

National Human Rights Commission of Korea

What is the background of the National Human Rights Commission?

Since the "Vienna Declaration and Programme of Action"(1993), human rights groups in Korea have suggested establishing a human rights institution. The Kim Dae-jung(the Nobel Peace Prize winner in the year 2000) administration, which was launched in 1998 through a peaceful turnover of political power, promised to establish a human rights commission and began the legislative process for it. However, it was hampered due to differing opinions between government and civil society regarding the independence, function and power of the commission. After reflecting and incorporating the opinion of civil organizations over the past three years, the National Human Rights Commission Act finally legislated in April 2001 and the Commission is supposed to establish on November 25th 2001 under the Act.

What is the purpose of National Human Rights Commission Act?

The purpose of this Act is to contribute to the embodiment of human dignity and worth as well as to safeguard the basic order of democracy. The overarching goal of establishing the National Human Rights Commission is to ensure that inviolable fundamental human rights of all individuals are protected, and the standards of human rights are improved.

What is the composition of the Commission?

- The Commission is composed of eleven commissioners including one Chairperson and three full-time commissioners. Four or more of the commissioners shall be women.
- The eleven commissioners (four persons are to be selected by the National Assembly, four nominated by the President and the other three nominated by the Chief Justice of the Supreme Court) will be appointed by the President.
- The term of office of the Chairperson and commissioners is three years, but consecutive appointments may be extended for one extra term only.

What kinds of complaints are investigated by the Commission?

The Commission may investigate cases where human rights that are guaranteed in the Constitution are violated by state organs, local governments, confinement, or related correctional facilities in the performance of their duties, or in cases of discriminatory acts that violate the equal rights of a juristic person, organization or private individual. Petitions can only be investigated if they are filed no later than one year since the incident in question.

What are the opinions of civil society on the National Human Rights Act?

Civil society including non-governmental human rights groups recognize that the Act ensures the independence of the Commission because it is authorized to autonomously organize, operate and compile its own budget. They, however, criticize that the Commission's investigatory powers are limited because the Commission may not investigate petitions which have been completed or currently under investigation by other investigatory agencies or under procedures for remedy. They also point out that the Act contains a wide range of reasons why national agencies may refuse to submit related materials or to be consulted with. In addition, they criticize that because the Act does not include regulation to punish perjury, the power of the Commission is further weakened. The other important problem they point out is there is a possibility that investigative activities would be limited as the Act does not give commissioners and staff members the privilege of exemption from liability regarding defamation of character.

How are preparations for establishing the National Human Rights Commission proceeding?

The preparatory process for establishing the National Human Rights is being hampered because the appointment of the commissioners has not been finalized. Meanwhile, the government has announced the designated chairperson of the Commission and set up a Task Force on Establishment of National Human Rights Commission composed of public officials and civil experts. The Task Force was launched on August 20th under the chairperson-elect, Kim Chang Kook, a famous lawyer who has deeply interested in human rights of South Korea. The mission of the Task Force is to help commissioners (who will be appointed) prepare for the establishment of the Commission by collecting and analyzing useful data and materials as well as by drawing up a presidential decree and rules for the Commission.