

# Questionnaire on the National Human Rights Institution

## Republic of Korea

1.
  - a)
    - The National Human Rights Commission of Korea(NHRCK) was established in 2001 by the National Human Rights Commission Act(NHRC Act) in 2001.
  - b)
    - The NHRC Act fully complies with the Paris Principles.
2.
  - a)
    - The mandates of the NHRCK are to receive complaints and investigate alleged cases of human rights violation or discrimination, in addition to conducting research on laws, systems, and policies and issuing recommendations and opinions on human rights issues, including the ratification and implementation of international human rights treaties.
  - b)
    - The NHRCK considers individual complaints of human rights violations and makes relevant recommendations.
  - c)
    - The mandate of the NHRCK to receive complaints and investigate covers the whole range of violations of human rights guaranteed by the Constitution and discrimination. Complaints are placed against government bodies, including the police and the military.
    - Inadmissible complaints are rejected. Admissible complaints are considered by the NHRCK or transferred to other authorities. The consideration can result in dismissal, recommendation of conciliation, remedial measures, disciplinary actions, and notification to criminal authorities.
  - d)
    - The NHRCK makes recommendations of relevant measures including remedies and urgent relief measures for victims of human rights violations.
    - The abovementioned urgent relief measures include protective measures for victims, including a transfer to other detention facilities. The NHRC Act also stipulates that witnesses and alleged victims shall not be subject to unfavourable treatment.
    - The NHRCK can visit and inspect detention facilities.
3.
  - a)
    - One of the functions of the NHRCK is to cooperate with organizations and

individuals working for the protection and promotion of human rights. The staff of the NHRCK was present at major assemblies to monitor and prevent any possible human rights violations.

b)

- Human rights defenders may make individual complaints to the NHRCK. The mandate of the NHRCK to make recommendations on legislations, policies, and practices related to human rights can also cover the issue of human rights defender.

4.

a)

- There are no known cases of threat or harassment made to the staff members of the NHRCK.

b)

- Assaults and intimidations against the members of the NHRCK are punishable either by imprisonment or by a fine as stipulated by the NHRC Act.

5.

a)

- The NHRCK is funded by the government budget.

b)

- The NHRC Act stipulates that the independence of the NHRCK.

6.

a)

- The NHRC Act stipulates that the NHRCK is comprised of eleven commissioners appointed by the President of the Republic of Korea, including a chairperson and three standing commissioners.
- The selection procedure is as follows: the National Assembly nominates four persons by election, including two nominees as standing commissioners; the President nominates four; the Chief Justice of the Supreme Court nominates three.
- More than four commissioners should be female.

b)

- The NHRC Act stipulates that nominees for the post of NHRC commissioner shall possess professional knowledge of and experience with human rights matters and be capable of performing their duties in a fair and independent manner.
- The tenure of the commissioners is guaranteed by the NHRC Act.