

[Statement]

The appointment of Jang, Ae-soon as a commissioner by the Blue House is a breach of the National Human Rights Commission Act and against the international community's recommendations.

- the newly introduced selection procedures in the Act were not complied with at all.

On June 10, 2016, the President's Office appointed Jang, Ae-soon (Buddhist name Gye Hwan) as the successor of Han, Tae-sik (Buddhist name Bo Kwang), non-standing commissioner of the National Human Rights Commission of Korea (hereafter the NHRCK). This appointment was following the practices of the Blue House's appointing one of the two non-standing commissioners that the President has the appointing power in accordance with the National Human Rights Commission Act (hereafter the NHRCK Act) from the Buddhist society. However, the selection was a violation of the NHRCK Act which was recently revised last January and a clear example that the Korean government has not complied with the recommendations made by the international community.

The Article 5 (4) of the revised NHRCK Act that states "the National Assembly, President or the Chief Justice of the Supreme Court should listen to recommendations or opinions from diverse social groups on candidates before selecting and appointing a commissioner with the aim of increasing the representation of diverse social groups involved in the protection and promotion of human rights." This revision was the reflection of the international community's criticism of the lack of transparency and civil society engagement in the selection and appointment of the NHRCK commissioners. In this regard, the President should have followed the newly introduced selection procedures such as receiving recommendations or opinions from civil society on candidates before appointing a commissioner in accordance with the NHRCK Act. However, it is not identified whether the Blue House went through these procedures in selecting Jang, Ae-soon. Without clear explanation from the President Office, it cannot but be seen as the President completely ignored the NHRCK Act in selecting the commissioner. Behind its blatant disrespect of the NHRCK Act lies the inherent limit of rough and ready revision of the Act.

The NHRCK Act with no meaning

Korean civil society organizations including the NHRCK Watch already warned the revised provision on the selection and appointment procedure would end up with non-effective as it does not contain either any specific and effective measures or punishment for non-compliance. In fact, the ruling Saenuri Party did not go through the process of "listening to recommendations or opinions on candidates from diverse social groups" in nominating Jung, Sang-hwan for the standing commissioner of the NHRCK in February 2016. The Party only made a vacancy announcement through its official website, received applications, reviewed them within the Party, and nominated him. The intention of the revised NHRCK Act was not reflected at all in the selection process. Following the ruling Party's disrespect for the Act passed at the National Assembly in bipartisan compromise, the Blue House nominated its commissioner behind closed doors without even making a vacancy announcement on its website - the only step the ruling Saenuri Party complied with. We want to ask the Saenuri Party and the President's Office why they introduced the steps of receiving recommendations or listening to opinions on candidates in the NHRCK Act if they are not following the provision. On May 24, 2016, the NHRCK was reaccredited of A status from the sub-committee of accreditation of Global Alliance of National Human Rights Institutions (GANHRI) after three times of deferral. Given that the revision of the NHRCK Act was the main ground for its retaining A status, the Korean government achieved the A status in a fraud by legislating an act with no intention to comply with it. The Blue House should answer to the question how its

disregard of the NHRCK Act immediately after receiving A status can be befitted to a State with an A status NHRI.

The Blue House's habitual disregard of international recommendations

After the reaccreditation of the NHRCK was first deferred in March 2014 due to the lack of transparency in the selection process of its commissioners, the President's Office appointed Choi, Ee-woo for the NHRCK commissioner without any consultation behind closed doors. Putting aside the argument on Mr. Choi's qualification as a human rights commissioner, the Blue House's blatant disrespect of the international recommendation naturally resulted in other appointing bodies' nominating commissioners behind closed doors. Moreover, even after the NHRCK's reaccreditation was deferred third time in a row in March 2015, which is an unprecedented case, the President nominated Lee, Sung-ho for the chairperson of the NHRCK once again behind closed doors. As such, the Korean government ignored the recommendations of the sub-committee of accreditation of GANHRI. According to the press release from the NHRCK, GANHRI reiterated its recommendation of an "independent selection committee" to be established for the improved selection process when it informed the reaccreditation of A status to the NHRCK. However, the first selection process after the reaccreditation was done again behind closed doors.

We would like to ask the Blue House how any opinion made by the Korean President on different international affairs can be expected to be recognized of its veracity when it blatantly ignores recommendations by the UN agencies and the international community including GANHRI.

The Korean government should implement recommendations

The composition of the NHRCK based on a law nobody observes is no more than an attempt to undermine the rule of law and incapacitate the NHRCK. The three appointing bodies of the President, the National Assembly, and the Supreme Court, should take measures immediately to establish a specific selection procedure including the formation of an independent selection committee which was the main recommendation by the international community and to revise the NHRCK Act by thoroughly reviewing concerns raised by Korean civil society and the international community. The international community expects the Korean government as the President of the UN Human Rights Council to serve as an example of fully implementing international recommendations.

June 15, 2016
The NHRCK Watch