



INTERNATIONAL COORDINATING COMMITTEE OF
NATIONAL INSTITUTIONS FOR THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS (ICC)
Office of the ICC Chairperson
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March 20, 2009

Yu Myung-hwan
Minister of Foreign Affairs and Trade
37 Sejongno (Doryeom-dong)
Jongno-gu, Seoul 110-787
Republic of Korea

Dear Minister:

I am writing to you in my capacity as Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). The ICC is the international representative body of National Human Rights Institutions. We work in close cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

I wish to express my deep concern regarding the plan of the Republic of Korea's Ministry of Public Administration and Security (MOPAS) to make significant reductions in the personnel and operations of the National Human Rights Commission of Korea (NHRCK). I am advised that, if implemented, the proposed measures will severely limit the ability of the Commission to function as an independent and effective national human rights institution.

The NHRCK received "A status" accreditation by the ICC in 2004, a status which reflects full compliance with the Paris Principles, the internationally accepted standards for national human rights institutions (NHRIs) as endorsed by the United Nations in 1993. One of the key criteria of the Paris Principles is the independence of the NHRI from the Government, both in terms of execution of its tasks as well as financial independence. Implementation of the Government plans necessarily implies sudden changes to the organizational structure, human resources management and budget of the NHRCK, directly affecting its independence and effectiveness.

As you may know, the NHRCK has proven itself to be a respected leader of all NHRIs around the world. It is a highly regarded and central NHRI, and a model for other countries to follow at the national, regional and international levels. It is a member of the Asia-Pacific Forum of NHRIs. It serves as Vice-Chair of the ICC and in that capacity is expected to be nominated for the position of ICC Chair. This position would be for a three-year term commencing in 2010.

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Implementation of the proposal must necessarily have a direct negative impact on the functioning of the NHRCK within the APF and within the ICC, and thus affect its credibility nationally and internationally. It also exposes NHRCK to the possibility of being subject to a review of its "A status" accreditation with the ICC. Such an event would disentitle the NHRCK from being elected as Chair of the ICC in 2010. In this context, I understand, the UN High Commissioner for Human Rights has expressed her deep concern regarding the NHRCK, and human rights experts and NGOs, at the national and international levels, are concerned about the negative consequences of the plan.

At the review of the status of the NHRCK in November 2008, the ICC Sub-Committee on Accreditation (SCA) noted that the NHRCK does not enjoy complete functional autonomy from the Government as an independent institution, which is in contrast to independent institutions entrenched in the Constitution. The SCA bases its concern, inter alia, on the fact that the structure of the NHRCK is stipulated in a Presidential Decree, unlike the constitutionally entrenched institutions in Korea.

As Chairperson of the ICC, I therefore urge the Government of the Republic of Korea to reconsider its plans to reduce the organizational structure of the NHRCK and to ensure that the continued independence and effectiveness of the NHRCK is maintained.

Please accept the assurances of my highest consideration.

Yours sincerely,

Jennifer Lynch, Q.C.
ICC Chairperson

cc: Dalgon Lee, Minister of Public Administration and Security
Professor Ahn, Kyong-Whan, Chairperson, National Human Rights Commission of Korea