SEOUL METROPOLITAN GOVERNMENT FRAMEWORK ORDINANCE ON HUMAN RIGHTS

Enactment No. 5367, Sep. 28, 2012
Amendment of Other Laws No. 5930, May. 14, 2015
Partial Amendment No. 6000, Oct. 08, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Amendment of Other Laws No. 6093, Jan. 07, 2016
Partial Amendment No. 6327, Sep. 29, 2016
Amendment of Other Laws No. 7044, Mar. 28, 2019
Partial Amendment No. 7103, Mar. 28, 2019
Amendment of Other Laws No. 7423, Dec. 31, 2019
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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to enable all citizens of Seoul Metropolitan City (hereinafter referred to as the "City") to realize human dignity and worth, and to enjoy their rights to live a fulfilling life, by formulating and implementing policy to protect and improve their human rights.

Article 2 (Definitions)

The definitions of terms used in this Ordinance shall be as follows:

1. The term "human rights" means any of human dignity, self-worth, liberty and rights, which are prescribed by the Constitution and statutes, or acknowledged by international human rights treaties signed or ratified by the Republic of Korea and by customary international laws;
2. The term "citizen" means a person who has domicile or residence, or who stays, in the City and a person who works at a place of business located in the City;
3. The term "human rights city" means a city where fulfilled urban communities materialize, with all citizens' human rights realized in their lives.

Article 3 (Relations with other Ordinances)

(1) Other enacted or amended ordinances relating to citizens' human rights shall comply with the details of this Ordinance.
(2) Except as otherwise expressly provided for in other ordinances concerning protection and promotion of citizens' human rights, this Ordinance shall govern.

Article 4 (Mayor's Responsibilities)

(1) The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall endeavor to protect and promote citizens' human rights and actively enforce relevant policies.
(2) In formulating human rights policy, the Mayor shall guarantee civic engagement to the maximum extent possible.
(3) Where any human rights infringement against a citizen arises, the Mayor shall endeavor to rectify such infringement.
(4) If necessary, the Mayor may cooperate with State agencies, including the National Human Rights Commission, local governments, etc.

Article 5 (Civic Engagement)

Citizens shall recognize that they are the entities who realize communities in which human rights are respected, and endeavor to raise their awareness about human rights and engage in the City's human rights policy.

Article 6 (Respect for Human Rights and Prohibition of Discrimination)

(1) All citizens' human rights shall be respected, and shall not suffer any discrimination prohibited by relevant statutes, such as the Constitution and the National Human Rights Commission Act.
(2) A citizen who has suffered any human rights infringement under Article 20 (1) or a person or organization aware of such

infringement may file an application for consultation, etc. thereon with the Human Rights Center of the Seoul Metropolitan Government.

CHAPTER II POLICY ON HUMAN RIGHTS CITY

Article 7 (Basic Plans for Human Rights Policy)

CHAPTER II POLICY ON HUMAN RIGHTS CITY(1) The Mayor shall devise and implement a basic plan for human rights policy to protect and improve citizens' human rights (hereinafter referred to as "basic plan") every five years.
(2) Basic plans shall include the following:
1. Basic directions setting for human rights policy;
2. Key policy tasks, promotion objective, and implementation plans for each sector;
3. Financial resources required to execute the basic plan;
4. Investigation and research into human rights and implementation of human rights education;
5. Cooperation with the State and other local governments to protect and improve human rights;
6. Other major matters concerning advancement of a human rights city.
(3) Where the Mayor establishes a basic plan, he/she shall gather consensus from citizens, etc. through public hearings, forums, etc.
(4) The Mayor shall conduct fact-finding surveys on human rights and reflect the results thereof in basic plans for human rights policy.
(5) The Mayor shall evaluate implemented matters within six months after the period for the basic plan expires, and report to the Seoul Metropolitan Human Rights Committee on the results of evaluation.

Article 8 (Annual Implementation Plans)

The Mayor shall formulate and execute annual implementation plans for human rights policy each year based on the relevant basic plan.

Article 9 (Publication of Human Rights Report)

The Mayor shall publish a report on human rights of Seoul citizens biannually.

Article 10 (Human Rights Education)

(1) The heads of institutions invested or funded by the Mayor or the City, institutions to which affairs of the City have been entrusted, and various welfare facilities subsidized by the City shall have public officials or employees under their jurisdiction receive human rights education at least annually, and encourage business places, private organizations, etc. to conduct human rights education.
(2) The Mayor may subsidize the development of human rights textbooks and the nurturing of human rights education instructors in order to establish a human rights education system and effectively conduct such education.

Article 11 (Human Rights Center)

(1) The Mayor may establish a human rights center to effectively conduct affairs concerning protection and improvement of citizens' human rights.
(2) The human rights center shall carry out the following:
1. Management of citizens' human rights advocates and support for their business;
2. Fact-finding surveys on human rights;
3. Receipt of reports, and consultation, on human rights infringements;
4. Development of, and education and public relations on, programs designed to improve human rights;
5. Research on policy designed to protect and improve human rights;
6. Matters concerning research on, and development of, human rights indicators;
7. Matters necessary for protecting and improving citizens' human rights.

Article 12 (Seoul Charter of Human Rights)

The Mayor shall enact and declare the Seoul Charter of Human Rights in order to realize the value of respecting human rights and to create a sustainable human rights city.

Article 13 (Support, etc. for Activity to Protect and Improve Human Rights)

(1) To protect and improve human rights, the Mayor may provide administrative and financial support for institutions or organizations conducting relevant projects.
(2) The Seoul Metropolitan Government Ordinance on Management of Subsidies and the Seoul Metropolitan Government Ordinance on Subsidization to Civic Organizations shall apply to the details of financial support referred to in paragraph (1).

CHAPTER III SEOUL METROPOLITAN HUMAN RIGHTS COMMITTEE

Article 14 (Establishment)

CHAPTER III SEOUL METROPOLITAN HUMAN RIGHTS COMMITTEE(1) The Seoul Metropolitan Human Rights Committee (hereinafter referred to as the "Committee") shall be established to deliberate and provide advice on major policies for protecting and improving citizens' human rights.
(2) The Committee shall conduct the following affairs:
1. Deliberation and advice on the establishment of the basic plan;
2. Deliberation and advice on annual implementation plans for the basic plan;
3. Advice on laws and policies influencing citizens' human rights;
4. Advice on the operation of the human rights center;
5. Deliberation and advice on matters suggested by the Mayor, the Chairperson, or at least three members of the Committee.
(3) In carrying out affairs referred to in paragraph (2), the Committee may request the City to submit materials or have relevant public officials attend any of its meetings, and may ask citizens' human rights advocates referred to in Article 18 to investigate infringements of human rights and hear their opinions on the City's human rights policy.

Article 15 (Composition)

(1) The Committee shall be comprised of not exceeding 15 members, including one Chairperson and one Vice Chairperson, who are elected from among members of the Committee.
(2) Members of the Committee shall be commissioned by the Mayor from among the following persons: Provided, That two of the members, including one member of the Seoul Metropolitan Council, shall be commissioned on the recommendation of the Chairperson of the Seoul Metropolitan Council:
1. A person who has expert knowledge in the human rights sector and experience in research on human rights in academia;
2. A person who has work experience in a Government agency, non-profit private organization or corporation, international body, etc. in the human rights sector;
3. A person who has expert knowledge in the human rights sector or work experience in the human rights sector, and has been recommended by a non-profit private organization or corporation relating to human rights;
4. The director general of the division of the Seoul Metropolitan Government in charge of human rights affairs (ex officio member).
(3) Members of the Committee shall serve a three-year term, and may be recommissioned.
(4) Any member filling a vacancy shall serve for the remainder of his/her predecessor's term of office.
(5) In any of the following cases, the Mayor may dismiss the relevant member:
1. Where a member is unable to perform his/her duties due to personal reasons, such as an accident;
2. Where a member discloses confidential information he/she has learned in the course of performing his/her duties;
3. Where a member is deemed unfit for performing his/her duties due to frequent failure to attend Committee meetings, serious loss of dignity as a member, etc.

Article 16 (Operation)

(1) The Chairperson shall represent the Committee and preside over business of the Committee.
(2) Meetings of the Committee shall be classified into regular meetings and extraordinary meetings, and the former shall be held quarterly, while the latter shall be called by the Chairperson when he/she deems it necessary or when at least one third of all incumbent members request the convocation thereof.
(3) Meetings of the Committee shall convene with the attendance of a majority of all incumbent members, and resolutions shall be adopted with the consent of a majority of the members present: Provided, That in cases of a tied vote, the Chairperson shall make a decision.
(4) If necessary, subcommittees may be established in the Committee. Members of subcommittees shall be commissioned by the Chairperson from among members of the Committee, subject to deliberation by the Committee.
(5) All meetings of the Committee shall be made public, and minutes thereof shall be prepared and kept so that anyone can inspect them: Provided, That a meeting may be closed to the public, or inspection of minutes may be restricted by a resolution of the

Committee, if it is inappropriate to disclose the meeting in light of the nature of the relevant matter or if it is necessary to protect human rights of persons concerned.
(6) Allowances may be provided, and travel expenses reimbursed, within budgetary limits to members, other than public officials, who attend a Committee meeting.
(7) The Committee shall have a secretary, who is a director in charge of human rights affairs.

Article 17 (Recommendation on Improvement of Policies, etc.)

(1) Where the City's self-governmental regulations, policies, etc. are deemed to have significant effects on citizens' human rights, the Committee may recommend the improvement thereof to the Mayor.
(2) Upon receipt of a recommendation by the Committee under paragraph (1), the Mayor shall make endeavors to comply with such recommendation.

CHAPTER IV CITIZENS' HUMAN RIGHTS ADVOCATES

Article 18 (Establishment)

CHAPTER IV CITIZENS' HUMAN RIGHTS ADVOCATES(2) The Mayor shall create citizens' human rights advocates (hereinafter referred to "advocates") to protect and enhance citizens' human rights.
(2) Advocates shall not exceed five local public officials in contractual service, who are appointed by the Mayor from among the following persons, through open recruitment:
1. A person with experience in human rights-related affairs who has served as a public official of Grade IV or higher in a State agency or local government;
2. A person who has expert knowledge in the human rights sector and has held office at college;
3. A person who has expert knowledge or work experience in the human rights sector and has been recommended by a non-profit private organization or corporation relating to human rights.

Article 19 (Term of Office and Independence of Duties)

(1) Each advocate shall serve a two-year term and may be reappointed.
(2) Each advocate shall carry out affairs under his/her authority independently.
(3) No advocate shall be dismissed from his/her office against his/her will, except in any of the following cases:
1. Where he/she violates any service obligation;
2. Where he/she is convicted of a criminal case;
3. Where a reason arises for which he/she is no longer able to perform
his/her duties as an advocate.
(4) No advocate shall concurrently take any office other than the office of advocate, unless the Mayor recognizes that he/she does not have any difficulty in performing his/her duties and thus, approves his/her holding concurrent offices.

Article 20 (Duties)

(1) Advocates may investigate a human rights infringement upon application, etc. for consultation received by the human rights center, or which occurs in connection with affairs of any of the following institutions commissioned by the Mayor or by the Committee:
1. The City or an administrative agency under its jurisdiction;
2. An autonomous Gu (limited to the affairs delegated by the City);
3. An institution established by investments or contributions by the City;
4. An institution to which affairs have been entrusted by the City (limited to the affairs entrusted by the City);
5. Various welfare facilities subsidized by the City.
(2) Notwithstanding paragraph (1), in any of the following cases where investigation by advocates is deemed inappropriate, advocates may not perform their duties:
1. Where the person himself/herself obviously does not want investigation an application for which has been filed by a third party other than the person who has suffered a human rights infringement;
2. Where the trial by a court, investigation by an investigation agency, or remedy procedures or conciliation procedures for an infringement of rights prescribed in the statues are pending or have been terminated with respect to a fact causing an application for investigation;
3. Where an application for investigation has been filed without obvious reasons, based on false information, or clearly for a purpose other than the protection of human rights.

(3) Advocates may request the human rights center to support business necessary for fulfilling their duties, perform acts, such as on-site investigations, inspection of documents and gathering of samples, at any institution referred to in each subparagraph of paragraph (1) in order to collect information or materials, or require a person subject to investigation to make a report, to submit materials, or to be present to make a statement.
(4) If deemed necessary for investigation into matters within their duties, advocates may have an executive officer, employee, expert, etc. of a non-profit organization or corporation participate as investigation personnel, and may provide allowances, etc. to persons participating in investigation, within budgetary limits.
(5) Advocates may attend a meeting of the Committee and recommend necessary matters to improve the City's policies on human rights.

Article 21 (Notification of Investigation Results and Reply)

(1) Each advocate who finishes an investigation shall notify, without delay, the Mayor of the results thereof and recommendations for City administration in writing, and the Mayor, in turn, shall notify them to the relevant applicant for consultation or the heads of the Committee and an institution subject to investigation in writing.
(2) Upon receipt of the notification on recommendations for city administration under paragraph (1), the head of the institution subject to investigation shall respect any recommendation to take appropriate measures, and notify the Mayor of the results of the measures taken within two months after receipt of such notification.

Article 22 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be determined by the Rules of the Seoul Metropolitan Government.

ADDENDA <Ordinance No. 5367, Sep. 28, 2012>

This Ordinance shall enter into force on the date of its promulgation.