

1. Who is "human" in the concept of modern human rights?

Including fetus, every human being without discrimination in the world.

2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?

According to interpretation about Article 10(All citizens shall be assured of human dignity and worth and have the right to pursue happiness) & Clause 1, Article 37(Freedoms and rights of citizens shall not be neglected on the grounds that they are not enumerated in the Constitution) of Korean Constitution, it has been well protected by the Korean Constitutional Court. Balancing test which is a subordinate principle of Proportion Principle of Korean Constitutional Court will do. Specific standards of balancing are Ranks of Constitutional Rights, Double Standard of the U.S. Supreme Court.

3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?

Absolutely yes. Already Korean Constitutional Court has applied 'International Covenants on Civil and Political Rights 1966' into concrete constitutional adjudication.

4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?

Yes. Every Jurisdiction can be an actor to move forward human rights standards. Actually human rights standards became important standards in Korean Judiciary.

5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?

No. Actually international human rights document will cover every case in Korea.

6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?

A few politicians have refused minorities' equality in Korean Economy. Nonetheless their views were counted so minute thing in Korea. So there will be no problem.

7. Are there any social realities contradicting international human rights concept based on individualism?

Not much. But a few conservative politicians have contradicted actual equality of foreign laborers in Korea.

8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?

Until now, that was so confusing problem. We Korean Constitutional Law Professors called it “the effect of the third party of Constitutional Rights”. Some professors have contended that Korean Constitutional Court should rule about that case. But so many professors contradicted that. Usually that case would be treated as civil case.

9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?

There are Korean-Chinese people (Their ancestors are Korean, but they can't speak Korean, Chosun-Jog). Already they took the initiative of Korean market about lamb meat. Also a few Russians took much bar & pub jobs in Busan City. According to Global Society Concept, I think We Korean should admit their own culture.

10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?

According to Article 11, Clause 1 of Korean Constitution, “All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status.” Right now the Korean Constitutional strictly declares the principle of equality which is from Article 11, Clause 1 of Constitution on every minority case. So there will be no problem.

11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?

I think minority rights in international law mean refugee's rights and very small countries' rights in UN. As above mentioned, much international regulations and documents including 'International Covenants on Civil and Political Rights 1966' have already covered the reality in Korea.

12. What you think is the most current human rights problem in your country?

Actually my country has had a big problem about temporary workers.

Even though they always wanted permanent contract, according to employers' fiscal limitation, it looked like no more solutions about that. About 10 years ago, the Korean Government recommended 'Spread of Being Permanent Workers' and finally the National Assembly enacted 'Acts for Temporary Workers'. To be honest, nevertheless there left much problems in reality.