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| **Seoul, A City Where Human Rights is Alive**- Response to the Questionnaire of Human Rights Council Advisory Committee on Local Government and Human Rights- |
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| **2014.04****Seoul Metropolitan Government****Human Rights Division** |
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**Answer to Question 1.**

**Initiating Human Rights Implementation and Mainstreaming in Seoul Metropolitan Government**

Seoul, the capital of the Republic of Korea with a population of 10 billion, has strong reasons to protection of human rights of its citizens and to institutionalize human rights.

First, after democratic movement in 1987, the Korean society has recognized the importance of human rights in the process of achieving democracy. The acknowledgment of the close relationship between human rights protection and democratic consolidation gave birth to the institutionalization of human rights. On the national level, the truth of human rights violation from the past was revealed and measures to prevent further violation was introduced by establishing state institutions such as the National Human Rights Committee of Korea and the Anti-Corruption and Civil Rights Committee. Furthermore, human rights became one of the values to be implemented on the local government level as well. In a situation where the majority of the population resides in cities, people came to agree that human rights of the citizens must be protected closely, in their everyday lives. Local governments that institutionalized the human rights ordinance and charter started to emerge and Seoul became one of them.

Secondly, in the past, administrative goals were to achieve policy goals with effectiveness. However the global trend has changed towards creating a city that is against discrimination and protects its people and especially those who are vulnerable such as the elderly, women, persons with disability, people living in extreme poverty, and migrants. Increase in poverty rate and inequality in urban context under a neo-liberal economic system was one of the key reasons for these changes. To cope with these situations, Seoul has institutionalize human rights by created Human Rights Division, Humana Rights Ombudsperson and Committee on Human Rights as the advisory body based on the Human Rights Ordinance for better promotion of human rights in its governing.

Finally, with an incumbent Mayor who is a human rights lawyer, advocating for human dignity and human rights for a long period of time in the civil society, implementation and institutionalization of human rights was bolstered. The Seoul Citizen’s Declaration of Human Rights which he presented while he was running for the Mayor became the foundation for establishing a human rights approach to the city administration once he took the office.

Now the City of Seoul is pleased to present to the world, our experience as Seoul the ‘Human Rights City’.

**Answer to Question 2.**

**Policy and Mechanisms for Implementation and Mainstreaming the Human Rights in Seoul**

1. **Human Rights Norms**

The Seoul Metropolitan Government has established and implemented various human rights norms to accomplish a ‘Human Rights City’, where its citizens are not discriminated by their sex, age, religion, socioeconomic status and are guaranteed to pursue a life of happiness and dignity. The Human Rights Ordinance is the main document for protecting the rights of Seoul citizens. Other human rights ordinances include the Ordinance on the Promotion of Human Rights of Persons with Disabilities and the Ordinance on the Protection and Promotion of Human Rights of the Child and Youth. All human rights ordinance signify the will of Seoul to mainstream human rights into its governance.

* 1. **Human Rights Ordinance**

The Seoul Human Rights Ordinance was enacted on 28 September 2012 to protect and promote human rights for its citizens. The ordinance is consisted of four parts, the first part being the General Provisions, the second part elaborates Human Rights Policies, the third part lay grounds for Seoul Committee on Human Rights, and finally the fourth part defines the mechanism of Human Rights Ombudsperson.

The article 2 of the Human Rights Ordinance defines “citizen” as wide as “a person who has an address or a place of residence, and also a person staying in the city”, which also includes person “who is an employee of a place of business in the city.” The scope of citizen is defined broadly to protect the human rights of the residents as much as possible. Article 7 obligates the Mayor of Seoul “to establish and implement a human rights policy plan every five years for the realization of a human rights city” and the plan to include programs, projects and way of securing the fund. Article 14 defines the scope of duties of the Committee on Human Rights and Article 15 the selection of the fifteen members of Committee on Human Rights. The first in local government in Korea, part four introduces the Human Rights Ombudsperson scheme.

* 1. **Ordinance on the Promotion of Human Rights of Persons with Disabilities**

The Ordinance on the Promotion of Human Rights of Persons with Disabilities, enacted in 13 January 2011, was established to act upon the Anti-Discrimination against and Remedies for Persons with Disabilities Act and to guarantee the dignity of the disabled by promoting social participation and equality.

The ordinance is organized into twelve articles including the Mayor’s obligation to prevent discrimination and human rights violations against persons with disability, to establish a Action Plan, and to mandate in-house education twice a year for municipal civil servants and affiliated organizations, practitioners and students of educational institutions, and practitioners of persons with disabilities welfare facilities on the anti-discrimination and human rights protection for persons with disabilities. Moreover Seoul is required to raise human rights awareness of persons with disabilities by promotional campaign through its website.

* 1. **Ordinance on the Protection and Promotion of Human Rights of the Child and Youth**

Acting upon the Constitution of the Republic of Korea, United Nations Convention on the Rights of the Child, Child Welfare Act, Framework Act on Juvenile, Juvenile Welfare Act, and the Juvenile Activity Promotion Act, the Ordinance on the Protection and Promotion of Human Rights of the Child and Youth was enacted on 11 November 2012 to promote human rights of the child and youth.

The Ordinance is consisted of eight parts; the first part of the ordinance elucidate definition and obligation of the Mayor, the second part elaborates the human rights of the child and youth, part three describes measures to protect the rights, part four determine the scope and role of the Committee on the Human Rights of the Child and Youth, the fifth part provides information on the management of the Participatory Committee on the Human Rights of Child and Youth, part six describes the remedies to human rights violation, part seven on education, research, and evaluation of the status of the child and youth, and finally part eight illustrate supplementary rules.

The ordinance stipulates that children and youth shall not be discriminated based on age, sex, religion, social status, ideology or political view, sexual preference, sexual orientation, medical history, disciplinary action, grades, or employment status. The Mayor has the duty to protect the human rights of children and youth that may be suffering on these grounds. Seoul should also consider the effects on the human rights of Child and Youth when implementing a policy and to reflect the result of the biennial research on the status of human rights of Child and Youth in the form of comprehensive policy.

1. **Human Rights Mechanisms**

To institute Seoul as a ‘Human Rights City’, it enacted the Seoul Human Rights Ordinance, established Human Rights Division, which carries out human rights education program, build cooperation with civil society and support Human Rights Ombudsperson, founded Seoul Committee on Human Rights, an advisory committee on human rights, and appointed Human Rights Ombudsperson.

1. **Human Rights Division of Seoul Metropolitan Government**

Human Rights Division of Seoul was established on 28 September 2012, consisting of three teams; human rights policy, cooperation, and protection team. Including three Human Rights Ombudsperson, a total of 18 people are working for the Division. The budget for the Human Rights Division for year 2014 is 1,013,907,000 Korean Won (approximately 979,000 USD), increased by 203,943,000 Korean Won (approximately 203,000USD) from 809,964,000 Korean Won (approximately 782,000USD) in 2013.

The Human Rights Division is mandated to create an Action Plan on Human Rights every five years and to monitor it. It also supports and manages the Seoul Committee on Human Rights, and promotes private public cooperation. The Division also provides human rights education for the civil servant and its citizens. *Manual on Counseling and Investigation of Human Rights Violation (2013) (2014)* and the *Casebook of Decisions of Seoul Human Rights Ombudsperson (2013)* was published and distributed to city affiliated organization, public institution, libraries by the Division. Publication is currently being used as a human rights protection and human rights violation prevention resource.

1. **Seoul Committee on Human Rights**

Seoul Committee on Human Rights acts upon the Human Rights Ordinance which provides the Committee the legal ground. The Committee is set up to protect and promote human rights of the citizens. If Seoul policy, regulation or law places a significant effect on human rights, the Committee is empowered to give policy recommendations to the Mayor. In order to carry out its duties, the Committee could ask public official for a hearing, request documents for review, and refer a case to the Human Rights Ombudsperson.

There are fifteen members in the Committee including the chairperson and the vice chairperson, who are elected by the Committee members. The term is for three years and opened for reappointment. Among the fifteen members of the Committee, fourteen members are from various human rights background; from academia, civil society, government organization and international organization related to human rights. The last member, an ex officio member, is the Director-General of Seoul Innovation Division which the Human Rights Division is a part of. By appointing both civil society actors and government officials, the Committee is fulfilling the principle of the private public cooperation.

1. **Human Rights Ombudspersons**

First of its kind among the local government in Korea, the Seoul Metropolitan Government’s Human Rights Ombudsperson operates to remedy the citizens from human rights violation that occurred in the public sector of Seoul and its affiliate institution. Starting 2 January 2013, Seoul appointed three human rights experts from civil society and public sector to carry out the work as the Ombudsperson.

Complaint process is as follows; first, the Complaint is filed. Complaint can be filed by anyone including those who are staying or working in Seoul as long as a person or a group has grievances in relation to human rights. Complaints are accepted via mail, fax, electronic mail, oral statement, and by phone. After the complaint is filed the Human Rights Ombudsperson undergoes a preliminary review deciding whether the case is within the scope of the Human Rights Ordinance. If it is, then the Ombudsperson begins the investigation. During the investigation, hearings from the relevant actors are conducted and the Human Rights Ombudsperson Council discusses the matter afterwards. When the final decision is made, the Ombudsperson notifies the result to the mayor and also to the Complainant. If remedies are in order, the relevant institution will be notified as well. In 2013, 76 complaints were field and 55 cases were finalized by the end of 2013; 15 cases were recommended to seek remedies. Among 11 cases out of 15 that reached the final decision are included in *the Casebook of Decisions of Seoul Human Rights Ombudspersons*.

The city’s Human Rights Ombudsperson has become a model for other local governments. Many local governments including the Metropolitan City of Gwangju have paid official visit to Seoul on multiple occasions to benchmark the system. As a result, Gwangju and Gangwon Province officially launched an ombudsperson system similar to those of Seoul on September 2013 and February 2014 respectively.

1. **The Citizen Jury on Human Rights Cases**

The Citizen Jury on Human Rights Cases is the first attempt in Korea to involve the citizen to a human rights complaint process. The idea is to apply citizens’ opinion on a human rights case which could generate social debate. A total of 200 panel of Juror, 150 citizens and 50 experts, will be selected with consideration on region, social status, and age. The expert jurors are those with abundant human rights experience, selected through recommendations from civil society. On each case, twelve members of juror, eight citizen jury and four human rights expert jury, will be selected randomly from the jury panel. After hearing a case, the jury will reach a decision which the Human Rights Ombudsperson take into account when reaching a final decision. The program will begin in 2014.

1. **Major Policies on Human Rights**

The Human Rights Division has created and implemented various policies with the vision to develop a “Seoul, where anyone, at anytime and anywhere can enjoy human rights.” Through the Seoul Action Plan on Human Rights, Seoul has implemented and mainstreamed human rights in its overall administration. Human rights sensitivity has been enhanced through human rights education for civil servants and by supporting human rights organizations, financially and systematically, Seoul has been raising capacity of the civil partners. With regards to local laws, regulations or policies that affect the everyday lives of the people which are incompatible with human rights, Seoul Human Rights Committee and the Human Rights Ombudsperson are there to recommend a way of improvement to the Mayor of Seoul. Furthermore, effort to establish a Citizen’s Charter of Human Rights is under consideration.

1. **Seoul Action Plan on Human Rights; a Five Year Plan**

Based on the Human Rights Ordinance, Seoul Action Plan on Human Rights, a comprehensive human rights policy plan, is being executed from 2013. The plan aims to apply the human rights value to the city’s governance and it is to be revisited every five years to increase the sustainability of the policy. The Seoul Action Plan on Human Rights has five main policy goals which are; protecting the rights of the most vulnerable group, creating a human rights friendly city environment, raising human rights awareness, institutionalizing human rights, and building cooperation with civil society and other municipals. These five main goals are divided into 17 sectors, 25 programs with a total of 73 projects.

It took 15 months, starting from March 2012, to establish the Action Plan. It went through consultations with civilian experts on 49 occasions as well as applied the voices of 40 human rights organizations. Suggestions from all social backgrounds were converged. After multiple consultations and discussions within Seoul Metropolitan Government, 73 tasks were selected. Among those 73 tasks, it is important to notice that the Action Plan applies the concept of deinstitutionalization and self-reliance of persons with disabilities and expand the current multicultural policy to include migrant workers, refuges and other minority migrants.

To insure the tasks to be put in place, constant monitoring is carried out. Each year Seoul Committee on Human Rights shares the monitoring process with the relevant Divisions and also discusses the obstacle in accomplishing the task. Through these efforts the Action Plan will be more sustainable.

1. **Human Rights Education for Municipal Civil Servants**

To enhance the human rights sensitivity of the public sector workers, Seoul operates civil servant and affiliated organization employees a mandatory human rights education once every year. The main topics include introduction to human rights, human rights awareness training, and human rights sensitivity enhancement. The education program is designed separately for government officials and other civil servants. For the government officials, program is designed to explain the primary principle of human rights administration, and for the other civil servants, human rights case study related to their daily work is provided.

1. **Supporting Human Rights Protection and Promotion of Activities**

Seoul has been supporting the human rights protection and promotion activities by the civil partners. Programs the Human Rights Division supports are those that are difficult for the local government to perform but more practical if the human rights organization conduct. These efforts not only aim to improve the human rights of the vulnerable but also strengthen the capacity of the civil partners. Following are the projects that Seoul funded in 2013, committing 166,000,000 Korean Won (approximately 150,000 USD).

1. Training interpreter with legal knowledge for migrants

The problem with the translators, who assist migrants during the legal procedure, was that many were migrants who lived in Korea for a period of time and were not trained professionals. This resulted in incorrect information for the migrant undergoing legal and administrative process. Seoul funded a human rights organization to develop an effective and systematic education program to train interpreters. The courts, law firms and education organization came together to build a program that trained 31 interpreters with legal knowledge. The three highest performing trainees have been actively supporting migrants on field and other interpreter will be also allocated to the field after an enhancement education program in 2014.

1. Creating Guidelines to Improve Care workers’ health and working condition

Care workers are in many cases subjected to low income, and are without social insurance and left out from the Labor Standard Act. This project was to initiate a protection scheme for the care workers especially, the domestic workers. For the first time in Korea, 319 domestic workers were interviewed and case study was conducted to learn the working and health condition. With the result, Seoul has produced a handbook to improve the health for the care workers.

1. Raising Human Rights Awareness through Cultural Events

The human rights culture projects have the aim to increase human rights sensitivity among its citizens. To remember and to appreciate the importance of human rights history in Korea, 77 Seoul citizens participated in a human rights tour, visiting historical sites where human rights violation such as torture and illegal detainment of human rights activist occurred; Seodaemun Prison, in the Japanese occupation period, and the Old National Security Agency building in Namsan and Namyong-dong police interrogation center, in the dictatorship era. In 2013, at Namsan a concert was held with over 150 participants to commemorate those who sacrificed and to never forget the human rights infringements that occurred in Seoul.

1. **Human Rights Guideline on Vicarious Administrative Execution of Forced Eviction**

The first case the Human Rights Ombudsperson and Human Rights Division came to a final decision was of a community which faced forced eviction as a result of vicarious administrative execution for a safety reason. After the decision was made, the Human Rights Ombudsperson and Human Rights Division acknowledged the need to establish a guideline to guarantee legal protection against forced eviction, harassment and other threats. Since the Vicarious Administrative Execution Act, which was enacted in 1954, only specifies procedures and lacks measure to protect those who are being evicted, the guideline is expected to serve as a protection procedure until further development in legislative amendment.

 The guideline takes General Comment of the UN Human Rights Committee on Economic, Social and Cultural Rights, relevant domestic legislation, National Human Rights Committee of Korea’s recommendations on ‘Protecting the rights of people in a situation of forced eviction’ into account. It prohibits vicarious administrative execution in winter or at night, requires civil servants present to monitor any human rights violation when executing the force eviction, and to provide adequate remedies to those who were evicted.

1. **Policy Recommendation of the Committee on Human Rights**

In February 2014, the Seoul Committee on Human Rights recommended to the Mayor to review the current practice to improve the human rights of the employee of Seoul complaint call center, the Dasan Call center. The Dasan Call Center employees were found to receive low income, work long hours, perform extremely emotional labor, and declination in health condition. On the day the recommendation was made, the Mayor immediately accepted the recommendation and promised to work on a solution.

1. **Major Projects on Human Rights**
2. **Projects of Seoul Action Plan on Human Rights**

Seoul Action Plan on Human Rights, a comprehensive human rights policy plan, has five main goals that are divided into 17 sectors, 25 programs with a total of 73 projects. The Action Plan recognizes persons with disability, care workers especially women, part time youth workers, persons vulnerable in access to public transportation, victims of human rights abuses, flophouse residents, homeless, and residents below the minimum housing standards and emphasize on human rights education in support of human rights victims, promotion of human rights of older persons, and protection against forced eviction. The city aims to create human rights policy that has an effect on citizens’ everyday lives. Detailed tasks are as follows;

1. Protecting the Rights of the Most Vulnerable Group

The most vulnerable group includes; persons with disabilities, migrants, women, workers with vulnerability (irregular workers, part time youth workers, etc), and senior citizens.

Regarding the rights of the persons with disabilities, Seoul has implemented deinstitutionalization approach with removing the social barrier. Seoul is planning to build an environment where 20% of the persons with disabilities, approximately 600 people, who are currently institutionalized to be deinstitutionalized and become self-reliant. The city’s support system includes housing and job training in connection with employment opportunities.

Regarding migrants, Seoul will expand the policy to include those who have been excluded such as the refugees. Health care and social service will be provided to the migrants as well. The city plans to install a counseling facility exclusively for migrants, support frequent meetings of migrant leaders, construct a migrant welfare center, and assist migrants at public health centers.

For workers in vulnerable status such as part time youth, irregular workers, and persons without social insurance, the city is working towards guaranteeing labor rights and improving the working environment that is against discrimination and promise job security. Seoul and affiliated institutions has extended the irregular workers contract term to be permanent, resulting in irregular workers to become now regular. Seoul has been doing research on vulnerable worker mid-small size businesses, establishing an Action Plan on labor, and publishing and distributing booklet on labor rights of youth workers.

1. Creating a Human Rights Friendly City Environment

To create a human rights friendly city environment, Seoul has been implementing housing rights, better access to public transportation for the weak, and providing various educations for citizens. The main objectives of these activities are to create a city where human rights are remembered and learned.

The city protects the right of residents including forcefully evicted, flophouse (Jjokbang in Koreans) residents, homeless, and those living below the minimum housing standards. Seoul plans to develop temporary living facilities for the homeless guaranteeing a space at the group residences. At the same time, Seoul will be continuously renovating flophouse residential areas. To prevent human rights infringements brought upon evictions due to redevelopment projects, the city will implement a pre-negotiation system based on the Human Rights Guideline on Vicarious Administrative Execution of Forced Eviction. Seoul plans to establish and operate a residential welfare support center to increase the quality of residents

To guarantee the right of movement for persons with disabilities, senior citizens, children and persons with limited access to transportation, Seoul implemented policy of better access and endeavor to provide pedestrian friendly environment. The city plans to expand the BIT (devices indicating the time of bus arrival) device for the weak to use it to notify the driver of his or her arrival. Low floor buses are being constantly introduced and by 2015, 50% (3,685) of the city buses will be of low floor. 66 drivers will be hired to drive taxi especially for persons with disabilities which will result in reduction in waiting time. To guarantee pedestrians with right to walk, nine main roads in Seoul will be a model case for permanent pedestrian area, and crosswalks will be installed in main four roads in the city center.

Seoul will expand its liberal arts classes for citizens as well as other various educations. As the life expectancy prolonged, Seoul is supporting lifelong education designed for those who have retired and are disabled. In addition, the city plans to create human rights learning centers by providing space throughout Seoul to learn about and have discussions on human rights. Seoul Metropolitan Library will maintain human rights materials including multicultural books. In addition, the city plans to install engraved plaques of the Universal Declaration of Human Rights in various locations including metro stations. In locations where human rights history is vivid and historical value are high, human rights tour program will be carried out.

1. Institutionalizing Human Rights

To permeate human rights into its administration, Seoul has been carrying out policies such as promoting usage of human rights friendly language, research on human rights status and contract that takes human rights into account.

The city is continuously identifying authoritarian or belittling words to refine the language into more appropriate in terms of human rights. Ordinance on Public Language is also under consideration. In order to establish a solid human rights policy, the city plans to actively conduct human rights research. This year the topic is on migrant children.

In the bidding process of contract work for Seoul and other affiliated institution, human rights such as labor rights should be taken into account, and if the contracting party is likely to cause serious human rights violation, then Seoul is prohibited to enter into a contract.

1. **Other Projects on Human Rights**

Since July 2013, on every Tuesday, human rights attorney from the Seoul Bar Association is providing free legal counseling to possible human rights victims on matters related to human rights. Counseling includes seeking appropriate remedies and explanation in legal interpretation.

Training of lecturers of human rights education is also carried out. Main recruit for trainees are citizens with background of human rights activity. With specialized education on concept of human rights and various teaching skills, trainees will be the best asset for human rights education.

Seoul has been planning to build a Citizen’s Charter of Human Rights with an active participation from its citizen and civil society. The Charter will be of the citizen, for the citizen and by the citizen. It will illustrate the right of the citizen and the city’s obligation to fulfill those rights.

In June 2014, Human Rights Division will launch ‘Citizens’ Committee on establishment of the Charter of Human Rights’ by recruit citizen who are willing to participate in the process from various age, social status and background. Committee members will determine the direction, draw up the draft and finalize the Charter. Furthermore, by using various social networks, the process will be publicized and encourage further participation from the citizen. Open hearing will also take place. After all these process, Seoul expects to complete the Citizen’s Charter of Human Rights by the vote of the Citizens’ Committee on establishment of the Charter of Human Rights and to declare the Charter in December.

In respond to the human rights violation such as discrimination and sexual violence against persons with disabilities, in February 2014 based on the article 9 of the Ordinance, Human Rights Center for Persons with Disabilities was launched. Five human rights experts and an attorney are present for counseling full time. The center will carry various human rights promotion projects including education programs.

**Answer to Question 3.**

**Main Challenges in Implementing**

**and Mainstreaming Human Rights**

Despite the remarkable job the Seoul Metropolitan Government had done over the past few years, there are several challenges that lie ahead.

Encouraging the citizens’ participation always has been and always will be a challenge. For citizen of Seoul to fully share and be aware of the vision ‘Seoul as a Human Rights City’ and participate in the process, one needs to develop a sense of ownership and responsibility on human rights of oneself and others. For the human rights policy of Seoul to become meaningful in a way it could positively affect the daily lives of its citizens, Seoul Metropolitan Government deliberate on developing appropriate measures and policies in better engagement of the citizen in human rights policy.

To this end, human rights education will play an important role. Human Rights Division acknowledges the fact that human rights awareness building and sensitivity enhancement is crucial. Thus it has been conducting human rights education for both civil servants and its citizens. Training of human rights lectures and human rights education program for civil servant is carried out all around the year. However a concern was raised on a need to consolidate the human rights education program; setting up a long term road map was suggested. Human Rights Division is currently reviewing the suggestion and discussing a potential roadmap with the Members of the Committee on Human Rights.

Finally, legal basis is required in strengthening the human rights policy in local government. To secure the human rights operation in local government, in particular the budget and human resource, legitimacy of the Human Rights Ordinance in legal terms are absolutely necessary. In this regard, cooperation among the local governments, central government, and government institutions are critical.