



To
H.E. Mr. Song Doo-hwan
Chairperson of the National Human Rights Commission of Korea (NHRCK)

3 July 2023

Open Letter to the National Human Rights Commission of Korea

Re: The anti-human rights behaviour of Lee Choong-sang, a Standing Commissioner of the National Human Rights Commission of Korea

Honourable Chairperson,

The Asian NGOs Network on National Human Rights Institutions (ANNI) is deeply concerned about the recent anti-human rights behaviour exhibited by Mr. Lee Choong-sang, a Standing Commissioner of the National Human Rights Commission of Korea (NHRCK), and wishes to send an open letter to the Commission regarding this matter.

First, we are gravely concerned how Commissioner Lee has blatantly expressed his hatred of LGBTIQ+ (lesbian, gay, bisexual, transgender, intersex, queer, and those with diverse sexual orientation and gender identity) people and has attempted to incorporate this sentiment into the Commission's decisions.

According to media reports,¹ while circulating the draft decision on the 'Recommendation to Improve the Human Rights Situation in Military Recruit Training Centers'— passed by the Standing Committee of the Commission on 13 April – Commissioner Lee objected to the recommendation that 'Education is needed to inform recruits that forcing them to keep their hair short constitutes a human rights violation' and demanded the inclusion of a minority opinion in the decision. Commissioner Lee disagreed with the recommendation that Marine Corps cadets should be informed that the current military haircut policy is a human rights violation. In addition, Commissioner Lee used deeply offensive and reprehensible anti-LGBTIQ+ rhetoric to defend his stand.

While Commissioner Lee's comments were eventually not included in the Commission's decision due to concerns raised by other Commissioners, his anti-LGBTIQ+ rhetoric is alarming. Worse yet, Commissioner Lee maintains that his comments were not hate speech, thereby justifying his derogatory remarks against the LGBTIQ+ community.

Second, Commissioner Lee's hatred of minorities has also previously manifested on the issue of HIV/AIDS. In November 2022, when the Commission submitted an amicus brief to the Constitutional Court of Korea on the unconstitutionality of Article 19 of the Acquired Immunodeficiency Syndrome Prevention Act (AIDS Prevention Act), Commissioner Lee later submitted his personal opinion in February 2023²— engaging in an unorthodox practice of submitting a brief based on his minority opinion and a s

¹ <https://www.khan.co.kr/national/national-general/article/202305211428001>

² https://www.hani.co.kr/arti/society/society_general/1079684.html

urvey conducted by himself to the Constitutional Court under the name of a standing member of the Commission.³ Not only was it unprecedented for a Commissioner to submit a separate opinion to the Constitutional Court of Korea in response to a brief submitted by the NHRCK, but the content of the opinion was also based on prejudice and hatred towards people living with HIV.⁴

Third, ANNI also expresses concern about Commissioner Lee's previous anti-human rights statements on matters related to labour rights. According to media reports,⁵ on 28 December 2022, the Commission discussed a proposal to issue an opinion to the National Assembly recommending enacting a bill to limit damages claims for strikes. While the Commission discussed whether the proposal based on the legislation was necessary to ensure the right to work, Commissioner Lee denounced the bill as 'partisan' and 'reckless or crude in the eyes of the centre and the right,' saying that he would recommend for the President to veto the bill. Additionally, he criticised the Secretary-General of the Commission for meeting with union members on a hunger strike, which he said was highly inappropriate, arguing that the Human Rights Commission should not be concerned with property or social rights. For Commissioner Lee, the constitutionally guaranteed workers' rights to organise, collective bargaining, and collective action are not subject to investigation by the Commission.⁶ These statements and attitudes are inappropriate for a Standing Member of the NHRCK, which is responsible for implementing international human rights standards in South Korea.

Fourth, ANNI is concerned that Commissioner Lee – who has been recommended by the ruling People's Power Party – is acting in a way that violates the independence of the national human rights institution. Commissioner Lee has also been involved in presiding over complaints himself, as in the case of a public-funded cartoon institution that was warned by the Korean government's Culture Ministry against awarding a prize to a cartoon satirising President Yoon Suk-yeol. His involvement in this case was against the practice within the Commission. Likewise, his dismissal of a report by, as well as criticism of, a primary investigator on the matter⁷ eventually led the investigator to complain to the Commission in February about the violation of his human rights due to Commissioner Lee's criticism. This was followed by Commissioner Lee's threat of disciplinary action against the investigator.⁸

This reminds us of the 2008 blacklisting scandal, wherein a list of the Commission's staff critical of the then government was drawn.⁹ Recalling the blacklisting scandal as a prime example of the violation

³ The brief submitted by Commissioner Lee insisted on criminalising HIV-infected people, comparing criminalisation of HIV-infected people to punishing drunk driving. In the paper, Commissioner Lee has also made an anti-human rights argument which argued that the reason why HIV-infected people do not enter the public health system is because they think HIV infection is caused by unhealthy sex without wearing condoms. The survey submitted to the Constitutional Court was also designed in a biased way to defend his opinion.

⁴ https://www.hani.co.kr/arti/society/society_general/1079684.html

⁵ https://www.hani.co.kr/arti/society/society_general/1093209.html

⁶ https://www.khan.co.kr/print.html?art_id=202305241800001

⁷ https://imnews.imbc.com/replay/2023/nwtoday/article/6488512_36207.html

⁸ <https://www.yna.co.kr/view/AKR20230524027500004>

⁹ 2019 ANNI Report on the Performance and Establishment of NHRIs, p.201. Available [here](#).

of the independence of the Commission, ANNI is gravely concerned that Commissioner Lee's actions have the potential to roll back the Commission's yet recovering independence.

Since 2015, the Commission's periodic reaccreditation review by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI-SCA) has been deferred three times. This is due to a violation of the Commission's independence which occurred from 2008 to 2014. If the Commission's independence were to be compromised once again, the development of national human rights institutions (NHRIs) in Korea – and the Asian region as a whole – could be affected.

ANNI notes that the NHRCK has been serving as the Chair of the Asia Pacific Forum of National Human Rights Institutions (APF) since September 2022. As Chair of the APF, the NHRCK is expected to play an exemplary role not only in the Asia Pacific region but also globally.

In this particular context, the status and role of the Standing Commissioners – who are only three out of a total of 11 commissioners, including the Chairperson – is crucial. Under international human rights standards and the Paris Principles, they are given enormous responsibility to lead the NHRCK. Media reports and information shared by South Korean civil society, however, suggest that Commissioner Lee Choong-sang is not living up to such standards and responsibilities.

To address these serious concerns, ANNI recommends the following actions:

1. The NHRCK should take all necessary measures to ensure that its staff can carry out their duties conscientiously and in accordance with the Paris Principles and the National Human Rights Commission of Korea Act.
2. The Commission should establish a system to prevent hate speech by Commissioners against social minorities, including LGBTIQ+ persons.
3. The Commission should make efforts to ensure that the Commissioners are elected through a single independent selection committee as recommended by GANHRI-SCA.¹⁰
4. As an NHRI serving as the Chair of the APF, the Commission should make every effort to ensure that international human rights standards are fully implemented in South Korea.

ANNI respectfully requests your urgent attention regarding this matter.

We urge you to ensure that a swift action is taken in the case of NHRCK Commissioners using their position of power to propagate anti-human rights rhetorics. We are deeply concerned as to how all this could be damaging the reputation of the Commission and its valuable work.

ANNI hopes that the NHRCK is able to effectively uphold the Paris Principles in their spirit and implementation.

Yours sincerely,



Mary Aileen Diez-Bacalso

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¹⁰ GANHRI Sub-Committee on Accreditation Report – October 2021, p.12. Available [here](#).

About the Asian NGO Network on National Human Rights Institutions (ANNI)

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations and human rights defenders working on issues related to National Human Rights Institutions (NHRIs). ANNI currently has 33 member organisations from 21 countries or territories. ANNI members work on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI). The Asian Forum for Human Rights and Development (FORUM-ASIA) has served as the Secretariat of ANNI since its establishment in 2006.

Website: <http://l.forum-asia.org/ANNI>