



Human Rights and Democracy in the Local Community

The Case of South Korea

Joong-Seop Kim

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Shorenstein Asia-Pacific Research Center

616 Jane Stanford Way E301

Stanford, CA 94305-6055

650.723.9741 | aparc.fsi.stanford.edu

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About the Author

Joong-Seop Kim was a visiting scholar at the Walter H. Shorenstein Asia-Pacific Research Center (APARC) for the 2025 calendar year. Kim is Emeritus Professor in the Department of Sociology at Gyeongsang National University in South Korea.

He has written and edited numerous books and articles on social movements, human rights, and historical sociology. His notable publications (in Korean, unless otherwise noted) include *The Hyongpyong (Egalitarian) Movement in Retrospect: Commemorating the Centennial Anniversary of the Hyongpyongsa* (2025); *The Hyongpyong Movement and the Era of Human Rights* (co-editor, 2023); *Localization of Human Rights: For the Implementation of Human Rights in Everyday Life* (2016); *Toward an Egalitarian Society: A Comparison between Korean Hyongpyongsa and Japanese Suiheisha* (2015); *The Era of Social Movements: Historical Sociology of Local Community under Japanese Colonial Rule* (2012); *The Outlook for Human Rights in the Era of Globalization* (co-editor, 2004; 2004 in Japanese); *The Korean Paekjong under Japanese Rule: The Quest for Equality and Human Rights* (2003, in English); *Hyongpyong Movement* (2001, 2003 in Japanese, revised 2025); and *A Study of the Hyongpyong Movement: Social History of Paekjong Under Japanese Rule* (1994).

Summary

South Korea's two-decade effort to establish local human rights protection systems through municipal ordinances shows significant progress—all 17 metropolitan governments and 54 percent of basic local governments have enacted human rights ordinances by 2024—yet implementation remains uneven, with stark urban-rural and regional disparities.

Three factors impede development: absence of national human rights legislation, narrow and conflicting understandings of human rights (particularly regarding sexual minorities), and weak social consensus. Political orientation heavily influences outcomes, with conservative forces often opposing ordinances while progressive governments advance them. Several cases demonstrate how ordinances were abolished or weakened following electoral shifts.

The author, seeing strengthening local democracy as crucial for human rights advancement, calls for measures including electing rights-conscious leaders, ensuring resident participation, establishing dedicated human rights institutions, and building social consensus around protection systems. Local human rights committees and specialized bureaus—mandated by many ordinances but poorly implemented—must function as genuine governance bodies rather than rubber-stamp mechanisms.

Local democracy and human rights protection must develop simultaneously in a mutually reinforcing relationship, with democratic processes enabling rights advancement and robust rights protections strengthening democratic institutions.

Human Rights and Democracy in the Local Community

The Case of Korea

Joong-Seop Kim

In May 2018, the Chung-Nam Provincial Council abolished the Ordinance on the Promotion of Human Rights of the Residents of Chungchongnam-do (충청남도 도민 인권 증진에 관한 조례, hereafter Chung-Nam Human Rights Ordinance). Despite opposition from council members belonging to the minority Democratic Party of Korea (DPK), the abolition was decided by a vote led by members of the majority Liberty Korea Party (LKP, predecessor of the People Power Party). This occurred six years after the ordinance was enacted in May 2012.

The move to abolish the Chung-Nam Human Rights Ordinance drew nationwide attention. The governor of Chung-Nam, a DPK member, supported maintaining the ordinance; the National Human Rights Commission of Korea (NHRCK) likewise opposed abolition, arguing that it would dismantle the local human rights protection system. Numerous human rights organizations across the country also criticized the move as regressive. However, the provincial council members from the LKP, who had spearheaded the campaign against the ordinance, pushed through the abolition in the final session of the term, arguing that the legislation could be interpreted as endorsing or promoting homosexuality. As a result, the Chung-Nam Human Rights Ordinance became the first of its kind to be abolished among metropolitan-level local governments.

In the local elections held 20 days later, most of the LKP provincial council members who had spearheaded the abolition failed to be re-elected. Once DPK council members gained the majority, they began working on a new human rights ordinance soon after their term started in July 2018. Despite opposition from members of the minority People Power Party (PPP), the Basic Human Rights Ordinance of Chungchongnam-do (충청남도 인권기본조례) was enacted in October 2018. Four years later, in the June 2022 local elections, PPP candidates

who won a majority of seats in the Chung-Nam Provincial Council revised the ordinance in a way that significantly weakened its purpose, and in this revised form, the Chung-Nam Human Rights Ordinance remains in effect today.

Laws aimed at protecting student rights represent another controversial area of human rights legislation. In 2010, the Gyeonggi Provincial Council became the first to pass such an ordinance: it granted students freedom in their choice of hairstyles and clothing, prohibited corporal punishment and discrimination, and introduced a student ombudsperson system. Other local governments followed suit: Gwangju Metropolitan City (2011), Seoul Metropolitan Government (2012), Chung-Nam (2020), Jeju Special Self-Governing Province (2021), Inchon Metropolitan City (2023), and Jon-Buk (2023) (Song 2023).

However, after the PPP won a majority in Chung-Nam in the 2022 local elections, its provincial council members passed a resolution in December 2023 to abolish the 2020 student rights ordinance, despite opposition from the Chung-Nam superintendent of education. Around the same time, PPP members of the Seoul Metropolitan Council, who likewise had won a majority after the 2022 local elections, also moved to abolish Seoul's student human rights ordinance. Despite the Seoul superintendent of education calling on them to halt what he called an "anachronistic and discriminatory" effort (Kim Min-je 2024), and opposition from the NHRCK and numerous civic and human rights organizations across South Korea (Song 2024), council members voted to abolish the ordinance in April 2024. At the superintendent's request for immediate reconsideration, the abolition bill was sent back to the council, but it was again passed by majority vote.

Afterward, the superintendents of education of Chung-Nam and Seoul filed for an injunction with the Supreme Court to suspend the enforcement of the abolition of the student human rights ordinances. The court ruled that the ordinances would remain in effect until a final judgment on the merits, so they continued to apply in both regions in 2025 (Oh 2024).

Conflicts over student human rights ordinances have erupted not only in Chung-Nam and Seoul but also in other regions (Song 2023). In Gyeong-Nam, the superintendent of education has announced three times since 2018 that he would promote the enactment of a student human rights ordinance, publishing draft bills each time. The NHRCK and civic groups welcomed the move and expressed support for the initiative. However, conservative groups, especially Christian organizations, mobilized collective action to oppose the enactment of the ordinance. And council members from the LKP (now PPP), which held a majority in the Gyeong-Nam Provincial Council, opposed the bill, causing each legislative attempt to fail. In

2019, when the Inchon Metropolitan Office of Education pursued a student human rights ordinance, opponents asserted that such ordinances were the nationwide product of leftist teachers' unions and would harm students' education. They also argued that Inchon's Ordinance on the Promotion of Human Rights of School Members emphasized students' rights over those of teachers, and called for its repeal (Hong 2023).

As these examples illustrate, the implementation of human rights ordinances by local governments remains unstable. This paper first examines the development and limitations of the regional human rights protection system in South Korea (hereafter, Korea), focusing on human rights ordinances. It then examines the factors that hinder the establishment of local human rights protection systems, discusses the relationship between the passive responses of local councils (which hold the authority to enact ordinances) and local government (which is responsible for implementation) and then explores the state of local democracy. Finally, it seeks to find measurable strategies for constructing a robust local human rights protection system.

THE DEVELOPMENT AND LIMITATIONS OF LOCAL HUMAN RIGHTS PROTECTION SYSTEMS

The adoption of the Universal Declaration of Human Rights by the United Nations, the conclusion of international human rights covenants, and the establishment of international human rights bodies have expanded awareness of human rights and advanced their global implementation. Diverse activities by non-governmental international human rights organizations have further spread recognition of the universality and significance of human rights. The international human rights system has thus contributed to the protection and promotion of human rights for humanity as a whole (Kim et al. 2018; Tsutsui 2022).

Human rights protection systems have been established at the national level as well, contributing to the protection and promotion of human rights throughout society. The Constitution of the Republic of Korea (ROK) and various statutes define the responsibilities of state and local governments to protect human rights. Institutions such as the legislature, executive branch, judiciary, and the NHRCK carry out human rights implementation as one of their most important mandates.

These international and national human rights protection systems aim to realize the basic principle that all people should be able to enjoy their human rights at any time and in any

place. Whether in individual or collective relations, everyone should be able to enjoy the human rights set forth in international law and norms, as well as in national constitutions and laws, in everyday spaces such as the home, school, workplace, and local community, based on the universality and inalienability of human rights. The implementation of human rights in local communities—what has been termed the “localization of human rights”—is thus expected to contribute to more effective human rights promotion (Kim 2016).

The most effective way to achieve the localization of human rights is to build robust local human rights protection systems. Establishing such systems to prevent and remedy a variety of human rights violations in daily life—such as violence, discrimination, and social exclusion—provides a concrete, realistic mechanism for human rights implementation that goes beyond abstract, conceptual understandings. To this end, initiatives to build “human rights cities” have been launched in many parts of the world (Wu and Kang 2013; H. S. Kang 2014; Marks and Modrowski 2016).

Over the past two decades, public interest in improving the human rights of local residents has grown significantly in Korean society, and efforts to construct local human rights protection systems have made substantial progress. This development has been supported by the spread of human rights awareness, the maturation of a civil society that prioritizes human rights, and the active expansion of human rights advocacy.

The core strategy for building a human rights protection system has been the enactment of human rights ordinances, which are local regulations adopted by local governments to protect and promote residents’ human rights. They typically include provisions on the formulation and implementation of human rights promotion plans, the education and dissemination of human rights values and norms, and the mobilization of civil society to monitor and advance the human rights situation—all of which are essential elements for building local human rights protection systems (Kim 2010). The enactment of such ordinances thus marks both the starting point and a central component of local human rights protection.

Local governments have enacted and implemented numerous ordinances for the purpose of addressing the rights of social minorities such as students, women, persons with disabilities, youth, older persons, migrant workers, and marriage migrant women. While the central government has implemented multifaceted policies and programs to promote the human rights of these groups, and various social movements have been led by civil society groups (Jon et al. 2011; Yun et al. 2005), local governments have also carried out policies

and projects for these populations through the enactment and implementation of sectoral human rights ordinances (NHRCK 2024). In many cases, national statutes, such as the Framework Act on Gender Equality, served as the legal basis for these local ordinances.

In addition, local governments have adopted comprehensive human rights ordinances that aim to promote the rights of all residents, including socially vulnerable and minority groups, and to govern local communities based on human rights principles.¹

The first enactment of a comprehensive human rights ordinance on the local government level was in 2009 by Gwangju Metropolitan City, followed by several other local governments. In particular, after the NHRCK issued a recommendation in 2012, the rate of enactment increased dramatically. Among metropolitan-level local governments, all 17 had enacted human rights ordinances by 2019, with Inchon being the last; Chung-Nam made the list, too, despite the (temporary) 2018 abolishment. Among 226 basic local governments nationwide (cities, counties, and districts), only two had ordinances in 2010 and four in 2011, but after the NHRCK's recommendation in 2012 the number increased rapidly: 63 (28%) in 2015, 75 (38%) in 2016, 95 (42%) in 2019, 113 (50%) in December 2022, 122 (52%) in November 2023, and 123 (54%) in July 2024.

Although the number of local governments with human rights ordinances steadily increased, their distribution was uneven. In particular, there were stark gaps between urban and rural regions and clear disparities across the country, as shown in table 1.

First, regarding urban–rural gaps: In 2015, only 63 of 226 basic local governments (about one-quarter) had enacted human rights ordinances. Among the 74 basic local governments in Seoul and the metropolitan cities—major urban areas—36 had enacted ordinances, close to a majority. In Gwangju and Ulsan, all basic local governments had ordinances, while in Daejon and Busan, more than half had enacted them; in Seoul, the rate was close to half. In contrast, among the 132 basic local governments in the provinces (which include rural areas), only 27 (21%) had ordinances (Kim 2016, 269–282). Looking more closely at the provinces, 19 out of 75 cities (*si*), which are more urban, had enacted ordinances—about one-quarter—while only 8 out of 77 counties (*gun*), which are more rural, had done so, about

1 Human rights ordinances can broadly be divided into sectoral ordinances for specific groups and comprehensive ordinances covering all residents. Comprehensive human rights ordinances are often referred to as “basic human rights ordinances.” In this paper, the term “human rights ordinance” generally refers to such comprehensive ordinances, although the context sometimes includes all types of human rights ordinances.

10%. In other words, within the provinces, the urban–rural disparity was pronounced, and most local governments that had enacted ordinances were urban cities. For instance, all 10 local governments in Gyeonggi-do that had ordinances were cities. In Gangwon-do, 1 out of 2; in Chung-Nam, 3 out of 4; in Jon-Buk, 2 out of 2; in Jon-Nam, 1 out of 4; in Gyeong-Buk, 2 out of 3; and in Gyeong-Nam, 2 out of 4 were cities. When the basic local governments in Seoul and the metropolitan cities are included, the urban–rural gap widens even further.

TABLE 1. Enactment of Human rights ordinances in basic local governments (2015, 2016, 2019, 2023)

Metropolitan/provincial government (year of first enactment)	No. of basic LGs	Enactment			
		No. (%), 2015 [†]	No. (%), 2016 [‡]	No. (%), 2019 [§]	No. (%), 2023
Seoul (2012)	25	11 (44%)	11 (44%)	15 (60%)	21 (84%)
Busan (2012)	16	9 (56%)	10 (63%)	10 (63%)	10 (63%)
Daegu (2014)	8	2 (25%)	2 (25%)	4 (50%)	5 (63%)
Inchon (2019)	10	0 (0%)	1 (10%)	2 (20%)	5 (50%)
Gwangju (2009)	5	5 (100%)	5 (100%)	5 (100%)	5 (100%)
Daejon (2012)	5	4 (80%)	4 (80%)	4 (80%)	4 (80%)
Ulsan (2012)	5	5 (100%)	5 (100%)	5 (100%)	5 (100%)
Sejong (2014)	–	–	–	–	–
Gyeonggi (2013)	31	8 (26%)	10 (32%)	11 (35%)	16 (52%)
Gangwon (2013)	18	2 (11%)	2 (11%)	4 (22%)	6 (33%)
Chung-Buk (2013)	11	0 (0%)	0 (0%)	1 (9%)	1 (9%)
Chung-Nam* (2012/2018)	15	4 (27%)	10 (67%)	15 (100%)	15 (100%)
Jon-Buk (2010)	14	2 (14%)	2 (14%)	3 (21%)	8 (57%)
Jon-Nam (2012)	22	4 (18%)	5 (23%)	7 (32%)	11 (50%)
Gyeong-Buk (2013)	23	3 (13%)	3 (13%)	3 (13%)	3 (13%)
Gyeong-Nam (2010)	18	4 (22%)	5 (28%)	6 (33%)	7 (39%)
Jeju (2015)	–	–	–	–	–
Total	226	63 (28%)	75 (33%)	95 (42%)	122 (54%)

Sources: [†]Supplemented from Kim Joong-Seop (2016, 274–282); [‡]NHRCK (2016, 34); [§]NHRCK (2019, 46); ^{||}NHRCK (2023b, 10).

Note: LG= local government; *the 2012 Chung-Nam human rights ordinance was abolished in May 2018 and re-enacted in October 2018.

The urban–rural gap did not narrow in 2016, 2019, or 2023. In 2016, the picture was similar to 2015, but the number of basic local governments in Chung-Nam with ordinances increased from 4 to 10.

The overall pattern of urban–rural disparities continued in 2019. Among the major cities, the enactment rate increased in Seoul, Busan, Daejon, and Daegu, as well as in Gwangju and Ulsan, which already had ordinances in all basic local governments by 2015. However, the rate remained low in Inchon (2 out of 10, or 20%). Among the provinces with rural areas, it was noteworthy that all 15 basic local governments in Chung-Nam had enacted ordinances—a result of the governor’s active promotion and the basic local governments’ positive response. Other provinces lagged significantly behind metropolitan cities and showed clear regional disparities. The enactment rate rose modestly in Gyonggi (35%), Gyong-Nam (33%), Jon-Nam (32%), Gangwon (22%), and Jon-Buk (21%), but remained low in Chung-Buk (one locality, 9%) and Gyong-Buk (three localities, 13%).

The urban–rural pattern persisted into 2023. Compared to 2019, the enactment rate increased significantly in urban areas. In the major cities, Gwangju (100%), Ulsan (100%), Daejon (80%), and Busan (63%) remained unchanged, but Seoul increased from 15 to 21 local governments (84%), Inchon from 2 to 5 (50%), and Daegu from 4 to 5 (63%), resulting in 55 out of 74 basic local governments in metropolitan cities (74%) having ordinances. In the provinces, 67 out of 152 basic local governments (44%) had enacted ordinances—still below a majority. Jon-Buk increased from 3 to 8 localities (57%), Jon-Nam from 7 to 11 (50%), and Gyonggi from 11 to 16 (52%), but Gangwon rose only from 4 to 5 (28%) and Gyong-Nam from 6 to 7 (39%), while Gyong-Buk (three localities, 13%) and Chung-Buk (one locality, 9%) remained unchanged. In short, while the total number of basic local governments with human rights ordinances increased modestly in 2023, urban–rural disparities remained.

Since rural areas face human rights challenges like anywhere else, the lack of progress suggests that rural efforts to build human rights protection systems have been insufficient. Today, rural communities face falling birth rates, outmigration of young people, and an aging population, all of which raise distinct human rights issues. For instance, in rapidly aging communities, older persons’ rights to health, mobility, and learning (especially access to information in the digital age) constitute urgent concerns. In addition, the sharp increase in foreign workers and marriage migrants, and the consequent growth of multicultural families, has produced a host of human rights issues—for example, migrants’ housing and

working conditions, and the social, economic, and cultural adaptation of multicultural families and their children. These require urgent responses from a human rights perspective.

In short, rural areas face human rights issues that differ from those in urban contexts and require appropriate responses. It is necessary to guarantee the universality of human rights while implementing human rights policies and programs tailored to local characteristics. However, given the slow pace of human rights ordinance enactment in rural areas, it is doubtful whether local governments and civil society are responding adequately. Awareness of human rights issues in rural areas and efforts to devise region-affordable protection systems appear to be insufficient.

Disparities in the enactment of human rights ordinances are evident not only between urban and rural areas but also among regions. Among metropolitan cities, Gwangju, Ulsan, and Daejon show very high enactment rates, while Inchon and Daegu lag behind. Seoul's enactment rate has risen rapidly, whereas Busan has remained at its 2017 level. Among the provinces, Chung-Nam in the central region has high rates, while neighboring Chung-Buk remains very low. Gyeonggi-do has seen a general increase, but Gangwon-do still lags significantly. The Honam region (Jeon-Nam and Jeon-Buk) exhibits a growing trend, while the Yongnam region (Gyeong-Buk and Gyeong-Nam) remains comparatively stagnant.

Regional disparities are also evident in the implementation of human rights ordinances. Most local human rights ordinances include provisions on the responsibilities of local social actors, the establishment of human rights committees to deliberate and advise on human rights issues, the formulation of basic human rights policies as a medium- to long-term framework, and human rights education (NHRCK Human Rights Policy Division 2021). Some ordinances further mandate the establishment of specialized human rights bureaus, human rights impact assessments in administrative affairs, and the creation of ombudspersons for remedying human rights violations. The implementation of these provisions is the responsibility of the local executive branch, and the level of implementation varies depending on the will and actions of local government leaders.

To gauge implementation, it is useful to examine the status of human rights committees in basic local governments; these bodies deliberate or advise on human rights matters in the community and thus represent a core element of the ordinances. Table 2 shows significant regional disparities in the establishment of such committees, reflecting differing levels of human rights implementation.

In 2015, only 20 of the 63 basic local governments that had enacted human rights ordinances (about 30%) had established human rights committees. By 2023, the number had increased to 48 (41%), but the majority of local governments with ordinances still had no committee (NHRCK 2016; 2023b; Kim et al. 2018, 232–237).

In 2015, Gwangju had committees in all of its basic local governments, and the rates were relatively high in Ulsan, Seoul, Busan, and Gyeonggi-do as well. In contrast, Daegu, Daejon, Chung-Nam, Jon-Nam, Jon-Buk, Gyeong-Nam, and Gyeong-Buk had none. When Inchon and Chung-Buk—where no human rights ordinances had yet been enacted—are included, the fact that the overwhelming majority of local governments had no committees becomes even clearer.

TABLE 2. Human rights organizations in basic local governments (2015 and 2023)

Region	No. of basic LGs	2015		2023	
		No. (%) of committees [*]	No. (%) of dedicated bureaus	No. (%) of committees [†]	No. (%) of dedicated bureaus
Seoul	25	5/11 (46%)	2/11 (18%)	15/21 (71%)	4/21 (19%)
Busan	16	4/9 (44%)	0/9 (0%)	5/10 (50%)	0/10 (0%)
Daegu	8	0/2 (0%)	0/2 (0%)	1/5 (20%)	0/5 (0%)
Inchon	10	–	–	3/5 (60%)	1/5 (20%)
Gwangju	5	5/5 (100%)	5/5 (100%)	5/5 (100%)	1/5 (20%)
Daejon	5	0/4 (0%)	0/4 (0%)	2/4 (50%)	0/4 (0%)
Ulsan	5	3/5 (60%)	0/5 (0%)	5/5 (100%)	0/5 (0%)
Gyeonggi	31	3/8 (38%)	1/8 (13%)	6/14 (43%)	4/14 (29%)
Gangwon	18	0/2 (0%)	0/2 (0%)	1/5 (20%)	0/5 (0%)
Chung-Buk	11	–	–	0/1 (0%)	0/1 (0%)
Chung-Nam	15	0/4 (0%)	0/4 (0%)	2/15 (13%)	1/15 (7%)
Jon-Buk	14	0/2 (0%)	0/2 (0%)	1/7 (14%)	1/7 (14%)
Jon-Nam	22	0/4 (0%)	0/4 (0%)	1/10 (10%)	0/10 (0%)
Gyeong-Buk	23	0/3 (0%)	0/3 (0%)	0/3 (0%)	0/3 (0%)
Gyeong-Nam	18	0/4 (0%)	0/4 (0%)	2/7 (29%)	0/7 (0%)
Total	226	20/63 (32%)	9/63 (14%)	48/117 (41%)	12/117 (10%)

Sources: ^{*}Based on a search of the Local Laws Information System (ELIS) as of October 23, 2015 (Kim 2016, 273–282); [†]based on a search of ELIS as of April 28, 2023 (Kim Chol-hong 2023).

Note: LG= local government; percentages are calculated based only on those LGs that have enacted human rights ordinances, not on the total number of LGs.

By 2023, the number of local governments with human rights committees had increased, but regional disparities had widened. Gwangju and Ulsan had committees in all basic local governments; in Seoul, about 70% had them, and in Busan, Inchon, Daejon, and Gyonggi-do, roughly half did. However, only two basic local governments in Chung-Nam and Gyong-Nam had committees; Daegu, Gangwon, Jon-Buk, and Jon-Nam had only one each; and Gyong-Buk and Chung-Buk had none. As with the enactment of ordinances, the establishment of human rights committees was more common in large cities and the urban areas of Gyonggi-do, and much less so in rural areas.

The operation of human rights committees also varied significantly by locality. Some local governments failed to establish committees by the deadlines stipulated in their ordinances; many did not fully reflect the intended diversity of membership. Among metropolitan governments, Gyong-Nam enacted a human rights ordinance in 2010—the second in the nation—but did not establish a committee until 2019. In Daegu and Seoul, newly elected local leaders delayed the reconstitution of committees after the 2022 elections, prompting criticism from human rights organizations.² Notably, in all three of these metropolitan governments, the heads were members of the People Power Party.

In general, the operation of local human rights committees has been inadequate. Despite ordinance provisions requiring at least one or two regular meetings per year and additional special meetings as needed, many committees have not met regularly. In many cases, they have functioned merely as bodies to formally approve projects requested by the head of local government, without sufficient independence and autonomy.

The establishment and operation of human rights committees depend heavily on the will and policies of local government leaders. For instance, Seoul's committee was very active in its early years (Park 2015),³ but later failed even to reconvene on schedule in 2022. Such delays and inadequate management indicate that human rights ordinances are not being properly implemented. There were also disparities across regions in the implementation of human rights.

2 For example, in 2022 Daegu failed to reconstitute its committee, effectively leaving it abolished, and Seoul delayed the reappointment of members for six months after the previous committee's term expired in March 2022 (Lee 2022).

3 According to materials from an NHRCK workshop (July 17, 2015), the Seoul Human Rights Committee held 10 regular or special meetings, 11 sub-committee meetings, two workshops, eight seminars, and five forums.

Another indicator of local commitment to human rights implementation is the establishment of dedicated human rights bureaus. Effective human rights administration requires assigned staff and appropriate budgetary allocations; hence, a dedicated department is essential. Yet as shown in table 2, the establishment rate of such bureaus is extremely low. In 2015, only nine (14%) out of 63 basic local governments with human rights ordinances had dedicated human rights bureaus—two in Seoul and one in Gyeonggi, and none elsewhere.⁴ This suggests that many local governments enacted human rights ordinances but did not actively administer them (Kim et al. 2018, 237–246).

Even in 2023, when the number of basic local governments with human rights ordinances had increased to 117, only 12 (10.3%) had dedicated human rights bureaus. These were four each in Seoul and Gyeonggi, and one each in Inchon, Gwangju, Chung-Nam, and Jon-Buk. None existed in Gangwon, Chung-Buk, Jon-Nam, or the Yongnam region. Thus, although more local governments had ordinances, the overall establishment rate of dedicated bureaus had actually decreased.

Some ordinances also include provisions for human rights fact-finding surveys, basic human rights plans, human rights impact assessments, and ombudsperson systems. Seoul, Gwangju, and some basic local governments in Gyeonggi-do have established ombudspersons to prevent human rights violations and remedy victims (Kim et al. 2018, 246–250). Some local governments—such as Songbuk-gu in Seoul—have introduced various measures to strengthen human rights administration (Kang 2013). However, in most places, systems and bodies designed for substantial human rights implementation have been slow to take shape. Many ordinances use permissive “may” clauses rather than mandatory “shall” clauses for such institutions, thereby weakening their enforceability.

While an increasing number of metropolitan governments have adopted basic human rights plans, it is often unclear whether these plans are being implemented. Implementing such plans requires periodic human rights surveys, regular monitoring and evaluation of human rights projects, and follow-up measures to improve policies, but outside of Seoul, Gwangju, and Gyeonggi-do, the actual situation is largely unknown.

In sum, although the enactment and implementation of human rights ordinances are crucial for protecting and promoting human rights in local communities, the actual performance

4 All five basic local governments in Gwangju were found to have dedicated staff, but since it was unclear whether they had fully fledged bureaus, they were excluded from this count.

varies greatly across local governments. The status of human rights committees and dedicated bureaus—core elements of these ordinances—shows persistent and significant disparities between urban and rural areas and among regions. The Seoul metropolitan area, Chung-Nam, and the Honam region, which have relatively high enactment rates, also tend to show higher levels of implementation, while the Yongnam region, Gangwon, and Chung-Buk, which lag in enactment, also lag in implementation.

FACTORS HINDERING THE ESTABLISHMENT OF LOCAL HUMAN RIGHTS PROTECTION SYSTEMS

There are three interrelated factors behind the disparities in the implementation of human rights ordinances and the ineffective establishment of rights protection systems at the local level. First, there is no national statute that serves as a direct legal basis for these ordinances. Second, decisions have often been made by majority vote despite significant differences in the awareness of human rights. Third, there is no solid social consensus on building local human rights protection systems. In what follows, I examine these factors that hinder the construction of local human rights protection regimes.

Absence of a Human Rights Law

Metropolitan and basic local governments, as well as metropolitan education offices, carry out administrative tasks pursuant to ordinances. As local regulations, human rights ordinances can be proposed by local government heads, local councils, or residents, and enacted by local council resolutions. Most ordinances are based on upper-level national statutes, but many are enacted autonomously even in the absence of such statutes. Human rights ordinances fall into the latter category.

Human rights ordinances are local regulations concerning human rights administration, enacted to protect and promote the human rights of local residents. Had they been based on upper-level statutes, local councils would not have been able to abolish them so easily. In the absence of such statutes, however, local councilors make their own decisions, influenced by their parties' political stances and local political dynamics. As a result, the development of local human rights protection systems through the enactment of ordinances has reflected local characteristics, and nationwide progress has not been uniform.

That said, the absence of upper-level statutes is not, in itself, a decisive factor in non-enactment or abolition. In 2012, the NHRCK recommended that local governments enact basic

human rights ordinances to protect and promote the human rights of community members, on the basis of the ROK Constitution, statutes, and human rights norms (NHRCK 2023c). Article 10 of the Constitution states that “All citizens shall be assured of human dignity and worth and have the right to pursue happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals.” In other words, the protection of citizens’ human rights is clearly defined as a duty of the state. Various laws, including the Framework Act on Gender Equality, the Framework Act on Social Security, the Act on the Prohibition of Discrimination against Persons with Disabilities and Remedy against Infringement of their Rights, and the Mental Health Act, have set out the obligations of state and local governments with regard to the protection and promotion of human rights. Local governments can enact ordinances to protect and promote residents’ human rights on the basis of such statutes (NHRCK 2004). Social norms and values emphasizing the universality of human rights also provide a basis for local human rights ordinances.

The NHRCK’s 2012 recommendation was supported by earlier pioneering efforts by civic groups and local governments promoting human rights ordinances. Beginning in 2006, civic groups in the city of Jinju in Gyeong-Nam Province campaigned for a human rights ordinance (Kim 2007; 2011), and in November 2009, Gwangju Metropolitan City revised its Ordinance for the Fostering of a City of Democracy, Human Rights, and Peace, effectively implementing a human rights ordinance (Kim 2015; 2016). As more local governments across the country enacted human rights ordinances, public interest in them grew rapidly (Kim 2016).

Before 2012, only nine local governments had human rights ordinances; after the NHRCK’s recommendation, the number increased explosively: 20 new enactments in 2012, 32 in 2013, six in 2014, 15 in 2015, and 17 in 2016. By 2017, a total of 102 local governments (16 metropolitan and 86 basic) had ordinances. All 17 metropolitan governments had human rights ordinances by 2019, and among 226 basic local governments, 113 (50%) had ordinances by December 2022, 117 (52%) by April 2023, and 123 (54%) by July 2024. Despite the absence of upper-level statutes, the steady increase in human rights ordinances reflects both the development of local autonomy and the vigorous human rights advocacy of civic groups.

However, because the NHRCK’s recommendations are not legally binding, the absence of upper-level statutes has contributed to slow progress. Among metropolitan governments, it took 10 years from Gwangju’s first enactment in 2009 until Inchon’s enactment in 2019, and there were twists and turns along the way, such as the abolition and re-enactment of the Chung-Nam ordinance. Among basic local governments, it took 14 years from the first

ordinance (Haeundae-gu, Busan, in 2010) until more than half of local governments had ordinances in 2024. If there had been national legislation mandating local governments to protect and promote human rights, local governments would likely have acted more proactively, regional disparities would have been smaller, and progress would have been faster.

The need for national legislation to protect and promote human rights has long been discussed, but conflicts over such legislation and political hesitation have impeded progress. The most notable case is the Anti-Discrimination Act (Hong 2013; Lee 2014). In 2007, the Roh Moo-hyun administration, responding to longstanding demands from domestic and international human rights groups and scholars, announced its intention to enact an anti-discrimination law. Article 11 of the Constitution prohibits discrimination based on sex, religion, or social status,⁵ and human rights groups have continuously called for anti-discrimination legislation.

The international community had also recommended the enactment of a comprehensive anti-discrimination law for some 20 years. Nonetheless, the government's legislative proposal was withdrawn amid strong opposition from some Christian organizations and conservative forces, without even being deliberated in the National Assembly, and it was terminated at the end of the session.

Subsequent attempts to legislate the Anti-Discrimination Act through bills introduced by members of the National Assembly or recommended by the NHRCK were repeatedly blocked by organized opposition from conservative groups, especially Christian organizations. The failure of the legislature reflects the passive stance of lawmakers from both major parties, the Democratic Party of Korea and the People Power Party, which hold the vast majority of seats. Many legislators treated the term "Anti-Discrimination Act" as if it were taboo. In each parliamentary term, bills calling for such legislation were introduced but never even deliberated, and they repeatedly were terminated at the end of the session.

There have also been attempts to legislate for student human rights. In 2006, a bill to amend the Elementary and Secondary Education Act was introduced to prohibit corporal punishment, guarantee freedoms related to hairstyle and clothing, and ban forced after-school self-study, among other reforms aimed at improving student rights. Later, bills such as the Youth

5 Constitution of the Republic of Korea, October 29, 1987, art. 11(1): "All citizens shall be equal before the law. There shall be no discrimination in political, economic, social, or cultural life on account of sex, religion, or social status."

Human Rights Act were also proposed. In 2024, amid attempts in Chung-Nam to abolish the student human rights ordinance, opposition members of the provincial council from the DPK submitted a resolution calling for a Student Human Rights Act, arguing that a binding statute was needed to ensure universal student rights and consistent implementation (Kang 2024). None of these initiatives has yet resulted in enacted legislation.

Thus, despite continuous social demands for anti-discrimination laws and youth/student human rights laws, they have not been enacted due to the narrow human rights perspectives of conservative groups and the cautious, election-conscious hesitation of lawmakers. Considering this social atmosphere and the political landscape dominated by the two major parties, a statute supporting fundamental human rights or an anti-discrimination act is unlikely to be enacted in the near future. Even the NHRCK, which had previously pushed for an anti-discrimination act, has recently shown little meaningful movement on the issue. In 2024, the chairperson of the NHRCK—appointed by the president affiliated with the PPP—publicly made statements expressing hostility toward homosexuality and opposing an anti-discrimination act. In the absence of upper-level legislation governing human rights ordinances, local governments have greater responsibilities and discretionary powers to enact and implement measures to improve residents' human rights. Therefore, regional disparities in human rights protection are unlikely to diminish in the near future.

Divergent Understandings of Human Rights

The universality and inalienability of human rights are key principles that guide the implementation of human rights norms. Efforts to build local human rights protection systems aim to create communities that respect human rights and to protect and promote residents' rights. The spread of human rights awareness and the development of local human rights protection systems can drive local governments' human rights policies and programs.

However, as seen in the conflicts over the enactment, abolition, and implementation of human rights ordinances and in the regional disparities discussed above, the understanding of human rights and the will to build protection systems vary widely among local actors, especially local government heads and council members. Not all local governments treat human rights implementation as a top priority for local development. Heads of local governments and council members adopt different approaches to human rights depending on their parties' political orientations and the local political environment.

While the absence of upper-level statutes affects all local governments equally, differences in human rights awareness and political will, coupled with local social and political conditions, produce regional disparities in human rights implementation.

Let us first consider how differences in human rights awareness affect local human rights implementation. Members of the two major parties—the DPK and the PPP—have clashed sharply over the enactment and implementation of human rights ordinances. DPK council members tend to see human rights ordinances as necessary to protect and promote residents' rights and therefore actively support enactment. They often collaborate with progressive civic and human rights groups in this effort.

In contrast, council members from the conservative PPP tend to view human rights ordinances as vehicles for progressive civic and human rights organizations to introduce their ideological agendas. They argue that these ordinances are being enacted without sufficient social consensus, causing conflict and amplifying political controversy. In cooperation with conservative groups, particularly Christian organizations, they oppose the enactment of human rights ordinances and sometimes push for the abolition of existing ordinances.

Opponents of human rights ordinances often highlight anti-discrimination clauses related to sexual orientation and gender identity, arguing that such provisions condone sexual minorities and promote homosexuality. Working with conservative Christian and other groups, they have organized opposition campaigns and disrupted local human rights-related events and meetings. As a result, public hearings and forums aimed at enacting human rights ordinances, as well as other human rights-related events, have often been marred by conflict. A well-known example is the failure of the Seoul Metropolitan Government's ambitious "Seoul Citizens' Human Rights Charter" initiative in 2014, which collapsed after organized opposition over sexual minority rights (Mun and Hong 2015).

In short, groups supporting and opposing human rights ordinances hold sharply different understandings of human rights, and these differences are reflected among local council members. Council members' positions on human rights often align with their parties' political orientations, creating partisan divides not only over the enactment of ordinances but also over the direction and methods of human rights implementation.

These partisan understandings are reflected in the actions of local governments and council members. Local leaders and councilors from the conservative PPP, in particular, have opposed human rights ordinances by focusing on provisions related to the prohibition of

discrimination against sexual minorities. Based on narrow conceptions of human rights centered on sexual minority issues, they have obstructed the implementation of existing ordinances, attempted to neutralize them, and sought to derail or weaken human rights policies and programs. Such patterns are especially evident in basic local governments in the Yongnam region, Gangwon, and Chung-Buk—areas dominated by PPP leaders and council majorities. In contrast, in local governments where Democratic Party leaders and council majorities are predominant, such as the Seoul metropolitan area, the Honam region, and Chung-Nam, human rights ordinances have been enacted and implemented relatively actively. Thus, the political orientation and human rights awareness of heads of local governments and council members strongly influence the approach to and level of commitment to building local human rights protection systems.

Conflicts over student human rights ordinances also reflect divergent understandings of human rights. These ordinances seek to expand student autonomy and protect rights by banning discrimination, corporal punishment, and coercive late-night self-study, among other measures. Opponents, however, tend to frame teachers' authority and students' rights as zero-sum, arguing that student human rights ordinances undermine school order. They claim that strengthening student rights will lead to violations of teachers' rights, a decline in teachers' authority, and a weakening of "teaching rights" (*gyogwon*). Some even argue that the ordinances will lower academic achievement, targeting them as the root cause of various problems in schools. As in the case of other human rights ordinances, some Christian groups have argued that provisions prohibiting discrimination based on sexual orientation promote homosexuality and would increase same-sex relationships among students.

Supporters of student human rights ordinances have refuted these claims point by point (NHRCK 2023a), but opponents' views have been slow to change. The sharp differences in the understanding of human rights between supporters and opponents have made it difficult for stakeholders to cooperate in addressing and improving the human rights issues affecting students and teachers. Political polarization also emerged as progressive superintendents of education (perceived as "progressive" for promoting student rights) and more conservative superintendents (emphasizing traditional teacher-centered order in schools) were pitted against one another.

These differences in human rights awareness, combined with the political orientation of local councils, have intensified conflicts over student human rights ordinances. Opponents have distorted the purpose and intent of the ordinances and mobilized resistance. In

particular, Christian organizations that frame human rights primarily through the lens of homosexuality have turned student human rights ordinances into contentious social issues, while PPP council members have pushed to abolish the ordinances in local councils.

Ultimately, the fate of student human rights ordinances has depended on the political stance of the majority party in metropolitan councils. Where DPK council members held a majority, student human rights ordinances have generally been maintained; where PPP members held a majority, such as in Gyeong-Nam, attempts to enact ordinances have failed, and in Chung-Nam and Seoul, existing ordinances have faced abolition efforts. In some cases, opponents have sought to replace student human rights ordinances with new ordinances that ostensibly emphasize the rights of all school stakeholders but, in practice, dilute student rights. For example, PPP members on the Seoul Metropolitan Council abolished the Student Human Rights Ordinance and enacted the Ordinance on the Rights and Responsibilities of School Members (서울특별시교육청 학교구성원의 권리와 책임에 관한 조례안), claiming that it balanced the responsibilities of students, teachers, and parents (Chae-bin Kim 2024).

Limited Understanding of Local Human Rights Protection Systems

Opponents of human rights ordinances often argue that there is no need for such ordinances at the local level, since the ROK Constitution and laws such as the NHRCK Act already provide legal guarantees for human rights. They contend that human rights ordinances lack effectiveness, waste administrative resources, and are enacted without sufficient public consultation, reflecting only the views of progressive minorities and sowing division among residents.

However, such criticisms ignore the purpose and function of human rights ordinances as local regulations for protecting and promoting residents' rights and offer little reflection on the need for local human rights protection systems. Behind these arguments lies a partisan approach that seeks to portray human rights ordinances as ideologically "progressive."

The ultimate goal of enacting and implementing human rights ordinances is to build human rights protection systems at the local level. Under a social consensus that local communities should be places where human rights are respected, such systems are meant to create mechanisms to protect and promote residents' rights (NHRCK 2022). Achieving this requires efforts by local stakeholders, particularly local governments and civil society organizations. In an environment marked by narrow conceptions of human rights and intense partisan

conflict, however, the construction of human rights protection systems has not been accompanied by a strong social consensus. As noted above, differences in human rights awareness have generated political conflict around the enactment and implementation of human rights ordinances, leaving little room for discussion about the aims and necessity of local human rights protection systems. In this way, a limited understanding of human rights and of the importance of local protection systems has hindered the enactment and implementation of ordinances and exacerbated conflict.

As noted, Article 10 of the ROK Constitution and various statutes—such as the Framework Act on Gender Equality, the Framework Act on Social Security, and the Act on the Prohibition of Discrimination against Persons with Disabilities and Remedy against Infringement of their Rights—define the protection and promotion of human rights as duties of the state and local governments. Protecting and promoting residents' rights is thus a core mission of local governments. The Local Autonomy Act also defines the pursuit of residents' welfare as a key responsibility of local governments, and human rights administration is directly related to this mandate. Local governments must therefore carry out human rights-related tasks under administrative regulations and, to do so effectively, must enact human rights ordinances as legal instruments and build local human rights protection systems as institutional frameworks.

The enactment and implementation of human rights ordinances as local regulations to protect and promote residents' rights, and the construction of local human rights protection systems, proceed in tandem. Local councils, which hold legislative authority, have a duty to enact human rights ordinances, while heads of local governments are responsible for implementing them. As with sectoral ordinances for specific groups such as students, women, persons with disabilities, migrant workers, youth, and the elderly (NHRCK 2024), local governments must enact comprehensive or basic human rights ordinances to protect and promote the rights of all residents and to implement human rights administration.

In the absence of upper-level statutes, however, the enactment and implementation of human rights ordinances are left to local governments' discretion. As local governments draft ordinances suited to their specific circumstances, patterns of enactment and implementation vary widely. Some local governments enact and implement such ordinances smoothly, while others delay or even abolish them.

These differences reflect the will and actions of local stakeholders. Local human rights conditions, the methods for building protection systems, and the content of ordinances

and implementation strategies should be discussed and shaped through consensus among local actors. Based on such consensus, local councils enact ordinances, and heads of local governments implement them. These processes of local consensus-building and policy formation serve both as guidelines for and driving forces behind the protection and promotion of residents' rights.

In reality, however, achieving social consensus on building human rights protection systems has not been easy, and conflicts and confrontations have often arisen during the enactment and implementation of human rights ordinances. Given the strong influence of local government heads and the alignment between the governing party in local councils and the ruling party in local politics, human rights ordinances have typically reflected the political orientation and human rights perspective of the ruling party. Opponents have criticized the enactment of human rights ordinances as being pursued without sufficient social consensus and as causing conflict among local residents.

In sum, reflection on the localization of human rights, exploration of ways to protect residents' rights, and debate on the nature and goals of local human rights protection systems—combined with social consensus—provide the foundation and driving force for the enactment and implementation of human rights ordinances. When such discussions are lacking due to narrow conceptions of human rights, conflicts can arise during the enactment and implementation processes, and ordinances may not be effectively implemented. This situation highlights the importance of local democracy, which ensures local residents' participation in building social consensus.

LOCAL DEMOCRACY AND THE PROMOTION OF HUMAN RIGHTS

Over the past two decades, efforts to build local human rights protection systems through the enactment and implementation of human rights ordinances have made significant progress. However, as we have seen, the absence of upper-level legislation, narrow conceptions of human rights, and weak social consensus around local human rights protection systems have collectively hindered the enactment and implementation of such ordinances. As a result, the status of human rights ordinances and the degree of human rights implementation vary markedly among local governments, with two main patterns: gaps between urban and rural areas and disparities among regions.

Among the regions where human rights ordinance enactment and implementation are relatively robust, we find Ulsan, Gyonggi-do, Chung-Nam, and the Honam region (Gwangju, Jon-Buk, and Jon-Nam). Among those where they lag, we find Inchon, Gangwon, Chung-Buk, and the Yongnam region (Daegu, Busan, Gyong-Buk, and Gyong-Nam).

Although the absence of upper-level statutes is a common factor, differences in human rights awareness and social consensus around human rights protection systems have emerged across regions, contributing to regional disparities. Regions with widespread narrow conceptions of human rights and weak consensus on human rights protection systems tend to have lower rates of human rights ordinance enactment. The enactment and implementation of ordinances appear to be closely linked to the political orientation of the parties that dominate local politics.

Specifically, local governments led by the DPK tend to have higher rates of enactment and better implementation. For instance, between 2013 and 2016, all 15 basic local governments in Chung-Nam enacted human rights ordinances during a period when the governor belonged to the DPK. Most basic local governments in the Honam region and in Gyonggi-do—with DPK mayors and council majorities—have also enacted ordinances.

In contrast, in the Yongnam region, Chung-Buk, and Gangwon—where heads of local governments and council majorities have generally belonged to the PPP—enactment rates have remained low. There are few examples in these regions of local leaders actively calling for the enactment and implementation of human rights ordinances. The 2018 abolition of the Chung-Nam Human Rights Ordinance and the 2024 abolition of student human rights ordinances in Seoul and Chung-Nam were all led by PPP council members. Since the PPP gained majorities in the Seoul and Yongnam regions in 2022, implementation of human rights ordinances has stalled in many local governments.

Heads of local governments and council members wield considerable influence over policymaking and program implementation. Local councils have the authority to oversee local governments and to deliberate and approve budgets. However, when the head of local government and the council majority belong to the same party, these checks and balances often fail. The same pattern is evident in the enactment and implementation of human rights ordinances. As seen in the 2018 abolition of the Chung-Nam Human Rights Ordinance and attempts to abolish student human rights ordinances in Seoul and Chung-Nam, tensions arise when the political orientation of the superintendent of education or the heads of local governments differs from that of the majority party in the council.

Thus, the process to build local human rights protection systems is heavily influenced by the political orientation and human rights awareness of the party that dominates local politics. In some cases, the conflict has been explicitly framed in ideological terms: for example, superintendents opposing the abolition of student human rights ordinances in Chung-Nam and Seoul have been labeled “progressives,” in contrast to “conservative superintendents” pushing for abolition. Political polarization along a progressive–conservative axis has thus permeated into debates over human rights issues, shaping social consensus and influencing the enactment and implementation of ordinances.

The primary beneficiaries of local human rights protection systems are social minorities, but ultimately, all residents stand to gain. As such, residents—especially those directly affected—should be able to participate in the enactment and implementation of human rights ordinances and in the broader process of building local human rights protection systems. This highlights the close relationship between the development of local democracy and the promotion of human rights.

Since local autonomy was introduced in 1995, heads of local governments and council members have been elected directly by residents.⁶ However, institutional arrangements for resident participation and their actual operation remain insufficient, and deficits in local democracy persist (Ha 2007). Resident participation in discussions of local issues and policy agendas is often inadequate. This suggests that a closer examination of the relationship between regional disparities in human rights protection systems and the state of local democracy could be useful.

Historically, human rights and democracy have developed together. In general, the advancement of democracy has contributed to the implementation of human rights, and the expansion of human rights has reinforced democracy (Kim 2001; 2017; Cho 2007; 2016). Freedoms of expression, the press, assembly, and political participation have been essential for democratic development, and social consensus has been central to both democracy and human rights protection. Human rights guarantees have served as key mechanisms for democratic development, while democracy has provided conditions conducive to human rights promotion (Donnelly 1999; Kim 2016: 87–93; 2017).

6 The framework for local self-governance was restored in the 1987 Constitution, but local elections were not implemented until 1995.

At the same time, the implementation of democracy and human rights can vary across social conditions and historical contexts, and there are even tensions between them (Kim 2017; Shin 2023). First, they have different emphases: democracy stresses decision-making procedures and the rights of members in making independent choices, while human rights emphasize the realization of human dignity and the need for universal and equal treatment.

Second, they differ in the nature of their primary beneficiaries. Although both democracy and human rights ultimately benefit all members of society, threats to democracy are often perceived as affecting the entire population, whereas human rights violations are seen as particularly affecting vulnerable and minority groups. As a result, democratic crises tend to attract broad social attention, while human rights issues may be seen as relevant primarily to those directly affected or to those who support them.

Third, their means of practice differ. Today, representative democracy—based on delegated authority—is the dominant form of democratic governance, and many decisions are made by majority vote. This majoritarian principle can be structurally weak in protecting the rights and interests of minorities. To address this, it is necessary to prioritize human rights values and norms, establish social consensus on protecting the human rights of vulnerable minority groups, and create legal and institutional frameworks to that end.

Fourth, their trajectories and content differ. Democracy emphasizes conflict resolution, coexistence, and institutional checks and balances; in contrast, human rights emphasize the protection and promotion of human dignity, with particular attention to vulnerable and minority groups, who are more likely to experience violations of or threats to human rights.

Fifth, their focus differs. Democracy often emphasizes formal procedures and equality in participation, while human rights highlight substantive values related to dignity and welfare.

Despite these differences, democracy and human rights are mutually reinforcing and share a commitment to equality and respect for human beings. Erosion of democracy threatens human rights, and the breakdown of human rights protections undermines social stability and can ultimately threaten democracy. Both are essential to enhancing society's overall quality and stability.

These dynamics can also be observed at the local level. The enactment of human rights ordinances and the establishment of local human rights protection systems are crucial for protecting residents' rights and interests, but such systems cannot develop if elected local

leaders fail to act. As the tensions between democracy and human rights suggest, there is no guarantee that representatives elected through democratic procedures will protect and promote all human rights. Merely having formal local democratic institutions does not ensure the development of rights-protection mechanisms. Where human rights protection systems are weak, residents cannot expect meaningful improvements in their rights; where residents' rights are inadequately protected, they may have little voice in the system at all. If local governments and council members ignore human rights values and norms, neglect human rights policies and programs, and fail to act to promote residents' rights, then the goals, functions, and performance of local democracy may come into question.

The long-term dominance of a single party in some regions can threaten local democratic institutions, as it enables the monopolization of political power and undermines genuine local autonomy. To address this, various measures are needed to reduce the influence of central party politics and strengthen resident participation (Kang Won-taek 2014; KPSA 2018).

If the ruling local party fails to promote residents' rights, it will be challenging to improve human rights conditions, and a lack of political will may worsen rights violations. Without the development of local democracy, human rights issues may remain low on the agenda of ruling elites. Where there is little room for countervailing forces to challenge power, institutional reforms to protect residents' rights are unlikely. These patterns can be observed in regions where local elites hinder or respond passively to human rights protection systems. What is needed are mechanisms to induce local power holders to act in the interest of residents' rights—essentially, local democracy must function in ways that advance human rights and local protection systems.

EXPLORING MEASURES TO BUILD LOCAL HUMAN RIGHTS PROTECTION SYSTEMS

Heads of local governments and council members are elected by residents, including those who lead the abolition of human rights ordinances or who take a passive stance on human rights implementation. As discussed earlier, some local leaders and council members have shown little interest in enacting human rights ordinances or in building local protection systems, and in some cases have actively opposed such efforts. Regardless of their personal beliefs, they have frequently acted in line with their parties' political stances, often adopting a narrow perspective that focuses on sexual minority issues while ignoring the broader

dimensions of human rights. Depending on their parties' political calculations, they may selectively support or oppose human rights policies and programs.

Their actions are not driven by indifference to future elections; instead, they often appear to believe that opposing human rights initiatives will help them win votes. They may judge that their core supporters—especially conservative groups that shape local public opinion, including those who oppose human rights norms or same-sex relationships—are against human rights ordinances and that their own positions should reflect these views. They may believe that restricting human rights is more likely to earn them praise for maintaining social order than criticism for causing rights regressions.

Residents also tend to make decisions based on localistic or collectivist perspectives, and regionalism sometimes exerts a powerful influence on local elections (Yun and Park et al. 2019). Human rights may not be key election issues, but the parties that win local elections can significantly reshape human rights policy through partisan lenses. In the 2018 and 2022 local elections, although human rights were not the core issue, the results had major implications for human rights policies. Regressions in human rights policies were observed in those regions, particularly after the PPP won majorities in many local governments in 2022.

These patterns among both elected representatives and residents raise questions about the relationship between residents' human rights awareness and local democracy. Some argue that local leaders' behavior reflects residents' understanding of human rights: leaders respond to residents' preferences and may pander to social hostility toward specific human rights issues. Election winners may selectively implement human rights policies for partisan reasons.

Local leaders and council members who oppose human rights ordinances often do not support human rights protection. Some may even see the expansion of human rights as contrary to their political interests, viewing the costs of human rights protection as hindrances to social development and approaching human rights initiatives based on political gain or loss.

In this context, it is essential to assess candidates' human rights awareness and their visions for protecting and promoting human rights during election campaigns. In addition to campaign statements—which may be merely opportunistic—voters should also consider candidates' past behavior and views. Two conditions are necessary for this to happen.

First, free debate and information sharing about candidates' pledges and policies must be ensured. This requires the development of local democracy—freedom of the press and access to information, as well as freedoms of expression, assembly, and association. Evaluating candidates' human rights awareness and policy visions will thus depend on local democratic conditions.

Second, residents must be able to assess candidates' human rights sensitivity and their capacity and willingness to promote human rights policies and programs. This requires voters to view human rights protection as a core norm and priority for their communities. If residents consider human rights protection a key criterion in selecting leaders, candidates will respond by developing human rights-friendly pledges and policies; when such candidates are elected, local human rights protection systems can move forward. Ultimately, residents themselves stand to benefit the most.

Of course, local residents are diverse in their backgrounds and political orientations, and their human rights awareness and criteria for selecting leaders vary. It is thus not easy to ensure that human rights norms and values are universally accepted as top priorities for their action. For this reason, human rights education and the diffusion of human rights culture are necessary, so that residents can better understand human rights norms and the concept of a human rights-based community. Such efforts can influence how voters choose candidates and increase the likelihood of electing human rights-friendly leaders. If local leaders and council members prioritize human rights administration, building local protection systems will become much easier.

In short, as residents come to respect human rights norms and values and as human rights culture spreads, candidates will respond accordingly, human rights-friendly leaders will be elected, and the prospects for building local human rights protection systems will improve. The establishment of human rights norms and values, the diffusion of human rights culture, the election of human rights-friendly representatives, and the construction of local protection systems are mutually reinforcing in a virtuous cycle. The key to this cycle is the realization of local democracy and the active role of local civil society (Ha 2007).

Social consensus on promoting local human rights will develop through local democracy. As local democracy expands participation by residents, civic groups, human rights organizations, and directly affected populations, their views can be more fully reflected in local decision-making. Local governments and councils that respect such a consensus will be more likely to pursue human rights-friendly policies.

Thus, the development of local democracy—where residents are treated as active agents and their participation is institutionally guaranteed—provides crucial momentum for building institutional frameworks for human rights protection. As human rights awareness spreads and local democracy grows, human rights-friendly leaders and council members can be elected, and greater emphasis can be placed on residents' rights. As local human rights protection systems take root, residents will directly benefit.

The close relationship between residents' human rights and local democracy can be further strengthened through two measures. First, local human rights regimes must be established. If principles, norms, rules, and institutions for protecting and promoting residents' rights are firmly institutionalized at the local level, human rights can become the highest value and norm in local governance. This will help overcome narrow conceptions of human rights and spread a robust human rights culture. As human rights awareness and sensitivity increase and as protection for vulnerable minority groups is strengthened, human rights policies and programs can be implemented without partisan distortion.

Second, the development of local democracy and the building of human rights protection systems must happen simultaneously. As mentioned earlier, local democracy and human rights have a close and complex relationship. Even when formal democratic processes are in place, some local leaders and council members ignore or block efforts to protect and promote human rights. There is a perception that human rights issues do not significantly affect election outcomes and that residents pay little attention to candidates' awareness of human rights or their efforts to uphold them.

However, in the 2010 local elections in Jinju and the 2018 local elections in Chung-Nam, many council members who had obstructed human rights ordinances failed to be re-elected (Kim 2016). While multiple factors undoubtedly contributed to these defeats, it is unlikely that residents completely ignored their actions. As such cases accumulate, candidates will be less likely to disregard human rights issues.

When democracy is undermined, human rights are seriously threatened. If human rights issues are ignored in elections—often called the “flower of democracy”—social concern for human rights is likely to diminish. It is therefore necessary to raise awareness of human rights issues, including the enactment of ordinances, the construction of protection systems, and remedies for violations. If human rights become election issues, candidates will pay more attention, and residents will consider them in voting. Evaluating candidates and parties from a human rights perspective, examining their manifestos and platforms, and

monitoring and disseminating information about their post-election policies and programs will help ensure that human rights remain an ongoing concern.

There is a perception that residents show limited interest in local human rights issues, even as minority groups continue to demand improvements and express frustration with inadequate responses from local political authorities. One way to overcome this is through solidarity activities among diverse actors—civil society organizations, human rights groups, and affected communities. If their efforts to raise human rights issues influence election agendas, party manifestos, and policy programs, local democracy and human rights implementation can advance together. Local democracy will increase the chances of success for such solidarity activities.

Two specific tasks emerge for advancing local democracy and the implementation of human rights. First, resident participation must be ensured broadly in human rights protection systems. As discussed earlier, human rights committees mandated by local government ordinances are meant to be bodies where members with diverse backgrounds deliberate on local human rights issues. If these committees are operated as originally intended—on the basis of diversity and independence—they can accelerate the promotion of human rights. Rather than functioning as mere rubber-stamp bodies composed of members appointed by local government heads, they should be inclusive institutions in which various groups participate, including minority groups, civic organizations, and representatives recommended by local councils. As governance bodies tasked with human rights, such committees can encourage cooperation between local governments and civil society and facilitate civil participation in resolving human rights issues.

Second, dedicated bureaus must be established to manage human rights policies and programs. Such departments can formulate and implement basic human rights plans, conduct surveys, carry out human rights impact assessments, and operate ombudsperson systems. By doing so, they can lead human rights administration and help diffuse rights-based approaches throughout local governance.

CONCLUSION

This paper examines the development of local human rights in Korea over the past 20 years and explores measures to promote them. Overall, human rights activities at the local level have become more robust, and the creation of local protection systems—including the

enactment of human rights ordinances—has progressed significantly. At the same time, substantial disparities remain between urban and rural areas and among regions in the enactment and implementation of such ordinances. These disparities reflect not only the absence of upper-level statutes but also narrow understandings of human rights and limited appreciation of local protection systems. The human rights awareness and partisan behavior of local leaders and council members in ruling parties have played a particularly important role.

Local governments' human rights policies and programs are key components of local human rights implementation. The enactment of human rights ordinances and the establishment of local protection systems depend on the will and actions of local leaders and council members. These leaders should be committed to advancing human rights for their local residents. However, as we have seen in regions where enactment and implementation lag, local leaders do not always actively support human rights, strongly suggesting they may lack the will to implement them.

The paper highlights the close relationship among resident participation, local democracy, and human rights promotion. Local democracy, which guarantees resident participation, is critical to advancing the implementation of local human rights. To build local human rights protection systems, it is necessary to elect human rights-friendly local leaders and council members through democratic processes. This requires examining candidates' human rights awareness, manifestos, and policies; ensuring free discussion and information sharing; and fostering residents' capacity to select candidates based on their commitment to human rights. All of these tasks are closely tied to the development of local democracy.

Given the intimate interrelationship between human rights promotion through local human rights protection systems and the development of local democracy, it is essential to establish local human rights regimes and to advance democratization and human rights protections in tandem.

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Stanford

Walter H. Shorenstein
Asia-Pacific Research Center
Freeman Spogli Institute

Shorenstein Asia-Pacific Research Center
616 Jane Stanford Way E301
Stanford, CA 94305-6055
650.723.9741 | aparc.stanford.edu