

Urgent Appeal to the International Coordinating Committee of National Institutions for Human Rights by the NGO's Collaborative Action to Put the National Human Rights Commission of Korea in its Place (NHRCK Watch)

Rosalyn J. Noonan
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International Coordinating Committee (ICC)
Office of the High Commissioner for Human Rights
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c.c.

Navanethem Pillay, UN High Commissioner for Human Rights
Mr Kieren Fitzpatrick, Director, Asia Pacific Forum of NHRIs

South Korean human rights defenders call for resignation of Mr. Byung-Chul HYUN, current chairperson of the National Human Rights Commission of Korea (NHRCK)

Dear Ms Rosalyn J. Noonan,

November 18, 2010

We, NGO's Collaborative Action to put the National Human Rights Commission of Korea in its place(NHRCK Watch) composed of 87 human rights NGOs in Korea, are writing to bring your attention to the ongoing campaign asking for resignation of Mr Byung-Chul HYUN, current Chair of the NHRCK in relation to the recent organizational crisis of the NHRCK which was due to a series of resignations by a few Commissioners. This appeal is made on behalf of NGO's Urgent Coalition Calling for Resignation of Mr. Hyun, the Chairperson of the NHRCK which was established by 223 human rights NGOs in November 4, 2010 to address the emergency situation.

As stated in our letter delivered to you on October 9 in Edinburg during the 10th International Conference of National Human Rights Institutions, we have been raising concerns on the National Human Rights Commission of Korea (NHRCK) to international human rights community including the United Nations human rights bodies and the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC). Recently, the NHRCK cannot perform its mandates properly since the South Korean government has been damaging its independence.

The current Government has been criticised nationally and internationally as it harms independence of the NHRCK. It reduced 21% of the NHRCK staffs in April 2009 and appointed Mr. Byung-chul Hyun, who does not have sufficient backgrounds on human rights, as the new chairperson of the NHRCK. Since his

appointment, Mr. Hyun has been silent on human rights violations committed by the Government. Also, he has been criticized by the commissioners since he operates the NHRCK undemocratically. For instance, when Mr. Frank La Rue, the UN Special Rapporteur on freedom of opinion and expression, was not allowed to meet with members of the standing committee during his official visit, the Chairperson refused it with no ground reasons and only had an interview exclusively by himself. Mr. La Rue officially expressed his regrets on this matter during his press conference after his official visit.

Recently, on 25 October, the NHRCK has tried to amend its managerial regulations in order to strengthen power of the chairperson. As a result, Mr. Nam-Young Yoo and Ms. Kyung-Ran Moon, members of the standing committee, resigned from the position while criticising undemocratic policy of Mr. Hyun and concerning independence of the NHRCK.

Korean Human rights activists gravely concern about the current situation of the NHRCK. [We have continuously pointed out that our government's commitment to human rights is under threat; in particular, freedom of expression and social rights for vulnerable people. However, the NHRCK has not taken appropriate actions for the promotion and protection of human rights since 2009.](#) As long as Mr. Byung-chul Hyun remains as the chairperson of the NHRCK, the independence of the NHRCK cannot be secured. In this regards, we, together with academics, legal professionals, labour organisations, and women's rights organisations, strongly urge resignation of Mr. Byung-chul Hyun. Korean civil societies are taking common actions requesting Mr. Hyun's resignation, under the title "Crisis of the NHRCK is the crisis of human rights". In addition, some members of the Parliament also joined our cause.

One of the reasons of the setback of the NHRCK is the current Government's policy on the NHRCK that hinders its independence. Also, there is no proper mechanism on the appointment procedure of the Chairperson. In South Korea, the President can appoint the Chairperson of the NHRCK without any proper standard of qualification. In 2009, the ICC also pointed out that the lack of transparent procedure and non-existence of standards of qualifications while appointing the Chairperson are critical institutional flaws of the NHRCK.

As stated by the Paris Principles, the NHRCK shall cooperate with civil societies and have a transparent process while appointing its chairperson. However, this process is not prescribed in the National Human Rights Commission Act of the Republic of Korea. Consequently, the competence of the Chairperson of the NHRCK can be decided according to the appointee's perspective on human rights. Also, the current Chairperson does not qualify under the Article 5 of the National Human Rights Commission Act which clearly mentions "the chairperson shall have knowledge and experience in human rights".

Therefore, we call for your urgent intervention by sending a team of fact-finding mission to investigate the situation which we have described.

We would also like to ask you to send a letter addressed to the Korean government regarding the disregard of the recommendations by ICC Sub-Committee on Accreditation issued on November 17, 2008 which states that "the Sub-Committee refers to General Observations 2.1 "Ensuring pluralism" and 2.2 "Selection and appointment of the governing body" and encourages the adoption of procedures that ensure a broad and transparent appointment process. This should be done through public advertisement and a broad consultation procedure".

Yours Sincerely,

Myungsook

Coordinator of the NGO's Collaborative Action to Put the NHRCK in its Place (NHRCK-Watch)

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<Annex>

Major cases under the current Chairperson of the NHRCK on human rights violation cases

1. Rejected stating the NHRCK's position on *PD Diary* case which is about defamation and freedom of expression
2. Rejected expressing the NHRCK's position on Lawyer Won-sun Park's case, which is about defamation against the state case
3. Arbitrarily closed the Plenary meeting while discussing about forced eviction cases in Yongsan, South Korea
4. Decided not to investigate on illegal surveillance of civilian by the Government
5. Rejected a joint meeting with the members of Standing Committee and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

* In relation to the abovementioned case one and two, the court found the producers of *PD Diary* and Lawyer Won-sun Park is not guilty. This clearly shows that the human rights standard of the NHRCK is deficient.