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
Partial Amendment No. 7663, Jul. 16, 2020
Amendment of Other Laws No. 7744, Oct. 05, 2020
Partial Amendment No. 7763, Oct. 05, 2020
Amendment of Other Laws No. 8172, Sep. 30, 2021

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to enable all citizens of the Seoul Metropolitan Government 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. <Amended by Ordinance No. 6000, Oct. 8, 2015>

Article 2 (Definitions)

The definitions of terms used in this Ordinance shall be as follows: <Amended by Ordinance No. 6000, Oct. 8, 2015>
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 Seoul Metropolitan Government (hereinafter referred to as the "Seoul Government") 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 shall actively implement the related policies, and may, for such purpose, establish a department in exclusive charge of affairs of human rights (hereinafter referred to as the "department for human right"). <Amended by Ordinance No. 6327, Sep. 29, 2016>
(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 of the Republic of Korea and the National Human Rights Commission Act. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(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 department for human rights. <Amended by Ordinance No. 6327, Sep. 29, 2016>

CHAPTER II POLICY FOR HUMAN RIGHTS CITY

Article 7 (Basic Plans for Human Rights Policy)

CHAPTER II POLICY FOR 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.
(6) The Mayor shall formulate and execute an annual implementation plan for human rights policy each year based on the relevant basic plan. <Newly Inserted by Ordinance No. 6327, Sep. 29, 2016>

Article 7-2 (Seoul Metropolitan Government Conference on Human Rights Policy)

(1) The Seoul Metropolitan Government Conference on Human Rights Policy (hereinafter referred to as the "Policy Conference") may be operated to formulate and implement a basic plan.
(2) The Mayor shall preside over the Policy Conference, and the office/bureau chief-level public officials of the relevant divisions and the Chairperson of the Seoul Metropolitan Government Human Rights Committee shall attend the Policy Conference.
(3) The Policy Conference shall consult and coordinate the matters requiring consultation and coordination between the relevant divisions in formulating and implementing a basic plan, and other matters requiring consultation and coordination between the relevant divisions for formulating an unified policy on human rights which belongs to an important policy on human rights.
(4) The Policy Conference shall be convened one time a year and the Mayor may, if deemed necessary, convene a temporary Policy Conference.
(5) The Policy Conference shall have one secretary to deal with its administrative affairs, who shall be the head of the human rights department. [This Article Newly Inserted by Ordinance No. 6327, Sep. 29, 2016]

Article 8 (Human Rights Impact Assessment)

The Mayor may, if deemed necessary, conduct a human rights impact assessment. <Wholly Amended by Ordinance No. 6327, Sep. 29, 2016>

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 Seoul Government, institutions to which affairs of the Seoul Government have been entrusted, and various welfare facilities subsidized by the Seoul Government 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 Mayor may, if necessary, entrust any of the following: <Amended by Ordinance No. 6327, Sep. 29, 2016>
1. Receipt of reports, and consultation, on human rights infringements;
2. Fact-finding surveys on human rights;
3. Development of, and education and public relations on, programs designed to improve human rights;
4. Research on policy designed to protect and improve human rights;
5. Matters concerning research and development of human rights indicators;
6, Matters which are necessary for efficiently operating the Seoul Metropolitan Government Human Rights Committee and are requested by the Chairperson thereof;
7. Other matters necessary for protecting and promoting the 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 Local Subsidies Management shall apply to the details of financial support referred to in paragraph (1). <Amended by Ordinance No. 5930, May 14, 2015>

Article 13-2 (Exchange and Cooperation, etc.)

(1) The Mayor may conduct exchange and cooperation projects, etc. with domestic and foreign Governments, other local governments and non-governmental organizations to realize a city of human rights.
(2) The Mayor may, within the budget, pay expenses for exchange and cooperation projects, etc. under paragraph (1) needed by the relevant public officials or experts, etc.
[This Article Newly Inserted by Ordinance No. 6327, Sep. 29, 2016]

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 "Human Rights Committee") shall be established to deliberate and provide advice on major policies for protecting and improving citizens' human rights. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(2) The Human Rights Committee shall conduct the following affairs: <Amended by Ordinance No. 6327, Sep. 29, 2016>
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;
6, Recommendation on improvement of policies, etc. under Article 17 (2).
(3) In carrying out affairs referred to in paragraph (2), the Human Rights Committee may request the Seoul Government to submit materials or have relevant public officials attend any of its meetings, and may ask the Committee for Remedy of Human Rights Infringement under Article 18 to investigate infringements of human rights and hear their opinions on the Seoul Government's human rights policy. <Amended by Ordinance No. 6327, Sep. 29, 2016>

Article 15 (Composition)

(1) The Human Rights 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. <Amended by Ordinance No. 6327, Sep. 29, 2016>

(2) Members of the Human Rights Committee shall be commissioned by the Mayor from among the following persons, but two members, including one Seoul Metropolitan Council member, shall be commissioned on the recommendation of the Seoul Metropolitan Council: <Amended by Ordinance No. 6093, Jan. 7, 2016>
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 consecutively commissioned only once. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(4) In any of the following cases, the Mayor may dismiss the relevant member: <Amended by Ordinance No. 6327, Sep. 29, 2016>
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 Human Rights Committee and preside over business of the Committee. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(2) Meetings of the Human Rights 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, via a deliberation by the Human Rights Committee. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(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 the head of the human rights department. <Amended by Ordinance No. 6327, Sep. 29, 2016>

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

(1) Where the Mayor formulates or implements policies the content of which has important effect on the protection and promotion of human rights, he/she shall refer them to the Human Rights Committee for deliberation and consultation. <Newly Inserted by Ordinance No. 6327, Sep. 29, 2016>
(2) Where the Seoul Government's self-governmental regulations, policies, etc. are deemed to have significant effects on citizens' human rights, the Human Rights Committee may recommend the improvement thereof to the Mayor. Amended by Ordinance No. 6327, Sep. 29, 2016>
(3) Upon receipt of a recommendation by the Human Rights Committee under paragraph (2), the Mayor shall make endeavors to comply with such recommendation. <Amended by Ordinance No. 6327, Sep. 29, 2016>

CHAPTER IV CITIZENS' HUMAN RIGHTS ADVOCATES COMMITTEE OF REMEDY FOR HUMAN RIGHTS INFRINGEMENT

Article 18 (Establishment and Composition)

CHAPTER IV CITIZENS' HUMAN RIGHTS ADVOCATES COMMITTEE OF REMEDY FOR HUMAN RIGHTS INFRINGEMENT(1) The Mayor shall establish the Committee of Remedy for Human Rights Infringement (hereinafter referred to the "Remedy

Committee") to protect and promote citizens' human rights. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(2) The Remedy Committee shall be composed of not more than 13 officers for citizens's human rights protection (hereinafter referred to as a "human rights officer", including not less than 3 but not more than 5 standing officers and not more than 8 non-standing officers. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(3) A standing officer shall be a public officer in a fixed term position, and appointed according to the relevant statutes, such as the Local Public Officials Act, but attention shall be paid so as not to exclude their career of activities in non-profit civic organizations in considering the practical careers in the relevant fields. <Newly Inserted by Ordinance No. 6327, Sep. 29, 2016>
(4) Non-standing officers shall be commissioned by the Mayor from among persons falling under any of the following subparagraphs: <Newly Inserted by Ordinance No. 6327, Sep. 29, 2016>
1. Persons whose service period as an associate professor or in a position equivalent thereto in a university or college or an authorized research institute is not less than five years;
2. Persons whose total service period as a judge, prosecutor or attorney-at-law is not less than five years;
3. Persons whose service period in a State agency or local government is not less than 10 years among which the period of engaging in audit and inspection, research or other similar affairs is not less than three years;
4. Persons whose career of human rights-related activities, such as working at an international organization, on-profit corporation or civil organization related to human rights, and who are recommended by civil social organizations.
(5) The Remedy Committee shall have the Chairperson, who shall be elected among and by members thereof and whose term of office shall be two years. <Newly Inserted by Ordinance No. 6327, Sep. 29, 2016>
(6) A meeting of the Remedy Committee shall be held one time each month and shall be convened if deemed necessary by the Chairperson or if requested by three or more human rights officers. <Newly Inserted by Ordinance No. 6327, Sep. 29, 2016>
(7) Subcommittees may be established under the Remedy Committee and other matters concerning the meetings of the Remedy Committee shall be prescribed by rule. <Newly Inserted by Ordinance No. 6327, Sep. 29, 2016>

Article 19 (Term of Office and Independence of Duties)

(1) The term of office of a standing protection officer shall be as provided in the relevant statute such as the Local Public Officials Act, and the term of office of a non-standing human rights office shall be two years and may be consecutively renewed only once. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(2) The Remedy Committee shall carry out affairs under his/her authority independently. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(3) The status of a standing human rights officer shall be guaranteed pursuant to the Local Public Officials Act. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(4) Article 15 (4) shall appply mutatis mutandis to the decommission, etc. of a non-standing human rights officer. <Amended by Ordinance No. 6327, Sep. 29, 2016>

Article 20 (Duties)

(1) The Remedy Committee may investigate, and recommend the rectification of, any human rights infringement upon application, etc. for consultation received by the human rights department, or which occurs in connection with affairs of any of the following institutions commissioned by the Mayor or by the Human Rights Committee: Provided, That if it is deemed that a serious human rights infringement, etc. has occurred, a standing protection officer may investigate it ex officio and recommend its rectification: <Amended by Ordinance No. 6000, Oct. 8, 2015; Ordinance No. 6327, Sep. 29, 2016>
1. The Seoul Government or an administrative agency under its jurisdiction;
2. An autonomous Gu (limited to the affairs delegated by the Seoul Government and the affairs the investigation of which is requested by the head of an autonomous Gu located in Seoul in accordance with the Ordinance of the relevant local government);
3. An institution established by investments or contributions by the Seoul Government;
4. An institution to which affairs have been entrusted by the Seoul Government (limited to the affairs entrusted by the Seoul Government);
5. Various welfare facilities subsidized by the Seoul Government.
(2) A decision of whether or not a human right is infringed shall be made via a resolution by the Remedy Committee and an investigation thereof shall be conducted in consultation among standing human rights officers. <Amended by Ordinance No. 6327, Sep. 29, 2016>
(3) Where any case falls under any of the following subpagraphs, the Remedy Committee shall dismiss it, notwithstanding the provisions of paragraph (1): <Amended by Ordinance No. 6327, Sep. 29, 2016>
1. Where it is obvious that the person who has suffered a human rights infringement does not want the investigation an application for which has been filed by a third party other than himself/herself;
2. Where, with respect to any fact causing an application for investigation, trial by a court, investigation by an investigation agency, or a procedure for remedy against an infringement of rights or a conciliation procedure prescribed in any other statues is underway

or has been terminated;
3. Where it is obvious that an application for investigation is ill-founded, based on false information or filed for a purpose other than the protection of human rights;
4. Where the content of an application does not fall within the scope of duties of the Remedy Committee prescribed paragraph (1);
5. Where a duplicate application is filed with respect to the fact on which a former application dismissed by the Remedy Committee is based;
6. Where an application is filed one or more year after the fact on which such application is based has occurred: Provided, That this shall not apply where a standing human rights officer decides to investigate such fact.
(4) The Remedy Committee shall recommend necessary matters to improve the Seoul Government's policies on human rights. <Amended by Ordinance No. 6327, Sep. 29, 2016>

Article 21 (Exclusion, etc. of Protection Officer)

An officer for citizens's human rights protection shall be excluded from investigation and decision of any case if it falls under any of the following subparagraphs:
1. Where a human rights officer or his/her spouse or ex-spouse is a party of such case or a joint right-holder or joint obligor with respect to such case;
2. Where a human rights officer is or was a relative of any party to such case;
3. Where a human rights officer has made a statement or given an expert opinion with respect to such case;
4. Where a human rights officer is or was involved in such case as an agent of any party;
5. Where a human officer has been involved in criminal investigation, trial or any other procedure under any Act with respect to such case.
[This Article Wholly Amended by Ordinance No. 6327, Sep. 29, 2016]

Article 22 (Conduct of Investigation)

(1) A standing human rights officer may, in order to collect information or materials, conduct on-site investigations, inspection of documents and gathering of samples, with respect to any institution referred to in each subparagraph of Article 20 (1), or request the persons subject to investigation to make a report, to submit materials, or to attend to make a statement.
(2) A person who receives a request under paragraph (1) shall faithfully comply with it.
(3) A standingh uman rights officer shall, after completing investigation, prepare a report of investigation results and submit it to the immediately next meeting of the Remedy Committee.
(4) A standing human rights officer may, if deemed necessary for investigation, request external experts, etc. to participate in investigation.
[This Article Newly Inserted by Ordinance No. 6327, Sep. 29, 2016]

Article 23 (Recommendation of Rectification and Subsequent Measures)

(1) The Remedy Committee may, if a human right infringement is deemed to have occurred, recommend the Mayor to rectify such infringement, and a decision of a human right infringement shall be made by the consent of at least a majority of all the members of the Remedy Committee.
(2) The Remedy Committee shall notify the Mayor in writing of the content of a decision without delay, and the Mayor shall, in turn, notify the result of such decision in writing to the parties concerned, such as the applicant, a person against whom the application has been filed, and the head of the institution subject to investigation.
(3) The Remedy Committee may, if deemed necessary, make public the content of recommendation of rectification: Provided, That this shall not apply where such publication is prohibited by the relevant statute or the privacy secret is likely to be infringed.
(4) The head of the institution subject to investigation upon receipt of notification of recommendation of rectification shall, except in extenuating circumstance, take measures by respecting the content of such notification and report the results of the measures based on the recommendation of rectification to the Mayor within two months from the receipt date of such notification.
(5) The Remedy Committee shall check up the status of the institution subject to the recommendation of rectification about compliance with the matters the rectification of which is recommended once a year and report the result of such check-up to the Mayor.
[This Article Newly Inserted by Ordinance No. 6327, Sep. 29, 2016]

Article 24 (Jury Meeting for Citizens' Human Rights)

(1) With respect to any especially important case among cases in which whether any human right is infringed is at issue, the Remedy Committee may hold a jury meeting for citizens's human rights to hear opinions on whether any human right has been infringed.

(2) The opinions of a jury meeting for citizens's human rights shall not be binding on the Remedy Committee.
(3) Matters necessary for a jury meeting for citizens's human rights shall be prescribed by rule.
[This Article Newly Inserted by Ordinance No. 6327, Sep. 29, 2016]

Article 25 (Support to Remedy Committee)

(1) The Remedy Committee may, if deemed necessary to conduct its duties, request the Seoul Metropolitan Government for support.
(2) The Mayor may assign the personnel who can give support, such as investigation, so that the Remedy Committee can smoothly conduct its duties, and may subsidize, within the budget, all expenses, such as allowances of non-standing human rights officers and external experts participating in investigation.
[This Article Newly Inserted by Ordinance No. 6327, Sep. 29, 2016]

Article 26 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be determined by the rule.