

SEOUL METROPOLITAN GOVERNMENT ENFORCEMENT RULE OF FRAMEWORK ORDINANCE ON HUMAN RIGHTS

Enactment No. 3884, Jan. 10, 2013
Partial Amendment No. 3945, Jan. 23, 2014
Partial Amendment No. 4126, Jan. 19, 2017
Partial Amendment No. 4303, Oct. 10, 2019
Partial Amendment No. 4461, Jan. 13, 2022
Partial Amendment No. 4557, Apr. 13, 2023

Article 1 (Purpose)

The purpose of this Ordinance is to stipulate matters necessary for the enforcement of the Seoul Metropolitan Government Framework Ordinance on Human Rights. <Amended on Oct. 10, 2019>

Article 2 (Definitions)

The terms used in this Ordinance are defined as follows: <Amended on Jan 19, 2017; Oct. 10, 2019>

1. The term "complainant" refers to a person or group who has requested counseling from the head of a human rights department on the grounds that their human rights pursuant to subparagraph 1 of Article 2 of the Seoul Metropolitan Government Framework Ordinance on Human Rights (hereinafter referred to as the "Ordinance") have been violated or they suffered discrimination prohibited by Article 6 (1) of the Ordinance;
2. The term "respondent" refers to any of the following institutions, public officials and employees belonging thereto identified by the complainant as having violated human rights against the complainant or a third party:
 - a. Seoul Metropolitan City (hereinafter referred to as "city") and its affiliated administrative agencies;
 - b. Autonomous district (limited to matters requested for investigation by the city's delegated affairs and the head of the district office located in the city and the ordinance of the local government);
 - c. Institutions invested or funded by the city;
 - d. Entrusted institution in the city (limited to entrusted affairs to the city);
 - e. Various welfare facilities supported by the city.
3. The term "head of an institution subject to investigation" (hereinafter referred to as "institution head") refers to the head of an institution falling under each item of subparagraph 2 to which the respondent belongs.

Article 3 (Complaint)

- (1) A person or organization who has suffered human rights violations (excluding bullying in the workplace) in an institution falling under each item of Article 2 (2) or who has become aware of such fact, may request counseling and investigation to the head of the Human Rights Department in writing(including electronic documents pursuant to Article 2 (7) of the Electronic Government Act such as postal mail, e-mail, facsimile, etc. The same shall apply hereinafter), orally, by phone, etc. <Amended on Jan. 19, 2017; Apr. 13, 2023>
- (2) When visiting and requesting counseling, an complainant shall fill out the complaint details according to attached attached Form 1 and the person in charge of reception shall have the applicant sign or seal after confirming the contents. <Amended on Jan. 19, 2017>
- (3) In the case of request by phone, the person in charge of reception shall fill out the details of the complaint in accordance with attached attached Form 1 and may receive a signature or seal confirming the contents, or record and preserve the contents of the statement with the consent of the complainant <This Paragraph Newly Inserted on Jan. 19, 2017>
- (4) If the complaint received by the civil complaint-related department is related to human rights violations and the complainant wishes, the relevant department may request an investigation into the matter to the Citizens' Human Rights Officer (hereinafter referred to as the "human rights officer") in accordance with Article 20 of the Ordinance. <Amended on Jan. 19, 2017; Oct. 10, 2019; Apr. 13, 2023>
- (5) Deleted <Jan. 19, 2017>
[Title Amended on Jan. 23, 2014]

Article 4 (Appointment of Representative)

- (1) Complainants may appoint a representative. In this case, the representative shall submit documents proving that he/she is the representative of the complainants.
- (2) When an organization files a complaint, it shall select a representative and do so in the name of the representative.
- (3) If multiple complainants file complaints with the same content against the same respondent, the complainants may select a representative according to attached attached Form 2, and if the complainants do not select a representative, the head of the human rights department may request the selection of a representative. .<Amended on Jan. 19, 2017>

Article 5 (Issuance of Certificate of Receipt)

- (1) When receiving a complaint, the head of the human rights department shall immediately issues certificate of receipt according to attached attached Form 3 to the complainant, and if delivery is difficult, it may be delivered by mail or other means. <Amended on Jan. 19, 2017; Apr. 13, 2023>
- (2) The person in charge of reception shall affix the seal of the recipient on the complaint, write down the details of the complaint in the complaint receipt ledger of attached attached Form 4, and then fill out and attach the cover of the investigation record of attached attached Form 5.
[Title Amended on Jan. 19, 2017]

Article 6 (Supplementation and Closing of Submissions)

- (1) When the content of the complaint is not specified and the gist of the complaint is unknown, the head of the human rights department shall request supplementation to the complainant according to attached attached Form 6 within 10 days from the date of receipt. In this case, if the complainant fails to supplement within 15 days from the date of receipt of the request for supplementation without any special reason, supplementation may be requested again. <Amended on Jan. 19, 2017; Apr. 13, 2023>
- (2) If the complainant does not respond to the request for supplementation under paragraph 1, the head of the human rights department may terminate the complaint without accepting it. <Amended on Jan. 19, 2017>

Article 7 (Dismissal of Complaint)

- (1) The Remedy Committee, after investigating the content of the complaint, shall reject the complaint if the content falls under any of the following subparagraphs. <Amended on Jan. 19, 2017; Apr. 13, 2023>
 1. It is clear that the content of the complaint is not true, or there is no objective evidence to admit that it is true.
 2. The investigation found that it did not constitute a human rights violation or discriminatory act under Articles 6 (1) and Article 20 (3) of the Ordinance.
 3. It is acknowledged that there is no need for separate relief measures as the damage has already been restored.
 - (2) If the Remedy Committee rejects the complaint, the head of the human rights department shall specify the reason and notify the complainant without delay according to attached attached Form 7. <Amended on Jan. 19, 2017; Apr. 13, 2023>
 - (3) Deleted <Jan. 19, 2017>
 - (4) Deleted <Jan. 19, 2017>
- [Title Amended on Jan. 23, 2014; Jan. 19, 2017]

Article 8 (Resolution During Investigation)

The human rights officer may terminate the case and report it to the Remedy Committee after specifying it in the investigation result, if the purpose of the investigation on the content of the complaint is resolved during the investigation process and the complainant agrees.<Amended on Apr. 13, 2023>
[This Article Newly Inserted on Jan. 19, 2017]

Article 9 (Withdrawal of Complaint)

(1) The complainant may withdraw the complaint in writing until the Remedy Committee decides whether or not human rights have been violated. However, if the complainant verbally expresses his/her intention to withdraw the complaint due to unavoidable circumstances, the person in charge of reception or the human rights officer may fill out the form and obtain his/her signature or seal. If the complainant does not submit a written withdrawal and expresses his/her intention to withdraw by phone, etc., a report stating the purport may be substituted for the withdrawal. <Amended on Jan. 23, 2014; Jan. 19, 2017; Apr. 13, 2023>

(2) If the complainant withdraws the complaint pursuant to paragraph (1), it shall follow attached Form 8. <Amended on Jan. 19, 2017>

[Moved from Article 8 <Jan. 19, 2017>]

Article 10 (Handling Period)

(1) In principle, complaints shall be handled within 3 months from the date of receipt. However, if it is difficult to handle within the period due to unavoidable reasons, the handling period may be extended once. <Amended on Apr. 13, 2023>

(2) Notwithstanding the provisions of paragraph (1), if handling is impossible within the period, the period may be extended by a resolution of the Remedy Committee.

(3) In the case of extending the handling period pursuant to paragraphs (1) and (2), the human rights officer shall notify the complainant of the fact of the extension and the reason for it in writing without delay. <Amended on Apr. 13, 2023>

[This Article Wholly Amended on Jan. 19, 2017]

Article 11 (Investigation of Cases, etc.)

(1) If there are multiple cases with the same or similar content, the human rights officer may handle them by merging them, and if deemed necessary, the human rights officer may handle the cases received as one complaint by dividing them into several cases. <Amended Jan. 19, 2017; Apr. 13, 2023>

(2) When requesting information or data for on-site inspection, document viewing, sample collection, etc. for institutions falling under each item of Article 2 (2), the human rights officer shall follow attached Form 9, and When a human rights officer requests a report, data submission, attendance, and statement from a person subject to investigation, the request shall be made in accordance with attached Form 9 and attached Form 10, respectively. <Amended on Jan. 19, 2017; Apr. 13, 2023>

(3) The human rights officer may request a statement or written response from the complainant, victim (in the case of a third-party complaint), respondent, testifier, etc. (hereinafter referred to as "complainant, etc.") in accordance with attached Form 11 and attached Form 12. In the cases of confirming simple facts or urgent circumstances, the statement may be made by phone, e-mail, facsimile, etc. However, for specific statements other than simple fact confirmation, supporting data shall be prepared to prove that the contents are not distorted. <Newly Established on Jan. 19, 2017; Apr. 13, 2023>

(4) The human rights officer shall prepare a report on the results of investigation according to attached Form 13 within the handling period under Article 10 of the Rule and present it to the Remedy Committee. However, in the case of not conducting an investigation in accordance with Article 20 (4) of the Ordinance or in the case of a resolution during investigation, a notice of determination may be used instead of preparing an investigation result report. <This Paragraph Newly Inserted on Jan. 19, 2017; Apr. 13, 2023>

(5) When obtaining investigation data, the human rights officer shall register it in the document registration register without delay. <This Paragraph Newly Inserted on Jan. 19, 2017; Apr. 13, 2023>

(6) The human rights officer, public officials participating in the investigation, experts under Article 20-2 (4) of the Ordinance, and support personnel under Article 19-5 (2) (hereinafter referred to as "protection officers, etc.") shall respect the human rights of complainants and respondents while performing their duties, and keep confidential information learned during the performance of their duties. <This Paragraph Newly Inserted on Jan. 19, 2017; Apr. 13, 2023>

(7) The protection officers, etc shall guide the complainant, etc. from the time the case is received to the end so that the complainant, etc. can understand the progress of the procedure and the results of the investigation. <Newly Inserted on Jan. 19, 2017>

[Title Amended on Jan. 19, 2017]

Article 12 (Suspension of Investigation)

(1) In the course of investigating a complaint case, if the human rights officer determines that the case investigation cannot proceed any further due to any of the following reasons, the investigation may be suspended and the case may be closed by a resolution of the Remedy Committee: <Amended on Apr. 13, 2023>

1. The whereabouts of the complainant or victim are unknown;
2. The whereabouts of an important testifier who is key to solving the case and finding out the truth is unknown;
3. Due to other similar circumstances, the investigation of the case can no longer proceed.

(2) For complaint cases that have been closed pursuant to paragraph (1), a notice of case termination shall not be sent.

[This Article Wholly Amended on Jan. 19, 2017]

Article 13 (Notification of Case Handling Result)

(1) When corrective recommendations are made pursuant to Article 19-4 (1) of the Ordinance through the resolution of the Remedy Committee, matters requiring action shall be specified in detail, the corrective recommendations may include matters related to correction, reorganization, and abolition of laws, systems, policies, and practices to prevent recurrence. <Amended on Jan. 13, 2022; Apr. 13, 2023>

(2) If the document notifying the complainant, etc. of the case handling result is returned three or more times (including cases where e-mail is not received), the case can be closed after the case investigation report is written.

[This Article Wholly Amended on Jan. 19, 2017]

Article 14 (Investigation Records and Transfer)

(1) The human rights officer shall preserve and manage the investigation record for each case by attaching the investigation record cover of attached Form 5 and the list of investigation records of attached Form 14, and write the contents in the investigation record management ledger of attached Form 15. However, if the complainant, etc., requests the return of the submitted documents, the submitted documents shall be returned only for closed cases, but copies shall be kept. <Amended on Apr. 13, 2023>

(2) All case records under paragraph (1) shall be transferred and preserved and managed according to Seoul Metropolitan Government Ordinance on the Management of Records after the case is closed. <Amended on Apr. 13, 2023>

[This Article Newly Inserted on Jan. 19, 2017]

Article 15 (Objection)

(1) When a complaint is dismissed or a recommendation for correction is made, the head of the human rights department shall notify the complainant, victim, and respondent by specifying the method and period for filing an objection along with the details of the decision.

(2) If the complainant, victim, and respondent have an objection to the decision, they shall fill out an objection form in attached Form 16 and submit it to the head of the human rights department within 30 days from the date of notification.

(3) When an objection is received, the head of the human rights department shall register the details of the objection in the objection receipt ledger of attached Form 17, and a human rights officer who is not in charge of the case shall verify or investigate the facts within one month from the date of the objection and present the result of the objection to the Remedy Committee.

<Amended on Jan. 13, 2022; Apr. 13, 2023>

(4) The head of the human rights department shall notify the person who has filed an objection without delay in accordance with attached Form 18 of the resolution of the Remedy Committee pursuant to paragraph (3).

[This Article Newly Inserted on Jan. 19, 2017]

ADDENDUM <Rule No. 4557, Apr. 13, 2023>

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