

# National Human Rights Commission of Korea: Spearheading Human Rights Education in Schools

SEUNG-MI LEE

The Korean National Human Rights Commission (NHRC) was established in 2002 as a fruitful and successful result of a long and tough struggle against the Korean government. It was a triumph of the civil society movement. Civil society leaders went on hunger strike for several days at the end of 1999 and beginning of 2000 notwithstanding severe winter cold in order to force the rejection of the draft NHRC bill being discussed in the National Assembly at that time. The main issue of the protest was the independence of the proposed human rights commission from the legislative, the judicial and the executive branches. The government wanted the proposed human rights commission to be under the Ministry of Justice. The civil society wanted a human rights commission that has authority to work without any restriction and intervention from the Ministry of Justice.

The civil society leaders argued that if the proposed human rights commission would be controlled by the State through the Ministry of Justice, it would become a mere “alibi” national institution.<sup>1</sup> They argued that the Korean government should follow the United Nations’ (UN) “Principles relating to the Status of National Institutions”<sup>2</sup> (also known as the Paris Principles) especially since human rights violations have most seriously been committed by the State – through government agencies and public organizations. The Ministry of Justice, along with the National Police Agency, was known as the most anti-human rights office in the government. This anti-human rights character of the Ministry of Justice fossilized into organizational environment and system during the almost three decades of military dictatorship.

The schools were not free from the general anti-human rights climate in society. The culture of militarism overwhelmed the school environment and dominated the psychology of people in the education system. School regulations were notorious examples of human rights violations, such as when they justify corporal punishment, violate the privacy of the students, and exclude the students from the decision-making process of the school. Human rights violations were also expressed in the manner the schools treat the students – not as subjects of learning but as objects of control similar to those in prison.

Against this background of tough human rights situation in the country, the Korean civil society was able to force the creation of an independent human rights commission against the wishes of the government. The NHRC was

created as an independent and autonomous state agency. Accordingly, NHRC was authorized to deal with individual complaints and to recommend to relevant entities, including the government, to improve or rectify policies that violate human rights.

The establishment of NHRC itself provided a good momentum towards human rights enlightenment in Korean society, where the words “human rights” were very strange for ordinary people. With the difficulty in finding resource persons on human rights such as scholars and teachers, the human rights education community had to set the cornerstone of human rights education in Korea.

### **Human rights education in the NHRC**

Under the recent institutional reform measures, the amended 2005 Regulation on the Organization of the NHRC (Presidential Decree No. 19228, 30 December 2005) provides that the Secretariat of NHRC is comprised of over two hundred staff members working in five departments and twenty-two teams. The recent organizational restructuring led to major changes in the department of human rights education. This department was formerly named “Education and Cooperation Department” that served human rights education, and international and domestic relations. Furthermore, the education team was in charge of education in schools as well as in the government (especially the law enforcement agency) and general public sectors. With the amendment of the regulations, the department was renamed “Education Department”. The department is now composed of three different education teams: School Education, Public Servant Education, and Civil Education.

The enlargement and specialization of the Education Department shows the effort of the NHRC to fortify its human rights education program. Previously, seven to eight staff members handled human rights education, now there

are more than twenty staff members divided into specialized teams.

### *Tasks of the Education Department*

According to Article 26 (Education and Public Awareness on Human Rights) of the 2001 National Human Rights Commission Act, the NHRC should undertake education and public awareness-raising activities that are necessary to raise public consciousness on human rights. In order to implement this objective, the NHRC may consult with: 1) the Minister of Education and Human Resources Development for the integration of human rights education into the school curriculum, 2) the heads of schools on matters necessary for the development of human rights education and research based on Article 2 of the Higher Education Act, 3) the heads of related state institutions or local governments for the inclusion of human rights as subject matter in the examination and training or education courses for employment and promotion respectively of public officials. For lifelong education, the NHRC may recommend the inclusion of human rights in the educational programs of lifelong-education organizations or facilities established under the Social Education Act.

The amended 2005 Regulations on the mission and role of the School Education Team provide further focus on human rights education in schools. The School Education Team is mandated to:

1. Establish the system, as well as the coordination, for the implementation of the NHRC Plan of Action for Human Rights Education
2. Research on laws, systems, institutions, policies and customs and draft recommendations and opinions for the development of human rights education in schools
3. Draft the plan of action for human rights education in schools
4. Consult with the government agency related to human rights education in schools

5. Develop human rights education programs and materials in order to improve and intensify human rights education in schools
6. Train trainers for human rights education in schools
7. Conduct surveys and research on domestic and overseas educational systems and operations related to human rights education in schools
8. Perform other functions not delegated to other teams in the Education Department.

### *Remedy and Promotion*

Based on the Paris Principles, the NHRC has quasi-jurisdictional competence to provide remedies for human rights violations by hearing complaints and undertaking field investigation.

During the first year of its establishment (covering the 26 November 2001 – 31 January 2003 period), NHRC received 3,929 complaints, an overwhelming number for it to handle. While almost 90 % of the complaints were eventually dismissed, all complaints were processed before the decision to either dismiss or accept them was made. Furthermore, more than 30% of complaints came from prisons and detention facilities where the people cannot by themselves petition the NHRC on their cases. This required most of the NHRC staff members to visit the prisons and detention facilities to provide counseling and receive complaints. In this situation, providing remedies to human rights violations involving government agencies appeared to be the more urgent issue.

Due to this, the human rights education efforts of NHRC focused more on law enforcement officials, especially the members of the police and prison officials. Nevertheless, NHRC gave substantial consideration of human rights education in schools in line with the United Nations Decade for Human Rights Education (1995-2004). In order to promote a culture of human rights in formal, non-formal and

informal education sectors, the NHRC commenced the development of various reading materials from the first year of its establishment: 1) Guideline of human rights education for teachers, 2) Story books for children about the human rights of vulnerable groups (children, aged and people with disabilities, etc.), and 3) Cartoon books for adults. They were written as easy-to-read and familiar materials for teachers, students and citizens.

The human rights promotion endeavors of NHRC have borne fruit; people talk about human rights in their daily life and are aware of the injustice of discrimination existing in the Korean society. Even though it took a long time to build and enhance a pro-human rights societal environment nationwide, the NHRC successfully launched its human rights education program in Korea. While people usually perceive the role of NHRC as the institution in the forefront of fighting against human rights violations, a significant part of its work is actually the quiet and incessant endeavor to create a pro-human-rights societal environment through education.

### **Strategies and Endeavors**

#### *School System Initiatives*

For five years after establishment, NHRC carried out several substantial projects to promote human rights in schools.

In 2002, NHRC submitted a written opinion about school regulations to the Ministry of Education and Human Resources Development. In summary, the opinion focused on: 1) what appropriate action the government should take to change school regulations in order to enhance the dignity of students in accordance with Article 28 of the United Nations' Convention on the Rights of the Child, 2) the need to change or abolish the school regulations on corporal punishment because such punishment adversely affects the students'

psychological condition resulting in depression, anxiety, and antagonism to the school, 3) the need to change the school regulations relating to the school management committee in order to involve students and parents as well as school administrators as provided for in Article 5 of the Fundamental Law of Education, 4) the need to guarantee the students' political activities (subject to the limitation that they respect the rights of others) which are banned by the current school regulations, 5) the need to emphasize the right of students to engage in play and recreational activities, 6) the need to change the phraseology of the school regulations to make them readable and understandable to all concerned parties, and 7) the need for the school regulations not to treat the students as an object of control but as subject of rights.

The Ministry of Education and Human Resources Development and the Local Education Boards ignored the opinion. Subsequently, however, NHRC received many complaints on severe violation of the students' right to determine their own physical appearance especially about hairstyle. In some schools, the regulations were strictly enforced, for instance, by cutting the hair of students in front of their schoolmates as one form of punishment. This punishment was a good strategy to intimidate and control the behavior of students, making them suffer from humiliation as a result. The same problem emerged with the inspection of the bags of students without their consent in the name of guiding them to a proper way of living. The school administrators always said that students must concentrate on their study and avoid all distractions such as loose hairstyle, inappropriate dress, and prohibited materials.<sup>3</sup> Based on the complaints received, NHRC recommended to the Ministry of Education and Human Resource Development in 2005 to change the school regulations that severely restricted hairstyle. Unfortunately, notwithstanding the recommendation, the situation did not improve. One secondary school gave a severe official reprimand to a student who

was campaigning for the freedom of students to determine their own hairstyle and to abolish compulsory supplementary courses (SARANG-BANG, 2006).<sup>4</sup>

A recent research on the current situation of the students' human rights in secondary schools in Korea (Cho, 2006) revealed that school regulations have not improved much even after the NHRC's 2002 Opinion and the 2005 Recommendation.

Also in 2005, NHRC submitted another written opinion regarding the checking of diaries of students as a way of teaching writing skill in primary schools. This issue triggered an interesting discussion and provided a good opportunity for instilling human rights sensitivity in schools and also at home. The NHRC opinion pointed out that even young students have the right to privacy, and as human beings they should be respected in the same manner as adults. It further explained that diaries should be written according to one's conscience. It asserted that checking a person's diary was contrary to human rights principles, and prohibited from being used as means to fulfill the aims of education.<sup>5</sup>

### *School curriculum and human rights education programs*

As bases for the development of school curriculums and programs, the human rights education team of NHRC along with experts in related fields analyzed in 2002 the national school curriculum and school textbooks from a human rights education perspective.

The 7th Revision of National Curriculum led to the 1997 National Basic Curriculum for ten subjects in the first ten years of schooling (K1 to K10). The ten subjects are Korean Language Arts, Ethics, Social Studies, Mathematics, Science, Practical Course, Physical Education, Music, Arts, and Foreign Language. Textbooks and teacher's manuals were developed within the framework of the new national curriculum. The textbooks compiled within the framework

of the new national curriculum were classified into three types, namely:

- a. Type One - those that were copyrighted to the Ministry of Education and Human Resources Development
- b. Type Two - those authorized by the Minister of Education and Human Resources Development and published by private companies
- c. Type Three - those recognized by the Minister of Education and Human Resources Development as relevant and useful. (Ministry of Education & Human Resource Development, 2005).

NHRC analyzed all Type One textbooks - for all subjects in primary schools and for Ethics, Korean Language Arts and National History subjects in secondary schools. For Type Two textbooks, the two major textbooks of each subject in secondary school were selected for analysis. Based on the project framework which highlights the view that human rights are better taught across the curriculum rather than as an independent/separate subject,<sup>6</sup> the analysis of the textbooks covered not only the textbooks for related subjects (such as ethics and social studies) but for all subjects.

The analysis was based on the international human rights standards and constitutional law principles. It showed that Social Studies and Ethics subjects dealt with themes related to human rights but they were not presented with a human rights perspective. The emphasis was still on duty and responsibility as a people, not on their rights. Only the Korean Language Arts textbook for the 6th grade mentioned the Universal Declaration of Human Rights as a reading example. But it was not accompanied with background explanation and/or related activities. The research team concluded that the national curriculum and textbooks did not yet employ a human rights perspective. But they considered as positive aspects in the national curriculum and the textbooks the inclusion of human-rights-related themes though in a

disparate manner, and the direct and indirect discussion of human rights in several subjects.

Based on the results of the analysis, the NHRC gave a set of recommendations to the Ministry of Education and Human Resource Development for the revision of the textbooks that infringe on specific group's human rights or violate the principles of human rights. The recommendations addressed: 1) the restriction of the rights to freedom of expression and association, 2) expressions that foster discrimination against people with disabilities and women, and 3) activities in a subject that consider slavery as a normal system even at the present time, etc. The Ministry of Education and Human Resource Development accepted the recommendations and revised all parts of the textbooks that the NHRC considered not in line with human rights standards.

### *Development of Human Rights Curriculum*

Considering the results of the analysis, NHRC initiated a research on the development of alternative/model curriculum for human rights education. It developed in 2003 alternative/model curriculum based on an assessment of the needs of teachers and focused on the developmental stages of students from kindergarten to secondary school.

The alternative/model curriculum for human rights education promotes the following ideas: 1) human rights are better taught not as an independent/separate subject but integrated into the different subjects in the curriculum; 2) human rights education comprises five categories - attitude and values that promote human rights culture, basic concept of human rights, legal instruments, problem solving, involvement through action to protect human rights; 3) human rights education should begin in early childhood and thus should start in the kindergarten; 4) following the developmental stages of students, the focus on fostering attitude and value system upholding human rights

and understanding the basic concept of human rights should be for kindergarten and primary school, the focus on understanding the basic human rights principles and related laws and institutions should be for junior secondary school, and the focus on human-rights-based decision-making and social engagement should be for senior secondary school; and 6) human rights education should present human rights concepts progressively (simple to complicated ideas) according to year levels (principle of sequence) and follow the spiral process of learning similar to the principle employed in the national school curriculum. (Moon, 2003)

### *Development of human rights educational materials*

As the next step, NHRC developed the human rights education teaching materials for the primary students (2004), junior secondary students (2005) and senior secondary students (2005). The materials were distributed to the schools.

NHRC also published during the 2002-2003 period storybooks related to child rights (for the young students) and human rights of the aged and the disabled. These storybooks contributed to the development of human rights sensitivity of the students in their early childhood stage.

### *Challenges and achievement*

For the past five years, NHRC has tremendously contributed to the promotion of human rights in the Korean society not only by providing remedies for human rights violations but also by heightening public awareness of human rights. Korean educators began discussing the NHRC Recommendations and Opinions. Educators, students and ordinary people who were not familiar with human rights at all became accustomed with 'human rights', even though they could not fully understand them and perceived them in a negative way. One thing clear is that

at present human rights are no longer strange and an irrelevant concept for the people. This is the most important achievement in terms of human rights education.

But there are also limitations in the implementation of the human rights education programs. First, notwithstanding several NHRC Recommendations and Opinions and the attention given to them by related agencies (ministries and local governments), there is still no developed monitoring system to follow up on the immediate response or changes being done by these agencies. According to a recent research (Cho, 2006), the human rights situation of the students in the secondary school has not been ameliorated much during the first year of NHRC. Thus NHRC should follow up on its recommendations regarding the revision of school regulations and develop a monitoring system including surveys, hearings, forums and incessant education activities for teachers and school administrators.

Second, the development and implementation of human rights education programs did not systemically use the NHRC research results. Since there is a recommendation to integrate the teaching of human rights into different subjects, the human rights program should be developed in consideration of the way each subject should deal with human rights. The teacher-training program should also be designed based on this framework. However, the human rights education programs for primary, junior secondary and senior secondary schools developed on their own, and failed to reach the teachers who should teach human rights in their own courses.

Third, the over emphasis laid on human rights sensitivity brought out serious problems. The NHRC-recommended human rights education program for secondary students (NHRC, 2005), for example, is similar to the program for the primary students, even though the 2003 NHRC research report has recommended that the philosophy of human rights and problem solving in situations of conflict between individual rights should be the focus in secondary

schools. (NHRC, 2003) At the start, NHRC put emphasis on human rights sensitivity to be able to approach ordinary people and make them accept “human rights” as a living concept in their daily life. The emphasis on affection-centered approach reflects the long period in the Korean education system of too much stress on the cognitive approach (though it is an important educational approach), which has been linked to rote learning. (Lee, 2000). But as the 2003 NHRC research shows, there is no reason for hesitation in teaching international human rights instruments (including their historical background, the meaning of individual rights, and how they relate to Korean institutions and customs) directly to secondary students.

There is a need for a balanced approach to human rights education, keeping in mind the integrated education approach that covers knowledge, attitude and skills. Even when the promotion human rights sensitivity is the major goal, there is still a need for people to gain better capacity to perceive or interpret human-rights-related situations, to think/consider the effect of an action on human rights terms, and to recognize/assume the responsibility for an action on human-rights-related situation. In sum, human rights sensitivity is a psychological process of acutely perceiving, thinking and recognizing human-rights-related issues and situations. (Moon, 2002)

### **Obstacles to implementing human rights education programs in schools**

There are several hindrances to the implementation of human rights education programs in schools in Korea. First, the lack of understanding of the principle of “interdependence” of human rights can be considered a fundamental problem to overcome. Donnelly (1985) argues that human rights are things to be exercised rather than to have. In order to practice human rights, reciprocal respect for human rights between peoples is inevitable.

Starkey (1991) thinks that the sense of mutual interdependence and defense of the rights of others are basic components in addition to the universality and indivisibility of human rights.

The rapid introduction of human rights concepts to the students and people in general prevented them from having the time to take them into account in their lives. Their understanding of the concept of human rights did not dynamically develop since the ending of the long period of people’s struggle against dictatorships. Instead it seemed that it was recently transplanted into the Korean society, delinked from this democracy movement. Worse, the present young generation do not relate to this historical democracy struggle experience in Korea.

The rights-based approach, which is emphasized in all the UN documents related to human rights education, was misunderstood as rights-hold<sup>7</sup> approach. Many school administrators and teachers refused to include human rights in school activities.<sup>8</sup> Students have been told that they always argue for their rights and thus hinder the teachers from disciplining them. There were also neurotic responses from school officials: “You can introduce any program in the extra-curricular activities, but do not use the words human rights.” Resistance to the introduction of human rights education led to the teaching of human rights under “character education” or “citizenship education”.

To overcome the obstacles, first of all, the current implementation of human rights education programs should take more into account the substance of the human rights principles. The United Nations World Programme for Human Rights Education reaffirms that the basic principles of human rights - interdependence, indivisibility and universality - should be realized throughout the human rights education exercise. However it is very hard to find programs based on Korean context that focus on these principles.

Also, human rights education programs should have a balance between issue-based and principle-centered approaches. And an approach

that balances attitude, knowledge, and skills should also be considered.

## Conclusion

Korea is in a transition period towards an advanced society that “advocates human rights”. While the NHRC has been confronting many adversities, it has numerous achievements in the promotion and protection of human rights in the Korean society. However, it still lacks the capability to reach a more advanced phase with the established and systematized instruments for realizing human rights promotion. Human rights education in Korean schools is in this situation.

Reaching this advanced phase is not an easy task but it should be done to be able to change the attitude of all stakeholders in the education field (government officials, school administrators, teachers, and students), and promote human-rights-friendly climate in schools. The NHRC should take into account the “whole school approach” which encompasses curriculum-based human rights education, interaction among students and teachers to promote human rights, school environment based on the culture of human rights, community-based human rights education activities, and social engagement to practice human rights.

In May 2007, NHRC submitted to the government a draft bill on human rights education entitled “Agenda for Human Rights Education Act” to enhance human rights education and increase human rights awareness nationwide.<sup>9</sup> The bill will soon be submitted to the National Assembly for enactment into law. Once enacted, this law will be a substantial achievement in the field of human rights education. It will spread human rights education very effectively, especially in relation to government officials and teachers. However, it is also necessary to listen to other concerns. Instead of being a compulsory task of people, human rights education should be self-initiated and self-regulated.

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## Endnotes

<sup>1</sup> See Report of the United Nations Secretary-General, “National institutions for the promotion and protection of human rights”, A/50/452, 20 September 1995 in <http://www.un.org/documents/ga/docs/50/ple-nary/a50-452.htm>

<sup>2</sup> See Annex, United Nations General Assembly Resolution 48/134 (20 December 1993).

<sup>3</sup> The implementation of this policy has however

been very arbitrary. The real objective of the bag check is to control the general behavior of students. According to the survey by Ministry of Education and Human Resource Development (May 2005), 92.6% of the junior secondary schools and 91.0% of the senior secondary schools set restriction on hair-style: thirty-two junior secondary schools and forty-four senior secondary schools cut the students' hair by force with scissors or hair clippers in the schools. (Cho, 2006)

<sup>4</sup> The student was reprimanded, one step before expulsion from school. This triggered many demonstrations to protest the school decision.

<sup>5</sup> In the textbook on National Language for 6th grade under the 7th National Curriculum, one reading tells of a 6th grade student writing her own diary named "Mirror" and expressing her inner voice. From this story the students at a certain development stage should become very sensitive to the right to privacy.

<sup>6</sup> There is still controversy on which is proper: human rights education across the curriculum or as independent subject. In principle one can agree that the cross-curricular themes are more relevant to human rights education in terms of methodology and contents. However, there is still the argument that if it is not established as an independent subject, schools in Korea

can easily discard it. However at the same time, if human rights education is set up as an independent subject, it will degenerate into learning by rote memorizing as subject for entrance examinations. Therefore NHRC tried to integrate human rights to the related themes in all the subjects.

<sup>7</sup> Donnelly (1985) explains "rights-hold" as either being the object of rights or passive retention/keeping of rights, which makes the exercise of rights virtually impossible. He believes that rights are more of social practice than "things" and thus it is more important to know how they "work" than what they "are."

<sup>8</sup> Whenever I gave a special lecture on human rights education to teachers, the first questions I received were "I worry that human rights education will make students become more naughty", "My school takes into account good-mannered students, but human rights education does not seem to be incompatible with etiquette education". The teachers perceived human rights education as "abuse of rights" education.

<sup>9</sup> See 2 May 2007 press release from the NHRC, "NHRCK Submits a Legislative Plan on Human Rights Education," [www.humanrights.go.kr/eng/nhrc/news/nhrc02\\_01\\_view.jsp](http://www.humanrights.go.kr/eng/nhrc/news/nhrc02_01_view.jsp)