future.

International case studies were made in relation to gender minorities, including gender minority youth who are out of home (in the United States, 20% to 40% of homeless teens were found to be gender minorities), asylum and immigration applicants based on gender identity, and gender minority healthcare accessibility and insurance. The results are expected to contribute to enhanced public policy for gender minorities in the future.

2. Major Programs to Promote Human Rights

A. Protecting the rights of migrants and refugees

■ On-site monitoring with regards to seizure of migrant fishers' passports

Though the act of taking away migrant fishermen's passports and other identification documents is prohibited under the amended Seafarers' Act, such practices has been continuously reported. From September 7 to 26, the Commission together with the Human Rights Network for Migrant Fishermen carried out an online survey (in Vietnamese and Indonesian language, etc.) of migrant fishers working on coastal workers fishing (CWF) vessels weighing 20 tons or more. The survey, which was focused on gathering examples of human rights infringements in the form of passport confiscation and find remedies for the victims, was conducted using the non-probability snowball sampling technique⁷⁾.

A total of 221 responses, which resulted in a statistically valid response rate, was received on whether the respondents were in possession of their passport, alien registration card, and bank account, how their passport was confiscated, and whether they wished to get their documents back. Most respondents (198 of 221, or 90%) were found not to be in possession of their passports, with 62 (31%) not having asked for their passport back out of "fear" (98%) or "helplessness (won't get it back anyway)."

The Commission also conducted on-site monitoring activities in Jeju, including a meeting with related organizations and in-depth interviews with eleven migrant workers on November 2 and November 21, respectively. In 2022, the Commission will monitor other areas and take necessary actions to eradicate the practice of passport confiscation.

7) Snowball sampling is a nonprobability sampling technique where a small pool of initial informants who nominate future subjects with similar traits from among their acquaintances. Though this technique allows description of respondent traits, it can lead to biased results.

■ Monitoring of refugee application procedures in Guidelines on Migrants' Rights

In 2021, the Commission selected “refugee application procedures” as the topic for monitoring the Guidelines on Migrants' Rights. Monitoring was conducted to understand the overall experience refugee applicants under the Refugee Act have when going through the refugee application procedures in Korea, and use the finding to inform future policy-making.

The monitoring task force was composed of eleven experts, including activists. A standard questionnaire was used for in-depth interviews of 26 refugee applicants from November to December. Interviewees were selected from eleven nationalities, including Ghana, Nigeria, Senegal, and Syria.

Interview topics were specifically related to refugee application procedures, including access to procedures information, application form, letter explaining the reason why claim was rejected, filling out of appeal form, refugee screening procedures during immigration, challenges in refugee litigation procedures, children rights, investigation under the Immigration Control Act, fact-finding investigation, withdrawal of claim, extension of review period, and challenges in sojourn.

In 2022, the Commission plans to conduct additional monitoring activities to understand what's going on and see if there is a need for institutional improvements.

■ Improving perception and institutional arrangements for undocumented migrant children

Recognizing the absence of policy to grant sojourn status to undocumented migrant children who have a connection and a social foundation in the Republic of Korea, the Commission has published books from 2020 on this matter. In 2021, it published a book on undocumented children (author Eun Yoo); on August 4, it held a virtual book concert at a studio in Yeongdeungpo-gu district and aired it on Youtube. The event helped raise public interest in racial discrimination, misunderstandings and discriminatory perception of migrants, and challenges faced by migrants and refugees.

The Commission also produced a short documentary (campaign video) on undocumented migrant children to raise awareness about the 200,000 or so such children in Korea and highlight

the need for institutional improvements. It also produced and distributed ‘text content,’ which is a written article of the interviews featured in the documentary.

Thanks to the Commission’s continuous interest in this matter, in August 2021, the government expanded the eligibility of sojourn for undocumented migrant children who have lived in Korea for a long time. In January 2022, it announced updated measures to which the Commission expressed its welcome.

■ Discussions on improving health insurance system for migrants

Based on a study conducted in 2020 on migrants’ right to health and ways to improve the healthcare security system for this population, the Commission had meetings on December 8 to discuss how the health insurance system can be improved for migrants. Active discussions were held among the participants, which included those involved in the study, representatives from the People’s Health Institute, Institute for Health and Social Affairs, National Health Insurance Service, the Ministry of Justice, and several migrants who shared their experiences.

It was found that a higher percentage of migrants have health insurance, but the financial burden has significantly increased due to the regional health insurance becoming mandatory. Other challenges include increased insurance premium due to migrants not allowed to merge households, and sanctions against defaults being tied to sojourn status.

The Commission discussed the limitations of the current health insurance system and ways to improve it based on the survey results and the presentation by the speakers. The results will be used to further discuss institutional improvements in the future.

■ HIV Seminar to protect the rights of HIV-infected prisoners

Further to request from the Daegu Chapter of the Association for AIDS Prevention and other human rights groups, the Commission on October 19 held a seminar with personnel of the Correctional Service of the Ministry of Justice and experts from associated human rights groups to discuss about the human rights conditions of HIV-positive prisoners, protective measures taken by the Correctional Service, and ways to improve the rights of HIV-positive prisoners.

Participants talked about the measures taken to follow up on the Commission’s 2019

recommendations (for strict management of medical history to prevent disclosure, and dissemination of revised guidelines) and the need to address human rights infringements of HIV-positive prisoners.

B. Promoting information rights

■ Information Rights Forum

The Commission hosted the Information Rights Forum in response to rapid development of AI, big data, and other new information processing technologies, as well as newly emerging information rights-related agenda in an intelligence information society. In 2021, the forum comprised 15 commissioners and was held four times. The first forum (March 29) discussed new technologies and the role of national human rights institutions, and human rights criteria in the development and application of AI. The second forum (May 28) discussed legislation of Personal Information Protection Act to guarantee the rights of information subjects and the general principles to guarantee those same rights. The third forum (August 10), which was held virtually to prevent the spread of COVID-19, discussed the United Nations Resolution on new and emerging technologies and human rights, and the related tasks proposed in the Fourth Human Rights NAP. The fourth forum (December 2) discussed the proposed information rights report and the proposed 2022 information rights business plan. In 2022, the Commission plans to continue the Information Rights Forum as a venue to discuss new information rights issues and seek ways to play an active role in protecting and promoting information rights.

C. Promoting North Korean Human Rights

■ International Symposium on North Korean Human Rights

As part of efforts to find ways to improve the human rights situation in North Korea, the Commission hosted the International Symposium on North Korean Human Rights from November 29 to 30 in Seoul. Session 1 on Day 1, which was held under the topic of “Tasks and directions to improve the Fourth NAP in relation to North Korean human rights,” held discussions on key policy tasks that need to be included in the 4th Human Rights NAP in order to promote

human rights in North Korea. Session 2 on Day 2 held discussions under the topic of “Tasks and directions to promote the rights of North Korean defectors during the settlement process.” Participants, who included North Korean defectors, discussed about the challenges and human rights infringements experienced by defectors during their defection journey, and particularly during the settlement process, and what can be done to address the challenges and limitations.

This year’s symposium was attended by the UN Human Rights Office in Seoul, International Committee of the Red Cross and other international human rights institutions, several diplomatic missions in Korea (the United Kingdom, Romania, Australia, and Malaysia), Korea Institute for National Unification, Korea Hana Foundation, Amnesty International, NK Watch and other organizations and groups involved in human rights issues in North Korea, as well as Voice of America, Radio Free Asia, Christian Daily, Headline News, and other media outlets in Korea and abroad, showing the high level of interest in human rights situation in North Korea. The discussions offered some important insights from an institutional and policy perspective. They will be further analyzed to inform the Commission’s work related to North Korean human rights.

■ Committee specialized in human rights in North Korea

Given the need to take into account the various perspectives on human rights in North Korea, the uniqueness of the inter-Korean relations, and the rapidly changing international environments when dealing with North Korean human rights issues, the Commission launched an advisory committee specialized in human rights in North Korea to leverage expertise and competence in the area. In 2021, the committee met three times to hear opinions on the Commission’s North Korean programs, including North Korean human rights policies to be incorporated into the 4th Human Rights NAP, which will be implemented from 2023, and plans for an international symposium on North Korean human rights, and to discuss policy proposals.

D. Implementation of international human rights treaties

■ Preparations for the Universal Periodic Review (UPR) of Korea's human rights records

The Universal Periodic Review (UPR) is a unique process instituted in 2006, which involves a periodic review by the Human Rights Council of the human rights situation of all 193 UN member states. Each state is reviewed every 4.5 years.

The Commission's written report on the overall human rights situation in Korea and oral statements to the Human Rights Council helped UN member states to make recommendations. The Commission urged the government to implement the UPR recommendations to improve the internal human rights situation.

In preparation for the fourth UPR session slated for early 2023, the Commission monitored from April to June implementation of recommendations made in the previous UPR cycle by the 14 government agencies, including the Ministry of Justice, Ministry of Foreign Affairs, Ministry of Education, and the National Police Agency. The Commission verified progress made by each agency in following up on recommendations, which provided a foundation for the Commission to draw key issues and recommendations in its written report to the fourth UPR session.

In December, the Commission presented the government with opinion regarding the draft of the mid-term report on the implementation of the third cycle UPR recommendations, stating the need to provide more detail on progress made, and urged it to implement the UPR recommendations, contributing to increased credibility and reliability of the mid-term report.

■ Preparations for the Human Rights Committee's review of Korea's periodic report

The United Nations Human Rights Committee is expected to review the fifth report of the Republic of Korea in 2022 and 2023.

To ensure effective implementation of the International Covenant on Civil and Political Rights, the Commission supports the United Nations Human Rights Committee develop its concluding observations during review by providing more objective and impartial resources, including the

Commission's independent report. This is a critical role that the Commission plays in order to facilitate domestic implementation of international human rights treaties.

In June, in preparation for the review by the United Nations Human Rights Committee, the Commission, in its capacity as the national human rights institutions, examined how opinions expressed in July 2020 regarding the proposed fifth periodic report were incorporated into the final report. The documented results would be used to outline key issues and recommendations in the independent report.

In February, the Commission also established a detailed plan in preparation for the review of the ROK's fifth periodic report by the United Nations Human Rights Committee. The plan, which clearly defines the criteria for key information to be included in the independent report, helped the Commission enhance its capability to respond to the review.

■ Systematic collection of and increased accessibility to resources of the United Nations human rights bodies

The Commission uploaded publications of international human rights institutions on its homepage for easy access by human rights advocates and the public.

Forty years' worth of resources of the seven international human rights treaty bodies, including the Committee on the Elimination of Racial Discrimination, Committee against Torture, and the Human Rights Committee, were made available on the webpage by review cycles and by procedures.

The Commission also posted on the website human rights treaty bodies' individual communications related to Korea (in Korean and English), the Human Rights Council's UPR documentation by country (from first cycle to third cycle, in Korean and English), and Report of the Special Rapporteur following his official visit to Korea (in Korean and English).

The Commission also improved monitoring of the regular sessions of the Human Rights Council to understand changes in international human rights issues and identify relevant policy tasks. A total of 85 reports submitted to the 47th session (June 21-July 13) and 48th session (September 13-October 11) of the Human Rights Council held in 2021, together with a total of 38 key resolutions were reviewed, and translation into Korean were made of the Report of the Special

Rapporteur on the right to privacy on his mission to the Republic of Korea, the resolution on new technologies and human rights for which the ROK government took the initiative to draft, and the report on the right to privacy in the digital age, which is a highly relevant topic for Korea.

The above resources are available on the Commission homepage, in the menu [Policy resources → International human rights → International human rights norms → Human Rights Council UPR].

■ Monitoring of the Session of the Conference of State Parties to the Convention on the Rights of Persons with Disabilities and stirring public debate on ratification of the Optional Protocol

In July, the Commission monitored the 14th Session of the Conference of State Parties to the Convention on the Rights of Persons with Disabilities to understand some of the human rights tasks undertaken by other state parties and their applicability to Korea. It continuously tracked matters related to ratification of the Optional Protocol; it addressed an inquiry received in August regarding withdrawal of reservation to the Convention on the Rights of Persons with Disabilities and ratification of the Optional Protocol, attended a policy discussion (hosted by lawmaker Kim Yeaji) on ways to ensure effective guarantee of the Optional Protocol in September, and held a meeting on ways to support following ratification of the Optional Protocol in October.

Section 4. Activities to Promote and Improve Human Rights in Sports

A. Overview

1) Background

In January 2019, the magnitude of violence and sexual violence against athletes became known through reported incidents in the ice skating world, resulting in discussions on the need for fundamental and overarching solutions, rather than perfunctory improvement or stopgap measures.

In February of that year, the Commission launched the Special Task Force for Human Rights in Sports involving the Ministry of Education, Ministry of Culture, Sports and Tourism, Ministry of Gender Equality and Family, and other key associated government agencies.

Between 2019 and 2020, the task force conducted a detailed examination of the human rights conditions in sports through a survey of all student athletes and several sports associations, key area surveys, and monitoring at sports competition venues. Policy recommendations were made based on the findings, and remedies were sought through petitions and ex officio investigations.

Also, by making policy recommendations to government agencies and sports associations at various levels, the Commission emphasized that government policies should be focused on a fundamental change rather than piecemeal solutions. Based on the need for continuous and reliable expertise, the mission of the task force was extended to February 2023.

2) Purpose

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

B. Major Activities⁸⁾

■ Policy recommendation based on findings of surveys of human rights in ice sports

Following reports of sexual violence by a national ice sport team coach against his athlete, which sent shock waves across the society, the Commission conducted a special investigation of human rights in ice sports in 2019 and, based on the finding, established and recommended a proposal to improve the human rights conditions of ice sports athletes on February 18.

8) Included in Collection of Key Decisions on policy recommendations, human rights infringements, and discriminations related to human rights in sports

To come up with more practical and effective policy alternatives to address violence in ice sports, the Commission consulted with experts involved in special investigation in ice sports. As a result, it recommended the Minister of Education, the heads of local governments, and the President of the Korea Skating Union to establish rules to limit persons who were disciplined by schools or sports associations, and sexual abuse offenders from using ice rinks, conduct regular monitoring of the human rights situations through surveys of instructors and athletes, plan for increased oversight of student athletes and human right protection outside the school, increase public utility of public sports facilities by preventing monopolization and expedient use of ice rinks, and develop a general plan to improve human rights in ice sports.

The Korea Skating Union accepted the recommendations; it announced a plan to organize a special team comprising experts in human rights, laws, and sports, revise athlete registration regulations, and modify the articles of association in support of a general plan to improve human rights situations in ice sports.

Thirteen local governments (Busan Namgu District, Daegu City, Incheon City, Daejeon Seogu District, Goyang City, Hwaseong City, Gangwon Province, Chuncheon City, Asan City, Jeonju City, Gimhae City, Changwon City, and Anyang City) also accepted the Commission's recommendations and announced their intention to include provisions that limit sexual offenders' access to ice rinks, revise ordinance to increase the public utility of sports facilities for users' benefit, and establish a one-stop sports facility reservation system.

On the other hand, the Ministry of Education did not accommodate the Commission's recommendation regarding oversight of student athletes outside the school, stating that this measure can be better achieved through the Installation and Utilization of Sports Facilities Act (hereinafter "Sports Facilities Act") rather than the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons (hereinafter "Private Teaching Institutes Act"). The Commission found the decision by the Ministry of Education to be inappropriate, given the sharp increase in private sports training since 1989 when the Sports Facilities Act was enacted, which resulted in significant blind spots in the oversight of student athletes outside the school. Also, with the exception of sports, private education in academics, skills, and art have already become subject to oversight under the Private Teaching Institutes Act. This means that, though human rights conditions inside schools have improved slightly thanks to school plans to protect student athletes, continuous human rights infringements outside of school, such as those in ice

sports where there is a lack of oversight, calls for revision of the Private Teaching Institutes Act in order to remove blind spots.

■ Policy recommendation to protect and promote the rights of student athletes with disabilities

Based on the result of a survey of the human rights conditions of student athletes with disabilities, the Commission on April 8 established and recommended various proposals to improve the situation.

It recommended the Minister of Health and Welfare, Minister of Culture, Sports and Tourism, and the Director of the Sports Ethics Center to conduct routine monitoring of availability of convenience facilities in public sports facilities and associated detailed criteria in accordance with the relevant laws and regulations, including the Act on the Guarantee of Convenience Promotion of Persons with Disabilities, Senior Citizens, Pregnant Women and Nursing Mothers (hereinafter “Convenience for Persons with Disabilities, etc. Act”), plan for more suitable facilities, equipment, and convenience in public sports facilities for persons with disabilities, increase education and promotion of the intent of the National Sports Promotion Act and the programs/procedures that are in place for reporting human rights violations and corruption in sports, and establish investigation procedures and processes that accommodate types and characteristics of disabilities by applying the provisions on legal services assistance for persons with disabilities in the Act on the Prohibition of Discrimination against Persons with Disabilities, Civil Procedure Act, and Criminal Procedure Act.

The Ministry of Health and Welfare, Ministry of Culture, Sports and Tourism, and the Sports Ethics Center all accepted the Commission’s recommendations. The Ministry of Health and Welfare announced a plan to survey convenience facilities in all sports facilities in 2023, after which it would propose detailed criteria for convenience installation, and consider revising the Enforcement Rule of the Convenience for Persons with Disabilities, etc. Act.

The Ministry of Culture, Sports and Tourism submitted a plan to educate national team athletes on reporting procedures, support the Sports Ethics Center to develop reporting guidelines for athletes with disabilities, and incorporate special human rights classes for sports instructors with disabilities.

The Sports Ethics Center announced a plan to provide persons with disabilities increased access to reporting and investigation, including development of a manual for investigation of athletes with disabilities, and leverage external expertise of groups that advocate the rights of disabled persons to find ways to care for victims. The Korea Paralympic Committee announced a plan to establish guidelines and a guidebook to protect the rights of athletes with disabilities, and organize regular education sessions.

■ Policy recommendation to promote the rights of female sports leaders

In a 2020 survey of human rights conditions of women in sports, the Commission found that human rights infringements against female leaders continue in the form of sexual harassment, bullying in the workplace, and discrimination. To promote their human rights, the Commission on December 23 recommended the Minister of Education, Minister of Culture, Sports and Tourism, President of the Korean Sports & Olympic Committee, and President of the Korea Paralympic Committee to increase support in fostering female leaders, establish gender-equal job opportunities for female leaders, and promote work environments that are conducive to respect for their human rights.

■ Monitoring implementation of policy recommendations

The Commission followed up on implementation of its recommendations and verified that actions taken were in line with the spirit of recommendations made. It also followed up on implementation of recommendations for improvement with regards student athletes, company-affiliated professional athletes, and judo athletes to ensure effectiveness of recommendations.

First, to monitor implementation of policy recommendations to protect and promote the rights of student athletes in elementary schools, junior high schools, and high schools, the Commission conducted monitoring in writing and through on-site visits of 20 organizations, including the Ministry of Education, and personnel related to school sports teams (student athletes and coaches). The organizations were implementing the Commission's recommendations, including building safeguards to protect student athletes' rights, their right to learning and right to rest through amendment of the School Physical Education Promotion Act, reducing the number of days that student athletes are allowed to be on leave to attend a competition and/or training, and strengthening oversight of sports leaders.

However, given that schools depend mainly on insiders (teachers or school commissioners) for periodic athlete student counseling and human rights education, and human rights surveys, a more independent and open system leveraging outside specialized expertise is required.

Second, to follow up on implementation of policy recommendations to protect and promote the rights of professional athletes affiliated to businesses, the Commission conducted monitoring in writing and through on-site visits of 242 organizations, including the Ministry of Culture, Sports and Tourism, and personnel related to these teams (athletes and coaches). The organizations were implementing the Commission's recommendations, including safeguarding human rights in sports and laying the legal basis for introducing a standardized employment contract through revision of the National Sports Promotion Act, developing tailored educational content (six types) for effective human rights education and training, enacting or revising ordinances related to the protection and promotion of human rights in sports, and formulating guidelines for operation and management of training camps.

However, in relation to the recommendation that training camp environments should be improved to prevent human rights infringements, most organizations did poorly in implementing the mid- to long-term recommendation to abolish training camps, stating absence of other welfare options for athletes with long distance commutes. Even where there were plans to ask athletes whether they would come to training camp, the questionnaires ended up being a mere formality as most organizations did not have housing subsidies or other such alternatives to offer. Thus, it was found that there is insufficient guarantee of athletes' right to self-determination with regards training camps.

Third, to monitor implementation of policy recommendations to promote the rights of judo athletes, the Commission conducted monitoring in writing and through on-site visits of three organizations, including the Ministry of Culture, Sports and Tourism. The organizations were implementing the Commission's recommendations, including more education and promotional programs to enhance human rights in sports, and more human rights training for combat sports athletes.

However, it was found that some organizations had made changes to their initial implementation plan at their own discretion, or did poorly on the plan, claiming the conditions were not ripe to implement the recommendations (tight budget or personnel shortage).

■ On-site monitoring of major competitions to prevent human rights infringements

The Commission monitored highly competitive national student sports competitions with a focus on preventing and checking human rights infringement acts. In March, It built a more robust monitoring checklist, which was applied from May to October, to monitor human rights conditions at national competitions in nine sports and the 102nd National Sports Festival.

In 2021, focus was placed on synthesizing and analyzing the results gathered over the past years, and come up with improvement proposals. Through monitoring of sports competitions, it was found that, despite institutional improvement efforts to promote human rights in sports, institutional safeguards were still lacking, not enough consideration or care were given to athletes because a lot of energy was spent on event management, and there were not enough waiting rooms and training facility for athletes. The Commission attributed these issues to a lack of interest in respect for human rights and lack of consideration for athletes, heated competition and obsession with winning, and absence of guidelines and/or manual that fosters a human rights-based approach in event management.

To address this issue, the Commission set out to establish human rights safeguards, guidelines to protect athletes' right to health, and essential facility criteria applicable to sports competitions. For this purpose, it concluded that development and distribution of a Standard Sports Event Management Guidelines encompassing the above would be necessary. To this end, the Commission consulted with various experts and collected the opinions of end-users to ensure that the Sports & Olympic Committee and individual sport associations can be informed when establishing their own tailored guidelines.

■ Commissioned study to update the Human Rights in Sports Charter and Guidelines

In 2010, the Commission established the Human Rights in Sports Charter and Guidelines to provide set rules of behaviors in relation to certain areas of concern, such as protection against violence and sexual violence, and guarantee of the right to learning. Changes in the human rights landscape in the subsequent ten years called for an update to the Charter and Guidelines.

The commissioned study included a sample survey of human rights infringement experiences and perception of professional athletes, coaches, and sports association staff. The findings showed that 58% of athletes said s/he or colleagues had experienced violence or sexual violence, 75% did not report or sought any remedial procedures, and 83% were not presented with any options or manual to deal with an incident. This is an indication that sports-related legislative efforts and policy implementation have not been fully effective in resolving human rights infringements in sports, which in turn highlights the need for an overhaul of associated laws and regulations, and implementation of an updated Human Rights in Sports Charter and Guidelines.

To this end, the Commission commissioned a study to present directions and proposed updates to the Human Rights in Sports Charter and Guidelines based on review of existing literature in Korea and key declaration and guidelines in other countries.

The study is more comprehensive by including guidelines for safeguarding the basic rights of all sports participants, as well as the rights of student and female athletes, and guidelines to combat discrimination and promote equality in sports.

■ Remedies for victims through active investigation

Considering the limitations victims face in reporting their experiences due to the closed nature of the sports community, the Commission continued to operate an exclusive reporting channel using various media (phone, e-mail, Kakaotalk chat) so that victims have better access to the Commission. In 2021, the hours of operation of the channel were extended until 12am, because it was easier for athletes to call in the evening (18:00-24:00) after training.

As of December 31, 92 individual cases were filed and eight ended with a recommendation for remedy, two resolved during investigation, and 138 concluded. This is the result of the Commission's efforts to maintain a high rate of remedied cases as it made it a priority to address victims' concerns and build confidence.

Some key recommendations were made with regards to human rights infringement caused by lack of protection of student athletes in a middle school sports club, human rights infringement caused by a middle school physical education instructor who verbally abused and physically punished students, human rights infringement against an athlete student who suffered violence in a middle school sports club, human rights infringement against a middle school student athlete

who was assaulted by his coach, human rights infringement against sports club student athletes by a high school teacher, human rights infringement against an elementary school student who was assaulted by his coach but no protective actions were taken, human rights infringement caused by a college prohibiting group action based on school regulations, and human rights infringement caused by sexual harassment between coaches and inappropriate follow-up actions taken by the relevant sports association.

**Chapter
2**

Investigations and Remedies of Human Rights Violations and Discrimination

Section 1. Overview

The National Human Rights Commission of Korea carries out investigations on cases of human rights violations and discrimination and seek remedial measures in accordance the NHRCK Act.

Subjects of Investigation

Subject to the Commission's investigations are national institutions, local governments, schools⁹⁾, public service-related organizations¹⁰⁾, and detention and protection facilities that violate the human rights guaranteed under Articles 10-22 of the Constitution or commit discrimination¹¹⁾ in relation to their operation¹²⁾ and corporate bodies, organizations, and private persons that commit discrimination.

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

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

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

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

Petitions

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

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

In 2021, a total of 10,029 petitions were filed, which is an increase of 1,013 (11.2%) over the previous year, while a total of 9,287 petitions were processed, which is at a level similar to last year's. The number of petitions that resulted in a recommendation was 504, which is 79 (13.6%) less compared to the previous year. This can be largely attributed to a significant decrease in collective petitions related to disability discrimination.

Meanwhile, the cumulative rate of acceptance of the Commission's petition-related recommendations since its inception was 91.4%, which is a slight decrease from the previous year. However, looking at the recent five consecutive years, the rate of acceptance remained at 90% or above.

[Table 2-2-1] Receipt, Process, and Status of Recommendations in the Last Five Years

(Unit: cases, %)

Classification	Receipt	Process	Recommendations	Status of Recommendations				Under review	Rate of acceptance (%) (A+B)/C
				Subtotal	Full acceptance	Partial acceptance	Non-acceptance		
Cumulative sum	161,013	156,816	5,898	5,395	4,216	717	462	503	91.4
2021	10,029	9,287	504	210	173	17	20	294	90.5
2020	9,018	9,272	583	433	347	57	29	150	93.3
2019	9,768	9,147	492	437	380	35	22	55	95.0
2018	9,288	10,188	547	544	468	47	29	3	94.7
2017	12,336	11,012	357	356	267	66	23	1	93.5

* The cumulative sum is the total from November 25, 2001 (the date the Commission was established) to December 31, 2021.

* For the purpose of statistics production:

Rate of full acceptance = (Full acceptance) / (Full acceptance + partial acceptance + non-acceptance) × 100

Rate of partial acceptance = (Partial acceptance) / (Full acceptance + partial acceptance + non-acceptance) × 100

Rate of acceptance = (Full acceptance + partial acceptance) / (Full acceptance + partial acceptance + non-acceptance) × 100

* Based on the Guidelines for Production and Management of Human Rights Statistics (Article 109 of NHRCK Regulations), the 'under review' item was excluded from the computation of acceptance rate.

By type of institution, those that received the most petition-related recommendations in 2021 were educational institutions with 139 recommendations (124 last year), local governments with 75 (78 last year), the police with 60 (70 last year), central administrative agencies with 60 (60 last year), and public institutions with 44 (36 last year).

Meanwhile, the rate of acceptance was 100% for multi-user care facilities, the military, detention facilities, non-profit corporations and groups, and the Prosecution.

[Table 2-2-2] Acceptance of Petition-related Recommendations by Institution in 2021

(in number of cases and percentage)

Classification	Recommended institutions	Rate of acceptance (A+B)/C				Under review	Rate of acceptance (A+B)/C
		Subtotal (C)	Full acceptance (A)	Partial acceptance (B)	Non-acceptance		
Total	512	223	190	17	16	289	92.8
The Prosecution	5	2	2	-	-	3	100.0
The Police	60	35	33	-	2	25	94.3
National Intelligence Service	-	-	-	-	-	-	-
The Military	20	13	12	1	-	7	100.0
Central Administrative agencies	60	29	24	3	2	31	93.1
The Legislature	-	-	-	-	-	-	-
The Judiciary	3	-	-	-	-	3	-
Other state organizations	2	1	1	-	-	1	100.0
Local governments	75	28	24	3	1	47	96.4
Public institutions	44	20	17	-	3	24	85.0
Educational institutions	139	41	32	5	4	98	90.2
Correctional facilities	15	7	6	1	-	8	100.0
Multi-person care facilities	28	16	15	1	-	12	100.0
Immigration control organizations	3	1	1	-	-	2	100.0
Medical institutions	3	3	2	-	1	-	66.7
Non-profit corporations and groups	15	6	5	1	-	9	100.0
Businesses and for-profit organizations	27	14	10	2	2	13	85.7
Individuals and individual businesses	10	7	6	-	1	3	85.7
Others	3	-	-	-	-	3	-

* The data represents the total number of petition-related recommendations accepted by institution, and not the total number of institutions that accepted a recommendation.

The statistical data takes into consideration that there can be more than one institution to which a petition-related recommendation can be made.

Emergency remedies

If the Commission recognizes that a petition, which meets the criteria for investigation by the Commission, is in relation to human rights violation or discrimination that is still ongoing and there is a likely risk of irreversible harm to be done, emergency remedial actions can be taken based on the NHRCK Act.

In 2021, one out of four cases referred to for an emergency remedy resulted in an emergency remedial decision, which was recommendation to separate all abused victims from the facility they were living in and transfer them to a safe facility.

Ex Officio investigations

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

In 2021, the Commission decided to initiate seven ex officio inspections, and adding the six cases that were carried over from the previous year, finalized ten cases. Eight ended with a recommendation for emergency remedies, one with a recommendation for disciplinary action, and one with a referral to investigation authorities.

On-site inspections

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

In 2021, it decided to initiate on-site inspections in relation to seven cases, and adding the cases that were carried over from the previous year, concluded seven cases.

Six on-site inspections (to a mental medical institution, an immigration detention facility, a facility for the homeless, a relief and rehabilitation facility, a military correctional facility, and a Coast Guard holding cell) were concluded with a policy recommendation, and an on-site inspection of a correctional facility concluded with notification of the inspection results to the facility.

Section 2. Human Rights Counseling and Petitions

To ensure more effective remedial actions, the Commission advertised its services and clarified who and which organizations are subject to investigation when a petition is filed. Compared to the previous year, there was an increase of 21.2% in petitions, counseling requests, and complaints, as a result of new social conflicts arising from increased public inconvenience and strengthened quarantine measures amid a prolonged COVID-19 situation.

In 2021, the Commission received 10,029 petitions, 36,343 counseling requests, and 44,137 complaints and inquiries (on persons/institutions subject to Commission investigation, filing procedures, and information on other institutions). Compared to the previous year, there were 1,013 more petitions (11.2%), 8,129 more counseling requests (28.8%), and 3,869 (8.0%) fewer complaints and inquiries.

[Table 2-2-3] Petitions, Counseling Requests, and Complaints and Inquiries in the Last Five Years

(Unit: cases)

Year	Petitions	Counseling requests	Complaints and inquiries	Total
Cumulative sum	161,013	466,921	608,232	1,236,166
2021	10,029	36,343	44,137	90,509
2020	9,016	28,214	48,006	85,236
2019	9,768	33,440	44,959	88,167
2018	9,288	32,278	45,622	87,188
2017	12,336	36,370	42,925	91,631

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

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

* The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

1. Human Rights Counseling

Since its inception until the end of December 2021, the Commission processed a total of approximately 466,000 counseling requests. In 2021, the number stood at 36,343, which represents an increase of 28.8% from the previous year. By type, 45.5% were related to human rights violations, 7.7% to discrimination, 3.7% to face-to-face petitions closed by counseling, and 43.1% to other issues. Compared to the previous year, the number of counseling requests related to human rights violations increased by 4.4%, while counseling requests related to discrimination decreased by 0.6%. Other issues include property rights, violations between private persons, legislation by the National Assembly, and court proceedings.

[Table 2-2-4] Counseling Requests in the Last Five Years by Type

(Unit: cases, %)

Classification Year	Total	Human rights violations		Discrimination		Others		Face-to-face petitions/ counseling concluded	
Cumulative sum	466,921	180,889	38.7	39,025	8.4	216,974	46.5	30,033	6.4
2021	36,343	11,615	32.0	2,054	5.7	21,602	59.4	1,072	2.9
2020	28,214	12,231	43.4	2,177	7.7	12,727	45.1	1,079	3.8
2019	33,440	13,743	41.1	2,767	8.3	15,874	47.5	1,056	3.1
2018	32,278	12,970	40.2	2,772	8.6	15,365	47.6	1,171	3.6
2017	36,370	14,737	40.5	3,236	8.9	17,095	47.0	1,302	3.6

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

2. Petitions Filed

Since its inception in November 2001, the Commission received a total of 161,013 petitions, of which 122,093, or 75.8%, were related to human rights infringement, 36,504, or 22.7%, to discrimination, and 2,416, or 1.5%, to other issues. In 2021, 10,029 petitions were filed, of which 7,430 (74.1%) were related to infringements and 2,559 (25.5%) to discrimination.

Compared to the previous year, 1,013 more petitions were filed (11.2%), an increase that can

be attributed to new social conflicts arising from increased public inconvenience and strengthened quarantine measures amid a prolonged COVID-19 situation.

[Table 2-2-5] Petitions Filed Requests in the Last Five Years by Type

(Unit: cases, %)

Classification Year	Total	Human rights violation		Discrimination		Others	
Cumulative sum	161,013	122,093	75.8	36,504	22.7	2,416	1.5
2021	10,029	7,430	74.1	2,559	25.5	40	0.4
2020	9,016	6,557	72.7	2,426	26.9	33	0.4
2019	9,768	6,986	71.5	2,730	28.0	52	0.5
2018	9,288	7,054	75.9	2,209	23.8	25	0.3
2017	12,336	9,132	74.0	3,170	25.7	34	0.3

*The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

*The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

3. Face-to-Face Petitions

From November 2001 to December 2021, the Commission received a total of 64,420 face-to-face petition applications from detention and protection facilities. Of the 2,318 face-to-face petitions closed in 2021, 323 (13.9%) were filed as petitions, 1,072 (46.2%) closed with counseling, and 923 (39.8%) withdrawn by the petitioners. Face-to-face petitions closed by counseling, which accounted for the largest percentage of face-to-face petitions processed, decreased slightly in tandem with a decrease in face-to-face petitions filed. Those closed by counseling were mostly inquiries about existing petitions, or investigations and proceedings, which, pursuant to the NHRCK Act, do not involve the Commission.

As in 2020, the number of face-to-face petitions processed in 2021 fell due to a temporary suspension of the face-to-face petition program under COVID-19. The Commission plans to analyze and refine the face-to-face petition program for more efficient processing.

[Table 2-2-6] Face-to-Face Petitions Submitted and Processed in the Last Five Years

(Unit: cases, %)

Classification Year	Total	Petitions processed						
		Subtotal	Petitions submitted		Petitions closed by counseling		Petitions withdrawn	
Cumulative sum	64,420	63,969	15,860	24.8	30,033	46.9	18,076	28.3
2021	2,411	2,318	323	13.9	1,072	46.2	923	39.8
2020	2,529	2,376	314	13.2	1,079	45.4	983	41.4
2019	2,669	2,649	573	21.6	1,056	39.9	1,020	38.5
2018	2,648	2,654	570	21.5	1,171	44.1	913	34.4
2017	2,765	2,858	672	23.5	1,302	45.6	884	30.9

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

* The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

4. Civil Complaints

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

The number of civil complaints and inquiries processed continued to rise in 2021, totaling 39,605. By channel, those received via e-People (pan-governmental civil complaint portal) were the greatest in number at 21,815 (55.1%), followed by the Internet (the Commission website, email, etc.) at 13,119 (33.1%), and mail service and fax at 4,528 (11.4%). Overall, 86.4% of all civil complaints and inquiries were filed online, including e-People.

[Table 2-2-7] Civil Complaints and Inquiries Processed in the Last Five Years by Channel

(Unit: cases, %)

Classification Year	Total	Postal mail/Fax		Internet		Presidential Secretaria		e-People		Others	
Cumulative sum	303,894	63,980	21.0	133,000	43.7	737	0.2	104,926	34.5	1,251	0.4
2021	39,605	4,528	11.4	13,119	33.1	34	0.1	21,815	55.1	109	0.3
2020	33,668	3,975	11.8	9,513	28.3	2	0.0	20,044	59.5	134	0.4
2019	30,280	4,754	15.7	8,545	28.2	1	0.0	16,788	55.4	192	0.6
2018	29,607	4,785	16.2	9,909	33.4	18	0.1	14,705	49.7	190	0.6
2017	25,626	5,399	21.0	7,612	29.7	24	0.1	12,472	48.7	119	0.5

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

Section 3. Preliminary Investigations and Mediation

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

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

1. Preliminary Investigations

Since August 2018 when the Preliminary Investigation and Mediation Team was organized, 13.5% (4,329) of all 32,067 petitions filed until December 2021 were assigned to the team and 13.6% (4,329) of all 31,855 petitions closed were processed during the same period.

In 2021, the team accounted for 782 (8.4%) of 9,287 total petitions closed. In that year, the Preliminary Investigation and Mediation Team could not perform preliminary investigation as it was assigned to deal with civil complaints in response to a surge in civil complaints filed with the Human Rights Counseling Center. To address this challenge, the preliminary investigation mission of the Human Rights Counseling Center will be transferred to the investigation division in 2022.

[Table 2-2-8] Number of Petitions Assigned to and Closed by Preliminary Investigation

(Unit: cases)

Period	Petitions assigned		Petitions closed	
	Total cases assigned	Assigned to the Preliminary Investigation and Mediation Team	Total cases closed	Closed by the Preliminary Investigation and Mediation Team
Total	32,067	4,329(13.5%)	31,855	4,329(13.6%)
2021	10,029	745(7.4%)	9,287	782(8.4%)
2020	9,016	1,210(13.4%)	9,272	1,234(13.3%)
2019	9,768	1,799(18.4%)	9,147	1,787(18.9%)
August-December 2018	3,254	575(17.7%)	4,149	526(12.7%)

2. Mediation

In 2021, all of the 14 mediation cases filed were dismissed. Since 2017, when 38 cases were filed for mediation and 19 of them were closed with mediation, fewer applications have been filed and very little mediation made. The Commission plans to analyze the cause and seek ways to facilitate mediation.

[Table 2-2-9] Mediation Cases Submitted and Processed in the Last Five Years

(Unit: cases, %)

Classification	Submitted	Case closed					
		Subtotal (①+②+③)	Mediated ①	Unmediated ②	Decision in lieu of mediation		Rejected ③
					Completed	Objection raised	
Cumulative sum	184	184	74	32	(10)	(6)	78
2021	14	14	-	-	-	-	14
2020	6	6	2	3	-	-	1
2019	9	9	1	1	-	-	7
2018	22	26	7	3	(4)	-	16
2017	38	43	19	4	(1)	-	20

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

*The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

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

1. Petitions Filed and Processed

A. Petitions Filed

In 2021, a total of 7,430 petitions were filed in relation to human rights violations, which is 873 more (13.3%) compared to the previous year. This can be largely attributed to a recovery or increase in cases involving educational institutions, the police, and central administrative agencies, which had decreased last year due to the spread of COVID-19.

By type of institution, there was a considerably larger number of petitions related to educational institutions, in relation to restrictions placed on student appearance and attire in middle schools and high schools, as well as those related to quarantine measures such as COVID-19 test, self-quarantine, vaccination, and negative COVID-19 PCR test certificate. On the other hand, since 2016, there has been a continuous decrease in cases involving human rights infringement in multi-person care facilities.

[Table 2-2-10] Human Rights Petitions Submitted in the Last Five Years by Institution

(Unit: cases)

Years	Total	The Prosecution	The Police	National Intelligence Service	The Military	Central administrative agencies	The Legislature	The Judiciary	Other state organizations	Local governments	Detention facilities	Immigration-related organizations	Public institutions	Educational institutions	Medical institutions	Multi-person care facilities	Others
Cumulative sum	122,093	3,387	23,674	268	2,510	7,189	106	1,420	1,316	5,144	2,952	7,175	34,590	1,161	29,451	290	1,460
2021	7,430	97	1,259	12	238	511	10	92	38	484	362	877	1,830	91	1,223	52	254
2020	6,557	118	1,192	4	200	332	9	70	28	392	276	535	1,714	57	1,426	59	145
2019	6,986	146	1,320	10	190	447	4	85	28	405	294	669	1,693	50	1,499	26	120
2018	7,054	128	1,259	12	187	263	3	59	15	273	208	583	1,827	67	2,091	11	68
2017	9,132	219	1,543	12	251	451	10	102	30	412	286	745	2,269	74	2,636	22	70

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

* The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

Since its inception until the end of 2021, a cumulative total of 122,093 petitions were filed in relation to human rights violations. The largest number of petitions were related to correctional facilities (34,590 petitions or 28.3%), followed by multi-user care facilities (29,451 or 24.1%), police (23,674 or 19.4%), and central administrative agencies (7,189 or 5.9%). The largest proportion of petitions was related to detention facilities, multi-user care facilities, and the police.

B. Petitions Processed

In 2021, the Commission processed 6,839 petitions, which is 460 (7.2%) more compared to the previous year.

In 2021, 695 petitions were remedied in relation to human rights violations, which is 64 (10.1%) more compared to the previous year. This is largely due to a rise in recommendations for remedial actions and cases resolved during investigation, which rose by 52 and 33, respectively, from the previous year. On the other hand, there were 13 and nine fewer petitions that ended with a disciplinary action recommendation and settlement, respectively.

By type of institution, there was an increase in remedied cases related to educational institutions (92 more cases) and central administrative agencies (23 more cases). Likewise, the rate of remedied cases¹³⁾ rose from 9.9% in 2020 to 10.2% in 2021. Compared to the previous year, there were also 39 more petitions closed with a recommendation.

[Table 2-2-11] Human Rights Violation Petitions Processed in the Last Five Years

(Unit: cases)

Year	Submitted	Processed	Remedied							Rejected	Transferred	Dismissed	Investigation suspended
			Subtotal	Criminal investigation requested	Recommendations, etc.	Legal aid requested	Mediation	Closed by settlement	Resolved during investigation				
Cumulative sum	122,093	119,210	13,753	147	3,455	20	15	1,890	8,226	68,636	1,582	34,623	616
2021	7,430	6,839	695	-	343	1	-	28	323	3,799	34	2,257	54
2020	6,557	6,379	631	-	304	-	-	37	290	3,930	39	1,765	14
2019	6,986	6,641	530	3	244	-	-	24	259	4,167	125	1,817	2
2018	7,054	7,705	667	3	209	-	-	122	333	4,697	74	2,248	19
2017	9,132	8,575	874	8	209	-	4	59	594	5,414	96	2,166	25

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

* The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

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

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

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

In 2021, looking at the number of petitions processed by type of institutions, 1,774 were related to detention facilities, 1,238 to multi-user care facilities, 1,119 to the police, 767 to educational institutions, 453 to local governments, and 434 to central administrative agencies.

13) Rate of remedied cases = Number of remedied cases / Number of processed cases (%)

In terms of remedied cases, 235 were related to educational institutions, 109 to the police, 79 to multi-user care facilities, 58 to correctional facilities, 46 to central administrative agencies, 41 to public institutions, 40 to the military, and 40 to local governments.

2. Ex officio Investigations and On-site Inspections

A. Ex officio investigations and on-site inspections

■ Ex officio investigations

No.	Subject	Decision to initiate ex officio investigation	Institutions investigated
1	Ex officio investigation regarding excessive restrictions placed on military service members' haircut	Apr. 1	Ministry of National Defense, Army Headquarters, Air Force Headquarters, and Navy Headquarters, etc.
2	Ex officio investigation regarding death of an inmate with a serious health condition	Jun. 4	Detention center A, etc.
3	Ex officio investigation into a case involving violation of right to life caused by sexual violence in the military	Aug. 17	Ministry of National Defense, Army Headquarters, Air Force Headquarters, and Navy Headquarters, etc.
4	Ex officio investigation into collective assault against a migrant child and leakage of video	Dec. 16	Police station A, Junior High School B, Office of Education C

■ On-site inspections

No.	Subject	Inspection period	Institutions inspected
1	2021 on-site inspection of welfare facilities for the homeless	Jan. - Mar.	Two homeless shelters
2	2020 on-site inspection of childcare facilities	Mar. - Nov.	Seven childcare facilities
3	2021 on-site inspection of rehabilitation facilities	Mar. - Nov.	Five state welfare facilities and four privately-run facilities
4	2021 on-site inspection of residential facilities for persons with mental disabilities	May. - Nov.	Eight corporate facilities and two privately-run facilities
5	2021 on-site inspection of immigration detention facilities	Sep. - Oct.	Five immigration detention facilities
6	2021 on-site inspection of military prisons	Sep. - Nov.	Three ROKA infantry divisions, Facility A of Ministry of National Defense, Air Force Wing, Marine division
7	On-site inspection of Coast Guard holding cells	Oct. - Nov.	Four Coast Guard stations

B. Key ex officio and on-site investigations

■ Ex officio investigation into collective assault against a migrant child and leakage of video

On December 16, the Commission decided to initiate an ex officio investigation into a case of collective assault against a migrant child in Yangsan, Gyeongsangnam-do Province and leakage of video to see if appropriate immediate actions and protective measures were taken by the police, school, and the office of education in the jurisdiction to support the victim.

The Commission saw a need to examine some of the questions raised by the media on failure by the police to take immediate action, delays in addressing petitions, lack of protective measures in support of the victims, the appropriateness of immediate actions taken by the schools and educational offices, the disposition procedures related to school violence using the results of interviews with the victims and their families, the progress report on police actions and investigations, and preliminary investigation of actions taken at the school and education office level.

Should the ex officio investigation reveal presence of violation of human rights in the course of initial actions and protective measures taken for the victim, the Commission will examine ways to prevent recurrence of similar incidents in the future.

■ On-site inspection of immigration detention facilities

The Commission conducts on-site inspections of immigration detention facilities every year. In 2021, inspection focused on living conditions, guarantee of transport right, overall facility environment, medical support, guarantee of procedures to seek remedies, and alternatives to long-term detention.

From August to September, the Commission visited five immigration detention facilities and conducted on-site inspections with internal and external inspection teams. Surveys of detained foreigners resulted in calls for immediate actions on matters that can be readily corrected. For other matters requiring long-term institutional improvements or changes in practice, the Commission is reviewing institutional improvement options to recommend.

3. Key Petitions

A. Prosecution, police, and courts

■ Human rights infringement caused by forced investigation of a victim of human trafficking

Regarding a petition (20-jinjeong-0219400) related to a migrant woman who was seriously injured in a fall during a prostitution crackdown, the Commission on February 24 recommended the Commissioner General of the National Police Agency to establish specific regulations and manuals on procedures for identifying victims of human trafficking, and protective measures, disseminate them to police stations for education, and revisit institutional arrangements to enable trusted agents to sit in with migrant women or other vulnerable groups who lack social connections during investigations.

The findings showed that the victim had entered Korea using faked work information obtained

from a Thai agency, her passport was confiscated, and she was exposed to conditions that forced her into prostitution. The Commission concluded that, because the victim had little access to the Korean judicial system and was part of a group that entailed a high risk of being sexually exploited through human trafficking, actions to identify whether she was a victim of human trafficking under the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children should have preceded any investigations. It also found that interrogating the victim on her prostitution charges in an open multiple-bed hospital room infringed upon her human rights by causing feelings of shame.

Considering that the migrant woman was lacking social ties and had little access to the Korean judicial system, the Commission also made issue with the fact that no action was taken to have the victim's trusted agent sit in with her during investigation and get her protection by informing her of the relevant regulations on the ability to meet and communicate with the consular office.

■ Human rights infringement caused by police failure to notify plaintiff of reason for deciding to not send case to prosecution

On July 22, the Commission concluded that the police not informing the petitioner of the reason why his case was not sent to the public prosecutor's office based on a decision to not do so following investigation is a violation of the petitioner's right to know. It recommended the chief of the police station in question to inform the petitioner of the reason and to give a warning to the petitionee (21-jinjeong-0122500).

Further to adjustments made in investigative authorities between the police and the prosecutor, the police gained the authority to conclude primary investigations by deciding to not send cases to the prosecution based on investigation results. The Criminal Procedure Act that captures the relevant provisions came into effect on January 1, 2021. If it decides to do so, the police is required to notify the plaintiffs in writing the intent and reason for not sending their case to the prosecution. In the petitioner's case, however, the petitionee only stated that "with regards the fraud charges brought against A, etc., the case was investigated and the decision made to send some of the charges against A to the prosecution, but to not do so for B, C, and D," in the notification to the petitioner. The Commission concluded that this information alone, which was provided in an enclosure, was not sufficient for the petitioner to understand the minimum matter of facts or

matter of law that led to that decision. For this reason, it concluded that the police failed to do its due diligence in notifying the reason for not sending the case to the prosecution and, by so doing, infringed upon the petitioner's right to know.

B. The military¹⁴⁾

■ Claim to investigate cause of death and recover reputation of soldier who died while in military service

On June 22, the Commission recommended the Minister of National Defense to re-assess a conclusion by the Committee for Examination of Killed or Wounded in Action and Line-of-Duty Deaths or Injury that a soldier who had died while on leave was not killed in action or in the line of duty (21-jinjeong-0267900).

In June 2020, a month before he died, the soldier noted in his diary how tired he felt after three days of consecutive watch-keeping. He was also found to have asked for curtains to be replaced in the barracks because sunlight was making it hard to sleep (a complaint shared by other soldiers) and was cautioned a few times for dozing off during duty. Despite these facts, the Examination Committee concluded his death to be one from a natural cause on the ground that no correlation could be drawn between his death and his military duty.

However, examination to determine line-of-duty death differs from investigation by investigative authorities to find the causes of death or determine accountability for neglect; as such, for suicide cases, the requirement should not be limited to whether there was presence of verbal abuse, cursing, or other irregularities by seniors in barracks. Line-of-duty deaths must be determined considering whether the deceased was in the line of duty or in education or training in direct relation to the defense and security of the nation, or protection of the life and property of the people. Given these considerations, because a soldier's death is unavoidably tied to his or her performing military duties, it is advised that the death be recognized as line-of-duty death, unless other special circumstances say differently. If, nevertheless, the current statutes do not support such a decision, and if at the least it can be presumed, from direct and indirect evidence or

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circumstances, that the deceased was going through sudden psychological changes or insecurities due to his military duty, but programs like the Suicide Prevention, which are designed to detect such risks, have failed to deliver, then the causal relationship between the military duty and the death should be recognized as the state failed to fulfill its obligation to protect the soldier's right to life.

Thus, the Commission found that the Examination Committee's decision that the soldier died a natural death based only on his ostensible performance of duty and not taking into consideration the environmental changes in the military or rising mental and psychological hardships is an indication that the state has failed to fulfill its basic obligation of protecting the life and safety of soldiers, and violated the right to reputation of the victim, who died while fulfilling his obligation towards defense of the nation.

The Ministry of National Defense accepted the Commission's recommendation and recognized line-of-duty death for the deceased.

C. Detention facilities

■ Recommendation with respect to COVID-19 death in detention center

On September 17, the Commission recommended the warden of a detention center to take the necessary measures to prevent violation of inmates' right to visitation and communication by failing to notify their guardians and/or families of COVID-19 illness or other significant changes in their health status, and stay of execution of sentence (21-jinjeong-0037700).

An inmate of the detention center, the victim was confirmed of having COVID-19 on December 23. On the same day, the detention center recommended a stay of execution of the inmate's sentence to the district public prosecutor's office, and got approval and a release order on the following day. However, the inmate submitted an application for temporary accommodation for the period December 24 to 26, after which he was transferred to the hospital on the 26th, but the inmate died the next day.

The Commission found that the detention center's failure to notify the inmate's family of his COVID-19 illness could not be challenged, as there was no evidence contradicting the center's

claim that only half of the inmates who got COVID-19 chose to let their families know of their illness, and the same went for the victim. However, putting the COVID-19 issue aside, it concluded that it was problematic that the center never reached out to the family during the whole process in which the inmate's sentence was suspended and he died in the hospital.

Especially, considering that stay of execution of sentence was promptly recommended and approval granted the following day, and the fact that the inmate had an underlying condition of diabetes, it seemed that the detention center was aware of the possibility that the inmate's health condition could worsen from complications of COVID-19, in which case actions should have been taken to fulfill the obligation to notify the guardian or the family about his health condition.

The petitioned organization accepted the Commission's recommendation.

■ Rights violation at an immigration detention center due to unjustified use of protective gear

On October 8, the Commission recommended the Minister of Justice to transfer the staff and guards involved in unlawful use of protective gear to put a detained foreigner in what is called a shrimp posture and not protecting his right to defense during custody, and to prevent recurrence in the future by improving associated measures and practices so that the principle of lawful procedures can be observed (21-jinjeong-0451000 merged with another petition).

Prior to filing of the petitions, CCTV footage showing the petitioner's behavior and him tied to protective gear was aired on television several times, drawing much public attention. Thus, the public's eyes were turned towards the findings of the Commission.

The Commission found that the case was more serious than it seemed. It concluded that tying an inmate's four limbs on the back by connecting the handcuffs with cable ties around the ankle in what is known as a shrimp posture constitutes inhumane use of protective gear that undermines human dignity. It was also found that the statutes on use of protective gear only describes how handcuffs should be used but offers nothing more than precautionary notes when it comes to use of cable ties, with no provisions on their usage or limits.

The fact that rights violations continue to occur in immigration detention centers is indicative of a lack of understanding or experiences of the guards or insufficient regulations; it also points

to more structural problems as foreigners are held in the facilities for long periods of time, even though the facilities were designed for temporary custody.

Following the Commission's decision, the Ministry of Justice conducted a fact-finding probe and announced follow-up measures to prevent recurrence. Some of the proposed plans to address the structural problems of custody of undocumented foreigners include warrant-based arrest procedures, introducing a ceiling to the length of detention, and coming up with alternative facilities where some freedom of movement can be guaranteed.

D. Multi-person care facilities

■ Human rights infringement caused by requirement to report travel plans

On March 31, the Commission recommended the Ministry of Health and Welfare to stop requiring convalescent hospital staff to submit their travel plans, or at least to obtain their consent to do so (20-jinjeong-0910600).

The Commission acknowledged that the official notice sent by the Ministry of Health and Welfare to convalescent hospital staff requiring them to fill out their expected travel plans were intended to restrict visits and/or related activities in facilities or areas with high risks of infection. However, it concluded that the petitioners who are convalescent hospital staff have, as anyone else does, the right to enjoy freedom to privacy without interference outside of work hours. The Commission found that, as strict gathering restrictions were already in place, requiring all staff to get cleared in advance for travel, and restricting or prohibiting their movement, rather than applying options that could have been less restrictive on human rights, is inappropriate from the perspective of suitability of the means or minimal impairment. It also concluded that the official notice failed to fully account for ways to prevent human rights infringements that may arise when the travel plan requirement is implemented.

Also, even acknowledging that the Ministry of Health and Welfare was only giving some examples and not really exercising public power, the Ministry is a state organization with powerful authorities in terms of certification of medical institutions, giving instructions or orders, and preventing infection, and anything that it does has, by itself, implications and can sometimes entail unintended legal force or binding effects. As such, the Ministry should exercise such authorities

with great prudence. The Commission also concluded that, even though there was no such intention, the Ministry's action ended up restricting and infringing upon the petitioners' right and freedom to privacy. The Ministry of Health and Welfare announced its intent to accommodate the Commission's recommendation.

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

■ Human rights infringement caused by leakage of footage showing personal information of quarantine violator

Regarding a petition that a public officer provided a broadcasting company with footage of a COVID-19 quarantine violator without obtaining his consent, the Commission on March 31 recommended the chief of the district office to have the petitioned officer undergo training in personal information protection and to establish internal procedures so that the Personal Information Protection Act is not violated when providing footage to broadcasting companies even for reasons of public utility (20-jinjeong-0458000).

The findings showed that the footage that the petitioned officer sent to a reporter was evidential material prepared to file legal actions against the violator of the Infectious Disease Control and Prevention Act. The footage carried personal information that was not to be used for any other purposes than the intended one; no internal procedures were observed such as obtaining approval prior to providing the footage to the reporter and no consent was obtained from the data subject; and no blurring of images was done to protect personal information.

The Commission found the petitionee's act to be in violation of the Personal Information Protection Act and an infringement upon the petitioner's right to informational self-determination guaranteed under Article 10 and Article 17 of the Constitution, as he failed to obtain the consent of the petitioner who is the data subject and there was no justifiable reason to believe that what he did was inevitable for the performance of duty.

■ Human rights infringement against foreigner injured at work

Based on conclusion that forcing foreigners to write and submit a memorandum prior to extending their temporary release is human rights infringement, the Commission on May 12 recommended the Superintendent of the foreign agency of a regional immigration service to stop taking memoranda in connection with extension of temporary release, which has no legal basis, and to conduct human rights training in this connection (20-jinjeong-0855100).

The Commission found that there is no legal basis for the agency to demand memorandum from detained foreigners, given that Subparagraph 3, Paragraph 1 of Article 66 (Revocation of temporary release) of the Immigration Control Act only provides for “where the person violates conditions imposed on temporary release,” the purchasing of a flight ticket, and writing a memorandum was not something that the petitioner was going to do of his own will, and the memorandum practically compelled the writer to bear all disadvantages, including forfeiting opportunities for remedies, which restricts the general right to freedom of action more than is deemed necessary.

F. Schools¹⁵⁾

■ Human rights infringement by college due to forcing students to take chapel course

Regarding a petition that a college was making chapel course mandatory for all students, and that students became ineligible for a degree if the course was not completed, the Commission on April 12 recommended the president of the college to come up with measures that do not infringe upon students’ right to religion, including offering alternative courses (20-jinjeong-0211800).

The findings showed that the college, which was established based on the Christian faith and is a healthcare career college, does not have departments directly related to Christianity nor does it only allow Christians to apply to the school. Nonetheless, the college offered chapel course as a core class to spread the spirit of Christianity, and had all freshmen students take it and not

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allow those who don't take the class to get a degree by school regulations. It was found that no alternative classes were offered. Also, the college application guidelines did not specify that chapel course was mandatory and that it was a prerequisite for students to graduate from the school.

The college claimed that the chapel course was designed to foster among non-Christian students the Christian knowledge and intelligence that the society demands, and that there was no intention to spread the religion. However, the Commission concluded that the class could be seen as a religious class the purpose of which is to spread the Christian faith, given that its structure is no different from that of regular church service—featuring sermon, prayer, praise, and reading of the Bible.

While acknowledging that private faith-based colleges have broad right to realize its founding religious principle through its curriculum based on the free exercise of religion and school autonomy, the Commission saw that any religious education the purpose of which is to spread a religion requires student consent, and that the college infringed upon students' freedom of religion by forcing them to take the chapel course without obtaining their individual consent.

It also concluded that it would be desirable for the faith-based college to acknowledge students' right to refuse a class or offer alternative courses so that students can be guaranteed their freedom of religion and right to education.

■ Exclusion of migrant children from COVID-19 emergency disaster payment benefits

On May 24, the Commission recommended the Minister of Health and Welfare to not treat preschool children of foreign nationality differently from school-aged children of foreign nationality when developing children policies (20-jinjeong-0685301 and 40 others combined).

Considering the exacerbated caregiver burden faced by parents as a result of COVID-19, the government provided special childcare fund payments for daycare and elementary school-aged children in September 2020, but did not make children of foreign nationality eligible.

The Ministry of Health and Welfare clarified that eligibility and amount of the fund is a matter of National Assembly decision and that, for this fund, the eligibility for general social welfare payments stipulated in the Children Benefit Act and other associated statutes was applied—

including children with Korean Nationality, Korean children with dual citizenship, Korean children of multi-cultural families, and children recognized as refugees under the Refugee Act National Assembly—so that payments can be made as promptly as possible to relieve households’ of their increased childcare burden.

The Commission was of the view that consideration should have been given to children of foreign nationality and their families bearing the same risks from COVID-19, as well as the same obligation, responsibility, and childcare burden arising as a result of various state response measures to the pandemic; that migrant children are particularly vulnerable to the risk of COVID-19 due to language and information barriers; and that children have no responsibility in terms of nationality or status of sojourn, which is determined by the parents. Thus, it concluded that the different treatment of preschool children of foreign nationality from school-aged children of foreign nationality when establishing and executing special childcare fund programs constitutes discrimination and a violation children’s right to equality without justifiable reasons.

■ Human rights violation due to COVID-19 sleepout restrictions

On September 17, the Commission recommended a college president to establish measures to prevent recurrence of student rights violation caused by excessive restrictions on student outings and sleepouts, and forcing them to submit a written pledge (21-jinjeong- 0252700).

Findings showed that the school’s COVID-19 Countermeasures Committee took the decision to prohibit student dormitory users from sleeping out, unless the sleepouts were for long-term, require them to report before going out and comply with hour limits, and have them submit outing pledges. The Commission concluded that the restrictions were excessive compared with the government’s social distancing guidelines, COVID-19 measures taken by the Ministry of Education, and restrictions placed by public health centers at the time, causing significant inconveniences for dorm users. It also found that having students submit a written pledge before going out or sleeping out was also without any justifiable grounds, violating the victims’ general right to freedom of action and freedom of conscience, which are guaranteed under Article 10 and Article 19 of the Constitution.

Section 5. Investigations and Remedies: Discrimination

1. Petitions Filed and Processed

A. Petitions filed by area

The total number of petitions filed for discrimination from the time the Commission was established until the end of 2021 stands at 36,504, the largest proportion of which is related to discrimination concerning the supply and use of goods and services at 14,771 (40.5%), followed by discrimination concerning employment, dismissal, and wages at 10,507 (28.8%), discrimination that do not fall under the areas of discrimination that would constitute infringement of the right to equality under any items of Subparagraph 3 of Article 2 of the NHRCK Act at 8,499 (23.3%), and discrimination in use of educational facilities and vocational training institutions at 1,956 (5.3%).

In 2021, the number of petitions filed for discrimination was 2,559, which is 133 more than in the previous year (2,426). While, for two consecutive years, fewer petitions were filed for discrimination based on disabilities due to the prolonged pandemic situation causing reduced social activities for persons with disabilities, there was a continuous rise in the number of petitions filed for other reasons of discrimination as a result of an increase in collective petitions related to feminism backlash and reverse discrimination, and heightened social sensitivity to equality.

By area, petitions related to discrimination concerning the supply and use of goods and services stood at 1,234 (48.2%), discrimination in employment at 598 (23.4%), other discriminations at 444 (17.3%), sexual harassment at 208 (8.1%), and discrimination in use of educational facilities at 75 (2.9%). Meanwhile, the relatively higher number of petitions related to discriminations in other areas over the previous year is likely attributable to an increase in merged petitions (201) related to COVID-19 testing enforced on nursing teachers and people working at private institutes, care facilities, and medical institutions, and foreigners.

[Table 2-2-12] Discrimination Petitions Submitted in the Last Five Years by Area

(Unit: cases)

Year	Total	Discrimination concerning employment												
		Subtotal	Recruitment	Hiring	Education	Placement	Promotion	Wage	Non-wage payment	Loan	Retirement age	Retirement	Dismissal	Others
Cumulative sum	36,504	10,507	1,547	2,060	185	654	429	1,680	392	8	267	283	876	2,126
2021	2,559	598	57	98	6	60	42	137	18	1	9	11	38	121
2020	2,426	704	60	109	9	50	36	191	22	-	3	1	25	198
2019	2,730	852	60	110	22	66	34	223	31	1	11	27	31	236
2018	2,209	603	75	112	23	48	31	89	24	-	6	10	48	137
2017	3,170	797	76	183	20	41	39	136	37	-	3	36	71	155

Year	Discrimination concerning the supply and use of goods and services							Discrimination concerning the use of educational facilities			Sexual harassment				Others
	Subtotal	Goods	Services	Transportation	Commercial facilities	Land	Residential facilities	Subtotal	Educational facilities	Vocational training institutes	Subtotal	Employment-related	Work-related	Others	
Cumulative sum	14,771	5,818	5,806	1,458	1,158	39	492	1,956	1,826	130	771	525	45	201	8,499
2021	1,234	617	276	62	126	4	149	75	68	7	208	138	13	57	444
2020	1,192	404	399	286	73	2	28	90	79	11	217	152	13	51	223
2019	976	403	369	53	121	-	30	107	94	13	309	204	19	86	486
2018	1,056	523	365	70	83	1	14	95	84	11	-	-	-	-	436
2017	1,232	590	285	212	111	4	29	131	124	7	-	-	-	-	1,007

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

* The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

* Sexual harassment numbers represent petitions filed in 2019.

B. Petitions filed by reason

Looking at discrimination-related petitions by reason until 2021, there were 16,580 petitions (45.4%) related to discrimination against persons with disabilities, which accounted for a large proportion of the total, followed by other discriminations at 5,085 (13.9%), sexual harassment at 3,496 (9.6%), social status at 3,063 (8.4%), age at 2,000 (5.5%), and gender at 1,796 (4.9%).

In 2021, the number of petitions related to discrimination based on disabilities remained the largest at 745 (29.1%), followed by those related to other reasons at 668 (26.1%), sexual harassment at 215 (8.4%), social status at 149 (5.8%), and age at 95 (3.7%). Notably, the number of petitions filed for a reason other than the 19 reasons specified under Subparagraph 3, Article 2 of the NHRCK Act stood at 668, which is a significant increase over the previous year (430). This is likely attributable to a sharp increase in petitions filed in relation to COVID-19 discrimination—forced COVID-19 pre-tests, non-vaccinated people restricted from using facilities, and discrimination in COVID-19 emergency payments (261 petitions)—and the ever-expanding categories of discrimination in the public mind. Also, the significant increase in discriminations based on gender (466 cases) over the previous year (128 cases) can be attributed to a rise in collective petitions related to a funding platform business refusing to review projects for gender reason, and reverse discrimination in relation to a female-only rented apartment.

[Table 2-2-13] Discrimination Petitions Submitted in the Last Five Years by Reason

(Unit: cases)

Year	Total	Gender	Marital status	Pregnancy and childbirth	Family situation	Sexual harassment	Appearance	Disability	Age	Social status
Cumulative sum	36,504	1,796	167	387	268	3,496	397	16,580	2,000	3,063
2021	2,559	466	10	23	13	215	8	745	95	149
2020	2,426	128	9	25	13	217	12	1,051	83	227
2019	2,730	225	7	31	21	309	21	1,216	102	363
2018	2,209	103	10	41	21	263	18	1,139	106	182
2017	3,170	135	19	40	31	299	34	1,435	108	236

Year	Place of origin	Country of origin	Ethnicity	Race	Skin color	Religion	Ideology	Criminal record	Sexual orientation	Medical history	Academic background	Others
Cumulative sum	202	657	18	128	19	246	73	271	395	540	716	5,085
2021	6	65	-	3	-	7	3	16	13	33	21	668
2020	16	125	-	4	1	15	5	9	7	23	26	430
2019	8	36	-	2	1	14	4	17	20	30	18	285
2018	17	29	1	7	1	23	8	12	11	28	21	168
2017	20	26	2	5	-	25	9	17	261	33	45	390

*The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

*The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

C. Petitions processed by type

In 2021, the Commission processed 2,410 petitions, which is 446 less compared to the previous year (2,856). This is likely due to a natural decrease in the number of petitions processed in relation to discrimination based on disabilities as the number of such petitions went down from the previous year (from 1,349 in 2020 to 830 in 2021), increasing levels of difficulty as a result of more petitions filed in relation to new categories of discrimination, and more focus placed on cases remaining unresolved for six months or longer in order to ensure more timely handling of cases.

In 2021, the number of discrimination-related petitions remedied was 477, down considerably over the previous year. This is likely due to a decrease in 2020 in large collective petitions related to discrimination based on disabilities or country of origin, which could have ended with a recommendation or action, or resolved during investigation, including cases involving subway screen doors lacking braille stickers, insufficient convenience facilities provided by a local government for persons with disabilities, suspension of late-night special transport for persons with disabilities by a municipal government, and migrant children excluded from COVID-19 emergency payments for children. Along with a decrease in petitions processed, the rate of remedied cases also dropped from 34.3% in 2020 to 19.8% in 2021.

As for the 2,410 discrimination-related petitions processed in 2021, 830 (34.4%) were related to disabilities, 647 (26.8%), to other reasons, 283 (11.7%) to sexual harassment, 163 (6.8%) to gender, 136 (5.6%) to social status, 113 (4.7%) to country and region of origin, and 95 (3.9%) to age.

[Table 2-2-14] Discrimination Petitions Processed in the Last Five Years

(Unit: cases)

Year	Submitted	Processed	Remedied						Rejected	Transferred	Dismissed	Investigation suspended
			Subtotal	Criminal investigation requested	Recommendations, etc.	Legal aid requested	Mediation	Closed by settlement				
Cumulative sum	36,504	35,194	9,640	22	2,421	58	841	6,298	17,535	158	7,677	184
2021	2,559	2,410	477	1	161	-	30	285	1,241	8	666	18
2020	2,426	2,856	981	1	279	1	32	668	1,284	7	579	5
2019	2,730	2,456	514	2	248	1	39	224	1,306	5	630	1
2018	2,209	2,460	947	3	338	7	19	580	1,029	3	481	-
2017	3,170	2,384	727	1	148	15	29	534	1,106	6	543	2

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

* The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

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

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

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

2. Key Petitions

A. Gender discrimination

■ Married women discriminated due to the persons with obligation to support requirement with respect to healthcare expenses for rare disease patients

On April 23, the Commission recommended the President of the Korea Disease Control and Prevention Agency that the guidelines related to healthcare expenses of rare disease patients be revised to correct discriminatory requirements, i.e. applying different requirements for men and women regarding persons with obligation to support (19-jinjeong-0643100).

When making selection of candidates for its rare disease patient support program, the Korea Disease Control and Prevention Agency looks at patients' income and wealth, and persons who have the obligation to support them. According to the current guidelines, persons with obligation to support married female patients are not the parents, but the parents-in-law. On the other hand, persons with obligation to support married male patients are the parents, and not the parents-in-law.

The Commission made the recommendation based on the conclusion that having parents-in-law financially support married female patients is based on a patriarchic household system in which women are seen as joining the patriarch family register upon marriage, and that it constitutes a discriminatory act without justifiable reasons.

The Korea Disease Control and Prevention Agency accepted the Commission's recommendation and came back with a plan to revise the associated guidelines so that only parents of rare disease patients be persons with obligation to support, regardless of patients' marital status, and to implement revised guidelines from 2022.

B. Sexual harassment

■ Art company members sexually harassed by city councilor

Regarding a petition that a city councilor sexually harassed members of an art company with comments like “Empty the seat next to her. I want to sit with her,” “You are pretty, I thought you were not married,” “Call me oppa (Korean word to call an older male in a friendly, flirting way),” “(Wrapping his arm around a girl’s shoulder) Do you feel offended if I put my hands on you like this?”, and the city mayor failed to take any actions in accordance with associated regulations despite having awareness of what was happening from news reports, the Commission on March 25 recommended the councilor to pay KRW5 million to each of the victims and get special human rights training organized by the Commission, and recommended the mayor to establish measures to prevent repeat of similar incidents (20-jinjeong-0055100).

The Commission concluded that the councilor’s comments and behaviors were sexual harassment that created a toxic work environment because he is in a position of power over the art company members, and his comments and behaviors were inappropriate within the scope of the business relationship.

As to the mayor, the Commission concluded that, even though the victims did not request counseling as the complaint processing procedures require, the mayor was cognizant of the incident and continuously urged by the petitioner to resolve the issue, and as such, he failed to do his due diligence to protect the victims.

C. Disability-based discrimination

■ Public organization providing insufficient web access to the visually impaired

Regarding a petition that a public organization discriminated against persons with disabilities by failing to provide screen reader web accessibility for the visually impaired, the Commission on November 3 recommended the public organization to improve web accessibility, and the Minister of Culture, Sports and Tourism and the Minister of Economy and Finance to secure the necessary budget (21-jinjeong-0557400).

The petitioned organization claimed that their web system had been out-of-date for nine years since 2013 and that a plan was made in 2019 to renew it in compliance with web accessibility criteria, but the plan never materialized due to budget issues.

The Commission acknowledged that the petitioned organization had system upgrade challenges as, being an organization affiliated to the Ministry of Culture, Sports and Tourism, it needs to secure government funding to do so. However, given that access to the web system is critical for employees to get their job done, and the petitioner and some other employees had to look for alternative ways to use the system that would otherwise be inaccessible for them, it concluded that persons with disabilities were refused legitimate convenience without a justifiable reason under Paragraph 4 of Article 26 of the Act on the Prohibition of Discrimination against Persons with Disabilities.

D. Discrimination based on social status

■ Recommendation to redress discrimination in performance incentive payments against indefinite-term contractors

On March 2, the Commission recommended the president of a medical center to make cafeteria workers on an indefinite-term contract eligible for performance incentives and to pay them performance incentives (19-jinjeong-0695300).

The medical center had not paid performance incentives to indefinite-term contractors who work in the cafeteria on the ground that there are no relevant provisions to do so. Performance incentives are state programs designed to prevent careless business management and wasteful expenditures in public organizations, and to incentivize innovative business management that is conducive to quality services for end-users. The annual performance appraisal assesses the work performance and efforts of every employee and staff as the scope of work to be assessed includes all areas relevant to business management, meaning that practically every job at the medical center is subject to appraisal. The center's cafeteria workers are part of welfare services as they are responsible for meal preparations for staff and patients, a work that is essential and regular, and not auxiliary or temporary. As such, the Commission found it hard to challenge their eligibility for performance incentives. However, when establishing internal criteria for performance incentives

payment, the medical center excluded cafeteria workers on the ground that they are indefinite-term contractors. The Commission concluded that this is not in line with the Constitution and the Labor Standards Act that prohibits discrimination based on social status.

The petitioned organization filed an administrative appeal, claiming that it cannot accept the Commission's recommendation.

E. Discrimination based on religion and age

■ Recommendation to redress discrimination based on religion and age when hiring teachers

On March 25, the Commission recommended the chairman of the board of directors of an elementary school to remedy a situation in which a job candidate was disadvantaged due to religion and disqualified because of old age, and to come up with measures to prevent recurrence of similar discrimination in the future (20-jinjeong- 0067800).

The school, which was established based on Christianity, suggested no preference in terms of religion, age, or previous teaching experience in its vacancy announcement to hire four teachers in 2020. However, when interviewing the petitioner (no religion), the chairman mostly asked religion-related questions and eventually disqualified the petitioner who was ranked fourth place amongst all candidates for the reasons of old age and not being in line with the school's identity.

Considering that the school was founded based on the Christian faith, its identity is closely related to its founding principle, candidates were asked religion-related questions during interviews, and no other reasons could be found as to why the petitioner was appraised poorly compared to other applicants despite having a long career experience in education, the Commission concluded that the school's act was discrimination because the school identity argument was apparently religion-related and it may have treated the petitioner unfavorably for religious and not job-related reasons. It also concluded that, if the petitioner met the qualification requirements specified in the vacancy announcement, a capability assessment could have been conducted to validate his/her qualification. Instead, by failing to provide sufficient justification as to why the petitioner was found unsuitable for the job (who was ranked high enough to be on the

final list of successful applicants) for no justifiable reasons or criteria other than old age, the school discriminated the candidate based on age.

However, the school did not accept the Commission's recommendation, protesting that the vacancy announcement to fill four full-time teaching positions had gone out at the end of 2019 without consideration of the smaller number of classrooms, and it only became clear in 2020 that there was a need for only three full-time teachers, and that this was a simple administrative error rather than an act of discrimination.

F. Discrimination based on medical history

■ Recommendation regarding denial of insurance applications based on history of treating anxiety disorder

On January 22, the Commission recommended the presidents of two indemnity insurance companies to revisit their insurance underwriting criteria so that applications for accident/sickness insurance from persons with a medical history of anxiety disorders are not arbitrarily restricted in terms of when and what insurance can be taken out without consideration of individual circumstances such as gravity of the illness or presence of other associated illnesses (20-jinjeong-0196300).

The petitioner had been on sedatives for about a year to treat an anxiety disorder. Six months after s/he stopped taking the medicine, s/he applied for accident/sickness insurance, but Company A said a year must have passed from the day of last treatment before they can underwrite an insurance policy, and Company B said s/he can only take out cancer insurance.

When limiting or declining insurance applications, insurers should make overall assessment of applications based on the relevant statutes, medical and/or scientific basis, proven statistical data, and expert opinion. However, both companies failed to make the correlation between anxiety disorders and accident incidence rate. Company A was unable to present valid justification for the underwriting requirement that a year must have passed from the day of last treatment in order to take out insurance. Meanwhile, Company B was making it practically impossible to take out insurance by requiring applicants to submit documentation that they have fully recovered

from an anxiety disease, a requirement that has no medical basis and relies solely on inaccurate understanding of the pathological characteristics of anxiety disorders. While the cure rate of anxiety disorders is not high, it is paradoxical that those who don't get treated are eligible to take out insurance, while those who actively seek to reduce risks through treatment become ineligible to take out insurance. Therefore, the Commission concluded that the insurance companies' restrictions on the ground that the petitioner had undergone anxiety disorder treatment constitutes a discriminatory act concerning the supply and use of goods and services without justifiable reasons.

The companies accepted the Commission's recommendations. Their revised insurance underwriting criteria for people with a medical history of anxiety disease treatment now incorporates the Guidelines on Redressing Insurance Discrimination against Persons with Disabilities and the Hamilton Anxiety Scale, and submission of a doctor's note when deemed necessary, replacing the previous arbitrary requirements.

G. Discrimination based on sexual orientation and gender identity

■ Recommendation regarding gender minority-related ads

Regarding a case in which a human rights group was disapproved placement of an ad on a trial related to late staff sergeant Byun Hui-su in a public location, the Commission on October 5 concluded that the petitionee's disapproving the petitioner's request constitutes unfavorable treatment in use of service based on gender identity and a discriminatory act that violates the right to equality, and a violation of freedom of expression. It recommended the petitionee, which is a public corporation, to revise its Advertisement Management Regulations so that the freedom of expression of gender minorities and other social minorities is not violated (21-jinjeong-0674100).

The public corporation replied that the ad placement was disapproved based on a decision by the Advertisement Review Committee, which comprises outside members. Five of the eight members expressed their disapproval based on the corporation's Ad Regulations and the Appraisal Checklist on the ground that "the ongoing trial may compromise the political neutrality of the corporation" and "there is no social consensus on the trial due to conflict of opinions."

The principal stated reason for why the Committee members were opposed to the ad was the effect the ad may potentially have on the ongoing trial and its 'potential harm on the corporation's

political neutrality.’ However, the Commission concluded that the trial mentioned in the ad is not related to any politician or political party; rather, it is about cancelling the discharge disposal enforced upon staff sergeant Byun, and as such, it is difficult to say that the ad placement would have immediately harmed the corporation’s political neutrality. The Commission also concluded that, considering the option of addressing the political neutrality concern by adding a statement that the opinion is strictly the ad owner’s opinion and not that of the corporation, disapproving it unilaterally without such consideration was arbitrary and excessive measure.

Finally, while Article 3 of the corporation’s Advertisement Management Regulations defines opinion ads as “advertisement expressing the views of an individual or group regarding a certain important issue or an issue on which there is no social consensus,” the Appraisal Checklist in the said regulations features “in the event that there is no social consensus due to conflict of opinions” as a reason for disapproving ad placement. The Commission found that this reason not only contradicts the intent of opinion ads, but also potentially limits expression of gender minorities and other social minorities and harms the basic democratic principle of freedom of expression.

H. Discrimination of foreigners and discrimination based on country of origin

■ Recommendation to ease qualification criteria placed on foreign instructors

On June 29, the Commission recommended the Minister of Education to revise Appendix 3 of the Enforcement Decree of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, which requires foreign instructors to have a minimum of a four-year college degree whilst local instructors are required to have a minimum of a two-year college degree (19-jinjeong-0862400).

As to the reason why a higher level of education is required of foreign instructors, the Ministry of Education claimed that universal criteria was needed to determine foreign instructors’ ability to provide quality teaching and communicate in Korean, and thus stricter criteria than those required of local instructors had to be applied. However, the Commission challenged the claim that a four-year college degree be an absolutely necessary qualification, given that the petitionee

failed to justify its teaching quality argument, which rests on the premise that overseas colleges offer qualitatively different levels of education and/or curricula than colleges in Korea. It also concluded that a foreigner having a four-year college degree does not necessarily mean that s/he has a more outstanding command of the Korean language than a foreigner with a two-year college degree; and the changes in Appendix 3 over time suggested that the qualification requirement for local instructors had gone back and forth between four-year college degrees and two-year college degrees several times, and there were times when non-Korean two-year college graduates had been qualified to teach in private institutes in Korea. Thus, it found it to be a discrimination to recognize only foreigners with a four-year college degree to be qualified to teach in private institutes, as opposed to two-year college degrees for local instructors, without coming up with other proper ways to validate a foreigner's Korean communication ability or quality of teaching.

However, the Ministry of Education did not accept the Commission's recommendation, arguing that the current qualification criteria were justifiable as they were intended to prevent poor education and other negative effects of having unqualified instructors, ensure quality educational services, and protect learners.

Section 6. Administrative Appeal

The Commission's Administrative Appeals Committee conducted merit trials from 2002. Since the Constitutional Court overturned a previous ruling and recognized the dispositive nature of the Commission's dismissal decisions (2013heonma214 ruling, March 26, 2015) in 2015, there has been a continuous increase in the number of administrative appeals. In 2021, the number of appeals was 262, an increase of 85.5% from the previous year; the number of appeals closed was 229.

From 2019, when it became mandatory for the Commission to inform petitioners of appeal procedures upon case termination, the number of appeals increased sharply, causing a backlog in administrative appeals and delays in processing. The situation calls for more personnel assigned to the Administrative Appeals Committee and more efficient processing procedures to enable the committee to handle appeals more expeditiously.

[Table 2-2-15] Administrative Appeals Processed

Year	Appeals filed					Appeals processed (petitions)				Total
	Petitions	Information disclosure	Others	Reinvestigate	Total	Withdrawn	Dismissed	Rejected	Withdrawn after transfer	
Cumulative sum	626	56	50	5	737	67	332	76	59	534
2021	213	25	20	4	262	21	156	32	20	229
2020	171	13	6	-	190	23	80	10	11	124
2019	164	15	15	1	195	13	43	26	23	105
2018	50	2	7	-	59	8	24	4	5	41
2017	28	1	2	-	31	2	29	4	-	35

**Chapter
3**

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

Section 1. Overview

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

Human rights are values that are not limited to certain times and spaces; they are universal values that must be enjoyed across the society. Education and promotion are essential for spreading the values of human rights. In 2021, the Commission was tasked to make institutional arrangements and shape conditions for increased human rights education, enhance professionalism and competence for human rights education, increase exchanges and cooperation for systematic, specialized human rights education, foster a culture that is conducive to respect for human rights by developing and providing human rights content, increase exchanges and cooperation with human rights and civil society groups, and strengthen safeguards at the local level.

To this end, the Commission focused its efforts on the establishment of the Human Rights Training Institute, improvement of institutions and policies for human rights education, and effective cooperation for human rights education, development and distribution of timely and relevant human rights educational content, development and distribution of easily accessible human rights content, increased cooperation with human rights advocacy entities, laying the foundation to facilitate human rights safeguards at the local level, and effective support of promotional activities by human rights group and civil society groups. Amid the spread of the COVID-19 pandemic, it strove to provide quality training through diverse training programs and remote learning opportunities.

Human rights education

For the purpose of examining and improving laws, regulations, institutions, policies, and practices, the Commission recommended institutional improvements for human rights education

of police officers, and conducted a survey of human rights education in the National Assembly, a survey of human rights education of teachers in elementary, middle, and high schools, a survey of human rights education of local government public officials, and a study of parent education to prevent child abuse.

For more specialized human rights education, the Commission developed a guide to human rights education for teachers, human rights learning through playful activities (translation of ‘Play it Fair’ toolkit developed by Equitas), video content to promote human rights practices in schools (six types), human rights in care services, human rights of older persons, human rights educational programs for people working in children welfare facilities, produced video content on combatting hate and discrimination, and distributed several content developed in 2020, including online and offline shared content (14 types).

The Commission managed the Special Human Rights Education Committee and the Korea Human Rights Education Forum to promote more systematic human rights education. It also consulted closely with the Local Government Human Rights Education Council, Military Human Rights Education Council, School Human Rights Education Council, and University Human Rights Center Council, and facilitated day-to-day cooperation using a new online communication system.

Despite the spread of COVID-19, the Commission managed its human rights training programs as planned by area and by target audience, including public institutions, schools, and civil society, in contactless form. By developing and distributing a guidebook on online human rights education, it ensured that its online programs are as effective as face-to-face programs in terms of participation and communication.

To secure a space dedicated to systematic and specialized human rights education, the Commission made progress with the establishment of the Human Rights Training Institute. In consultation with the Committee for Establishment of Human Rights Training Institute, it drafted an architectural design, went through the public construction procedures, and completed the basic design. Once construction is complete, the Human Rights Training Institute will be used to service everyone’s right to be trained in human rights and foster personnel specialized in human rights education.

Promotion

The Commission continued to use various media and newsletter for online promotion, while looking for new media forms to enhance understanding of and sensitivity to human rights.

It produced Teaming, a web drama on human rights issues online, and made it available on YouTube. It produced the video series Wise Human Rights Life, while working with the Byeolbyeol Reporters, a group of online supporters, to upload various content on new media forms like Naver's Together N. It organized the Human Rights Contest in two categories (poster and poem/essay), produced content to change public perception of hate and discrimination speech, and organized a diversity campaign using content on various family compositions.

In 2021, the Commission distributed 214 press releases to the press and posted them on its website. Press releases covered factual survey results, policy recommendations and opinions, results of investigations on human rights violations and discrimination, and statements and commentaries on major issues. They helped raise public understanding of human rights issues and shape public consensus.

On the 73rd anniversary of the Universal Declaration of Human Rights on December 10, the Commission organized the 2021 Human Rights Day to celebrate the significance of the Universal Declaration of Human Rights, commit to its international obligations, and present the Korea Human Rights Award to ten institutions and persons.

Section 2. Major Achievements

1. Institutionalizing and Shaping Conditions for Human Rights Education

A. Instituting human rights education

The Commission recommended the National Police Agency to establish regulations as basis for human rights education, build an integrated education management system and cooperation channels for more systematic and effective human rights training of the police force. This is in light of the police assuming greater responsibility for human rights protection as the partial amendment to the Criminal Procedure Act and the Prosecutors' Office Act on February 4, 2020 resulted in greater police authorities in every aspect of the criminal procedures following adjustment of investigative authorities between the police and the prosecution.

Through a study in 2020, the Commission presented ways to apply human rights perspectives in the school curricula so that human rights can be respected in all school activities. It held discussions on how to promote more systematic human rights education in schools and conducted human rights education for school textbook authors. Moving forward, it will continue to ensure that human rights perspectives are incorporated in the new curricula, including developing human rights-friendly textbooks and supporting the enhancement of teachers' competence in human rights education.

In addition, to get a better sense of human rights education delivered, the Commission carried out a survey of human rights in the National Assembly, a survey of human rights education for local government public officials, a survey of human rights education of teachers in elementary, middle, and high schools, and a study of parent education to prevent child abuse. The findings will be used to inform proposals for improved laws, institutions, policies, and practices related to human rights education.

B. Fostering and appointing human rights instructors

With more human rights education and training becoming available in various sectors of the society, an emphasis was placed on the role of human rights instructors. Since its inception, the Commission managed human rights instructor development program to make human rights education more widely available across the society; since 2015, it managed instructor appointment program. Efforts are made to enhance the competence and capacity of human rights instructors, including capacity-building programs for appointed instructors and an instructor appraisal process where instructors are initially appointed for a year, and then for two years after evaluation.

Applications for instructor development program are received through the Cyber Human Rights Training Center¹⁶⁾ in early March every year. Candidates are selected based on area-specific demand. In 2021, human rights instructors were fostered in the areas of child abuse, which was pronounced by the prolonged COVID-19 situation, and migrant rights.

Particularly, the Commission introduced contactless full-day distance education for the first time, and made maximum use of small meeting rooms and online learning tools to ensure continuity of the instructor development program amidst the spread of COVID-19. It also conducted a study on ways to qualitatively improve the human rights instructor development program. The Commission plans to continue study to enhance the competence of human rights instructors.

C. Establishment of the Human Rights Training Institute

The Human Rights Training Institute is educational space designed to foster instructors and trainers, and guarantee the right to human rights education for all. The institute will play a key role in ensuring quality human rights education and promoting a culture that is favorable to human rights, by capturing the Commission's expertise and sense of current topics in the curricula.

The Commission was cleared by the Ministry of Economy and Finance to use the old Customs Clearance Center site and building in Yongin, Gyeonggi-do Province. A draft basic design was developed in consultation with the Committee for Establishment of Human Rights Training Institute, and the basic plan was completed based on public building procedures. Once the working design is out, the Commission will work to ensure smooth construction and supervision.

16) Cyber Human Rights Training Center (<http://edu.humanrights.go.kr>)

2. Establishing Networks of Cooperation for Education

The Local Government Human Rights Education Council discussed the current state of human rights education and tasks at the local government level, and ways for the Commission and local governments to cooperate on human rights education, and coordination needed for a survey of human rights education of government officials. Further to discussions on building an online communications channel, the council opened a group chat room to facilitate daily communications with local governments.

The human rights leadership course for local government managers and the capacity-building courses for human rights officers and human rights guards in local governments were designed to be readily applied to human rights education and investigation activities at the local government level. The scope of participants was also expanded to include primary local government officials, so that human rights education can be facilitated at this level and a network of cooperation can be built among participants.

In May and December, the Commission held the Military Human Rights Education Council with representatives of the Ministry of National Defense, Army, Navy, Air Force, and Marine Corps, to discuss ways to cooperate on human rights education. The Commission and the Ministry of National Defense jointly updated the Human Rights Education Textbook of the ROK Armed Forces, setting a basis for standardized human rights education in the military. It was agreed to expand the Military Human Rights Education Council to include external human rights education experts, so that the lack of expertise in the planning and operation of human rights education can be addressed. Various cooperation tasks were identified to facilitate human rights education in the military, including organizing human rights instructors and leveraging a pool of instructors, and developing human rights educational content.

At the 15th session of the School Human Rights Education Council comprising the Commission, Ministry of Education, and metropolitan and provincial offices of education, the Commission facilitated discussions on ways to promote human rights and human rights education in schools, including sharing the results of a study to promote more systematic human rights education content for schools and incorporate them into the new curricula. It maintained good working relations with schools and supported their human rights capacity-building efforts, including training of principals and vice-principals on human rights leadership and training of teachers on school labor rights.

In October 2019, the Commission established the College Human Rights Center Council with 62 colleges to support their capacity-building efforts and help create an environment where human rights are respected. The third council meeting held in 2021 was attended by 85 representatives from the Commission, the Ministry of Education, and college human rights centers. Discussions were held on how the Enforcement Decree of the Higher Education Act should be amended prior to developing criteria for establishment and operation of college human rights centers as the latter became mandatory. Also, a Regional College Human Rights Center Council was organized, comprising the Human Rights Education Division and the human rights offices in Busan, Gwangju, Daegu, and Daejeon. The regional councils are expected to help strengthen regional networks and enable college human rights centers to contribute to the promotion of human rights in local communities.

The 2021 College Human Rights Center Capacity-Building Workshop was attended by 62 representatives from the Commission and college human rights centers to discuss the proposed standard regulations for college human rights centers and ways to facilitate human rights education in colleges. The online community established in May 2019 to facilitate sharing of experiences and best practices among staff of college human rights centers now has about 220 members. It is used for day-to-day communication online, including Q&As and sharing of useful information.

In cooperation with the Korea Human Resource Development Institute for Health & Welfare, which is responsible for human rights education of personnel working in senior welfare facilities and long-term nursing homes, the Commission offered two capacity-building sessions for instructors appointed by the Center Senior Protection Institute and those appointed by the Commission. To this end, the Commission had a meeting with educational institutions in the first half of the year (May). And in the second half of the year, the capacity-building sessions were held with success thanks to the educational institutions helping to promote the program and increase program attendance.

Organized by the Commission since 2007, the Human Rights Education Forum is designed to find reasonable solutions to pending issues in human rights education and identify new ones. Held on July 7, the 2020 forum offered a venue for the Commission to engage with human rights education experts, teachers, and education college students on ways to incorporate human rights perspectives in the revised 2022 curricula and ways to promote human rights education in schools. Participants made various suggestions, including the need to promote a culture that is conducive

to respect for human rights and enables student autonomy and involvement in human rights education, and the need for college students who are trained to become teachers to take human rights classes, as it is important for them to have the appropriate mindset when they get involved in human rights education. The discussion results helped shape the business plan for 2022 and will also inform the mid- to long-term implementation plan.

On November 30, the Commission held a session of the Human Rights Education Committee to discuss progress made and an architectural design for the Human Rights Training Institute and directions for the Commission's human rights education portfolio. Various opinions were collected and incorporated in the business plan. The Commission cooperates with the committee on a day-to-day basis to identify tasks, develop business plans, discuss options in response to key emerging issues, and evaluate performance.

3. Expanding Education through Human Rights Education Centers

In response to sustained increased demand for human rights education, the Commission upgraded the Cyber Human Rights Training Center¹⁷⁾, established a system for distance learning, and made space available for education in the human rights offices. It also appointed human rights instructors through the instructor development program.

In 2021, amidst the spread of COVID-19, the Commission contributed to raising human rights awareness by introducing contactless remote education and training, and facilitating online learning.

Overall, the Commission organized 4,599 specialized sessions, visiting programs, cyber training, and lectures for as many as 351,463 persons. The number of persons who completed the program was down from the previous year due to a suspension of mandatory human rights training of nursing home operators and staff due to the spread of COVID-19. However, thanks to the Commission's efforts to expand the use of its educational content, the number of public organizations using the content increased from 30 in 2019 to 87 in 2021, making human rights education and training more accessible.

17) Cyber Human Rights Training Center (<http://edu.humanrights.go.kr>)

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

(in number of sessions and persons)

Classification	Total		Educational course		Visiting education		Cyber education		Special lecture		Government's e-learning platform ¹	
	Session	Participant	Session	Participant	Session	Participant	Session	Participant	Session	Participant	Session	Participant
Cumulative sum	42,115	3,095,482	4,218	188,783	3,718	79,736	8,224	1,196,535	18,877	1,195,363	7,078	435,065
2021	4,607	351,463	257	6,279	322	4,332	1,677	205,738	1,012	33,669	1,339	101,445
2020	3,443	362,459	150	5,011	163	2,700	1,131	220,392	733	29,846	1,266	104,510
2019	6,282	445,807	330	12,527	556	10,694	1,363	261,505	2,699	107,372	1,334	53,709
2018	5,189	344,562	427	19,957	484	8,542	1,133	166,183	2,116	106,189	1,029	43,691
2017	4,447	249,428	494	28,916	533	10,974	915	79,799	1,968	101,482	537	28,257

* The cumulative sum is the total from November 25, 2001 (the date of the establishment of the Commission), to December 31, 2021.

4. Development and Distribution of Educational and Promotional Content

A. Educational content

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

So far, the Commission has developed a total of 232 human rights educational content (52 for public organizations, 35 for schools, 78 for civil society, and 67 for general use) to meet the varying demands and needs for human rights education, and in line with the changing environment and specific request from educators and trainees. The content is available for immediate use, as it is provided and disseminated to relevant organizations, associations, human rights lecturers and educators, public libraries, and online websites.

In 2021, to ensure more specialized human rights education, the Commission developed a guide to human rights education for teachers, human rights learning through playful activities (translation of ‘Play it Fair’ toolkit developed by Equitas), video content to promote human rights practices in schools (six types), human rights in care services, human rights of older persons, human rights educational programs for people working in children welfare facilities, developed video content on combatting hate and discrimination, and distributed several content developed in 2020, including online and offline content (14 types).

B. Promotional content /

1) Web Dramas

The Commission produced web dramas to help viewers better relate themselves to human rights issues, and gain a better understanding of and prevent discrimination in everyday life.

The Commission produced *Calm Down* in 2018, which depicts the day-to-day activities of NHRCK investigators to illustrate the role that the Commission is playing and give viewers food for thought on human rights; *The Secret of Secret* in 2019, which addresses human rights in sports, the rights of multi-cultural families and student rights in a high school setting; and *Chatagongin* in 2020, which is about prejudices that young people who live in facilities face, gender discrimination in everyday life, and human rights in sports. In 2021, the Commission produced *Teaming*, which depicts online human rights issues under the COVID-19 pandemic situation. A four-part series available on Youtube, *Teaming* deals with information rights, invasion of privacy, and digital piracy.

2) Human Rights contents Contests

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

The themes for the 2021 human rights contest were expanded to include any topics related to human rights, i.e. human rights violation and discrimination in everyday life, hatred, and fostering of culture conducive to respect for human rights. The contest was divided into two categories—the

poster category and the poetry and essay category—to increase participation and popular appeal. By splitting the junior group and the elementary student group, the contest saw a higher rate of participation compared to the previous year, with 140 entries made in the adult group, 60 in the junior group, and 667 in the elementary student group in the poster category, and 289 entries in the adult group, 78 in the junior group, and 92 in the elementary student group in the poem and essay category. The total of 1,326 entries represented an overall increase of 24% from the previous year, of which 36 works were selected, covering a wide range of human rights issues such as hatred, migrant rights, and re-married families. The selected works in the poster category were used to design postcards and the 2022 Commission calendar for distribution to the human rights library, human rights offices, and the general public. They were also posted on the Commission’s Youtube channel and other new media for use as educational and promotional materials.

5. Operation of the Human Rights Library

The only library dedicated to human rights in Korea, the Human Rights Library was, based on Article 27 of the NHRCK Act, initially established as the Human Rights Reference Library in 2002, and was renamed to Human Rights Library in 2012.

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

In addition to recommendations from international organizations on the need for a national-level human rights archive for historic and social use of human rights records, some researchers and human rights groups at home and abroad have also raised their views on such a need. In 2021, the Commission commissioned a study for a basic plan to establish a human rights archive, to understand the status of archival records, and study ways to preserve, build and use them from a professional standpoint, and establish the basis to build a human rights archive and use as reference material.

6. Promotional Activities to Raise Public Awareness

A. Promotion through media reports

In 2021, the Commission distributed 214 press releases and posted them on its website. Press releases covered factual survey results, policy recommendations and opinions, results of investigations on human rights violations and discriminations, statements and commentaries on major current issues, and other activities at home and abroad. Based on a weekly distribution plan established in consultation with the office of primary responsibility, press releases were disclosed through newspapers, broadcast programs, online portal services, and various other media channels, contributing to raising public understanding of human rights issues and shaping public consensus.

The Commission was active in getting special media coverage on its activities on the occasion of its 20th anniversary. Before and after its anniversary, its staff collaborated with media outlets, and human rights and civil society groups, getting special reports on Kyunghyang Shinmun (three series; first page top, sixth page front), The Hankyoreh (social issue page, side top), The Law Times (social issue page, seven-column article), Yonhap News, and Catholic Peace Broadcasting Company. The Commission extended active support in that process, especially in terms of interviews with petitioners, statistical analysis, and interviews with in-house and external experts. It also engaged actively with accredited reporters, raising their understanding of activities and policies, and key decisions, and encouraging timely reporting on a range of issues, including hate and discrimination against transgenders, discriminations based on medical history, unlawful use of protective gear in immigration detention centers, and climate crisis and human rights.

The Commission continued to service press coverage and interview requests. Notably, when announcing certain key recommendations (on Naval Academy's prohibiting relationships among cadets, provision of convenience for persons with disabilities, survey of hate speech online, monitoring of hate speech on government promotional materials), it actively sought opportunities for interviews, news articles, or TV news, in consultation with the offices of primary responsibility. It also engaged closely with the media to address negative reporting on its investigation of a petition related to women-only library.

Also, by engaging regularly with accredited reporters and building rapport with them, the Commission increased their understanding of its roles and activities. It also took the lead in raising

awareness among media personnel, by promoting the human rights reporting standards and other programs to enhance human rights sensitivity in the media. The Commission also strengthened internal communication through press monitoring, using news clipping and weekly media trend briefs.

B. Promotion through other forms of media

While continuing online promotional activities using a variety of media and the newsletter, the Commission also explored new media forms to enhance understanding of human rights culture and promote human rights sensitivity.

The Commission sent out the Human Letter, an online monthly newsletter, to 40,000 or so subscribers, informing them of key decisions made and news.

Notably, in 2021, the Commission explored various new avenues to communicate with the public. In addition to running its own media channel, it collaborated with EBS Jisik Channel e Team to produce a video on persons with mental disabilities based on its National Report on Persons with Mental Disabilities. The program was aired on television to raise public awareness. Given rising incidents of hatred and discrimination, it also produced and distributed videos on hate speech and discrimination for timely broadcasting on the International Transgender Day of Visibility (March 31).

Also, given the increasingly diversified family structures and changes in how family is perceived, with seven out of ten persons viewing that ‘people are in a family if they share housing and livelihood, even if there are no formal blood or marriage ties,’ the Commission produced content on diverse family structures and used it in its Diversity Campaign during the Chuseok holiday in September.

The Commission stepped up its promotional activities on Youtube and other online media. The production of A Wise Life of Human Rights helped shed light on key human rights issues such as bullying in the workplace, human rights of older persons, cultural diversity, democracy in Myanmar, and child rights on Youtube. Working with the Byeolbyeol Reporters, a group of online citizen reporters, it uploaded the content Who’s Who in Human Rights (Stories of Rosa Parks, Louis Braille and others), Recommended Human Rights Film (The Journals of Musan, etc.), Persistent Racial Discrimination amid the COVID-19 Crisis, and For Alternative Text and Barrier-Free Online Environment on Internet portal site Naver’s Together N.

C. Human Rights Day Ceremony

On the occasion of the 73rd anniversary of the Universal Declaration of Human Rights, the Commission celebrated the 2021 Human Rights Day on December 10. Organized as a simple gathering due to COVID-19 concerns, the event was broadcast live on the Commission's Youtube channel and highlighted the meaning of the Universal Declaration of Human Rights and Korea's international obligations. Congratulatory remarks were delivered by the Speaker of the National Assembly, President of the Constitutional Court, Prime Minister, former United Nations Secretary-General Ban Ki-moon, APF Chairperson Rosalind Croucher, underlining the spirit of the Universal Declaration of Human Rights.

The celebratory event was held alongside the 2021 Korea Human Rights Awards. The Order of Service Merit (Red Stripes) went to Choi Young-mi, the President of the Korean Association of Domestic Workers, for her contribution to improving the rights of domestic workers, including establishing an enterprise organization immediately after the 1997 foreign exchange crisis to help women household heads find caregiver jobs, conducting the nation's first survey on domestic workers in 2006, her work in the Solidarity for Legal Protection of Caregiver Workers in 2010, and her involvement in the legislation of the Act on the Employment Improvement of Domestic Workers in 2021. The ROK President commendation was presented to Rainbow Solidarity for LGBT President Bae Jin-gyo for her contribution to enhancing public awareness about gender minorities, including organizing the first regional Queer Cultural Festival in 2009 and launching the Rainbow Solidarity for LGBT. The NHRCK Chairperson commendations went to Director Roh Kyung-su of the Disabled Persons Independent Living Center in Sasang-gu District, Guide Hong Chun-ho of the Jeju Provincial Government, and Director Sin In-su of the Bomun Disabled Persons Independent Living Center in the individual category. In the group category, awards went to Corporation Duroo, Ulsin Social Policy Research Institute, Facebook community 'Information from Army Boot Camp,' Citizen group for a society where educational background does not matter, and Civic Network for Justice in Sport.

D. The Human Rights Magazine

The Commission publishes the bimonthly magazine Human Rights to raise human rights awareness and prevent discrimination. The magazine carries prose, photos, illustrations, and

cartoons to make human rights stories easy to read, as readers may otherwise find them abstract and distant. The magazine is available in webzine format and some articles are processed as card news or newsletters for digital publication. It is also made into a braille book once a year. Each publication features a themed topic for in-depth coverage of key human rights issues, and introduces key decisions made by the Commission.

E. Human Rights Reporting Awards

In 2021, to sustain continued media interest in human rights issues and encourage voluntary reporting as the media can play a significant role in protecting and promoting human rights, the Commission developed the Human Rights Reporting Standards and organized the Human Rights Reporting Awards together with the Journalists Association of Korea.

The jury for the 10th Human Rights Reporting Awards in 2021 comprised nine members, including six external members (from academia, media, and civil society) and three internal members (Director of the Public Relations Division, Chief of the Human Rights Counseling Coordination Center, and Chief of the Gender Discrimination Remedy Team). Thanks to active promotion in the media, media human rights groups, and academia, a total of 80 entries were received (32 in 2020, and 80 in 2021), including 31 daily news articles, 25 television programs, two news agency articles, 19 Internet reports, and two magazine articles. Six winning entries were selected following two rounds of screening.

F. Videos introducing Key Decisions

Since 2014, the Commission produced and distributed videos on key decisions taken with respect to petitions that led to recommendations or opinions expressed. The videos are designed to communicate to the public how the decisions were made and their significance. From 2020, video production moved away from the format of series based on true events to a dialogue format, with a focused theme of ‘crossing the line.’ In 2021, two videos were made, which are ‘persons with mental disabilities,’ and ‘children and youths, their freedom of privacy.’ The videos are uploaded on Youtube and other online sites, and are also available in CD format for distribution to schools, welfare facilities, and public organizations.

Chapter 4

Domestic and International Exchanges and Cooperation

Section 1. Overview

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

Exchanges and cooperation with domestic human rights and civil society organizations

The Commission actively engaged with human rights and civil society groups. In the first half, it held online discussions to hear and capture their inputs regarding the budget and operational plan for 2022, and factual surveys of human rights conditions. In the second half, it met with them to hear their opinion on the 2022 operational plan. Due to limitations posed by COVID-19 on large-scale meetings, the Commission visited human rights groups as needed to strengthen exchanges and cooperation with them.

The Special Regional Human Rights Committee, which was established to respond to changes in the human rights safeguard system and strengthen expertise in dealing with regional human rights issues, held three meetings on the topic of ‘Ways to strengthen NHRCK Human Rights Offices.’

The Commission worked to strengthen regional human rights safeguards and strengthen the competence of regional human rights offices by engaging with personnel in charge of cooperation programs at regional human rights offices, and supporting cooperation programs between human rights offices and local governments. On August 25, it organized a convention of human rights advocates on the topic ‘What the legislation of an equality law means and what roles human rights advocates can play,’ expanding a nationwide dialogue and strengthening cooperation with regional human rights organizations and groups.

The Commission also supported (in the form of funding) various activities and programs staged by human rights groups to promote human rights on a variety of topics and areas. This was part of efforts to support the activities of groups that advocate the socially disadvantaged and expand the human rights horizon.

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

In 2021, the Commission maintained Status A in the latest periodic review by the GANHRI Sub-Committee on Accreditation, a measure of the high esteem in which Korea is held internationally. As the chair of the GANHRI Working Group on Ageing, the Commission expressed the view on the need to craft a Convention on the Human Rights of Older Persons on behalf of NHRIs at the Human Rights Council, contributing to a public international debate on the agenda of human rights of older persons.

The Commission cooperated closely with NHRIs in response to various human rights issues at home and abroad. It led the drafting of a statement by the Chairperson of the Asia Pacific Forum of National Human Rights Institutions, urging an end to the human rights violation in Myanmar and normalization of the operations of the Myanmar National Human Rights Commission. Domestically, with respect to the incident involving a mob violence against a Mongolian junior high school girl in Korea and a mob violence against a Korean in Mongolia, the Commission worked with the National Human Rights Commission of Mongolia to protect the rights of nationals.

Finally, the Commission also sought international cooperation by holding an international conference on the topic of “Protection of human rights and enactment of Equality Law under the COVID-19 situation,” and meetings with ambassadors of foreign missions in Korea and representatives of international organizations on the topic of countering hate and discrimination, and enactment of an equality law.

Section 2. Major Achievements

1. Exchanges and Cooperation with Domestic Human Rights Organizations

A. Day-to-day cooperation with human rights groups

Throughout 2021, the Commission held regularly scheduled meetings with human rights and civil society groups to capture their feedback on its key strategies and business plan.

In the first half, it had online discussions to hear and capture their inputs regarding the budget and operational plan for 2022, and factual surveys of human rights conditions. In the second half, it met with them to hear their views on the draft 2022 business plan. Due to limitations posed by COVID-19 on large-scale meetings, the Commission visited human rights groups to strengthen exchanges and cooperation, as needed. These efforts helped facilitate communication and cooperation with human rights and civil society groups.

In an effort to support the various needs of human rights and civil society groups, the Commission contributed a Chairperson award to the Korea Disabled Persons Human Rights Award Ceremony organized by the Korea Differently Abled Federation, and sent Chairperson's congratulatory remarks to the Tji Hak-soon Justice & Peace Award Ceremony hosted by Juspeace. It also co-hosted the Human Rights Reporting Conference with the Korean Bar Association.

B. Joint programs with human rights groups (funding)

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

To identify tasks and programs for its mid- to long-term objectives, the Commission in 2021 presented five designated tasks (improving human rights in disaster and crisis situations, promoting

safe work environments and human rights in business management, legislation of equality law and prevention of hatred and discrimination, competence-building of human rights activists, programs to promote human rights at the regional level) in line with its key strategic tasks.

Eleven programs were selected for funding, including a pilot program to investigate presence of violation of rights in past inter-country adoptions, development of human rights education materials for use in the medical profession, human rights training of medical professionals, and project to safeguard children and youths from digital sex crimes. These programs helped to safeguard the rights of Korean adoptees, children, youths, and other minority groups, build the capacity of civil society groups, draw lessons learned and identify tasks from key pending issues. To promote the outcomes of the best programs, the Commission selected and awarded the seven most outstanding programs.

C. Exchanges including visits to sites of human rights interests

The Commission makes on-site visits to engage with people on the ground, discuss current human rights issues, and identify policy tasks.

The Chairperson and standing commissioners visited various human rights sites. They visited a group of laid-off employees who were on a hunger strike and inquired about their health. They met with Ms. Kim Jin-suk, a former employee of Hanjin Shipbuilding & Construction who was laid off about 30 years ago, and listened to her views on how her reinstatement could be handled. The Commission later announced a chairperson's statement urging that Kim's labor human rights be guaranteed.

The Commission also visited a housing facility for persons with disabilities located in Mok-dong, Seoul. The Commission members held discussions with the residents and staff about post-institutionalization life at the house, which provides a combination of housing and welfare services. They talked about the living environment, welfare services, life in the local community, level of satisfaction, and challenges of deinstitutionalization and potential tasks.

The Commission visited Cheonan Penitentiary to examine the working conditions of alternative service workers and met with a few alternative service workers and staff to hear about their views on the current alternative service program.

In December, a visit was made to a shelter for migrant workers in Ansan City in Gyeonggi-do Province. Discussions were held with residing migrants and representatives of a migrant human rights group assisting the residents. The participants talked about the human rights situations facing migrant workers, including delayed wage payment, poor living conditions, and issues they were having in terms of employer-sponsored health insurance.

D. Cooperation and networking with local governments

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

With the establishment of human rights ordinances and dedicated human rights institutions at the local level, and discussions on ‘Local Governments and Human Rights’ at the international level, the Special Regional Human Rights Committee, which was established to build expertise on regional human rights affairs, held active discussions on ways to reinforce the roles of the human rights offices.

The Commission funded the programs of human rights offices to help build their competence, acknowledging the central role they play in promoting human rights in cooperation with local players. The conference organized by the Busan Human Rights Office on Human Rights in Business and the program by the Gwangju Human Rights Office to monitor and discuss policies to foster human rights cities provided a venue for human rights offices to work with local governments and civil society groups to identify area-specific human rights tasks, enhance mutual understanding, and strengthen cooperation.

On August 25, the Commission hosted the 2021 Convention of Human Rights Advocates online. The scope of participants was expanded to include human rights commissioners from local governments, human rights and civil society groups, representatives of advocacy groups and college human rights centers, with a total of 190 or so persons participating to share their views on the topic ‘Status and prospects of human rights in the Korean society from the perspectives of human rights advocates.’ Subcommittee sessions were held for presentations and discussions on Status of Human Rights in Korea from the Perspective of Equality Law, its Meaning and Prospects (Special Subcommittee), Activities of Human Rights Committees in Local Governments and their Prospects (Subcommittee 2), Activities of Human Rights and Civil Society Groups and

their Prospects, with Focus on Networking (Subcommittee 3), Activities of Advocacy Groups for People with Disabilities and their Prospects (Subcommittee 4), Activities of College Human Rights Centers and their Prospects (Subcommittee 5), Activities of Human Rights Advocates and their Prospects (General Subcommittee).

2. Exchanges and Cooperation with International Human Rights Organizations and Groups

A. Cooperation with GANHRI and APF

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

A network of international cooperation among 118 national human rights institutions (NHRIs), the Global Alliance of National Human Rights Institutions (GANHRI) was established to promote cooperation among NHRIs as well as the United Nations and other international human rights organizations.

In June, the Commission participated in the GANHRI 2021 Annual Meeting, which was held virtually due to the global spread of the COVID-19. In June and December, it hosted meetings of the GANHRI Working Group on Ageing, where the latter's activities were presented, and discussions were held on the human rights of older persons agenda. In its capacity as a member of the GANHRI Bureau, the Commission exercised its voting right on key agenda items, including change of GANHRI Chairperson, and participated actively in discussions on the GANHRI Global Action Plan to protect human rights defenders.

As the chair of the GANHRI Working Group on Ageing, the Commission also hosted two sessions of the working group, one in the first half and the other in the second half of 2021. Notably, it changed the name of the working group to GANHRI Working Group on Ageing and Human Rights of Older Persons, highlighting human rights of older persons as part of the working group's activities. Furthermore, it led the presentation of an NHRI statement on the negative effects climate change has on older persons' enjoyment of their human rights at the 47th and 48th UN Human Rights Council held in 2021, as well as presentation of an NHRI statement regarding

the Report of the Independent Expert on the enjoyment of all human rights by older persons.

The GANHRI Sub-Committee on Accreditation reviews the accreditation of national human rights institutions every five years. The Sub-Committee reviews NHRIs' compliance with the 'Principles relating to the Status of National Institutions' (known as the 'Paris Principles'), which set out internationally agreed minimum standards that NHRIs must meet to be credible, including independence guaranteed by statute or Constitution; pluralism in membership; broad mandate; adequate powers of investigation; and adequate resources.

Following review, NHRIs are accredited with one of two levels of accreditation: Status A or Status B. 'A' status institutions are accredited as being fully compliant with the Paris Principles. They are able to participate in sessions of the Human Rights Council and take the floor under any agenda item, take the floor during Human Rights Council's Universal Periodic Review of UN Member States, and have voting rights within GANHRI.

The Commission underwent the periodic review by the GANHRI Sub-Committee on Accreditation on October 22 and was formally accredited with Status A on December 1. Because the Sub-Committee's accreditation results determine NHRIs' standing in the international community, the Status A result was particularly meaningful for the Commission in the year marking its 20th anniversary.

During the review session, the GANHRI Sub-Committee on Accreditation highly praised the Commission's efforts to promote and protect human rights. With the renewed A status accreditation, the Commission verified the high esteem in which Korea is held internationally.

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

A regional network of NHRIs for the Asia Pacific region, the Asia Pacific Forum of National Human Rights Institutions (APF) aims to promote exchanges and cooperation among NHRIs, support the establishment and operation of NHRIs, and facilitate cooperation among international human rights organizations and governments.

From September 15 to 16, the Commission took part in the 26th APF Annual Meeting virtually amid the COVID-19 situation. The meeting addressed business items, including elections for a range of representative positions, gender equality reports of the UN Working Group on Discrimination against Women and Girls, and gender mainstreaming.

The Commission virtually attended the APF Women Leaders Forum on April 15 to participate in discussions on status of women representation and gender mainstreaming. On June 22, it attended an online meeting of the APF General Secretary Network, to discuss human rights issues arising under the COVID-19 situation. At the APF Forum Council meeting held on December 14, it exercised its right to vote in relation to election of GANHRI Chair nominees and revision of the Charter by the APF Governance Committee.

On April 27, the Commission attended the APF Governance Committee meeting to discuss key international human rights issues, including rights violations in Myanmar. At the meeting, which was organized following a letter sent by the NHRCK Chairperson calling for international action on the situation in Myanmar, the Commission led the drafting of an APF statement. Subsequently, the APF Chairperson released the statement on May 10, condemning the military takeover and the harm to democracy, while calling on the military to cease all forms of violence against civilians and release all political prisoners, abide by the five-point consensus plan from the ASEAN Summit urging an end to the violence in Myanmar, and normalize the operations of the Myanmar National Human Rights Commission (MNHRC).

Finally, the Commission communicates and cooperates regularly with APF member organizations and APF Secretariat on certain human rights issues. Particularly, in 2021, through bilateral leadership communication meetings with APF, it discussed the role NHRIs can play to protect the rights of the socially vulnerable and how they can cooperate with the APF.

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

At the 11th online session of the Open-Ended Working Group on Ageing from March 29 to April 1, the Commission underscored the importance of developing a Convention on the Rights of Older Persons during discussions of “The right to work and access to the labor market” and “Access to justice.”

In February, the Commission hosted the 20th ASEM Seminar on Human Rights of Older Persons jointly with the Ministry of Foreign Affairs, the Asia-Europe Foundation, and the ASEM Global Ageing Center to address the human rights conditions facing older persons under the COVID-19 situation. It also participated in a meeting of experts hosted by the Office of the United

Nations High Commissioner for Human Rights (OHCHR), as well as a meeting of the Older Persons Human Rights Week jointly organized by the United Nations, civil society, and national human rights institutes to understand international trends and seek cooperation with related organizations.

As in 2020, the Commission met with ambassadors of foreign missions in Korea and representatives of international organizations on the topic of countering hate and discrimination, and enactment of an equality law. The meeting on June 11 was attended by the Delegation of the European Union, ambassadors and diplomats from 13 countries, and the UN Refugee Agency (UNHCR) representatives who introduced their own equality law (anti-discrimination law) and discussed the effects the law had on countering hatred and discrimination in their countries. Members of the National Assembly were also there to talk about pending issues related to enactment of an equality law in Korea.

The Commission received office calls from the Ambassador of the Delegation of the European Union in Korea, Ambassador of Sweden, Ambassador of Canada, Ambassador of Australia, Ambassador of Germany, and the Chargé d’Affaires of the United States, and held discussions on key human rights issues.

Furthermore, on August 25, the Commission participated in an online debate hosted by the Indonesian Human Rights Committee on Human Rights Movies and Human Rights, and shared its experience in production of human rights film. On October 12, it took part in an international human rights conference (virtual) hosted by the Russian National Human Rights Institute (Human Rights Ombudsman in the Russian Federation) and talked about the environment and human rights. Following the mob violence against a Mongolian junior high school girl in Korea and the mob violence against a Korean in Mongolia, the Commission met with the National Human Rights Commission of Mongolia in December and agreed to work together to protect the rights of nationals.

3. Hosting of International Conferences

International conference to respond to pending human rights issues

On August 24, the Commission hosted an international conference on the topic of “Protection of human rights and enactment of an equality law under the COVID-19 situation.” Hosted jointly with the EU and the APF, the conference was attended by approximately 80 representatives from international human rights organizations, civil society groups, foreign missions in Korea, and academia, as well as around 100 persons who attended virtually. The participants discussed how the rights of the socially vulnerable, such as women, persons with disabilities, gender minorities, and migrants, could be protected under the COVID-19 situation. The conference helped raise public awareness on the need for an equality law both at home and abroad.

The conference was attended by human rights experts from Europe, including the European External Action Service, the Croatian Constitutional Court, and Equal Rights Trust, as well as representatives from national human rights institutes, foreign embassies in Korea, and human rights and civil society groups. Participants shared their policy experiences and discussed immediate tasks to protect the rights of socially vulnerable groups whose human rights vulnerabilities have become more acute under the COVID-19 situation, and the legislation of an equality law as an institutional mechanism to prevent discrimination.

The Commission provided a venue for international discussions on urgent human rights issues caused by COVID-19 in many countries, while strengthening cooperation with the European Union and national human rights institutes.

Chapter
5

Regional Human Rights Offices

Section 1. Overview

The Commission operates six regional human rights offices in Busan, Gwangju, Daegu, Daejeon, Gangwon, and Jeju to enhance and protect the human rights of local residents and facilitate prompt remedies. Starting with the launching of the Busan and Gwangju offices in October 2005, the Daegu office opened in July 2007, followed by the Daejeon office in October 2014, the Gangwon office in June 2017, and the Jeju office in October 2019.

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

Name	Location	Jurisdiction
Busan Regional Human Rights Office	Busan	Busan Metropolitan City, Ulsan Metropolitan City, and Gyeongsangnam-do
Gwangju Regional Human Rights Office	Gwangju	Gwangju Metropolitan City, Jeollanam-do, Jeollabuk-do, and Jeju Special Self-governing Province
Daegu Regional Human Rights Office	Daegu	Daegu Metropolitan City and Gyeongsangbuk-do
Daejeon Regional Human Rights Office	Daejeon	Daejeon Metropolitan City, Sejong Special Self-Governing City, Chungcheongnam-do, and Chungcheongbuk-do
Gangwon Regional Human Rights Office	Wonju, Gangwon-do	Gangwon-do
Jeju Regional Human Rights Office	Jeju-do in Jeju	Jeju-do

The Commission's regional human rights offices investigate and redress petitions filed in relation to human rights violations and/or discrimination that occurred in the police, state organizations (with the exception of the National Assembly, courts, Constitutional Court, National Intelligence Service, the prosecution, and the military), local governments, public-service related organizations, schools, detention facilities, welfare facilities for persons with disabilities, and mental health promotion facilities; conduct human rights education and training; and engage in

exchanges and cooperation, and promotional activities with human rights related organizations and groups within given jurisdiction. They also operate human rights experience centers and run programs tailored to specific regional needs.

Section 2. Major Activities

1. Petitions, Counseling Requests, Complaints and Inquiries Filed

In 2021, 1,588 petitions, 9,810 counseling requests, and 4,019 complaints and inquiries were filed with the regional human rights offices. The Gwangju office saw a surge in petitions filed due to more merged cases coming in, while the Gangwon office, which had many merged cases last year, had significantly fewer petitions filed. The number of counseling requests increased by 638 (7.0%), but complaints and inquiries fell by 1,120 (21.8%).

[Table 2-5-2] Number of Petitions, Counseling Requests, and Complaints and Inquiries Submitted by Regional Human Rights Offices in the Last Two Years

(Unit: cases)

Regional Human Rights Office	Year	Petitions	Counseling requests	Complaints and inquiries	Total
Total	2021	1,588	9,810	4,019	15,417
	2020	1,635	9,172	5,139	15,946
Busan	2021	409	2,102	353	2,864
	2020	473	2,337	405	3,215
Gwangju	2021	421	3,459	1,394	5,274
	2020	279	2,315	1,614	4,208
Daegu	2021	345	2,190	318	2,853
	2020	284	1,677	582	2,543

Regional Human Rights Office	Year	Petitions	Counseling requests	Complaints and inquiries	Total
Daejeon	2021	325	1,707	483	2,515
	2020	319	2,459	661	3,439
Gangwon	2021	69	207	1,418	1,694
	2020	260	231	1,820	2,311
Jeju	2021	19	145	53	217
	2020	20	153	57	230

*The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

2. Face-to-face Petitions Filed and Processed

In 2021, 1,724 face-to-face petitions were filed with the regional human rights offices and 1,689 were closed. Of those closed, 221 (13.1%) were filed as petitions, 832 (49.3%) were closed by counseling, and 636 (37.7%) were withdrawn by the petitioners. Compared to 2020, 21 (1.2%) fewer face-to-face petitions were filed, but 53 (3.2%) more closed.

[Table 2-5-3] Face-to-Face Petitions Submitted and Processed
by Regional Human Rights Offices in the Last Two Years

(Unit: cases, %)

Regional Human Rights Office	Year	Submitted	Petitions processed						
			Subtotal	Petitions submitted		Petitions closed by counseling		Petitions withdrawn	
Total	2021	1,724	1,689	221	13.1	832	49.3	636	37.7
	2020	1,745	1,636	171	10.5	792	48.4	673	41.1
Busan	2021	412	412	45	10.9	191	46.4	176	42.7
	2020	559	542	38	7.0	276	50.9	228	42.1
Gwangju	2021	452	472	52	11.0	251	53.2	169	35.8
	2020	365	344	19	5.5	176	51.2	149	43.3

Regional Human Rights Office	Year	Submitted	Petitions processed						
			Subtotal	Petitions submitted		Petitions closed by counseling		Petitions withdrawn	
Daegu	2021	428	415	75	18.1	198	47.7	142	34.2
	2020	483	438	62	14.2	195	44.5	181	41.3
Daejeon	2021	330	294	45	15.3	157	53.4	92	31.3
	2020	268	240	38	15.8	123	51.2	79	32.9
Gangwon	2021	94	90	4	4.4	32	35.6	54	60.0
	2020	59	57	12	21.1	15	26.3	30	52.6
Jeju	2021	8	6	-	-	3	50.0	3	50.0
	2020	11	15	2	13.3	7	46.7	6	40.0

*The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

3. Petitions Processed

In 2021, 3,495 petitions were assigned to the regional offices, of which 3,174 were processed. A total of 304 were remedied, 108 resulted in recommendations, 19 were closed by agreement, and 178 were resolved during investigation.

Compared to 2020, the number of petitions assigned to regional offices increased by 499 (16.7%) and the number of petitions processed remained at similar level, with six more.

[Table 2-5-4] Number of Petitions Processed at Regional Human Rights Offices in the Last Two Years

(Unit: cases)

Regional Human Rights Office	Classification	Assigned	Processed	Remedied						Rejected	Transferred	Dismissed	Investigation suspended
				Subtotal	Criminal investigation requested	Recommendations, etc.	Mediation	Closed by settlement	Resolved during investigation				
Total	2021	3,495	3,174	304	-	108	-	19	178	1,914	9	926	20
	2020	2,996	3,168	724	-	231	-	9	484	1,668	19	755	2
Busan	2021	931	819	83	-	26	-	9	48	552	5	177	2
	2020	806	785	88	-	36	-	2	50	514	7	175	1
Gwangju	2021	760	789	73	-	27	-	1	45	482	-	231	3
	2020	550	574	160	-	138	-	1	21	298	3	113	-
Daegu	2021	770	758	69	-	31	-	1	37	448	1	229	11
	2020	666	700	43	-	19	-	-	24	438	1	218	-
Daejeon	2021	736	553	39	-	13	-	3	23	276	1	233	4
	2020	537	567	79	-	31	-	5	43	287	5	195	1
Gangwon	2021	208	176	31	-	10	-	3	18	102	1	42	-
	2020	378	485	342	-	6	-	1	335	109	2	32	-
Jeju	2021	90	79	10	-	1	-	2	7	54	1	14	-
	2020	59	57	12	-	1	-	-	11	22	1	22	-

* The statistics of submitted and processed complaints include concluded cases that were re-investigated due to the cancellation of administrative proceedings

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

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

4. Human Rights Education

The regional offices organized human rights instructor training courses, human rights sensitivity training courses, visiting education, and special human rights lectures at their education centers.

In 2021, the regional offices organized a total of 1,197 human rights education sessions for 29,955 persons, which is 463 more sessions (63.1%) and 5,262 more beneficiaries (21.3%) compared to the previous year. By type, 31 sessions (509 persons) were for human rights instructor training, 103 sessions (2,996 persons) for human rights sensitivity training, 322 sessions (4,332 persons) for visiting education, and 741 sessions (22,128 persons) for special lectures. The largest number of education and training was in the form of special lectures.

[Table 2-5-5] Human Rights Education Conducted by Human Rights Offices in 2021

(in number of sessions and persons)

Regional Human Rights Office	Total		Instructor cultivation		Sensitivity improvement		Mandatory education		Visiting education	
	Session	Participant	Session	Participant	Session	Participant	Session	Participant	Session	Participant
Total	1,197	29,955	31	509	103	2,996	322	4,332	741	22,128
Busan	463	12,538	6	125	40	1,259	19	371	398	10,783
Gwangju	155	3,980	7	116	16	665	69	1,189	63	2,020
Daegu	183	4,316	6	83	15	359	65	888	97	2,986
Daejeon	250	4,905	5	79	15	248	113	1,195	117	3,383
Gangwon	98	2,090	4	65	14	318	51	639	29	1,068
Jeju	48	2,126	3	41	3	147	5	50	37	1,888



03

Appendices

1. Commissioners and Senior Executive Officers
2. 2021 Business Roadmap



National Human Rights Commission of Korea

Annual Report 2021

1. Commissioners and Senior Executive Officers (as of December 31, 2021)

Commissioners

Name	Profile	Nominating/electing authority (Term)
 Chairperson Song, Doo-hwan	• Judge, Seoul Central District Civil Court • Judge, Seoul Central District Criminal Court • Human Rights Director, Korean Bar Association • President, Minbyun-Lawyers for a Democratic Society • Independent Special Prosecutor in North Korea Remittance case • Non-standing Commissioner, Civil Service Commission • Justice, Constitutional Court of Korea • Chairperson, Prosecution Reform Committee • Managing Partner, Hankyul Law LLC	Nominated by the President (September 4, 2021 - September 3, 2024)
 Standing Commissioner Lee Sang-chul	• Judge, Seoul High Court • Judge, Daegu High Court • Head of Andong Branch, Daegu District Court • Head Judge, Seoul Central District Court • Chief Judge, Seoul Northern District Court • Standing Commissioner, National Unification Advisory Council • Member of North Korean Human Rights Committee, Korean Bar Association • Non-standing Commissioner, National Special Investigation Committee on Sewol Ferry Disaster	Elected by the National Assembly (September 19, 2019 – September 18, 2022)
 Standing Commissioner Park Chan-un	• Professor, Ph.D., The Law School, Hanyang University • President, Human Rights Law Society • Member, Police Reform Commission, National Police Agency • Commissioner, Seoul Metropolitan Human Rights Commission • Board member, Human Rights Policy Institute • Vice Chairman, Human Rights Committee, Korea Bar Association • Director General of Human Rights Policy Bureau, NHRCK • Chairman, International Solidarity Committee, Lawyers for a Democratic Society	Nominated by the President (January 13, 2020- January 12, 2023)
 Standing Commissioner Nam, Kyu-sun	• Secretary General, MINKAHYUP Human Rights Group • Chairperson of Media Promotion, Committee of Private Groups for just national human rights organization • Director, Communications & Cooperation Div. of NHRCK • Public Affairs Officer, NHRCK • Director, Human Rights Education for Citizens, NHRCK • Director, Human Rights Policy Institute • Member, 1st Special Committee on Civil Liberties, NHRCK • Standing Director, Korea Democracy Foundation	Elected by the National Assembly (August 6, 2021 - August 5, 2024)

Name	Profile	Nominating/electing authority (Term)
 Commissioner Mun Sun-hye	• Director, Korean Buddhist Research Institute for Future Society • Member, Steering Committee, People's Solidarity for Participatory Democracy • Representative Director, Ungajabiwon Welfare Foundation • Permanent Representative, Shilcheon Bulgyo • Co-Representative, task force on return of public funds illegally obtained by government officials • Chief, Beobjangsa Temple of Jogye Order of Korean Buddhism • Adjunct Professor, Joong-Ang Sangha University • Advisor, Transparency International Korea	Nominated by the President (July 9, 2019 – July 8, 2022)
 Commissioner Yi Zoon-il	• Professor, Ph.D., The Law School, Korea University • Constitutional Researcher, Constitutional Court of Korea • Legislative Advisor, National Assembly Secretariat • Member, Special Committee of National Human Rights Commission of Korea	Nominated by the Chief Justice of the Supreme Court (February 28, 2020 - February 27, 2023)
 Commissioner Seo Mi-hwa	• President, Research Institute for Disabled Rights, Jeollanam-do • President, Yudal Self-reliance Support Center for Disabled persons • Member of Advisory Committee for gender equality, Ministry of Health and Welfare • Standing representative, Solidarity Against Disability Discrimination, Jeollanam-do • Member, 9th Mokpo City Council	Nominated by the President (May 1, 2020- April 30, 2023)
 Commissioner Seok Won-jeong	• Director, Seongdong Global Migrant Center • Director, Association for Migrant Workers' Human Rights • Member, Human Rights Advisory Group, Ministry of Justice • 2nd Expert Member, Committee on Civil and Political Rights, NHRCK • Member, Human Rights Committee, Seoul Metropolitan Government	Elected by the National Assembly (July 3, 2020- July 2, 2023)

Name	Profile	Nominating/electing authority (Term)
 Commissioner Yoon, Seug-hee	• President, Korea Women Lawyers Association • Non-Executive Director, Women's Human Rights Institute of Korea • Senior Vice President, Korean Bar Association • Member, Gender Equality Deliberation Committee, Seoul Family Court • Chief Lawyer, Yoon & Co Law Office	Nominated by the Chief Justice of the Supreme Court (February 19, 2021 - February 18, 2024)
 Commissioner Kim, Soo-jung	• Lawyer, Jihyang Law Office • Commissioner at Deliberation Committee for Women and Child Policy, Ministry of Justice • Integrity Ombudsman, Ministry of National Defense • Member, Human Rights Committee, Seoul Metropolitan Government • Member, Committee Specialized on Children's Rights, NHRCK	Nominated by the Chief Justice of the Supreme Court (August 27, 2021 - August 26, 2024)
 Commissioner Han, Seok-hoon	• Chief Prosecutor at Gunsan Branch Prosecutors' Office, Jeonju District Prosecutors' Office • Vice Chief Prosecutor at Seoul Eastern District Prosecutors' Office • Chief Prosecutor at Gwangju High Prosecutors' Office • Director, Research Operation Committee, Korean Institute of Criminology and Justice • Professor at Sungkyunkwan University Law School	Elected by the National Assembly (October 15, 2021 - October 14, 2024)



Former Chairpersons

Name	Profile	Term
 1 st Chairperson Kim Chang-guk	• Chief Prosecutor, Jeonju and Gwangju District Prosecutors' Office • 82nd President, Seoul Bar Association • 40th President, Korean Bar Association • Co-Representative, People's Solidarity for Participatory Democracy • Chair, Committee for the Inspection of Property of Pro-Japanese Collaborators	November 25, 2001-December 23, 2004
 2 nd Chairperson Choi Young-do	• Judge, Seoul District Criminal Court • Human Rights Director and Commissioner, Korean Bar Association • President, Lawyers for Democratic Society • Standing Co-Representative, Korea Human Rights Network • Co-Representative, People's Solidarity for Participatory Democracy	December 24, 2004-March 22, 2005
 3 rd Chairperson Cho Young-hwang	• Standing Director, Seoul Bar Association • Lawyer in Charge of Maintaining Public Prosecution against Sexual Torture That Occurred at Bucheon Police Station • Director, Anti-Corruption Committee, Citizens' Coalition for Economic Justice • Judge, Goheunggun Court, Suncheon Branch of Gwangju District Court • Chairperson, Ombudsman of Korea	April 4, 2005-October 1, 2006
 4 th Chairperson Ahn Kyong-whan	• Professor and Dean, Seoul National University College of Law • Visiting Professor, University of Illinois College of Law • 8th President, Korean Constitutional Law Association • Vice-Chairman, Asia-Pacific Forum of National Human Rights Institutions (APF) • Vice-Chairman, International Coordinating Commission (ICC)	October 30, 2006-July 5, 2009

Name	Profile	Term
 5th and 6th Chairperson Hyun Byung-chul	• Dean, Hanyang University College of Law • Director, Hanyang University Administration Department • Secretary General and Vice-President, Korea Law Professors Association • President, Korea Association of Comparative Private Law • Director, Hanyang University Graduate School of Public Administration • Dean, Hanyang Cyber University	July 17, 2009-August 12, 2015 *Served a second term from August 13, 2012
 7th Chairperson Lee Sung-ho	• Passed the 22nd Judicial Examination • Judicial Researcher, Supreme Court • Director, Cheonan Branch of Daejeon District Court • Chief Judge, Suwon, Seoul, Seoul Eastern District Court • Chief Judge and Senior Chief Judge, Patent Court • Chief Judge and Senior Chief Judge, Seoul High Court • President, Seoul Southern and Central District Court • Chairperson, Seoul Metropolitan Election Commission • Chairperson, GANHRI Working Group on Ageing (from 2016)	August 13, 2015-September 3, 2018
 8th Chairperson Choi Young-ae	• President, Korea Sexual Violence Relief Center • Chairperson, Special Committee on the Enactment of the Special Act on Sexual Violence • Co-Representative, Joint Task Force for Sexual Harassment Committed against the Teaching Assistant of Seoul National University • Secretary-General, NHRCK • Standing Commissioner, NHRCK • Board President, People Who Support the Human Rights of Women • Chair, Human Rights Committee, Seoul Metropolitan City	September 4, 2018-September 3, 2021

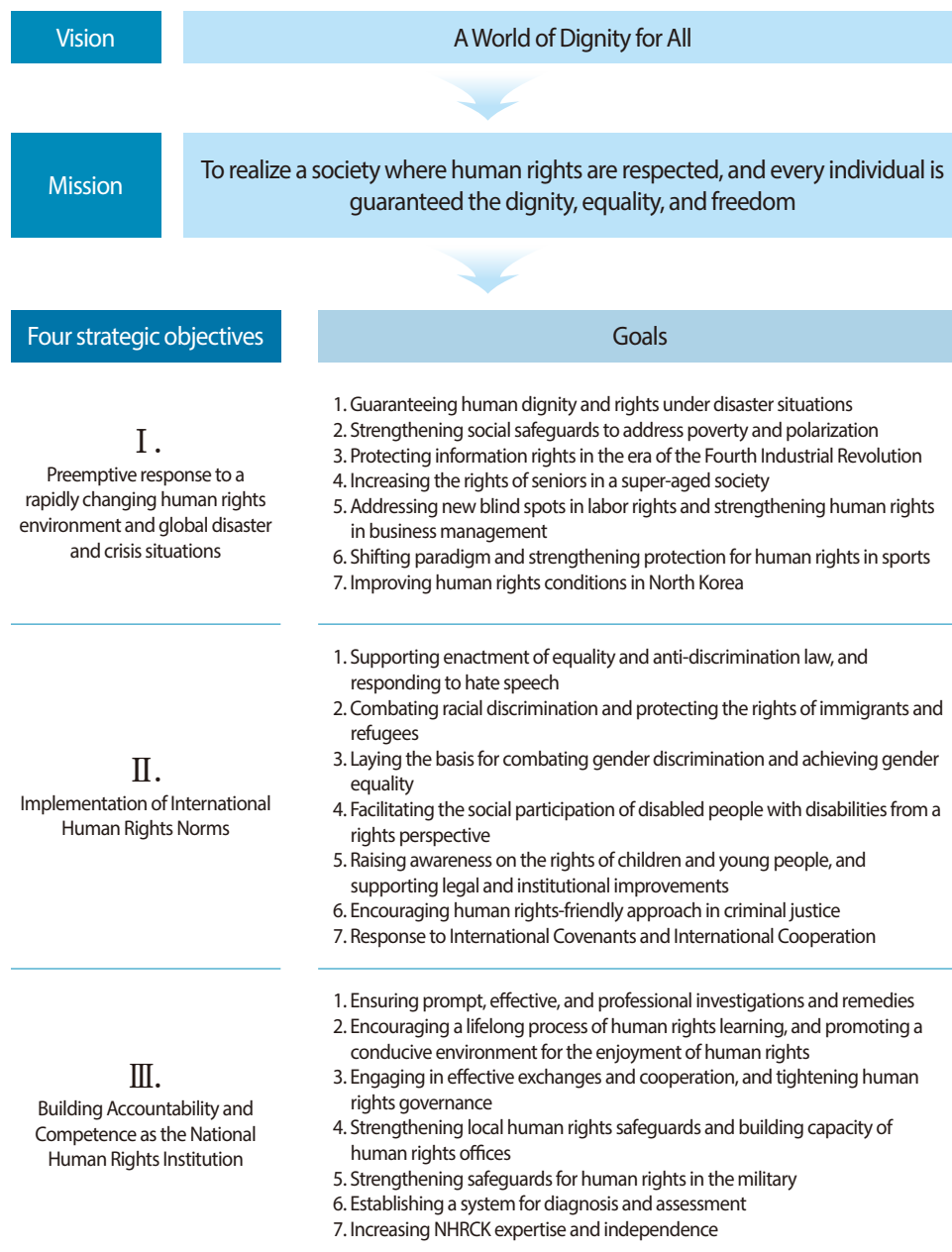


Secretary General and Senior Executive Officers

Name	Profile	Name	Profiles
 Secretary General Song So-hyon	• General affairs manager, Democratization Practice Movement Council • Special adviser, Jipyong LLC • Executive director, The Truth Foundation	 Director-General of Planning and Coordination Bureau Lee Suk-jun	• Chief, Migration and Human Rights Team, NHRCK • Chief Secretary, NHRCK • Director, Human Rights Policy Division, NHRCK • Director, Rights of Persons with Disabilities Division 1, NHRCK
 Director-General of Policy and Education Bureau Cho Young-ho	• Director, Investigation of Civil and Political Rights Division, NHRCK • Director, Public Relations Division, NHRCK • Director, Rights of Persons with Disabilities Division 1, NHRCK • Director, Human Rights Policy Division, NHRCK	 Director-General of Civil and Political Rights Bureau Ahn Sung-yul	• Director, Investigation on Civil and Political Rights Division, NHRCK • Director, Human Rights Policy Division, NHRCK • Director, Administrative and Legal Affairs Division, NHRCK • Director, General Affairs Division, NHRCK
 Director-General of Discrimination Remedy Bureau Yeom, Hyeong-guk	• Standing Director and Lawyer, GongGam Human Rights Law Foundation • Director, Pro Bono Support Center	 Deputy Director-General of Education Cooperation Kim, Eun-mi	• Director, Discrimination Investigation Division, NHRCK • Director, Human Rights Education Planning Division, NHRCK • Director, PR Cooperation Division, NHRCK • Chief, Human Rights Counseling Coordination Center, NHRCK



2. 2021 Business Roadmap



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National Human Rights Commission of Korea

NaraKium Jeo-dong Bldg., 340, Samil-daero, Jung-gu, Seoul, Korea 04551
Tel. +82-2-2125-9793
Fax. +82-2-2125-0913
www.humanrights.go.kr
ISSN 1738-804X



Narakium Jeo-dong Bldg., 340, Samil-daero, Jung-gu, Seoul, Korea, 04551

TEL: +82-2-2125-9793 FAX: +82-2-2125-0913

www.humanrights.go.kr