

**Questionnaire on National Human Rights Institutions and human rights defenders
Answer from Korean House for International Solidarity (KHIS, based in Republic of
Korea)**

1. a) According to NHRCK act, HRDs who need urgent help can use “Recommendation of Urgent Relief Measures.”

Article 48 (Recommendation of Urgent Relief Measures)

(1) The Commission may, in the case, after receiving a petition, it deems that it is highly probable that a human rights violation or any discriminatory act subject to investigation is in progress and that it is likely to cause irrecoverable damage if left as violated, recommend the respondent or the head of the institution, etc. to which he/she belongs to take an ex officio measure that falls under any of the following subparagraphs at the request of the petitioner or victim prior to making a decision on the petition:

1. Provision of medical service, meals or clothing;
2. Participation in the on-site inspection and evaluation of any relevant place, facility or materials, or the verification and evaluation thereof which is conducted by any other organ;
3. Change of place of detention or accommodation of detainees;
4. Stoppage of human rights violations or any discriminatory act <Revised on July 29 of 2005>;
5. Displacement of any public official who is deemed to violate human rights or commit a discriminatory act from his/her assigned position; <Revised on July 29 of 2005>
6. Other necessary matters for protecting the life and/or security of person of the victim.

(2) The Commission may, if deemed necessary, take any necessary measures for protecting the life, security of person, and reputation of any party concerned or interested person, and/or obtaining evidence or preventing the destruction thereof, or recommend the interested person and the head of the institution, etc. to which he/she belongs to take such measures.

b) KHIS do not have used above procedure. However, KHIS introduce one case about “Urgent Relief Measures.” Ms. Kim Jin-suk, a labor activist, asked for emergency help from the NHRCK because electricity to the crane was shut off. Even Supplying food was prevented and communications were interrupted by the Hanjin Heavy Industries and Construction. She continued a 174-day-long sit-in protest from a crane at the shipyard against the company’s massive lay off. For these reasons, she asked urgent relief measure to the NHRCK but the NHRCK rejected her petition on June 2011.

c) We do not have any experience of consultation with NHRCK in terms of “Recommendation of Urgent Relief Measures.”

2. a) Since the current government came into power in 2008, the human rights situation in the Republic of Korea has steadily deteriorated. President Lee Myung-Bak, who is afraid of human rights matters, is fearful that the NHRCK would be faithful in its duty to promote and protect human rights. Thus, he had tried to weaken the NHRCK and curtail its resources even before his inauguration. After his inauguration in 2008, he amended the NHRCK Act, cut staff numbers and reduced the organization. Moreover, he appointed jurists and scholars as the chairperson and commissioners, although they had do not have any experiences and knowledge about international human rights standards and even disregarded human rights. After this, the NHRCK has tended to avoid issues which are uncomfortable to the

government. For instance, Korean Railroad Corporation (President Heo Jun-Yeong) had monitored and inspected workers who were participating in unions by following them and using phone-tapping to monitor their daily lives. The NHRCK rejected the petitions of workers with the reason is that Railroad Corporation is not a national institute. Also, when protesters at Duriban building requested emergency help, claiming that their safety was being threatened by the discontinuation of electricity by the construction company, the NHRCK dismissed this request on the same grounds. The NHRCK has been continuously criticized for its lack of interest in important human rights and workers' rights issues.

b) Korean President and the ruling party should appoint the proper person as a chairperson and commissioner. Despite of the strong veto opinion from International human rights organizations, Korean civil society, and the National Assembly, President Lee re-appointed Hyun Byung Chul as the chairperson of NHRCK on August 2012. In the survey done on August by Youido Institute, 60% of participants answered that they knew about the issue about the reappointment of the chairperson Hyun, and 80% amongst them answered that they disagreed with the reappointment of the Chairperson Hyun. The current Korean government absolutely weakens the independence of NHRCK.

3. a) Korean Human Rights NGOs totally have rejected the cooperation between the NHRCK because of the current chairperson, Hyun Byung Chul.

b) In order to cooperate with the NHRCK, Chairperson Hyun should resign his position. This is first condition to recover the relationship between NHRCK and Korean civil society.

4. a) Except some staffs of NHRCK, most staffs generally respect the activity of HRDs. Basically the staffs of NHRCK are public employee who should concern their contract and promotion. The current government, especially the Presidential office, the current chairperson, and some commissioners who do not have experience and knowledge of Human Rights are most obstacles to the NHRCK. The NHRCK was known as an ideal model of NHRC when it was first established. However, in recent years, it has been harshly criticized and has become the center of controversy and rumors.