



ANNI Press Statement: 16 July 2012

South Korea: Civil society's concerns over re-appointment of Hyun Byung-Chul as NHRCK Chair
Process must include broad and inclusive consultations, including with civil society

The Asian NGO Network on National Human Rights Institutions (ANNI) expresses its concerns over the announcement of the Presidential Office on the re-appointment of the current National Human Rights Commission of Korea (NHRCK) Chair, Hyun Byung-Chul, for another term. The re-appointment is set to go through a hearing at the National Assembly on 16 July 2012. This announcement has been met with criticisms from human rights defenders, especially from South Korean civil society, due to the highly questionable track record of Hyun during his first term.

ANNI also registers its concerns over the current appointment process of the NHRCK Chair, and echoes South Korean civil society's repeated calls for the institutionalisation of civil society's right to participate in reviewing nominees for the commission. We note that the Sub-Committee on Accreditation of the International Coordinating Committee of National Human Rights Institutions (ICC-SCA) had in 2008 recommended that the appointment process of the NHRCK should "ensure a broad and transparent appointment process [...] through public advertisement and a broad consultation procedure".¹

A major concern of civil society regarding the NHRCK Chairperson Hyun Byung-Chul is his lack of knowledge and experience in the field of human rights, and his questionable track record since his appointment by President Lee Myung-Bak in 2009.

Among others, under Hyun's leadership, the NHRCK has refused to take positions on human rights and act on violations committed by the government on numerous occasions, notably on "politically sensitive" issues, including the prohibition of demonstrations after sunset under Article 10 of the Assemblies and Demonstrations Act, as well as the defamation suit filed by the National Intelligence Service against human rights lawyer Park Won-soon. Concerns over the Hyun-led NHRCK's failure to protect human rights in "politically sensitive" cases was also raised by the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, in his report to the UN Human Rights Council on his mission to South Korea in 2010.²

NHRCK's failure to fulfil its mandate to protect human rights in such cases has seriously undermined the credibility of the Commission and led to perceptions of its lack of independence from the government. Further strengthening this perception was Hyun's statement during a hearing at the National Assembly in September 2009 that the Commission belongs to the Executive branch.³

¹ International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, Report and Recommendations of the Session of the Sub-Committee on Accreditation, Geneva, 3-6 November 2008 (p. 10), http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/2008_November%20SCA%20Report.pdf

² Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Addendum: Mission to Korea, 11 May 2011, AHRC/17/27/Add.2.

³ See ANNI's Letter to Mr. Hyun Byung-chul, NHRCK Chairman, 6 October 2009, http://archive.forum-asia.org/news/in_the_news/pdfs/2009/Letter%20to%20NHRCK_5%20October%202009_FINAL.pdf; and ANNI's Letter to Ms. Jeniffer Lynch, Chairperson of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, 7 October 2009, http://archive.forum-asia.org/news/in_the_news/pdfs/2009/Letter%20to%20ICC%20Chairperson_NHRCK%20issue_FINAL.pdf



The lack of credibility of Hyun as the NHRCK Chair – even within the Commission itself – was publicly demonstrated in November 2010, when three Commissioners resigned, followed by 61 members of NHRCK special committees, apparently in protest of the questionable positions taken by the Hyun-led NHRCK and the manner in which Hyun has managed the Commission.

Furthermore, in July 2011, Hyun took disciplinary action against 11 employees who staged separate one-person demonstrations to protest cases of unfair dismissals. This was despite the fact that one-person demonstrations are permitted under Korean laws. Even more ironic is that not only has the NHRCK under Hyun's leadership failed to carry out its mandate to protect human rights on numerous occasions, it has also actively violated fundamental human rights of its employees.

It is indeed regretful that the NHRCK, which was once regarded as one of the best NHRIs in the region, has now become one whose reputation is in serious jeopardy both domestically and internationally. This underlines the importance of a truly broad, inclusive and transparent selection process to ensure that the most suitable candidate is chosen to lead the Commission.

ANNI thus urges the National Assembly to take into serious consideration these concerns of civil society in view of the scheduled hearing on the re-appointment of Hyun as the NHRCK Chair. We further strongly reiterate our call for the government of Korea to fully implement all recommendations of the ICC-SCA, particularly to ensure that the appointment process of the NHRCK Chair, as well as all other Commissioners, provides for a broad consultation procedure that involves the institutionalised participation of civil society in the process. Failure to do so will only further undermine the battered credibility of the NHRCK both in Korea as well as in the international community.

For inquiries, please contact:

- John Liu, East Asia Programme Officer, FORUM-ASIA, johnliu@forum-asia.org, +66802828610
- Mikyung Choe, Korean House for International Solidarity (KHIS), mikychoe@gmail.com, +82176555546

List of the members of the Asian NGO Network on National Human Rights Institutions (ANNI):

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2. Ain o Salish Kendra (ASK) – Bangladesh;
3. All India Network of NGOs and Individuals Working With National and State Human Rights Institutions (AiNNI) – India;
4. Asian Forum for Human Rights and Development (FORUM-ASIA)
5. Cambodian League for Promotion and Defence of Human Rights (LICADHO) – Cambodia;
6. Cambodian Working Group for the Establishment of an NHRI (CWG) – Cambodia;
7. Centre for Human Rights and Development (CHRD) – Mongolia;
8. Citizens' Council for Human Rights Japan (CCHRJ) – Japan;
9. Commission for Disappearances and Victims of Violence (KONTRAS) – Indonesia;



10. Defenders of Human Rights Centre – Iran;
11. Education and Research Association for Consumer Education (ERA Consumer) – Malaysia;
12. Hong Kong Human Rights Monitor (HKHRM) - Hong Kong;
13. Human Rights Organization of Kurdistan;
14. Indonesian Human Rights Monitor (IMPARSIAL) – Indonesia;
15. Indonesian NGO Coalition for International Human Rights Advocacy (HRWG) – Indonesia;
16. Informal Sector Service Centre (INSEC) – Nepal;
17. Institute for Policy Research and Advocacy (ELSAM) – Indonesia;
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19. Judicial System Monitoring Program (JSMP) - Timor Leste;
20. Justice for Peace Foundation (JPF) – Thailand;
21. Korean House for International Solidarity (KHIS) - South Korea;
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26. People's Watch (PW) – India;
27. Philippine Alliance of Human Rights Advocates (PAHRA) – Philippines;
28. Suara Rakyat Malaysia (SUARAM) – Malaysia;
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30. Universal Periodic Review –Human Rights Forum (UPR – HR Forum) – Bangladesh