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Human rights situations that require the Council's attention

Written statement* submitted by MINBYUN-Lawyers for a Democratic Society, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Situation concerning the National Human Rights Commission of the Republic of Korea

1. MINBYUN-Lawyers for a Democratic Society, a non-governmental organization in special consultative status, has been seriously concerned about the ongoing challenges of the National Human Rights Commission of the Republic of Korea (hereinafter the NHRCK), which has been denied autonomy since the induction of the current Lee Myung-Pak Administration. As outlined in the written statement (A/HRC/10/NGO/82), which MINBYUN submitted to the 10th session of the Human Rights Council, the NHRCK is facing a difficult situation, in which the government reduced its staff and budget, in addition to appointing an inexperienced Chairman.
2. Pursuant to the report of the Secretary-General (A/HRC/10/55) with regard to National Human Rights Commission submitted to the 10th Session of Human Rights Council, the NHRCK has been re-accredited with status A, despite the concerns raised by the Sub-Committee on Accreditation of the International Coordinating Committee of National Institution on the report.
3. The abovementioned report noted that the NHRCK is considered a "central government institution" under the National Fiscal Act, and it encouraged the NHRCK to consider issuing public statements regarding the Candle Light Vigils. However, the Korean government, lacking understanding of the Paris Principles, has downsized the NHRCK's manpower and scope since the NHRCK's 2008 statement that "there were human rights violations due to excessive use of force by police to suppress the candle light protests". Moreover, the Korean government has continued to put pressure on the commission by reducing its budget in 2008 and 2009 by far 50% and 30% each compared to ones in the previous year, respectively.
4. When Korean civil society rose up in opposition to the reduction of the NHRCK, the Ministry of Public Administration and Security came up with a revised plan, which included a 21% reduction of NHRCK's staff as well as a decision regarding whether to retain its regional offices after a one-year evaluation. However, the planned downsizing of the NHRCK is disproportionate and unfair, compared to the 0.02% reduction planned for other entities such as the Ministry of Justice and Ministry of Defense respectively.
5. Furthermore, the workload of the NHRCK's regional offices to deal with petitions and complaints is increasing each year, indicating a need for staff reinforcement. In addition, the Korean government is continually reducing the NHRCK's budget, and one area which received an especially brutal cut was that relating to its co-ordination with NGOs. The Korean government pursued the downsizing of the NHRCK, despite concerns expressed by the High Commissioner for Human Rights, and the Chairpersons for the ICC and APF during the process. Therefore, the downsizing can be interpreted as an expression of the Korean government's decision to disregard the NHRCK in the future.
6. In total, the NHRCK had put for 8 recommendations concerning legislation, institutions, policies, and practices related to human rights during the period from 2008 to September 2009. However, the Korean government has yet to comply with the NHRCK's recommendations since the current administration came to power.
7. In addition, the Sub-Committee also noted that the process of appointing Commissioners under article 5 of the founding Act of NHRCK did not provide for formal public consultation in the recruitment and scrutiny of candidate, nor for transparency in its process. However, President Lee Myung-Bak appointed Hyun Byung-Chul as the new Chairman of NHRCK in 2009, despite his inexperience and lack of expertise in the field of human rights.

8. In January 28 2010, the NHRCK called its 24th committee of the whole to discuss the "Yongsan incident", which involved the death of 5 people during police suppression. Although 7 out of 10 members approved of proposal, Chairman Hyun unilaterally adjourned the meeting, suggesting that "the matter be discussed at a later date." Considering the collegiate nature of the NHRCK, it was inappropriate to postpone a discussion that a majority of members approved. Such an act is beyond the role of a committee chairman, who is expected to administer meetings, while voting like any other member of the committee. The NHRCK's expression of its opinion on the right to trial of the victims of the Yongsan incident is what is asked of the human rights institution. Nonetheless, Chairman Hyun's unilateral adjournment of the meeting was denial of the independence of the NHRCK by its own chairman.

9. Under these circumstances, we are concerned that the NHRCK has lost its voice as a national human rights institution with independence and transparency. MINBYUN, therefore, strongly calls on the Korean government, which is one of the member state of the Human Rights Council, to:

- -restructure the human resources of NHRCK to include human rights experts in accordance with the "NHRCK Act"
- -accommodate NHRCK recommendations in its policies and legislation.

MINBYUN also calls on the Human Rights Council to pay sincere attention to the situation of NHRCK and urge the Korean government to take every action in compliance with Paris Principle.
