
INFORMATION NOTE

Principles and Requirements for Establishing a Human Rights Commission in Selected Jurisdictions

1. Background

1.1 At the meeting of the Panel on Home Affairs (Panel) held on 9 June 2006, Members discussed the concluding observations of the United Nations Human Rights Committee (UNHRC) on the Second Report of the Hong Kong Special Administrative Region in the light of the International Covenant on Civil and Political Rights (ICCPR).¹ During the discussions, some Members and human rights non-governmental organizations (NGOs) expressed the view that the Government should consider the establishment of a human rights commission (HRC), as recommended by UNHRC², to protect and enhance human rights in Hong Kong.

1.2 Against this background, the Panel asked the Research and Library Services Division (RLSD) to conduct a research on:³

- (a) details of the Paris Principles relating to the status and functioning of national institutions for protection and promotion of human rights; and
- (b) requirements (including the Paris Principles) for the establishment of a human rights commission in selected jurisdictions.

¹ UNHRC considered the Second Report of the Hong Kong Special Administrative Region in the light of ICCPR at its 2 350th and 2 351st meetings, on 20 and 21 March 2006 respectively. UNHRC adopted the concluding observations at its 2 364th and 2 365th meetings on 30 March 2006.

² One of UNHRC's principal subjects of concern and recommendations is that "the Hong Kong Special Administrative Region should consider the establishment of an independent human rights institution compliant with the Paris Principles". See United Nations Human Rights Committee (2006).

³ The Panel also requested RLSD to study two issues, which were: (a) the binding effect of the recommendations made by UNHRC and other committees, and (b) whether Hong Kong's existing human rights framework was compliant with the Paris Principles. In this connection, RLSD has prepared two separate information notes, entitled *Whether the Recommendations of the United Nations Human Rights Treaty Bodies are Binding on Their Member States?* (IN04/06-07) and *Academics' Views on the Existing Human Rights Framework in Hong Kong* (IN06/06-07).

Selection of jurisdictions

1.3 South Korea is selected in this study because it is an Asian country and it made reference to the Paris Principles when establishing the National Human Rights Commission (NHRC) in November 2001. The United Kingdom (UK) is also selected because it is going to establish in October 2007 a new Commission for Equality and Human Rights (CEHR) in compliance with the Paris Principles.⁴

2. The Paris Principles

Background

2.1 In October 1991, the United Nations (UN) Center for Human Rights convened an international workshop in Paris to review and update information on national institutions for protecting and promoting human rights. Participants of the workshop included representatives of states, national institutions, the UN agencies⁵ and human rights NGOs.

2.2 In addition to exchanging views on the then existing arrangements, the workshop participants drew up a comprehensive series of recommendations on the role, composition, status and functions of national institutions for protecting and promoting human rights, which have come to be known as the Paris Principles. These recommendations were subsequently endorsed by the UN Commission on Human Rights in March 1992 and the World Conference on Human Rights held in Vienna in June 1993. The Paris Principles were officially approved by the UN General Assembly in December 1993 to become the common and basic criteria concerning the establishment of national institutions for protection and promotion of human rights.

The Paris Principles

2.3 The Paris Principles are provided below for Members' easy reference.

⁴ For relevant information on this subject, Members may wish to make reference to two RLSD's publications: (a) a research report entitled *Monitoring Mechanisms for the Implementation of International Human Rights Treaties in the United Kingdom, New Zealand and Canada* published on 24 February 2004 (RP03/03-04) and (b) an information note entitled *Supplementary Information: Monitoring Mechanisms for the Implementation of International Human Rights Treaties in the United Kingdom, New Zealand and Canada* published on 5 May 2004 (IN10/03-04).

⁵ These agencies included the International Labour Organization and the United Nations High Commissioner for Refugees.

Competence and responsibilities

2.4 A national institution shall be vested with competence to protect and promote human rights.

2.5 A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.

2.6 A national institution shall have the following responsibilities:

- (a) to submit to the government, parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the protection and promotion of human rights. The national institution may decide to publicize them. These opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:
 - (i) any legislative or administrative provisions, as well as provisions relating to a judicial organization, intended to preserve and extend the protection of human rights. In that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights. It shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in force and the adoption or amendment of administrative measures;
 - (ii) any situation of violation of human rights which it decides to take up;
 - (iii) the preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
 - (iv) drawing the attention of the government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the government;
- (b) to promote and ensure the harmonization of national legislation, regulations and practices with the international human rights instruments to which the state is a party, and their effective implementation;

- (c) to encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
- (d) to contribute to the reports which states are required to submit to the UN bodies and committees, and to the regional institutions, pursuant to their treaty obligations, and, where necessary, to express an opinion on the subject, with due respect for their independence;
- (e) to co-operate with UN and any other agency in the UN system, the regional institutions and the national institutions of other countries which are competent in the areas of the protection and promotion of human rights;
- (f) to assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles; and
- (g) to publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through dissemination of information and education and by making use of all press organs.

Composition

2.7 The composition of a national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the protection and promotion of human rights, particularly by powers which will enable effective co-operation to be established with, or through the presence of, representatives of:

- (a) NGOs responsible for human rights and efforts to combat racial discrimination, trade unions and concerned social and professional organizations such as associations of lawyers, doctors, journalists and eminent scientists;
- (b) trends in philosophical or religious thought;
- (c) universities and qualified experts;
- (d) parliament; and
- (e) government departments (if they are included, these representatives should participate in the deliberations in an advisory capacity only).

2.8 The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding is to enable it to have its own staff and premises, in order to be independent of the government and not be subject to financial control which might affect this independence.

2.9 In order to ensure a stable mandate for members of the institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.

Methods of operation

2.10 Within the framework of its operation, the national institution shall:

- (a) freely consider any questions falling within its competence, whether they are submitted by the government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;
- (b) hear any person and obtain any information and any documents necessary for assessing any situation falling within its competence;
- (c) address public opinions directly or through any press organ, particularly in order to publicize its opinions and recommendations;
- (d) meet on a regular basis and whenever necessary in the presence of all its members after they have been duly consulted;
- (e) establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
- (f) maintain consultation with other bodies, whether jurisdictional or otherwise, responsible for the protection and promotion of human rights (in particular, ombudsmen, mediators and similar institutions); and
- (g) in view of the fundamental role played by NGOs in expanding the work of the national institution, develop relations with NGOs devoted to protecting and promoting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, and physically and mentally disabled persons) or to specialized areas.

Additional principles concerning the status of the national institution with quasi-jurisdictional competence

2.11 A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, NGOs, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the national institution, the functions entrusted to it may be based on the following principles:

- (a) seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) informing the petitioner of his or her rights, in particular the remedies available to him or her, and promoting his or her access to them;
- (c) hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law; and
- (d) making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations or administrative practices.

3. The National Human Rights Commission of South Korea

Background

3.1 In South Korea, discussion of the establishment of a national institution for protecting and promoting human rights began when the human rights NGOs participated in the World Conference on Human Rights held in Vienna in June 1993. At the conference, these human rights NGOs called for legislation to establish an independent national institution for protecting and promoting human rights in South Korea to perform functions such as research, education, training and public relations. They also demanded that the national institution for protecting and promoting human rights should be established in accordance with the Paris Principles adopted in 1993.

3.2 During the presidential election campaign in December 1997, Kim Dae-jung pledged himself to establish a national institution for protecting and promoting human rights. After his successful campaign, the "legislation of the Human Rights Commission Act and establishment of the National Human Rights Commission" were adopted as top national tasks of the new administration led by President Kim. In April 1998, the Ministry of Justice organized the "Preparation Team for the Establishment of National Human Rights Commission". It held a public hearing in October 1998 to solicit public views on the establishment of NHRC. It was revealed, however, in the government's draft bill of human rights that NHRC would be an affiliate agency of the Ministry of Justice. The human rights NGOs protested against the government's draft bill because they considered that it fell far below the international standard for a national institution for protection and promotion of human rights as set forth in the Paris Principles.

3.3 In September 1998, the "Joint Promotional Council of Non-governmental Organizations for Legislation of Human Rights Act and Establishment of National Human Rights Institution" (Joint Promotional Council) was established by human rights NGOs. It was later reformed into the "Joint Action Council of Non-governmental Organizations for Proper Materialization of National Human Rights Institution" (Joint Action Council). A separate "draft bill" on the establishment of NHRC was prepared by the Joint Action Council which actively pursued negotiations with the government. However, because of the substantial gap in the opinions between the government and the Joint Action Council, negotiations repeatedly broke off.

3.4 In April 2001, the Millennium Democratic Party, the ruling party at that time, revised the government's draft bill to define NHRC as an independent national institution unaffiliated with any legislative, administrative or judiciary body of the government. The revised draft bill was passed in the National Assembly⁶ by a narrow majority. NHRC Act took effect in November 2001⁷, allowing a six-month period for the preparation of the establishment of NHRC.

3.5 At the time, the Amnesty International welcomed the inauguration of NHRC. It expressed that the establishment of NHRC symbolized an important step in monitoring, reporting and addressing human rights violations, and NHRC would contribute to the better protection of human rights and increasing awareness of human rights in South Korea.⁸

⁶ The legislature in South Korea is known as the National Assembly.

⁷ RLSD has not been able to ascertain whether the UN Committee on ICCPR required South Korea to establish a human rights commission. Under such circumstances, RLSD has sent an enquiry to NHRC for details. However, as at the publication of this information note, it has not provided any reply.

⁸ See Amnesty International USA (2002).

3.6 However, both NHRC itself and the Amnesty International have also expressed that there are still many unsatisfactory and insufficient elements in the NHRC Act, including:

- (a) the direct nomination of some commissioners of NHRC by the President of South Korea may negatively affect the independence and impartiality of NHRC;
- (b) the functions of NHRC may be affected by insufficient human resources, as there are only four full-time commissioners⁹;
- (c) the privilege of exemption from liability for defamation under civil law or criminal law is not given to NHRC;
- (d) independence in personnel management and budget is not sufficiently provided for;
- (e) the governmental organs and agencies over which NHRC has jurisdiction for investigation are limited; and
- (f) NHRC has no power to order a person to come along for investigation.

3.7 Despite various complications and hurdles, NHRC was established in November 2001 as a national body charged with hearing human rights complaints and making recommendations. Although it has no enforcement powers and its decisions are not binding, its recommendations are often widely reported. Examples of NHRC's recommendations include abolishing the National Security Act and death penalty, and ending hair regulations and corporal punishment for public school students.

Governance, accountability and independence of the National Human Rights Commission

Governance

Plenary committee

3.8 NHRC's board, known as the plenary committee, consists of 11 commissioners who serve for a term of three years and up to two terms. The 11 commissioners comprise the president¹⁰, three standing commissioners and seven non-standing commissioners.

⁹ They are the president of NHRC and three standing commissioners.

¹⁰ The current president of NHRC is Mr Cho Young-Hoang, who previously headed the Office of the Ombudsman of South Korea.

3.9 Under article 5 of the NHRC Act, four commissioners are appointed by the President of South Korea, four commissioners (including two standing commissioners) are nominated by the National Assembly and three commissioners are nominated by the Chief Justice of the Supreme Court. All appointments require the approval of the President of South Korea. In particular, the president of NHRC is chosen from among the commissioners by the President of South Korea. The law also requires that at least four of the commissioners must be women. All commissioners appointed should possess professional knowledge of and experience with human rights matters. As at December 2004, the background of the commissioners included the fields of law, academia and human rights NGOs.

Committees of the Commission

3.10 In addition to the plenary committee, three subcommittees are established to run NHRC's operation: the Subcommittee for Policy and External Co-operation, the Subcommittee for Investigation of Human Rights Violation and the Subcommittee for Investigation of Discriminatory Conducts. Each subcommittee is made up of three to five commissioners.

Secretariat

3.11 The secretariat has about 210 staff members working in five bureaus: the Human Rights Policy Bureau, the Human Rights Violation Investigation Bureau, the Discrimination Investigation Bureau, the Education and Co-operation Bureau and the Administrative Support Bureau. Under the secretary general who is recommended by the NHRC president and appointed by the President of South Korea, the secretariat carries out the day-to-day work of NHRC.

Accountability and independence

3.12 NHRC views itself as a national institution independent from any administrative, legislative and judiciary bodies of the government. Under article 29 of the NHRC Act, NHRC is required to prepare an annual report on its activities for the preceding year; including the human rights situation and any improvement measures, and report thereon to the President of South Korea, the National Assembly and the public.

3.13 To obtain the required information on accountability and independence, RLSD has sent enquiries to both NHRC and the Amnesty International of South Korea. However, as at the publication of this information note, they have not responded to the enquiries.

Funding

3.14 NHRC prepares the annual budget and seeks the allocation of funding from the government. According to NHRC, if the proposed annual budget is to be reduced by the government, its president may seek support from the National Assembly and human rights NGOs for the financial resources requested.¹¹ In 2006, the budget of NHRC amounts to US\$22.4 million (HK\$174.7 million).

Functions and duties of the National Human Rights Commission

3.15 Under the NHRC Act, the two main purposes of NHRC are to ensure that inviolable, fundamental human rights of all individuals are protected and the standards of human rights continue to improve. To fulfil these purposes, NHRC carries out the following four functions:

- (a) Policy recommendation: NHRC conducts investigations and research studies with respect to the statutes, bills, legal systems, policies and customary practices concerning human rights. Its research findings and recommendations are made available in the public domain. In addition, NHRC presents its opinions in the relevant periodic reports prepared by the government for submission to the UN treaty monitoring bodies.
- (b) Investigation and remedy: NHRC investigates and recommends remedial measures when human rights violations occur in the federal and local government departments and agencies.¹²
- (c) Education and public relations: NHRC conducts a range of activities, including organizing public events, publishing human rights educational materials and working closely with the human rights NGOs and educators to raise public awareness and promote greater understanding of human rights.
- (d) Co-operation with domestic and international institutions: NHRC fosters co-operation through exchanges with and support of the local and international human rights NGOs as well as other international, national and regional institutions for protecting and promoting human rights.

¹¹ RLSD has not been able to ascertain whether there have been any occasions that the government refused to give the budgets requested by NHRC since its establishment.

¹² According to NHRC, human rights violations mainly occurred in the armed forces, the correctional services department, the police department and the public prosecutions office.

- 3.16 NHRC's major duties include:
- (a) co-operating with the government to establish the National Action Plan for Promotion and Protection of Human Rights (NAP)¹³ and monitoring its implementation;
 - (b) pressing for the enactment of the anti-discrimination law in order to effectively correct discriminatory practices;
 - (c) promoting the human rights of the elderly;
 - (d) advancing the human rights of those people living in social welfare facilities;
 - (e) enhancing the human rights of the North Korean defectors; and
 - (f) implementing human rights education programmes in schools.

4. The Commission for Equality and Human Rights of the United Kingdom

Background

4.1 In December 2001, when UNHRC reviewed the UK's human rights record, it recommended that the UK should establish a national human rights commission¹⁴:

"Although the Committee [UNHRC] appreciates the establishment of specialist bodies to deal with various specific areas of discrimination, such as the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission, the Committee [UNHRC] considers that the establishment of a national human rights commission with comprehensive jurisdiction to receive complaints of human rights violations would be a valuable addition to the remedies available to persons complaining of such violations, particularly persons for whom recourse to the courts is, as a practical matter, too costly, difficult or impossible ... The State party should consider the establishment of a national human rights commission to provide and secure effective remedies for alleged violations of all human rights under the Covenant [ICCPR]".¹⁵

¹³ NAP evaluates the current situation of human rights in South Korea and then suggests policy tasks for the formation of mid- and long-term human rights policies.

¹⁴ There is a human rights commission on the Northern Ireland, which came into existence in March 1999.

¹⁵ See United Nations Human Rights Committee (2001).

4.2 In March 2003, the Joint Committee on Human Rights (JCHR) of the UK Parliament published a report, entitled *The Case for a Human Rights Commission* to examine ways to promote human rights protection in the UK. The report was the culmination of a two-year long inquiry. The main conclusion of the report was that there was a compelling case for establishing an independent body to promote and protect human rights in the country.

4.3 In the report, JCHR considered that the culture of respect for human rights had not been flourished in the UK since the passing of the Human Rights Act 1998. The reason was that there was no specified body established for bringing about the culture of respect for human rights. JCHR continued to argue that a government department or agency established for human rights matters would not be an appropriate option because of the concern of its independence and impartiality. The most effective way of bringing about such culture was to establish an independent human rights commission. Its principal purpose would be to foster a culture of respect for human rights through raising awareness of the need to promote human rights in the country and making individuals conscious of their rights and guiding them in asserting those rights.

4.4 In relation to the international human rights obligations, the report suggested that the proposed human rights commission should be involved in the reporting processes under the various international human rights instruments and should help raise the general awareness of the obligations under these instruments.

4.5 JCHR's report also looked at the issue of whether a separate human rights commission should be established in view of the UK government's decision to establish a new equality commission. At the time, the government was reviewing the equality institutions in the UK. A consultation paper entitled *Equality and Diversity: Making It Happen* was published in 2003. In the paper, the government states that fairness for all is the basis for a healthy democracy, economic prosperity and the effective delivery of the public services. Equality and human rights therefore matter to all people, not just to those who experience discrimination and unfair treatment.

4.6 JCHR's report suggested that there was a considerable degree of congruence between the work required for the promotion of equality and that required for the promotion and protection of human rights. Therefore, it concluded that:

"[t]here are strong arguments for moving, over the proposed timescale for the establishment of a single equality body, to the establishment of an integrated human rights and equality commission".¹⁶

¹⁶ See Joint Committee on Human Rights (2003).

4.7 The government analyzed the views and recommendations solicited from the consultation on equality institutions and JCHR's report, and announced the establishment of CEHR in October 2003. A white paper entitled *Fairness for All: A New Commission for Equality and Human Rights* was published in May 2004, providing detailed proposals for CEHR and inviting comments. A task force to provide advice on the new CEHR was established, with its members reflecting different interests in the related areas, including human rights, gender, race, disability, religion, sex orientation, age, academics/experts, business and the public sector.

4.8 The government introduced the Equality Bill in Parliament in March 2005. JCHR considered the Equality Bill and made some minor amendments in relations to the new CEHR's functions, powers and structure, and the human rights compatibility of the Bill.¹⁷

4.9 The Equality Bill was subsequently passed and received Royal Assent in February 2006, earmarking the establishment of the new CEHR in October 2007. The establishment of CEHR will bring together the work of the Disability Rights Commission and Equal Opportunities Commission starting from October 2007; and that of the Commission for Racial Equality by 2009, putting expertise on equality, diversity and human rights in one body.

4.10 According to the UK government, the establishment of a single CEHR will have many important benefits, including:

- (a) bringing together equality experts and acting as a single source of information and advice;
- (b) being a single point of contact for individuals, businesses and the voluntary and public sectors;
- (c) helping businesses by promoting awareness of equality issues, which may prevent costly court and tribunal cases;
- (d) tackling discrimination on multiple levels - some people may face more than one type of discrimination; and
- (e) giving older people a powerful national body to tackle age discrimination.

¹⁷ See Joint Committee on Human Rights (2005b).

Governance, accountability and independence of the Commission for Equality and Human Rights

Governance

4.11 The chair of CEHR¹⁸ is to be recruited in line with the requirements of the Office of the Commissioner for Public Appointments (OCPA). OCPA has published the *Principles of the Code of Practice for Ministerial Appointments to Public Bodies*, covering all ministerial appointments to the boards of executive and advisory public bodies, which are set out below:

- (a) Ministerial responsibility: The ultimate responsibility for appointments is with ministers.
- (b) Merit: All public appointments should be governed by the overriding principle of selection based on merit, by the well-informed choice of individuals who through their abilities, experience and qualities match the need of the public body in question.
- (c) Independent scrutiny: No appointment will take place without first being scrutinized by an independent panel or by a group including membership independent of the department filling the post.
- (d) Equal opportunities: Departments should sustain programmes to deliver equal opportunities principles.
- (e) Probity: Board members of public bodies must be committed to the principles and values of public service and perform their duties with integrity.
- (f) Openness and transparency: The principles of open government must be applied to the appointment process, the working of which must be transparent, and information must be provided about the appointments made.
- (g) Proportionality: The appointment procedures need to be subject to the principle of proportionality, that is, they should be appropriate for the nature of the post and the size and weight of its responsibilities.

¹⁸ In September 2006, Mr Trevor Phillips, former journalist and chairman of the Commission for Racial Equality, was appointed as the chair of CEHR.

4.12 The appointment of the chair of CEHR requires the approval of the Prime Minister. CEHR explains that the chair and board members should possess core skills such as decision-making and leadership experience; strategic management experience; and a sound understanding of, and commitment to, promoting equality and human rights.

The board

4.13 The board of CEHR will be made up of 10-15 members¹⁹ appointed by the Secretary of State, in line with OCPA requirements. The board will be primarily part-time non-executives, keeping a strategic oversight of CEHR.

Committees of the board

4.14 The CEHR board will have the power to establish committees to support or assist with any of its functions. The CEHR committees may have an advisory role, or the board may wish to delegate certain decision-making functions to them. They will be accountable to the board and will need to work within the wider strategic, policy and budgeting framework of CEHR. Members of the CEHR committees will be appointed by the board and drawn from the board, CEHR's staff, or external appointees.

Accountability and independence

4.15 As an executive Non-Departmental Public Body (NDPB)²⁰, CEHR will be held to account by Parliament through the requirement for the Secretary of State to lay its annual reports before both Houses of Parliament. It may also be scrutinized by a select committee of Parliament, the remit of which includes CEHR, if Parliament decides that this is appropriate.

¹⁹ In December 2006, nine board members who are from the fields of academics, women's rights, public health policy and public service management were appointed. A second round of appointments of board members will commence in early-2007.

²⁰ An executive NDPB usually delivers a particular public service and is overseen by a board rather than a minister. Typically, an NDPB is established under statute and is accountable to Parliament rather than the government. This arrangement allows more financial independence since the government is obliged to provide funding to meet statutory obligations.

Funding

4.16 CEHR will be funded through grant-in-aid²¹ provided by the Secretary of State. Its accounts will be audited by the National Audit Office and will be laid before Parliament annually. CEHR will be empowered to charge for services as it considers appropriate.

Functions and duties of the Commission for Equality and Human Rights

4.17 Under section 8 of the Equality Act, CEHR will carry out the following functions:

- (a) promoting the understanding of the importance of equality and diversity;
- (b) encouraging good practice in relation to equality and diversity;
- (c) promoting equality of opportunity;
- (d) enhancing the awareness and understanding of rights under the equality enactments; and
- (e) working towards the elimination of unlawful discrimination and harassment.

4.18 CEHR is entrusted to perform the following duties:

- (a) providing information, advice and assistance on equality and human rights issues;
- (b) issuing codes of practice and guidance notes that will help employers and service providers in the private and public sectors, voluntary organizations and trade unions embracing equality and human rights;
- (c) conducting formal inquiries where there are persistent inequalities, human rights or good relations issues that need highlighting; and formal investigations where there is evidence of unlawful discrimination;

²¹ A grant-in-aid is funding granted by the government the use of which is subject to parliamentary oversight, to finance all or some part of the costs of another organization. This kind of funding is usually used when the government and Parliament have decided that the recipient should be publicly funded but operates with reasonable independence from the government. Most bodies in receipt of grants-in-aid are NDPBs.

- (d) providing strategic support to individuals with anti-discrimination claims, to intervene in cases where equality and human rights arguments need to be made, and judicially reviewing decisions that contravene equality and human rights legislation and where necessary providing conciliation;
- (e) consulting all stakeholders in the formation of its strategic plan;
- (f) publishing a "state of the nation" report every three years showing: where the UK (excluding the Northern Ireland) is failing on equality and human rights; desired outcomes to work towards; and benchmarks for progress;
- (g) monitoring all hate-crime including elderly abuse and hate-crime against disabled people;
- (h) challenging prejudice against and stereotyping of particular groups;
- (i) establishing a regional presence that will address issues relevant to the daily lives of people at the grass roots level;
- (j) promoting good relations among members of different communities, and using its regional network in these initiatives;
- (k) providing grants to bodies working towards the objectives of CEHR; and
- (l) establishing a strong evidence base and understanding of discrimination to inform future policy development and best practice.

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South Korea

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