

For the purpose of this Act, unless the context indicates otherwise, the terms in this Act will be interpreted as follows:

1. "Human rights" means the freedom and right as human beings, which are affirmed by the Constitution and laws, or recognized or declared by any relevant international treaties and customary law that the Republic of Korea enters and ratifies.
2. "Correctional facilities etc." means prisons, juvenile correctional institutions, pre-trial detention centers, social protection houses, psychiatric institutions, the juvenile training schools, juvenile classification offices.
3. "Members of investigative authorities, etc." means that civil servant who is the member of prosecutor office, police, the National Intelligence Service, correctional facilities etc., probation office, immigration offices (including immigration processing centers) or the person who performs the judicial police job by the Act on Judicial Police Appointment and its Duty, or the person who is serviceman, civil employee of martial court prosecutor office, military police, Military Information Unit, or person who is directed by pre-said serviceman, civil employee.
4. "Social welfare facilities" means the facilities which accommodate and protect a large number of people, and detailed meaning thereof shall be described by the Ordinance of the President of Republic of Korea concerning this Act(hereafter, it will be referred as "Ordinance of the President").
5. "Detention and protection facilities" means police station's detention house, correctional institute etc., immigration processing centers, military prison(including military pre-trial detention centers, military police's detention house) or social welfare facilities.

section 4, Scope of Application

This Act extends to the every person whether he or she has the status

of citizen of Republic of Korea or not in the territory of Republic of Korea.

Chapter II. Duties and Roles of State departments and agencies in Human Rights Protection

section 5. Duties of State Departments and Agencies

Every state department and agency shall make efforts to protect and promote human rights while it enacts and changes laws and regulations, policies, programs, and shall not violate human rights during its implementing process.

Section 6. Duties of Ministry of Justice

①The Minister of Justice shall do as follows:

1. establishment of general and comprehensive plan for human rights protection and implementation thereof,
2. coordination between state departments concerning human rights protection.
3. support for the operation of Human Rights Commission.
4. cooperation of human rights organization and any individual who works for the human rights protection and promotion.

②The Minister of Justice shall report to the President annual human rights analysis report which analyzes each year's situation of human rights by gathering the recommendation, accusation or commission of criminal investigation. result of redress result etc and designs the improvement until 31. May, next year.

section 7. Duties of Relevant Central State Department and Agency

① The Minister of Foreign Affairs and Commerce shall make due

efforts to protect and promote human rights by entering international human rights treaties, participating in international human rights operation, preventing citizens of Korea in abroad from the human rights infringement and discriminatory act, and give the remedies to the afflicted.

② The Minister of Education shall make due efforts to include the programs and matters concerning human rights in the educational programs of every grade of school system.

③ The Minister of Health and Welfare shall make due effort to ameliorate the status and welfare of the social weaker such as, the woman, disables, the old, the child or so, and direct and oversee the social welfare facilities to be deterred from the human rights infringement.

④ The Minister of Labor shall make due efforts to promote the human rights of workers through the increase of employment and improvement of labor condition, and direct and oversee employment fields not to occur the discriminatory act therein .

⑤ Special Commissioner of Woman shall make due efforts to protect and promote human rights regard to woman by discouraging, correcting, improving sex discrimination.

⑥ With due care, other chief of central state department and agency shall arrange means and methods which are for the implementation of the basic policy prescribed in section 2① this Act, and make them into effects at their competent fields.

Chapter III. Prohibition of Discriminatory Act

section 8. Prohibition of Discriminatory Act

Without reasonable cause, anyone shall not do something which falls within following ones (hereafter, it will be referred as "discriminatory act")

1. any act which is more preference, expulsion, distinction, adversity to any person(hereafter, "person" includes the group) than other person in the course of the employment(for the purpose of this Act, it includes recruitment, hiring, training, transfer, promotion, wage and other fringe benefit, favorable loan, retirement age, retirement, dismissal, and any matter relating to the employment, and hereafter it means the same);

2. more preference, expulsion, distinction, adversity to any person than other person in the provision or use of goods, services, vehicles, commercial facility, commercial premises, or residential accommodation;

3. more preference, expulsion, distinction, adversity to any person than other person in the use of educational or training facility;

by reason of sex, religious belief, age, disability, social status, educated school, regional or national or ethnic origin, physical condition including appearance, marital status, family status, political opinion, race or color of discrimination. Nothing in this Act, however, shall not prevent to treat any person favorably where other law prescribes it as exception to the scope of discrimination.

section 9. Racial Harassment

It shall be deemed to be a discriminatory act on grounds of race, color, ethnic or national origin, when an act is to show adverse feeling or hatred, contempt, jeer based on race, color, ethnic or national origin in relation to the employment, provision or use of goods, services, vehicles, commercial facility, commercial premises, or residential accommodation, educational or training facility as prescribed by section 8 and thereby making any person feel degraded.

section 10. Sexual Harassment

It shall be deemed to be a discriminatory act on ground of sex when sexual harassment falls within the act prescribed by Prohibition and Remedies of Sexual Discrimination Act Section 2 paragraph 2

Chapter IV. Human Rights Commission

sub chapter 1. Establishment and its Functions

section 11. Establishment

① A commission is hereby established to be known as the Human Rights Commission(hereafter it will be referred to as "the Commission") for the purpose of investigating and giving the remedies to the human rights infringement, and as well promoting and protecting the human rights effectively .

② The Commission shall be established as a corporate body.

section 12. Status

① The Commission shall perform duties and functions within its authority independently from government

② The Commission may make necessary by-laws for the conduct of its affairs.

section 13. Office

① The principal office of the Commission shall be located as its Articles of Incorporation prescribes.

② The Commission may establish such regional office as Ordinance of the President prescribes.

section 14. Articles of Incorporation

① The Articles of Incorporation shall contain as follows:

1. objectives,
2. name,
3. provisions concerning principal office and regional office,
4. provisions concerning functions and its implementation,
5. provisions concerning budget and audit,
6. provisions concerning Sub-Committee,
7. provisions concerning Secretariat,
8. provisions concerning the Commissioners and officers and staffs,
9. provisions concerning amendment of the Articles of Incorporation,
10. provisions concerning the enactment and amendment of by-laws,
11. And otherwise, things prescribed by the ordinance of President.

② When two-thirds numbers of present member of The Commission decides. The Commission may change the Articles of Incorporation.

section 15. Registration

- ① The Commission shall register prescribed by Ordinance of the President.
- ② The Commission shall come into existence by marking registration for formation at seat of the principal office of it.
- ③ Anything required registration pursuant to subsection ①. shall not be protected against the third-parties unless it has been registered already.

section 16. Functions

- ① The functions of the Commission shall be-
 1. education and promotion of publicity about human rights;
 2. study and review of the laws, regulations, policies, systems, practices, and recommendations or expression of advisory statement if it is of the opinion that the matters needs any improvement;

3. investigation and remedies concerning human rights infringement;
4. investigation and remedies concerning discriminatory acts;
5. support for creation of the Government Report to the international instrument on human rights;
6. advice or consultation about the desirability of Republic of Korea becoming bound by any international treaty of human rights and study and review to ensure better compliance with it;
7. study and consultation about the subject relating with human rights at the require of state departments and agencies;
8. inspection to the detention and protection facilities and recommendation or expression of advisory statement where the condition therein needs improvement;
9. examination of actual circumstances of human rights
10. production and recommendation of guidelines regard to categories of human rights infringement, and basic standard and deterring acts.
11. cooperative efforts with the human rights organization and any individual who works for the human rights protection and promotion;
12. cooperation and friendly interrelationship with international human rights organization and foreign organization
13. any necessary business in the course of carrying out the preceding paragraph 1 through 12.

section 17. Inspection of Detention and Protection Facilities

① The Commission pursuant to section 16 paragraph 8, may visit and inspect detention and protection facilities by its Commissioner if it is the opinion that there is special need to check up real condition of human rights thereat. In that case, the Commissioner may accompany the employee of the Commission, and other relevant expert.

② The Commissioner who conducts the inspection pursuant to subsection①, may interview with the inmates or detainees if necessary

at the designated place as provided by the Ordinance of the President .

③ The inspection pursuant to subsection ① shall be decided by the Commission.

④ The Commissioner who performs the inspection pursuant to subsection ①, shall give a show of verification which warrants the authority of inspection to the inspected.

⑤ In case the Commission inspects the detention and protection facilities and announce recommendation or opinion on the matter which is necessary to be revised, it should give opportunity to the chief of the facilities to express opinion beforehand.

section 18. Asking of Cooperation to the State Departments and Agencies etc.

① For the purpose of achieving section 16, the Commission may ask any state department, agency and local self-government, and other public, private body to cooperate with it, like as furnishing relevant information.

② When the asking from the Commission by subsection ① is issued state departments and agencies etc. shall make cooperative efforts to the utmost within its resource,

section 19. Recommendation Receiving Party and Duty of Due Regard to Recommendation

① The Commission may recommend or give advisory statement to the relevant state department and agency, local self-government, and other public, private body by the section 16②,⑥,⑧,⑩.

② In the case there is the recommendation by subsection ①, recommended relevant chief of state departments and agencies etc. shall give the due respect to it unless there exists reasonable cause to the opposite.

section 20. Submission of Annual Report

- ① The Commission shall, within end of March, transmit to the President of Republic of Korea(hereafter it will be referred to "the President") and the Congress a report about the exercise of its function under this Act during last year and present it to the Minister of Justice.
- ② The Commission shall publicize the report pursuant to subsection ① to public
- ③ The Commission may produce special reports to the President and the Congress if it is the opinion that the special report is needed. In such case, subsection ①, ② are applied

sub chapter 2. Organization and Operation

section 21. Membership of Commissioner

- ① The Commission shall be composed of 9 Human Rights Commissioners(hereafter it will be referred as "Commissioner"), including the Chief Commissioner, and 4 Commissioner shall be standing Commissioner.
- ② The Commissioner shall be appointed by the President among the persons who are recognized socially as having the sufficient experience and insight for the human rights
- ③ Three commissioners shall respectively be appointed with the recommendation of the House Speaker and the Chief Justice of the Supreme Court
- ④ The Chief Commissioner shall be appointed by the President among the Commissioners
- ⑤ No less than three Commissioners shall be females
- ⑥ In recommendation of the Commissioners by the House Speaker and

the Chief Justice of the Supreme Court pursuant to subsection③, a female Commissioner should be included and a standing Commissioner should be designated respectively

⑦ Every Commissioner shall continue in office until his or her successor comes into office, notwithstanding that the term may be expired.

section 22. Sub-Committee

① The Commission may delegate powers within its authority to Sub Committee which is consisting of three members including one full-time member, for deliberation and deciding , unless it falls within as follows;

1. where it is concerning the change of Articles of Incorporation, budget and settlement of accounts, enactment of by-laws, acquirement of the asset and its alteration;
2. resolution according to section 17③, section 28② proviso. section 29 ④, section 40 paragraph 3 proviso, section 44① paragraph 1 proviso, and section 62 proviso
3. where it is necessary to change the precedent decision of the Commission;
4. where Sub-Committee is hung in the balance or decides that the matters should be referred to the Commission;
5. where the Commission decides that the matters need the deliberation and decision of its own.

② The agenda which is deliberated and decided by Sub-Committee pursuant to subsection ①, shall be deemed as the Commission does.

section 23. Duties of the Chief Commissioner

① The Chief Commissioner chairs and represents the Commission.

② The pre-designated Commissioner shall act as the Chief Commissioner while the Chief Commissioner is incapacitated by

sufficient cause.

- ③ In case the interest of the Chief Commissioner or the pre-designated Commissioner acting as the Commissioner pursuant to subsection ② conflicts that of the Commission, the Chief Commissioner or the pre-designated Commissioner shall not represent the Commission. In such cases, a standing Commissioner shall represent the Commission in accordance with the Commission by-laws.

section 24. Terms of the Commissioner

Every Commissioner appointed in this Act, including the Chief Commissioner, shall hold the office for 3 years and the term can be renewed for once

section 25. Disqualification of the Commissioner

① Any person who -

1. is not a citizen of the Republic of Korea;
2. falls within the each paragraph of the National Public Service Act section 33;
3. is public servant, except educational public servant;
4. is political party member;
5. is registering as the candidate in the election which is ruled by the Election for Public Office and Election Malpractice Prevention Act;

② The term of every Commissioner shall be deemed to be terminated immediately when he or she falls within the disqualification cause, prescribed in subsection ① each paragraph.

section 26. Guarantee of Term of the Commissioner

Every Commissioner shall hold the office unless he or she wants otherwise, or is incapacitated or affected severely in performance of duty by the physical or mental disability, or sentenced to imprisonment,

or receive disciplinary punishments.

section 27. Meeting and Quorum for Decision

① The Chief Commissioner presides the meeting of the Commission and a decision of the majority of present Commissioners, including the Chief Commissioner, is a decision of the Commission.

② The standing Commissioner presides the meeting of Sub-Committee and Sub-Committee's decision is established unanimously by all member.

③ In case there occurs situation where the Chief Commissioner or the standing Commissioner can not preside the meeting of the Commission or the Sub-Commission, a man whom the Chief Commissioner or standing Commissioner designates shall preside the meeting.

section 28. Exclusion, Refusal, Refrainment of Commissioner

① Any Commissioner, including the Chief Commissioner, who falls within as follows:

1. where the Commissioner or his present or former spouse is a party of complaint(Complainant, Complained, and when the case is that the complaint is filed by other than Victim, it means the Victim, and hereafter it means the same) or is related with the complaint as co-creditor, or co-debtor;

2. where the Commissioner has or had the relationship of a relative with a party of complaint;

3. where the Commissioner has testified or acted as a witness or an expert witness in regard to the complaint;

4. where the Commissioner is or was an agent for a party in that complaint;

5. where the Commissioner participated in the criminal investigation or lawsuit related with that complaint,

shall be excluded from the deliberation and decision to the complaint.

② A party to the complaint may motion for refusal to the Commissioner, whereas he or she has the reasonable cause to doubt the impartial deliberation and decision of that Commissioner. The Chief Commissioner decides on the motion without the decision of the Commission. The decision, however, shall be decided by the Commission if it not compatible for the decision of the Chief Commissioner alone.

③ The Commissioner may refrain himself from the deliberation and decision of the complaint if he or she falls within subsection ① or ②.

section 29. Establishment of Secretariat

① A Secretariat shall be established in order to assist the administer of the affairs of the Commission.

② The officers and staffs including the Secretary-General will be appointed.

③ The Secretary-General shall be appointed by the President upon the application of the Chief Commissioner.

④ All but for the Secretary-General will be appointed by the Chief Commissioner upon the resolution of the Commission.

⑤ The Secretary-General shall, under the direction of the Chief Commissioner, control the affairs of the Commission and direct, supervise other officer and staff.

section 30. Establishment of Disciplinary Committee

① A Disciplinary Committee shall be established in the Commission in order to decide disciplinary measure upon the Commissioner and staff

② Formation, power, procedure of the Disciplinary Committee, types of disciplinary measure and effect shall be prescribed in the Committee regulation

section 31. Security of Status in Staff

Staff of the Commission shall not be retired, or demoted, or disposed, or suspended from his or her position for any other reason than imposition of prison term, or a disciplinary punishment, or reason which falls into the Commission regulation

section 32. Prohibition of False Personation etc.

It shall be unlawful for any person to assumes falsely or pretends to be the Commissioner, Director, Inspector, or officer and staff of the Commission and to act as such.

section 33. Prohibition of divulgence of classified information

Whoever is or was the Commissioner, Director, Inspector, or officer and staff of the Commission shall not divulge official secret received or obtained in the course of his or her performance of duty.

section 34. Prohibition of Confusing Title

It shall be unlawful for any person who is not the Commission itself to use the title "National Human Rights Commission" or seemingly confused as such.

section 35. Authorization of Agent

The Commissioner may authorize any Commissioner, staff and employee as an agent to conducting the court proceeding and out-court proceeding affairs.

section 36. Other Matters in Organization and Operation

Concerning the operation of the Commission and others. it shall be prescribed by the Ordinance of the President unless this Act describes otherwise.

sub chapter 3. Aids From Government

section 37. Dispatch of Civil Servant or Employee

- ① The chief Commissioner may require dispatch of civil servant or employee to the state departments or agencies, local self governments, education agencies, or research institutes through the Minister of Justice if it is necessary for conducting the Commission's duty.
- ② Any chief of the departments, agencies or organization which receives the requirement of dispatch by subsection ①, may dispatch the civil servant or employee under direction after having a consultation with the Commission.
- ③ The civil servant or employee who is dispatched by subsection ② shall perform his or her duty independently from the agency or organization where he or she is the member
- ④ The chief of the departments or agencies, organizations which dispatch civil servant or employee to the Commission by subsection ② shall not deal the dispatched person adversely in personnel and remuneration.

section 38. Grant of Fund and Financial Subsidy.

- ① Government shall grant the fund to the Commission for the expense needed in the establishment, facility, operation, performance of the Commission within its budget.
- ② The Commission shall give in the written requirement of granting fund from budget to the Minister of Justice each year.
- ③ The Minister of Justice shall not adjust the written requirement pursuant subsection ②.
- ④ Affairs concerning the requirement, grant, usage of the fund and the financial subsidy by subsection ① shall be provided by the Ordinance of the President.

section 39. Donation of Asset

① Any corporate body, organization, individual may donate money and other assets to the Commission in order to support the Commission's facilities and operations.

① The Donated assets by subsection ① shall be expended only for the performance of the duty of the Commission.

Chapter V. Procedures of Investigation and Remedy.

section 40. the Subject of Investigation by the Commission

The Commission may investigate when the case falls within as followings(hereafter it will be referred as "human rights infringement subjected to the investigation");

1. any illegal following act in the course of his or her duties by members of investigative authorities etc. or detention authorities;

- ① to arrest or imprison a person
- ② to search and seize
- ③ to censor a person's letter, to wiretap a person's electronic communication or, to infringe upon other person's communicational secrecy
- ④ to infringe upon a person's privacy by disclosing his or her private life or taking pictures and publicizing them
- ⑤ to punish or discipline detainees or inmates in the police detention center, correctional institutions, protection facilities, etc., without any ground provided for in the laws and regulations
- ⑥ to commit a harsh act to a person such as assault, threat or torture, or an act causing physical injury or death to a person
- ⑦ to insult a person openly or cause him or her to feel sexual embarrassment

- ⑧ to force a person to do something that he or she is not obligated to do, or obstructing other person's exercise of his or her rights
2. any act which is fallen under paragraph 1 in the course of his or her duties by accomplice with members of investigative institutions
 3. any act which is fallen under paragraph 1① by any other civil servant, or by his or her accomplice in relation to the civil servant's duties. These investigations can be performed only by approval of two-thirds of present member of the Commission
 4. discriminatory act pursuant section 8 to section 10.

section 41. Standing of the Complainant

Any person who is afflicted by human rights infringement subjected to the investigation or informed thereof may file a complaint with the Commission.

section 42. the Methods of Complaint

Whoever wants to file a complaint with the Commission shall file a complaint in written form, including-

1. Complainant's name and address;
2. Complained's name and other matter which identifies Complained;
3. Objectives of complaint and the subject matter of the complaint.

But if there is a sufficient reasonable cause that the complaint can't be done in writing, the complaint may be filed in oral.

section 43. Protection of Right of Complaint by inmates in detention and protection facilities

① When the detainee or inmate in the detention and protection facilities wants to file a complaint with the Commission, the civil servant or employee under the detention and protection facilities shall permit the drawing-up of complaint.

② The civil servant and employee referred to in the subsection② shall immediately deliver the complaint to the Commission, and give the Complainant the receiving certificate which is granted by the Commission.

section 44. Dismissal of Complaint

① The Commission shall dismiss the complaint without further investigation if -

1. the matters concerning that complaint has occurred more than 1 year before the complaint received by, but notwithstanding it falls in that case, if the Commission decides that the complaint needs to be investigated, it isn't;
2. the Commission is of the opinion that the complaint is not subject of investigation;
3. the subject matter of the complaint speaks for itself that it is *per se*, false or unreasonable;
4. the complaint is filed in anonymity;
5. the alleged victim does not desire that the investigation be made if the Complainant is not the victim;
6. the Complainant cancels the complaint
7. the objectives of the complaint is opposed to the concluded decision of the court or constitutional court, concerning that subject matter of the complaint;
8. concerning the subject matter of the complaint, investigation or judiciary proceeding, administrative adjudication, Congress's general or inspecting hearing process or Constitutional Court's adjudication or motion process, or Board of Audit and Inspection's audit, or the House of Inspector's inspecting process, or Presidential Commission on Women's Affairs investigation, or Ombudsman's complaint process is under way;

9. complaint files the same complaint as the Commission already dismissed the complaint

② If the Commission believes that the complaint needs to be dismissed by the subsection ①, the Commission may refer the complaint to any relevant department or agency. In that case, the referred departments or agencies shall immediately report to the Commission the result related to the referred complaint if the the Commission requires.

③ The Commission shall dismissed the complaint when it falls within the subsection ①'s each paragraph, even if the investigation is commenced,

④ If the case is dismissed pursuant subsection ①,③, the Complainant may reissue his or her complaint when the cause of dismissal is extinguished.

section 45. Commencement of Investigation

① The Commission shall immediately investigate the necessary matters which are connected with a complaint after it receives a complaint, unless it dismiss the complaint pursuant section 44.

② Where the Commission has reasonable grounds for believing that there is a serious human rights infringement subjected to the investigation, the Commission in its own motion may initiate the necessary investigation.

section 46. the Object of investigation

① The investigation by the Commission shall be performed to give the remedies for the damages to the afflicted by human rights infringement subjected to investigation and pay care not to interfere with other state department's function .

② The Commission shall not perform its investigation to the cases when the purpose of the investigation is not only in order to encumber

pending prosecution or judicial proceeding, but also in order to violate other person's privacy.

section 47. Methods of Investigation

① When the Commission takes into investigation referred to the section 45①, the Commission, if it believes as necessary, may takes measures as follows pursuant to the Ordinance of the President;

1. requiring production of written statement of the Complainant, the Complained, relevant witness,
2. summoning the Complainant, the Complained, relevant witness and holding the hearing;
3. appointing the expert witness and asking the examination by him or her;
4. requiring relevant agency, facility, organization under the direction of the Complained to produce the relevant document. or matters or holding the produced document or matters if necessary.

② The Commission may forward the Commissioner or its employee to the place where the subject matter of complaint has occurred or any place to the extent it need in order to conduct on-site investigation about the relevant document or matters, facilities.

③ The Commissioner or employee who is responsible for the investigation pursuant to the subsection ②, pursuant to the Ordinance of the President may hold the hearing from the Complainant, the Complained, relevant witness at the designated place.

④ The Commissioner or employee who is responsible for the investigation pursuant to the subsection ②, pursuant to the Ordinance of the President may require on-site investigated agencies, facilities, organizations or its employee to produce the relevant document, matters or hold the produced document or matters if necessary.

⑤ The Commissioner or employee who is responsible for the

investigation by the subsection ②,③,④ shall give a show of verification which warrants the authority of investigation to the investigated.

section 48. The Limit of Investigation and Inquiry of Fact

① the Commission shall not require the producing the relevant document or matters, or perform the on-site investigation by section 47 ① paragraph 4, or ②, ④, when the Commission requires or performs thereof, and the relevant chief of central state department and agency sends the certification letter to the Commission which includes as follows;

1. it is deemed to hurt the important national interest like national security and defense, unification, foreign affairs when the documents or matters go to public;

2. the documents or matters are related with the criminal investigation, and judiciary proceeding, and enforcement of conviction, and when it goes to public it falls among one of follows;

(1) there are sufficient causes to lead the substantial obstruction of criminal investigation or judiciary proceeding which is pending;

(2) there are sufficient causes to lead suffering case-related person's reputation, or privacy or security of the life or health ;

(3) there are sufficient causes to lead leaking the secret in course of criminal investigation;

② The Commission may, to the extent it needs, inquire the necessary fact to the relevant agencies to affirm the fact if it isn't capable of requiring of producing the documents or matters, or carrying the on-site investigation by section ①.

section 49. Referral of Complaint and Suspension of Investigation

① The Commission may refer a complaint to the relevant agencies and departments if it believes that there is sufficient reasons for the

complaint to be dealt with another body or agency.

② The departments or agencies, referred to in the subsection ①, shall immediately report to the Commission the result regard to that referred case.

section 50. Suspension of Investigation

When the Commission don't know the whereabouts of the parties, witnesses of complaint or when the parties, the witnesses get illness, the Commission may suspend the investigation to the time that the cause is ended.

section 51. Recommendation of Urgent Remedy

① After the issuance of the complaint, the Commission may, on its own motion or based of the Complainant or the Victim's motion, recommend preliminary remedy, including

1. cease of the human rights infringement subjected to the investigation;

2. keeping the Complained who is believed having conducted the human rights infringement subjected to the investigation from his or her business;

3. proper remedial measures in order to protect victim's human right;

to the Complained, or the chief of agencies and organization where the Complained belong to or is controlled by if the Commission is of the opinion that there is substantial cause to believe the human rights infringement subjected to the investigation being under way and it is left without any action, the foreseeable damages thereof is unrestorable by pecuniary remedies.

② The recommended Complained, chief of agencies, organizations by subsection ①, shall due respect to the recommendation unless there is sufficient cause to the opposite.

③ The chief of the government organization, corporation, or superintendent body who received recommendation under subsection ① shall notify the consequence or plan of the outcome within 48 hours after the receiving of the recommendation

section 52. Recommendation of Settlement

During the stage of investigation, the Commission may recommend a settlement for the Complainant and the Complained if it is of the opinion that there is substantial cause to believe the human rights infringement subjected to the investigation.

section 53. Commencement of Conciliation Process

① The Commission may refer a complaint where it recommended the settlement by the section 52 but it had no result. to the conciliation process.

② The Victim and the Complained may apply motion of the conciliation if the recommendation of settlement by the section 52 has no result.

③ The Commission shall immediately commence the conciliation process when the referral or motion of conciliation pursuant to the subsection ①,② is applied.

④ The more detailed matters for the conciliation shall be provided by the Ordinance of the President.

section 54. Conciliation

① The Conciliation shall be made only if both the Victim and the Complained sign and seal in the conciliation draft which includes the agreed matters and thereafter the Commission affirms it.

② The Commission may make on its discretion a decision which gives fair solutions under all the circumstances to the complaint(hereafter it will be referred as "the Substituting Decision for the Conciliation") if

the agreement between the Victim and the Complained is not achieved or it is of the opinion that the agreement is not appropriate to that case.

③ The Substituting Decision for the Conciliation may includes as follows;

1. cease of the human rights infringement subjected to the investigation;
2. remedies which prevent recurrences of the human rights infringement subjected to the investigation;
3. restoration, damages, other necessary damages.

④ The Commission shall immediately serve the Substituting Decision for the Conciliation to the Victim and the Complained.

⑤ The Victim or the Complained may file an motion for objection within 2 weeks from the day when the Substituting Decision for the Conciliation is served.

section 55. Effect of Conciliation

① The Conciliation by section 54 ①, the Substituting Decision for the Conciliation without the motion for objection pursuant to section 54 ⑤ shall have the same effect as the settlement in the court.

② The Commission may consult the Victim for alternative remedies if the Victim or the Complained files motion for objection pursuant to the section 54 ⑤.

section 56. Legal Aid

① The Commission may decide legal aid for the Victim. when there is the motion for objection against the Substituting Decision for the Conciliation and the Victim motions for the legal aid pursuant to suction 54⑤, The Commission may require the Korean Legal Aid Corporation and as such of legal aid for the Victim.

② The process. detailed matters, form of the legal aid by subsection ①

shall be described in detail by the Ordinance of the President.

section 57. Recommendation on Remedies and Expression of Advisory Statement

① The Commission may recommend or give advisory statement to the Complained, or chief of the agencies, facilities, organizations where the Complained is working, or chief of the supervising agency on the remedies including matters pursuant to the section 54 ③ each paragraph, if it is the opinion that the complaint has the sufficient substance falling in the human rights infringement subjected to the investigation and the recommendation or expression of statement is necessary, considering the result of investigation.

② The Commission may recommend or give the advisory statement for the reasonable improvement of laws or regulations, systems, policies, practices concerning the human rights to the chief of relevant state agency, if it is of the opinion that improvement in laws or regulations, systems, policies, practices is needed.

③ The Complained, or chief of the agencies, facilities, organizations who gets recommendation by subsection ①,② shall the due respect to and follow the recommendations from the Commission unless there exists reasonable cause to the opposite.

section 58. Denial of Complaint

① The Commission shall deny the complaint at the conclusion of its inquiry if it finds that the complaint falls within follows:

1. if the complaint is found out to be false;
2. if the complaint does not include the merit as the human rights infringement subjected to the investigation;
3. if the Commission believes that there is no need to give another

remedies because due damages has been granted already or other reason.

section 59. Accusation and Commission of Criminal Investigation

① The Commission may issue an accusation to the General Attorney if it is of the opinion that the subject matter of the complaint falls within the criminal act and the criminal punishment is needed to that by the conclusion of its investigation. However, when the person to be accused is serviceman or military employee, it shall issue an accusation to the each Chief of General Staff.

② The Commission may commit criminal investigations to the competent chief of criminal investigation offices if it is the opinion there is reasonable cause to believe that crime is committed.

section 60. Opportunity of Hearing

① The Commission shall give the opportunity of hearing to the parties or person who have substantial interest before it conduct the recommendation of remedy pursuant to section 57①, accusation pursuant to section 59. However, the Commission doesn't have to do if the parties or person who have substantial interest didn't attend without reasonable cause.

② The parties or person who have substantial interest may attend the hearing and state his or her own view, produce the relevant document, matters to the Commission.

section 61. Notice of Decision

The Commission shall give a notice to the parties if it has conducted the dismissal pursuant to the section 44①.③, referral pursuant to section 49①, suspension pursuant to section 50, recommendation of urgent remedy pursuant to section 51①, decision of legal aid pursuant

to section 56① recommendation or advisory statement pursuant to section 57①,②, denial pursuant to the section 58, accusation or commission of criminal investigation pursuant to the section 59.

section 62. Non-Publicity of Investigation

The investigation, conciliation, deliberation by the Commission are carried without publicity. However, when the Commission decides otherwise, it goes with public.

section 63. Public Notification of Recommendation etc.

① The Commission may notify publicly the contents of recommendation or advisory statement pursuant to section 16, paragraph 2,6,8,10, Substituting Decision for the Conciliation pursuant to section 51①, recommendation or advisory statement pursuant to section 54②, 57①,②, the redress result pursuant to section 64.

② In the case of accusation and commission of criminal investigation pursuant to section 59, the Commission may notify the parties, title of crime, criminal investigators, the day of accusation, commission of criminal investigation but the subject matter of allegation shall be excluded.

③ If there is reasonable cause to believe that the public notification of recommendation or such as by subsection ①. ② will lead to violate other person's privacy, the Commission shall notify publicly without offending his or her privacy using other way. like calling the related person in anonymity.

section 64. Notice of the Redress Result

① Any relevant chief of state departments and agencies, or supervising chief thereof or Prosecutor General, each Chief of the General Staff who have received recommendation or accusation, commission of criminal

investigation pursuant to section 16 paragraph 2,6,8,10, section 57①,②, section 59, shall report the redressed result or plan to the Commission within 30 days when he or she receives the recommendation or accusation.

② Any relevant chief of state departments or agency, or supervising chief thereof which receive the recommendation pursuant to section 16 paragraph 2,6,8,10, section 51①, section 57①,②, but doesn't comply with, shall be explained the cause of non-compliance.

section 65. Notice and Making through the Minister of Justice

The Commission shall report to the Minister of Justice when it conducts amendment of Articles of Incorporation pursuant to section 14 ②, recommendation or advisory statement pursuant to section 16 paragraph 2, 6, 8, 10, recommendation or advisory statement pursuant to section 51①, section 57①,②, accusation and commission of criminal investigation pursuant to section 59, and receives the redress result pursuant to section 64①.

section 66. Application

For the purpose of conducting the investigation pursuant to section 46 through section 57, section 59 through section 65, section 45② shall apply.

section 67. Complaint Treatment Procedure etc.

Anything which is needed for the complaint treatment procedure and as such shall be described by the Ordinance of the President if provided otherwise in this Act.

Chapter VI. Punishment

section 68. Crime on Obstruction of Protection of Human Rights

Whoever shall be imprisoned with forced labor for not more than 5 years or fined not more than 10 million won if he or she;

1. inflicts bodily harm to Commissioner or staff in the course of their duties
2. forces Commissioner or staff to do or prevent their duty, or inflicts bodily harm to them with intention to dispose them of their position
3. interferes with performance of official duties of Commissioner or staff by fraudulent means

section 69. Crimes on False Complaint

Whoever issues an complaint which include false or misleading fact about the human rights infringement or discriminatory act intentionally shall be imprisoned with forced labor for not more than 5 years or fined not more than 10 million won.

section 70. Crimes on Interference in Making Complaint

Whoever shall be imprisoned with forced labor for not more than 3 years or fined not more than 7 million won if he or she;

1. violates section 43①;
2. violates section 43②;

section 71. Crimes on Assuming False Capacity by Using the name "Commissioner"

Whoever violates section 32 shall be imprisoned with forced labor not more than 3 years. or fined 7 million won

section 72. Crimes on Divulgence of Classified secret

Whoever violates section 33 shall be imprisoned with or without forced

labor not more than 2 years, or shall be suspended civil rights not more than 5 years

section 73. Assumption as Civil Servant in the Criminal Punishment

The Commissioner and staff shall be deemed as the civil servant in the case of applying the Criminal Law section 123, 129 through 132.

section 74. Assumption as Civil Servant in Prevention on Involvement in Politics

The Commissioner and staff shall be deemed as the civil servant in the case of applying the National Public Service Act section 65 and 84

section 75. Civil Fine

①Whoever shall be liable on the civil fine not more than 10 million won;

1. if he or she doesn't comply with or obstructs, or without reasonable cause evades the inspection pursuant to section 17①;
2. if he or she doesn't comply with the summons from the Commission pursuant to section 47① paragraph 2.;
3. if he or she doesn't comply with the requirement by the Commission for production of relevant document or matters pursuant to section 47① paragraph 4. or section 47④ or produces false or misleading document or matters intentionally;
4. if he or she doesn't comply with or obstructs, or without reasonable cause evades the on-site investigation pursuant to section 47②.

② Whoever violates the section 34 shall be liable on non-penalty fine not more than 2 million won.

APPENDS

section 1. Enforcement Day

This Act shall come into force after six months from the day of proclamation. However, section 2 of Appends shall become effective on the day of proclamation

section 2. Preparation for Establishment

① The President shall appoint promoters of establishment who are not exceeds 7 and responsible for the business of the Commission's establishment, with the recommendation of the Minister of Justice, whin six months from the day of proclamation

② The promoters of establishment shall draw up the Articles of Incorporation and thereafter it shall be put through the approval of the Minister of Justice.

③ The promoters of establishment shall mark registration for formation in joint name immediately after it gets the approval by subsection ②.

④ The promoters of establishment shall transfer the affairs to the Commissioners immediately after the registration for formation.

⑤ The term of the promoters of establishment shall be expired when the transfer of affairs pursuant to subsection④ ends.

⑥ The Commission shall be liable to expenses which have been paid for establishment of it.

section 3. Special Term for the Commissioner

① Notwithstanding the section 24, the term of one Standing Commissioner by the recommendation of the Chief Justice of the Supreme Court and each Non-standing Commissioner by the recommendation of the House Speaker and the Chief Justice of the Supreme Court respectively, at the time of establishment of the

Commission shall be two years.

②The Certificate of appointment to the Commissioners whose term is two years shall express the term explicitly.

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Proposed Bill of the National Human Rights Commission (NHRC)
(not a full translation)

I. GENERAL PRINCIPLE

ARTICLE 1. Objective. The law aims to achieve a society where there is no human rights abuse or discrimination in all sectors of society including political, economic, social and cultural areas, in order to ensure human dignity and value.

ARTICLE 2. Basic principle.

(1) Following are the basic principles for the realisation of the objective. The state is responsible for the maintenance of these basic principles.

1. education and awareness for the promotion of human rights consciousness;
2. improvement of human rights areas such as legislation, institutions, policies, and practices;
3. prompt investigation and reparation of human rights abuses;
4. prompt investigation and reparation of discriminatory acts;
5. other related measures for human rights protection and promotion.

(2) The NHRC is to monitor the activities of the state as regards the basic principles and in case of want should be in charge of carrying out the basic principles.

ARTICLE 3. Following are some of the definitions used in this act.

1. "Human rights" denotes human freedom and rights which are stipulated in the Constitution and other laws, and the international standards to which Korea is a signatory party.
2. "Correctional institutions"
3. "Mass incarceration institutions"
4. "Human rights groups" are those organisations which work in areas of human rights protection and promotion such as counselling, education, investigation and research.

ARTICLE 4. State agencies should endeavour to provide legislative, institutional safeguards for, and financing of, human rights education and publicity in order to improve human rights legislation, institutions, policies, practices, and to eradicate human rights abuses and discriminatory actions.

ARTICLE 5. The responsibility of the Justice Minister.

1. Comprehensive planning and implementation of human rights promotion.
2. co-ordination of government departments on human rights promotion.
3. support for, and analysis of, the activities of the NHRC.
4. protection and development of human rights groups and individuals who work for the protection and promotion of human rights.

ARTICLE 6. illegible. . .

(1) The Foreign Minister (?) . . . should endeavour to prevent the human rights abuse and discriminatory measures of Korean people abroad and to compensate the loss.

(2) The Education Minister should endeavour to introduce human rights curriculum at every level o schools.

(3) The Health and Welfare Minister should endeavour to human rights promotion through welfare enhancement for the women, disabled, elderly and children, and to guide and monitor the mass incarceration institutions in order to prevent human rights abuses in there.

(4) The Labour Minister should endeavour to human rights promotion of workers through improvement of employment and working condition, and to guide and monitor the labour sector in order to prevent any discriminatory actions.

(5) The Chairperson of the Special Committee for Women should endeavour to expand women's participation to society and women's ability, and to eradicate the sexual discrimination.

ARTICLE 7. All citizens of the nation should endeavour to recognise the meaning and importance of human rights and to work for the human right protection and promotion,

ARTICLE 8. (1) This Act shall apply to cases of human rights abuses and discriminatory acts of everyone in Korea regardless of one's nationality.

(2) This Act shall apply to cases of human rights abuses and discriminatory acts of Koreans in abroad.

II. HUMAN RIGHTS ABUSES AND DISCRIMINATORY ACTS

ARTICLE 9. The term "human rights abuses" denotes the following cases of abuses conducted in breach of one's terms of reference by government officials of the prosecution office, police, ANSP, Correctional institutions, detention centres and immigration office, by various law enforcement officials, by soldiers or personnel employed by the armed service, and by persons employed by mass incarceration institutions.

1. the acts of arrest or detention.
2. the acts of violence or intimidation.
3. the acts of inhuman treatment and torture.
4. the acts of forcing someone to do things against their will and of hindrance of one's rightful action.
5. censorship of correspondence, surveillance of electronic communication or monitoring of personal communication.
6. the acts of divulging one's privacy by means of taking photos or publicising one's private matters.
7. the acts of degrading people or of inducing sexual humiliation.
8. the acts of punishment or discipline towards detainees of police detention facilities, immigration detention centres, military prisons, or mass incarceration institutions.

ARTICLE 10. Those who are named in the above article 9 should not engage in the acts of human rights violations.

ARTICLE 11. The term "discriminatory factors" denotes physical aspects, marital status, familial relations, race or skin colour such as sex, religion, disability, social status, educational background, nationality, ethnicity and external complexion. Discriminatory factors related to childbirth or pregnancy should be seen to be sexual discrimination.

ARTICLE 12. The term "discriminatory acts" denotes the following acts based on the above discriminatory factors without reasonable grounds.

1. the unfair treatment, exclusion, differential treatment of people in terms of employment conditions such as recruitment, application, education, deployment, promotion, wage, etc.
2. the unfair treatment, exclusion, differential treatment of people in terms of supply and use of property, service, transportation, commercial facilities, land and residential facilities.
3. the unfair treatment, exclusion, differential treatment of people in terms of use of

educational facilities and job training facilities.

4. the unfair treatment, exclusion, differential treatment of people in areas of politics, economy, society and culture.

ARTICLE 13. The acts of deliberately causing hostility or hatred by way of degrading or humiliating someone on the basis of race, skin colour, nationality or ethnicity in terms of supply and use of property, service, transportation, commercial facilities, land and residential facilities or use of educational facilities and job training facilities shall comprise discriminatory acts.

ARTICLE 14. The acts of causing sexual humiliation or embarrassment in relation to one's employment or task shall comprise sexual harassment (discrimination).

ARTICLE 15. Nobody shall conduct discriminatory acts.

III. THE NATIONAL HUMAN RIGHTS COMMISSION

ARTICLE 16. (1) The NHRC shall be established in order to investigate and rectify human rights abuses and discriminatory acts, and to effectively promote and improve human rights.

(2) The NHRC shall be a juristic person.

(3) The NHRC shall be set up by registering at where it is located as required by the law.

(4) Other relevant clauses of financial juristic person as stipulated in the Civil Code shall apply where relevant.

ARTICLE 17. (1) The constitution of the NHRC shall specify the location of the commission.

(2) The NHRC can have regional chapters.

ARTICLE 18. (1) The constitution of the NHRC shall have the following.

1. objective.
2. name.
3. affairs relevant to the location of the commission and regional chapters.
4. affairs relevant to operation.
5. affairs relevant to governing body.
6. affairs relevant to plenary commission and select committees
7. affairs relevant to human rights commissioners and staff.
8. affairs relevant to property and accounting.
9. affairs relevant to public notification.
10. affairs relevant to changes in constitution.
11. affairs relevant to internal regulations and their changes.

ARTICLE 19. (1) The task of the NHRC shall be as follows.

1. human rights education and publicity.
2. research on legislation, institution, policies and practices of human rights, and recommendation or expression of opinion over the affairs need wanting.
3. investigation and rectification of human rights abuses and discriminatory acts.
4. support for writing of government report to international human rights treaties.
5. inspection of police detention facilities, correctional institutions, immigration detention centres, army prisons, and mass incarceration facilities, and recommendation or

expression of opinion over the affairs need wanting.

6. co-operation with human rights groups and individuals working for the protection and promotion of human rights.

7. necessary support work for the above.

(2) The NHRC can ask state agencies, local government agencies and other public and/or private organisations for co-operation for submission of relevant material.

(3) The NHRC shall notify the Justice Minister of the content which has been issued to an organisation in the above in the form of recommendation or expression of opinion.

ARTICLE 20. (1) The NHRC shall operate independently.

(2) The NHRC shall operate independently over the affairs of personnel management and others on the basis of the presidential decree.

(3) The NHRC can set out internal regulations.

ARTICLE 21. (1) The NHRC shall report by the end of each February to the President its works done during the previous year, and announce the content publicly.

(2) The report to the President shall be submitted via the Justice Minister.

ARTICLE 22. (1) The state agencies which have been asked to co-operate by the NHRC should do so earnestly.

(2) The head of the state agencies which have been given recommendation by the NHRC should respect it unless there is sufficient reason not to do so. ARTICLE 23. (1) The NHRC shall have not more than eleven governors including one chairperson. The governors shall comprise ex officio members and elected members.

(2) The elected governors shall be appointed by the President at the request of the Justice Minister.

(3) The chairperson shall be chosen from elected governors by a majority vote of the entire governors.

(4) The governors including the chairperson shall be on a part-time basis.

(5) When appointing elected governors the President shall pay attention to the representative nature of them, whose background should include legal profession, women's organisations, and labour organisations.

(6) The elected governors shall have more than two women members.

(7) The tenure of the governors including the chairperson shall be three years and can be renewed.

(8) The tenure should continue until newly appointed governors commence work.

(9) The number and tenure of ex officio members shall be decided by the Presidential decree.

ARTICLE 24. The chairperson of governors.

ARTICLE 25. (1) The court of governors shall review and decide about important affairs of the commissioners.

(2) The court of governors shall deal with follows.

1. recommendation of human rights commissioners including the chairperson.

2. appointment of auditor.

3. budget and accounting.

4. changes of the constitution of the commission.

5. ownership of property or change of property status.
6. other affairs necessary for the decision of the court.

ARTICLE 26. Auditors.

ARTICLE 27. (1) The NHRC shall have not more than nine members of human rights commissioners including chairperson.

(2) The commissioners and chairperson shall be appointed by the President at the request of the court of governors.

1. a person of high reputation who has knowledge and experience in human rights work and has been recommended by voluntary organisations.
2. prosecutors, judges and lawyers with ten years or more of legal experience.
3. person of high academic distinction in a higher educational institution for more than ten years.
4. government official of higher than the third grade for more than five years.
5. person who has worked as a staff member of the human right commission for more than ten years.

(3) The chairperson and other two commissioners shall be on a full-time basis.

(4) At least three commissioners including the chairperson shall have qualification of lawyer.

(5) At least two commissioners including the chairperson shall be women.

(6) The tenure of chairperson and commissioners shall be two years and can be renewed once.

(7) The tenure should continue until newly appointed commissioners commence work.

(8) The commissioners and chairperson shall not work as governors at the same time.

ARTICLE 28. Task of the chairperson.

ARTICLE 29. Persons not suitable for commissioners.

ARTICLE 30. The status of commissioners.

ARTICLE 31. Plenary commission and select committee.

ARTICLE 31. Plenary commission and select committee.

ARTICLE 32. Task of them.

ARTICLE 33. Method of vote.

ARTICLE 34. Commissioners not qualified for specific cases.

ARTICLE 35. (1) A secretariat shall be installed to deal with the affairs of the commission.

(2) The secretariat shall have a secretary general and staff, who shall be appointed by the president at the recommendation of the chairperson of the commission.

(3) The secretary general of the secretariat shall deal with daily affairs of the secretariat and conduct the works of staff, at the guidance of the chairperson.

ARTICLE 36. Status of the commissioners.

ARTICLE 37. Monopolistic use of the term "NHRC".

ARTICLE 38. Status of commissioners as government official for the purpose of penalty.

ARTICLE 39. The organisation of the commission.

ARTICLE 40. (1) The NHRC can investigate human rights abuse cases or discriminatory acts.

(2) Those who have been subjected to human rights abuse or discriminatory acts, or who