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 Seoul 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 on Oct. 8, 2015>

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows: <Amended on Sep. 29, 2016; Mar. 28, 2019>

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 Seoul Metropolitan City (hereinafter referred to as 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 (Relationship to Other Ordinances of the Seoul Metropolitan Government)

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

Article 4 (Responsibilities of Mayor)

(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 "department for human right"). <Amended on 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 Seoul Metropolitan Government's human rights policy.

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

(1) All citizens' human rights shall be respected, and they shall not suffer any discrimination prohibited by relevant statutes or

regulations, such as the Constitution of the Republic of Korea and the National Human Rights Commission Act. <Amended on 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 on Sep. 29, 2016>

CHAPTER II POLICY FOR HUMAN RIGHTS CITY

Article 7 (Master Plans for Human Rights Policy)

CHAPTER II POLICY FOR HUMAN RIGHTS CITY(1) The Mayor shall devise and implement a master plan for a human rights policy to protect and improve citizens' human rights (hereinafter referred to as "master plan") every five years.
(2) A master plan shall include the following: <Amended on Jul. 16, 2020>
1. Basic directions setting for human rights policy;
2. Key policy tasks, objectives, and implementation plans for each sector;
3. Financial resources required to execute the master 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. Plans to implement projects of visiting historic sites related to human rights;
7. Other major matters to realize the concepts of a human rights city.
(3) Where the Mayor establishes a master plan, he or 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 master plans for human rights policy.
(5) The Mayor shall evaluate implemented matters within six months after the period for the master 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 master plan. <Newly Inserted on 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 master 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 master plan, and other important human rights policy matters requiring consultation and coordination between the relevant divisions for formulating a unified policy on human rights. <Amended on Dec. 31, 2019>
(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 on Sep. 29, 2016]

Article 8 (Human Rights Impact Assessment)

The Mayor may, if deemed necessary, conduct a human rights impact assessment.
[This Article Wholly Amended on 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 Metropolitan Government, institutions to which affairs of the Seoul Metropolitan Government have been entrusted, and various welfare facilities subsidized by the Seoul Metropolitan 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 on 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 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 the Management of Local Subsidies shall apply to the details of financial support referred to in paragraph (1). <Amended on May 14, 2015>

Article 13-2 (Exchange and Cooperation)

(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 on Sep. 29, 2016]

Article 13-3 (Commemoration of Human Rights Day)

For purposes of creating a social and cultural environment respecting human dignity and value, the Mayor may hold events, provide education, or perform publicity activities, etc. around Human Rights Day in an appropriate way.
[This Article Newly Inserted on Oct. 5, 2020]

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 on Sep. 29, 2016>
(2) The Human Rights Committee shall conduct the following affairs: <Amended on Sep. 29, 2016; Oct. 5, 2020>
1. Deliberation and advice on the establishment of the master plan;
2. Deliberation and advice on annual implementation plans for the master plan;
2-2. Matters subject to deliberation under Article 6 of the Seoul Metropolitan Government Ordinance on Human Rights of Athletes;
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 Metropolitan 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 Metropolitan Government's human rights policy. <Amended on 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 on 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 on Jan. 7, 2016; Mar. 28 2019>
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. A Grade IV public official or higher of the division in charge of human rights affairs (such public official shall be an ex officio member).
(3) Members of the Committee shall serve a three-year term and may be consecutively commissioned only once. <Amended on Sep. 29, 2016>
(4) In any of the following cases, the Mayor may dismiss the relevant member: <Amended on Sep. 29, 2016>
1. Where a member is unable to perform his or her duties due to personal reasons, such as an accident;
2. Where a member discloses confidential information he or she has learned in the course of performing his or her duties;
3. Where a member is deemed unfit for performing his or 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 on 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 or she deems it necessary or when at least 1/3 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 on 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 a Deputy Director in charge of the human rights department. <Amended on Sep. 29, 2016; Mar. 28, 2019>

Article 17 (Recommendation on Improvement of Policies)

(1) Where the Mayor formulates or implements policies the content of which has important effect on the protection and promotion of human rights, he or she shall refer them to the Human Rights Committee for deliberation and consultation. <Newly Inserted on Sep. 29, 2016>
(2) Where the Seoul Metropolitan Government's municipal ordinances and rules, 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 on 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 on 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 on Sep. 29, 2016>

(2) The Remedy Committee shall be composed of not more than 13 officers for citizens' human rights protection (hereinafter referred to as "human rights officer"), including not less than three but not more than five full-time officers and not more than eight part-time officers. <Amended on Sep. 29, 2016>

(3) A full-time officer shall be a public officer in a fixed term position, and appointed according to the relevant statutes or regulations, such as the Local Public Officials Act, but attention shall be paid so as not to exclude his or her work experience in non-profit civic organizations, etc., when considering his or her professional experience in the relevant fields. <Newly Inserted on Sep. 29, 2016>

(4) Part-time human rights officers shall be commissioned by the Mayor from among any of the following persons: <Newly Inserted on Sep. 29, 2016; Dec. 31, 2019>

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 at least 10 years among which the period of engaging in audit and inspection, research or other similar affairs is at least three years;
4. Persons who have at least seven years of work experience in an international organization, non-profit corporation or civil organization related to human rights, and who are recommended by a civil social organization.

(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 on 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 on 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 of the Seoul Metropolitan Government. <Newly Inserted on Sep. 29, 2016>

[Title Amended on Sep. 29, 2016]

Article 19 (Term of Office and Independence of Duties)

(1) The term of office of a full-time human rights officer shall be as provided in the relevant statutes or regulations such as the Local Public Officials Act, and the term of office of a part-time human rights officer shall be two years and may be consecutively renewed only once. <Amended on Sep. 29, 2016>

(2) The Remedy Committee shall carry out affairs under his or her authority independently. <Amended on Sep. 29, 2016>

(3) The status of a full-time human rights officer shall be guaranteed pursuant to the Local Public Officials Act. <Amended on Sep. 29, 2016>

(4) Article 15 (4) shall apply mutatis mutandis to the decommission, etc. of a part-time human rights officer. <Amended on 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 full-time human rights officer may investigate it ex officio and recommend its rectification: <Amended on Oct. 8, 2015; Sep. 29, 2016>

1. The Seoul Metropolitan Government or an administrative agency under its jurisdiction;
2. An autonomous Gu (limited to the affairs delegated by the Seoul Metropolitan 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 Metropolitan Government;

4. An institution to which affairs have been entrusted by the Seoul Metropolitan Government (limited to the affairs entrusted by the Seoul Metropolitan Government);
5. Various welfare facilities subsidized by the Seoul Metropolitan 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 full-time human rights officers. <Amended on Sep. 29, 2016>
(3) The Remedy Committee shall dismiss any of the following cases, notwithstanding paragraph (1): Provided, That in cases of subparagraphs 6 and 7, the same shall not apply where a full-time human rights officer determines to conduct an investigation: <Amended on Mar. 28, 2019>
1. Where it is obvious that a 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 or herself;
2. Where, with respect to any fact on which the filing of an application for investigation is based, a trial by a court or an investigation by an investigation agency is underway or has been terminated;
3. Where it is obvious that an application for investigation is filed for no reason, based on false information or 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 under 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;
7. Where, with respect to any fact causing an application for investigation, procedures for remedy for an infringement of rights or conciliation procedures under other statutes or regulations are underway or have been terminated.
(4) The Remedy Committee shall recommend necessary matters to improve the Seoul Metropolitan Government's policies on human rights. <Amended on Sep. 29, 2016>

Article 21 (Exclusion of Human Rights Officer)

An officer for citizens' 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 or 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 rights officer has been involved in criminal investigation, trial or any other procedure under other statutes with respect to such case.
[This Article Wholly Amended on Sep. 29, 2016]

Article 22 (Conduct of Investigation)

(1) A full-time 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 full-time human 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 full-time human rights officer may, if deemed necessary for investigation, request external experts, etc. to participate in investigation.
[This Article Newly Inserted on Sep. 29, 2016]

Article 23 (Recommendation for 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 for rectification: Provided, That this shall not apply where such publication is prohibited by the relevant statutes or regulations or the privacy secret is likely to be

infringed.
(4) The head of the institution subject to investigation upon receipt of notification of recommendation for 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 for 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 for 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 on Sep. 29, 2016]

Article 24 (Jury Meeting for Citizens' Human Rights)

(1) With respect to any case deemed especially important, among cases in which whether any human right is infringed is at issue, the Remedy Committee may hold a jury meeting for citizens' human rights to hear opinions on whether any human right has been infringed.
(2) The opinions of a jury meeting for citizens' human rights shall not be binding on the Remedy Committee.
(3) Matters necessary for a jury meeting for citizens' human rights shall be prescribed by rule of the Seoul Metropolitan Government.
[This Article Newly Inserted on 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 part-time human rights officers and external experts participating in investigation.
[This Article Newly Inserted on Sep. 29, 2016]

Article 26 (Enforcement Rule)

Matters necessary for the enforcement of this Ordinance shall be prescribed by rule of the Seoul Metropolitan Government.
[Moved from Article 22 <Sep. 29, 2016>]

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

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

ADDENDA <Ordinance No. 5930, May 14, 2015>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM <Ordinance No. 6000, Oct. 8, 2015>

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

ADDENDUM <Ordinance No. 6016, Oct. 8, 2015>

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

ADDENDUM <Ordinance No. 6093, Jan. 7, 2016>

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

ADDENDUM <Ordinance No. 6327, Sep. 29, 2016>

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

ADDENDA <Ordinance No. 7044, Mar. 28, 2019>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Ordinance No. 7103, Mar. 28, 2019>

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

ADDENDUM <Ordinance No. 7663, Jul. 16, 2020>

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

ADDENDA <Ordinance No. 7744, Oct. 5, 2020>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

ADDENDUM <Ordinance No. 7763, Oct. 5, 2020>

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