

The National Human Rights Commission Gets on Track

Respected Chairperson and representatives of APF Member countries,

I am happy to see all of you again in Nepal, located in the Himalayan mountains, the roof of the world.

It has been two years and three months since our National Human Rights Commission(NHRC) was established. The first year can be seen as a period of promoting understanding about the National Human Rights Commission. We have stressed that the National Human Rights Commission is an independent government institution free from the influence of the legislative, judicial, or administrative branches of the government. Because of our strenuous efforts, the current administration, the National Assembly and even the media accustomed to the classical 'separation of three powers theory' are now beginning to understand that for the first time in the history of Korea's constitutional government, there exists an 'independent governmental institution.'

In addition, for the last two years, our Commission has made a great deal of effort to promote the human rights of the socially-marginalized including inmates or detainees, persons with disabilities, foreign migrant workers, and others. We have also presented many critical opinions against the government's policies related to human rights issues. Because of these activities, our Commission has achieved a reputation of being "the representative of minorities or 'the watchman of the government.'"

However, on the other hand, some conservative people including a few National Assembly members have criticized the wide scope of the mandate of our Commission. They have said that our Commission has unlimited power, and they have expressed the opinion that some control is needed in a way of cutting the Commission's annual budget or scaling down the scope of our mandate. The problem is one of the emerging challenges for our Commission to tackle in the process of our development.

So what makes these people think that the NHRC is too powerful? Well, one of the main duties of the Commission is to submit recommendations and express opinions in order to improve "laws, regulations, systems, policies and practices related to human rights." Based on this function, the Commission made two very important decisions in

the first half of last year together with the decision to oppose the government's anti-terrorism bill.

First, when the South Korean government decided to dispatch soldiers to the War in Iraq and sought the approval of the National Assembly, we expressed our clear-cut opposition to this proposition. In addition, we released a recommendation concerning aspects of the National Education Information System (NEIS). The NEIS was part of a plan promoted by the government to create an electronic system in which all information from elementary, middle, and high schools is integrated and managed in a database at the Ministry of Education.

Our Commission recommended that the NEIS system exclude information about students' personal affairs, for example, academic results, enrollment information and medical history, on the grounds that it would be more appropriate for individual school principals to manage such personal information.

With regard to our Commission's opposition to the sending of soldiers to the War in Iraq, there was some criticism that it would split national opinion because the Commission, a government institution, opposed this grave decision made by the government, who took into consideration national interests such as US-Korea relations.

Relating to the recommendation by the Commission on the National Education Information System, the Ministry of Education hit back at the Commission, claiming that it was shortsighted for the Commission to recommend that the government give up a national project in which large funds had been invested over a period of 2 years.

The pros and cons of these two issues caused much debate in Korean society, and for this reason it is true that the Commission was able to enhance its reputation. Because of such activities of our Commission, President Roh Moo-hyun once said facetiously, "I am afraid of the National Human Rights Commission."

When we reported our activities to the National Assembly Justice Committee, we heard criticisms from National Assembly members for example, "the Commission's decisions do not follow the majority of public opinion, and it ignores national sentiment," along with the above intimidating comments.

In response to these criticisms, I replied in the following manner:

If the Commission is to follow the opinion of the majority and prioritize public opinion over all else, then there is no reason for the Commission to exist. There are already many government institutions such as the Ministry of Justice, the Ministry of National Defense, the Ministry of Education and so on. The Commission must consider the human rights of the alienated and the powerless minority before taking the opinion of the majority into consideration. This is because the minority does not have the power to defend themselves when their human rights are violated, and they do not know how their rights can be protected. Since the creation of the Commission, 'the fact that there is a government institution that lends them an ear when they suffer unfairness' should give them comfort.

Although the circumstances of each country may vary, our Commission wanted to share our experience of conflict and worry with all of you. When we face even more difficult times in the future, we hope that you will understand us when we say: "listen to our stories and give us words of solidarity."

In conclusion, I would like to make a proposal relating to the budget of the APF. While thanking Australia and New Zealand for their large contribution to the APF budget over the years, I would like to make a bold proposal that in the future we apply a system where each member country commits to paying a set amount, similar to the method where UN member countries each pay an allotted share. I hope that a serious and fruitful discussion will follow.

Before I end my speech here, I would like to remind you that the 7th International Conference of National Human Rights Institutions will be held in Seoul this September. We need your advice and encouragement to host this big event. I hope to see everyone again there.

Thank You.