

## **[Statement]**

### **Neither the Saenuri Party nor the NHRCK followed the revised NHRCK Act - Failing to honor the gender quota and civil society participation in the selection process of commissioners**

On February 22nd, the ruling Saenuri Party announced the nomination of lawyer Jung, Sang-hwan for the standing commissioner of the National Human Rights Commission of Korea (hereafter the NHRCK). Only more than a month after the former standing commissioner Yoo, Young-ha resigned for the reason of running for the general election, the Saenuri Party nominated Mr. Jung who was former chief prosecutor for the new standing commissioner of the NHRCK.

This nomination has an immense impact on the future of the NHRCK. The reaccreditation of the NHRCK's status has been deferred three times in a row for the reasons of the lack of transparency and diversity in the selection of its commissioners and the lack of participation of civil society in the process by the ICC-SCA since 2014.

While the National Assembly passed the revision act of the NHRCK belatedly as an attempt to appeal to the ICC-SCA for the upcoming review in May, the NHRCK Watch with many other civil society organizations denounced the revised act as sham failing to integrate any recommendations by the ICC-SCA in the content.

The ICC-SCA's recommendations emphasized the participatory and transparent process of selecting the NHRCK commissioners. However, 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" cannot guarantee the implementation of the ICC-SCA recommendation. Nevertheless, the NHRCK announced a statement that the ICC-SCA recommendations were reflected in the revised act and expressed its expectation there would be significant changes accordingly. In fact, if the ruling Saenuri Party had followed the revised selection process in accordance with the act in selecting and nominating its candidate, there would have been a potential cause, based on which the NHRCK could appeal to the ICC-SCA as a proof of its efforts for improvement.

### **The absence of civil society engagement and recommendation**

Unfortunately, the Saenuri Party did not follow the selection process prescribed by the revised act. According to a press release of the Party, candidate Jung, Sang-hwan was selected by the Party's selection committee which was composed of the Party executives only. Except the fact that the vacancy announcement was made through the Party's official website and three people applied for, there was no effort to "listen to recommendations or opinions from diverse social groups on candidates before selecting and appointing a commissioner." This can be construed as nothing else but a violation of the act which was passed by the Party only a month ago.

### **Clear disregard for the gender quota**

The more serious issue is the Saenuri Party's violation of Article 5 (8) of the NHRCK Act which states "For every 10 members of the Commission, no more than 6 members shall be of the same gender." The NHRCK, which is composed of 11 commissioners, must then have at least 5 female members when there is a male majority. As of February, 2016, only 4 female members sat on the commission. Therefore the nomination of Mr. Jung, Sang-hwan which will make the proportion of male commissioners above 6/10 is even more unexplainable. If the Saenuri Party's intention was not to violate the rule, questions linger about why they exceeded the gender specific limit in their nomination.

The NHRCK in its press release of February 5<sup>th</sup> expressed its high expectation for the nomination by the Party, saying "The Saenuri Party, in nominating their candidate according to the revised act is expected to comply with the revised provisions of the NHRCK Act to ensure diverse social groups to be represented in the selection process." However, not only did the Saenuri Party betray this expectation but also negatively affect the reaccreditation of the NHRCK in the ICC-SCA by clearly violating the provision of gender quota.

### **Withdraw the recommendation of the candidate!**

The NHRCK Watch sees the nomination of Mr. Jung, Sang-hwan by the Saenuri Party demonstrates the government and the ruling party's complete disregard of the ICC-SCA recommendations and the concerns of the international community accordingly. If the candidate Jung is appointed as the standing commissioner for the NHRCK, it will

only show that the NHRCK has in general provided false information to the ICC and the international community until now.

How much longer should we bear the NHRCK being laughed at by the international community? If the Saenuri Party does not wish the NHRCK's status downgraded, then it must right the wrong by withdrawing the nomination of Mr. Jung, Sang-hwan which is not compatible with the revised NHRCK Act. Moreover, Lee, Seong-ho, chairperson of the NHRCK, must immediately take a countermeasure to address this abnormal situation.

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**The NHRCK-Watch (Korean NGOs' joint network)**

Women's Association, Gwangju Women's Association United, Korean House for International Solidarity (KHIS), Disability Discrimination Act of Solidarity in Korea, Center for Military Human Rights, Korea Association of Christian Women for Women Minjung, Dasan Human Rights Center, Daegu Kyoungbuk Women's Association United, Daegu Women's Association, Disabled People's International Daegu (DPI Daegu), Daejeon Women's Association for Democracy, Democratic Legal Studies Association, Busan Counseling Center against Sexual Violence, Busan Women's Associations United, Busan Women Education Center, Buddhism Human Rights Committee, Saewoomtuh, National Solidarity for Solving Prostitution Issues, Suwon Women's Association, Korea Women's Center for Social Research, Ulsan Women's Association, Ulsan Solidarity for Human Rights, Korea Center for United Nations Human Rights Policy, Human Rights Education Center 'Deul', Protesting against Poverty & Discrimination Solidarity for Human Rights, Sarangbang Group for Human Rights, Disability and Human Rights in Action, Information & Culture Nuri for Disabled Koreans (South Korea), Solidarity against Disability Discrimination, Jeonbuk Women's Associations United, Solidarity for Peace & Human Rights, Jeju Women's Association, Jeju Women's Human Rights Solidarity, Jeju Human Rights Center, Korean Progressive Network Jinbonet, National Association of Parents for Cham Education, Korean Catholic Women's Community for a New World, Catholic Human Rights Committee, Youth Human Rights Action Asunaro, Network of Youth Human Right Activists, Chungbuk Women's Association, Women Making Peace, Pohang Women's Association, Korean Gay Men's Human Rights Group Chingusai, Korea Sexual Violence Relief Center, Korean Women Workers Association, Korean Women's Association United, Korean Womenlink, Korea Women's Studies Institute, Korea Women's Hotline, Korean Differently Abled Women United, Women Migrants Human Rights Center, Korea Human Rights Foundation, Housewives Meeting Together Hamjumo, etc.

**The Minority Rights Committee of Minbyun-Lawyers for a Democratic Society**