



National Human Rights Commission of Korea

## **ACTIVITIES REPORT**

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### **Basic Direction for Activities in 2010**

The National Human Rights Commission (hereafter "the Commission") was established on November 25, 2001 as an independent national institution with a mission to "contribute to the realization of human dignity and worth, the safeguard of the basic order of democracy to ensure the protection of the inviolable and fundamental human rights of all individuals, and the promotion of the standards of human rights."

In accordance with the goals and direction of the Three-Year Action Plan for Promoting Human Rights established in 2009, the Commission maintained the five strategic objectives and special projects in implementing its activities for the year 2010, in order to ensure the continuity of projects from the previous year. Based on this, the Commission formulated a strategy to implement the five strategic objectives, which are i) safeguarding civil and political rights; ii) advancing the rights of the child and the elderly; iii) promoting the economic, social and cultural rights of economically vulnerable groups; iv) improving the rights of migrants in a multi-cultural society; and v) strengthening the anti-discrimination policies and remedies that pertain to socially vulnerable groups. It also established action plans on a special project to improve North Korean human rights.

Moreover the Commission strategically analyzed a range of factors, including

increase in the number of complaints, demands for human rights educations and the manifestation of diverse human rights issues; and changes in the internal and external environments surrounding the Commission, which were incorporated into the 2010 work plans. In addition, it focused on "selection and concentration" of its activities following the downsizing of the organization in 2009. In accordance with the goals and direction of "the Three-Year Action Plan for Promoting Human Rights" established in 2009, the Commission adjusted three out of 20 performance objectives to better respond to rising demand.

### **Change in Environment and Outcomes in 2010**

Amidst the increased attention on human rights in diverse sectors nationally and internationally, the Commission exerted concerted efforts to meet the growing demands especially in the year 2010. On the international front, there were evidently clear trends that indicate a shift toward greater protection of economic, social and cultural rights (hereafter "ESC rights") particularly in the field of migration and business. On the domestic front, new areas of human rights, including information and communication technology and human rights (hereafter "ICT and human rights"), business and human rights, ESC rights and environmental rights, have emerged and expanded.

Meanwhile, the number of discrimination complaints has increased significantly with the enforcement of the "Act on the Prohibition of Discrimination of Disabled Persons, Remedy Against Infringement of Their Rights, etc." (hereafter the Disability Discrimination Act) and the "Act on Prohibition of Age Discrimination in Employment and Elderly Employment Promotion" (hereafter the Age Discrimination Act). In addition, cases of rights violations by the State authority have been steadily on the rise, while demands for human rights of the underprivileged, including socially and economically vulnerable groups, are rapidly increasing. The consequent increase in complaint cases placed a demand on the Commission to fulfill its roles and functions to the utmost.

In an effort to perform its major activities efficiently and effectively with the reduced manpower, the Commission endeavored to improve by eliminating inefficient practices identified in its procedures in handling of complaints under these circumstances. In addition, it further reinforced the team-based structure,

which had been introduced to resolve problems caused in the course of operating the large-scale department-based structure. The Commission also endeavored to improve its performance and competence by forming seven teams dedicated to its key priorities.

Despite the aforementioned increase in complaints and workload, the Commission steadily implemented its policy of requiring its staff to complete 100 hours of training sessions a year to develop their expertise and competence in human rights. In so doing, the Commission's staff members not only perform their respective duties more efficiently, but also obtain knowledge and expertise in a wide range of human rights issues. Moreover, the Commission improved its performance in government resource management, and was accordingly selected as the best governmental institution in the 2010 Government Property Management Evaluation, receiving a Presidential award.

### **Challenges to Implement Activities in 2010**

The year 2010 was one in which the Commission found a significant impact from organizational and manpower reduction of 2009, and there were thus a number of difficulties in executing its activities. Some areas for improvement were evident, such as delays in implementation of some projects.

Despite the rise in the number of complaint cases, the reduced human resources made it difficult to respond immediately to pending human rights issues through systematic and focused ex officio investigations. Consequently, there was a need for long-term measures to resolve issues like the selection of tasks regarding special investigations such as public opinion surveys and research on human rights conditions and the issue of budget allocation. It was also necessary to seek more efficient and effective ways for a closer collaborative system between policy and investigation units.

Meanwhile, the Commission operated expert committees on various fields to research and review deliberations made by the Standing Commissioners Committee and sub-committees, and an advisory committee aimed at providing advice on what is necessary to ensure efficient execution of activities of the Commission. However, there was a need to improve the expert committees and

the advisory committee for greater efficiency.

Recognizing those challenges, the Commission will adjust to the rapidly changing human rights environment and continue to fulfil its role and purpose as a national human rights institution. The Commission's aim is to protect and enhance the human rights of citizens to improve quality of life, thereby meeting the expectations of the public.

### **Structure and Content of Projects in 2010**

The Commission divides its work into general projects, which are its basic areas of work, and five key projects based on the Action Plan for Promoting Human Rights, which was designed as a mid-term task plan to review and set new goals every three years, with the first term starting in 2006. In 2010, the second term task plan (2009-2011), following the first term plan (2006-2008), was implemented.

<b>General Projects</b>
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#### **Solidifying Pro-Human Rights Policy Environment**

There were changes in the internal and external environment surrounding the Commission's policy tasks in 2010 on an unprecedented scale. Internally, there was a sharp decrease in manpower due to retirements and transfer of employees following the scaling down of the organization in April 2009. In addition, the Commission underwent a significant change in the division-based organization of work, with policy tasks on rights of migrant workers and women transferred to the Investigation Bureau.

Nevertheless, the Commission endeavored to assert its voice for human rights in exploring and expanding human rights issues of everyday lives, making recommendations to improve legal and policy provisions, and expressing its opinions on diverse areas of human rights; including ICT and human rights, the rights of workers, the rights of migrants, the rights of the elderly and the child, business and human rights, the rights to freedom from the State.

In particular, the Commission strived to expand the area of ICT and human rights by successfully bidding to host the Asia Europe Meeting (ASEM)'s Seminar on Human Rights in Korea in 2011, while actively participating in events and meetings held by international human rights organizations.

Furthermore, in order to solidify policy recommendations, the Commission conducted seven studies on human rights conditions, while hosting discussion sessions, forums, symposiums, and seminars in different areas of human rights to prepare a pro-human rights policy foundation. Based on this, the Commission made more than thirty recommendations and expressed opinions on the relevant human rights laws, regulations, and policies and submitted three opinions to the Court in 2010.

### **Improving the Effectiveness of Remedies**

The Commission received 9,159 complaints and provided human rights counseling for 22,502 cases in 2010 alone. Among the complaints received, civil rights violation cases (70.5%) significantly outnumbered discrimination cases. The number of discrimination cases showed a gradual increase.

<b>Complaints by Year</b>				
	Cumulative Total	Civil Rights Violation	Discrimination	Others
Cumulative Total	51,307	39,734 (77.4%)	9,739 (19.0%)	1,834 (3.6%)
2010	9,159	6,458 (70.5%)	2,674 (29.2%)	27 (0.3%)
2009	6,985	5,282 (75.65)	1,685 (24.1%)	18 (0.3%)
2008	6,309	4,892 (77.5%)	1,380 (21.9%)	37 (0.6%)
2007	6,274	5,067 (80.7%)	1,159 (18.5%)	48 (0.8%)

The Commission received 6,458 complaints on civil rights violations in 2010, an increase by 1,176 (22.2%) from the previous year. The total number of complaints on civil rights violations from the inauguration of the Commission to the end of 2010 stood at 39,734. By type of organization, out of 39,734 complaints received, topping the list with 15,838 cases were complaints related

to detention centers, accounting for 39.9%; followed by police-related cases with 9,004 (22.7%); and then complaints related to other national institutions with 4,481 (11.3%); followed by complaints related to protective facilities with 3,838 cases (9.7%). In 2010, a total of 6,458 complaints were received and complaints related to detention facilities topped the list with 1,881 (29.1%); this was followed by police-related cases with 1,590 (24.6%), cases related to protective facilities with 1,373 (21.2%); and finally cases related to other national institutions with 486 (7.5%). Complaints related to protective facilities rose by 2.8-fold from the previous year, which is interpreted as being in line with trends where complaints related to mental health facilities and facilities for persons with disabilities are on the rise.

In 2010, the Commission received a total of 2,674 complaints of discrimination cases, which included 571 cases (21.3%) regarding employment, 1,459 cases (54.6%) regarding supply or use of goods, and 107 cases (4.0%) regarding use of educational facilities, etc.

In order to ensure the effectiveness of remedies, the Commission will make more efforts in monitoring and following-up remedies and recommendations in addition to maintaining strong communication and partnership with stakeholders, including government agencies.

### **Disseminating Human Rights Education and Producing Cultural Contents on Human Rights**

The Commission endeavored to fulfill its role as an institution responsible for human rights education. It established the operation of the Human Rights Education Center and a support service system for human rights education by formulating an annual plan on human rights education and training course, operation guidelines for the Human Rights Education Center and a human rights education network.

The Commission opened the "Local Council Member Human Rights Leadership Academy Course" and offered education to members of the city council and district councils of the Seoul Metropolitan City and district council members of Busan Metropolitan City. After completing the Human Rights Academy course, a

special committee on human rights was established under the Seoul Metropolitan Council for the first time, while Haeundae District of Busan enacted a human rights ordinance.

With the recent increase in attention to corporate social responsibility (CSR) and human rights management by the international community, and since the enactment of the Disability Discrimination Act, business corporations are now required to fulfill their obligation to provide accessibility to persons with disabilities. Accordingly, the Commission provided human rights education to employers employing persons with disabilities and their human resources staff on the responsibility of business to respect human rights, especially the rights of persons with disabilities.

The Commission also utilized cultural contents on human rights developed for educational and promotional purposes. These materials were promoted and distributed at the request of diverse sectors with as a way to raise human rights awareness.

### **Domestic and International Cooperation**

The Commission continued its solidarity and cooperation with human rights groups despite the challenging environment. Despite criticisms from some human rights groups on the status and roles of the Commission, the Commission held policy forums with human rights groups in Seoul, Gwangju and Busan to collect various opinions and suggestions and incorporated them into the annual task plans for 2010, remaining committed to the close cooperation with human rights groups.

In a continuing effort to consolidate solidarity and collaboration with human rights groups, the Commission carried out diverse support and exchange activities, including the Chairperson and Standing Commissioners' participation in human rights events and hosting the Commission's organization of forums with human rights groups. Furthermore, the Chairperson and Standing Commissioners paid field visits to listen to the voices of the socially vulnerable and minorities under threat of human rights violations, and strived to reflect their hardships and demands in the Commission's policies and projects.

In order to consolidate its leadership in the international human rights community, the Commission continued its collaboration with international human rights organizations, including the United Nations, human rights treaty bodies, and the ICC and APF. In addition, the Commission operated the Human Rights Policy Development Program as part of the training program, supported by the ODA of the Korea International Cooperation Agency (KOICA). Through the ODA program, the Commission supported the formulation of human rights policies and the establishment of national human rights institutions in other countries, thereby solidifying its international leadership.

The Commission not only publicized its major projects and outcomes among citizens to raise awareness on human rights, but also contributed to the social agenda on human rights issues. The Commission expanded opportunities to publicize its major policies and outcomes through various media including TV broadcasting, web blogs, online newsletters, LED display, the Internet and newsletters of public institutions, thereby enhancing the public's understanding and awareness of human rights issues.

## **Five Strategic Projects**

### **Assuring the Basic Freedom in Practice**

The Commission decided 'Assuring the Freedom in Practice' as a strategic goal and set performance objectives of defending physical freedom and freedom from unlawful detention, ensuring freedom of expression and tightening domestic implementation of international human rights laws, and promoting privacy and human rights in the information society.

The Commission conducted on-site inspections on 18 police detention facilities to protect physical integrity and freedom from unlawful detention, while seeking ways to raise awareness of the rights of inmates to health.

Moreover, in order to improve the treatment towards heavily intoxicated persons, the Commission analyzed the complaint cases related to heavily intoxicated

persons and conducted research on the excessive handling of heavily intoxicated persons by the police. It also observed difficulties of the police due to disturbances caused by heavily intoxicated persons. The Commission planned to establish measures to protect the rights of heavily intoxicated persons in 2011. In an effort to ensure freedom of expression and promote privacy and human rights in the information society, the Commission also handled pending human rights issues in a timely manner, including several recommendations to improve the Internet content regulatory system, to prohibit the installation of full-body scanners at domestic airports, and to install CCTVs in the private sector and improve their operation. It also hosted a series of public discussions and seminars on the plan to revise the Resident Registration Act, which was to introduce electronic ID cards, to do a status survey on the installation and operation of CCTVs in the private sector, and the legal protection of human rights and privacy in the information society.

In an effort to enhance the implementation of international human rights laws at the national level, the Commission also focused on laying the foundation by forming the Human Rights Policy Consultative Body to facilitate collaboration with the related Ministries, while submitting an opinion report on the Optional Protocol to the Convention on the Rights of the Child (individual complaint/communication) to the UN Human Rights Council. In addition, the Commission conducted a status survey on the implementation of the Convention on the Rights of Persons with Disabilities to review its implementation status and expressed its opinion in the National Report on the Convention to the government.

### **Improving the Rights of the Child and the Elderly**

In an effort to improve the rights of the child and youth and provide support for the elderly who often remain vulnerable and disadvantaged in this highly competitive society, the Commission decided "improving the rights of the child and the elderly" as a strategic objective and laid out concrete performance objectives to improve the rights of students, the rights of children from vulnerable families and disadvantaged sectors of society, protecting the rights of athletes, and safeguarding the rights of the elderly.

In a bid to improve the rights of students, the Commission organized courses to improve human rights sensitivity for teachers and counsellors and on-line courses to train instructors for human rights education. Furthermore, the Commission strived to reinforce human rights education for the rights of the child and youth by organizing a "Korea-Japan International Workshop" to foster a human rights at school, setting up a textbook monitoring committee and making policy recommendations to make the textbooks in compliance with human rights standards.

The Commission also endeavored to improve the rights of children from disadvantaged sectors of society and neglected areas, conducting research on human rights conditions in child welfare facilities, organizing discussion sessions on policies to prevent recurrence of sexual violence against children with the participation of relevant institutions and local child-care centers.

The Commission also conducted an investigation and sought ways to improve human rights conditions among university student athletes, including all forms of violence and the violation of rights to education. It also organized a policy forum on the transfer agreements of student athletes, which led to its policy recommendation to the Korea Olympic Committee. In particular, the Commission developed the Guidelines on Promoting and Protecting Human Rights in Sports, which consisted of a charter calling for the prevention of all forms of violence and the protection of the right to education. The Commission decided to recommend it to the Ministry of Education, Science and Technology; the Ministry of Culture, Sports and Tourism; and the Korea Olympic Committee, thereby laying the foundation and proposing a direction for improving the respect for human rights in sports.

Meanwhile, the Commission formed the Guardian of the Rights of the Elderly (104 members) in four provinces to monitor welfare facilities for the elderly (institutional care services and home care services). It tasked the group to monitor the Long-term Care Insurance Service for the elderly, produce a documentary video, report on its activities, and hold workshops, paving the way for the elderly to play a central role in projects to promote the rights of the elderly. In addition, the Commission further reinforced human rights education for the elderly by providing courses to train instructors and to improve human

rights sensitivity in social welfare, especially in welfare for the elderly.

### **Improving the Rights of Economically Vulnerable Groups**

With the growing disparities between the rich and the poor, there is an urgent need for the protection of the rights of economically vulnerable groups, which is growing serious from the standpoint of the economic, social and cultural rights. In response, the Commission decided "improving the rights of economically vulnerable groups" as one of its strategic goals. It laid out concrete performance objectives of building infrastructure for those rights to meet international standards, ensuring the rights of the impoverished, and improving the rights of workers.

In order to formulate policies on business and human rights, the Commission developed its workshops to six forums, attended by business corporations, civil society groups and experts, providing a channel for constructive dialogue.

In an effort to promote the rights of people in poverty, the Commission also held meetings and forums on the right to health. The Commission identified that provision of assessment standards on activity capability in "Regulation on Work Capability Assessment Standards, etc." could violate human rights due to its subjective and arbitrary standard and humiliate the assessed people. It recommended to the Minister for Health and Welfare to amend the clause, thereby raising awareness of the right to health. Also, the Commission held a meeting and discussion sessions on the problems and alternatives of urban redevelopment projects in Korean society, discussing ways for institutional improvement of redevelopment projects.

The Commission analyzed "the Supplementary Results of Economically Active Population Survey" by Statistics Korea, which revealed that the labor rights of teenage workers were most exploited. Upon its analysis, it raised the social issue of the rights of teenage workers and made recommendations to the Ministry of Employment and Labor to introduce laws and policies on the labor rights of teenagers, such as minimum wages for youth.

## **Promoting the Rights of Migrants in a Multicultural Society**

As Korea is transforming into a multi-cultural society with an influx of migrants, the Commission declared "promoting the rights of migrants in multicultural society" as a strategic objective, aiming to respond effectively to the human rights challenges of migrants occurring in various forms and to build a solid foundation for a multicultural society. The specific objectives of the Commission were reinforcing pro-human rights multicultural policies, protecting the rights of migrant workers, promoting the rights of marriage migrants, and ensuring the rights of children from multi-cultural families.

In order to formulate guidelines on the rights of migrants, the Commission organized an advisory meeting consisting of experts from academia and civil society and had in-depth discussions on the direction of the guidelines. It plans to finalize the guidelines in 2011.

The Commission made diverse efforts to promote human rights in the evolving multicultural society in various ways. It hosted an international conference on multicultural society as a follow-up to the Seoul Guidelines, as well as the Seoul International Conference against Human Trafficking of Migrant Women. It also conducted field investigations to protect the rights of undocumented migrant workers, while consolidating cooperation regarding migrants' issues by concluding MOUs with national human rights institutions of Nepal and the Philippines. It also reviewed laws and regulations regarding the rights of migrants as well as controversial domestic issues surrounding the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Commission also visited 22 households including undocumented migrant workers, families of international marriages and refugees to conduct in-depth interviews. Additionally, it provided human rights education for those from multicultural families and those who work in the fields related to support services for multicultural families.

## **Addressing Discrimination against Socially Vulnerable Groups**

To deal with the various discrimination issues in Korean society, the Commission broadly set its strategic objective as "addressing discrimination

against socially vulnerable groups" and laid down specific and concrete objectives to abolish discriminatory practices in employment and discrimination against persons with disabilities, to protect the rights of persons with mental disabilities, and to advance the rights of women.

The Commission monitored media reports and trends on discrimination issues and conducted preliminary investigation or suo moto investigation into serious discrimination cases. Moreover, concerning a constitutional petition case on age discrimination in recruitment of police and fire officers, the Commission submitted its opinion to the Constitutional Court.

The Commission also set up groups to monitor the implementation of the Disability Discrimination Act for the rights to vote in both national and local elections, accessibility in public agencies and organizations, and discriminatory clauses against persons with disabilities in regional laws and regulations. In collaboration with regional human rights offices, the Commission also operated human rights education programs for workers in mental health fields, supplementary education programs for human rights instructors, and a human rights sensitivity improvement course for welfare facilities for the disabled.

The Commission also carried out activities to advance the rights of women in diverse fields, ranging from monitoring expressions of sexual discrimination to publishing and distributing booklets featuring case studies of sexual harassment; organizing open discussion sessions, expert and policymaker forums and making policy recommendations; publicizing the UN Convention on the Elimination of All Forms of Discrimination Against Women; conducting special investigations into gender discrimination in employment; and establishing criteria for assessing wage discrimination.

### **Improving North Korean Human Rights**

Following the year 2009, the Commission continued its special project on "Improving North Korean Human Rights", as well as to seek measures to improve and promote North Korean human rights. To this end, it conducted research and policy activities on human rights conditions in North Korea, human rights of North Korean defectors, human rights of South Korean prisoners of war

in North Korean captivity, South Korean abductees to North Korea, and divided families. Marking an influx of more than 20,000 North Korean defectors, the Commission implemented a range of projects, including organizing discussion sessions with women's groups to seek alternatives to support the settlement of North Korean female defectors and forums on North Korean human rights; paying field visits to government agencies and North Korean human rights NGOs; and conducting overseas field investigations in China and Germany. One of the positive outcomes of these initiatives was the formation of a consensus on North Korean human rights and the establishment of an international network through cooperation and discussions on North Korean human rights.

### **Evaluation and Future Outlook**

In spite of changes in the domestic and international human rights environment and numerous challenges, the Commission did its utmost to implement its plans and projects in 2010. However, the implementation of some projects was delayed because of the impacts of organizational restructuring and the reduced human resources. It was evident that there was room for improvement in some areas, such as the operational performance of expert committees and the communication and collaboration with civil society groups and with governmental institutions in forming a human rights policy consultative body. Moreover, there was the need to take measures to respond effectively to the non-compliance of respondent parties with the recommendations of the Commission and to conduct more active monitoring over the implementation of the National Action Plan for the Promotion and Protection of Human Rights (NAP) recommendations. Through comprehensive assessment and review on these issues, the Commission needs to make a greater effort to achieve its strategic goal of "elevating its status as an institution to promote and protect human rights."

While striving to enhance the status and independence of the Commission, it must also endeavor to realize a pro-human rights society through discussions and collaboration with individuals and organizations in all walks of life, including the international community, governmental agencies, the National Assembly,

political parties, the media, and civil society. The Commission needs to focus on organizational expansion in line with the expectations for human rights required by the international community and civil society, to enforce the Disability Discrimination Act and the Age Discrimination Act, and follow the trends of where new areas of human rights are being expanded.

The Commission will continue to fulfill its duties faithfully by efficiently implementing tasks and improving services to earn the widespread trust and support of the public, which is the very foundation for its existence.