

Request for the Special Review on the National Human Rights Commission of Korea(NHRCK)

**Joint Action to Correct NHRCK
(Coalition of 35 South Korean NGOs)
South Korean Coalition for Anti-discrimination Legislation
(Coalition of 168 South Korean NGOs)**

Attachments

1. [Urgent Statement] We strongly condemns the nomination of Ahn Chang-ho to NHRCK Chair, who has justified discrimination and hatred
2. [Statement] President Yoon Seok-yeol must immediately withdraw Ahn Chang-ho's nomination to Chairperson of the NHRCK
3. [The Korea Times] New human rights watchdog chief nominee faces opposition from civic groups
4. [Korea JoongAng Daily] Alarming insensitivity to protecting human rights
5. [Hankyoreh] Calls mount for nominee to lead Korea's human rights watchdog to drop out
6. [Human Rights Watch] Dangerous Setback for Minority Rights in South Korea

[Urgent Statement] We strongly condemn the nomination of Ahn Chang-ho to NHRCK Chair, who has justified discrimination and hatred

Joint Action to Correct NHRCK (Coalition of 35 South Korean NGOs)

(12 August 2024, Seoul) President Yoon Seok-yul received a shortlist of five candidates from the NHRCK Nomination Committee. On 30 July, 95 South Korean civil society organisations sent an open letter to the President regarding the four candidates after one of the candidates resigned. The letter contained an urgent appeal that Ahn Chang-ho and Kim Tae-hoon should not be appointed as the next chairpersons of the NHRCK. The NHRCK has maintained its 'A' status and also the Chair of the Asia Pacific Forum of National Human Rights Institutions (APF). We call on President Yun to appoint someone who complies with international human rights norms as the next NHRCK Chair.

President Yun had other options other than Ahn Chang-ho, but his decision to nominate Mr. Ahn as the next chairperson of the NHRCK deceives the expectations of the international community by ignoring the urgent appeals and requests from home and abroad. The presidential office's reasoning for the appointment was as follows. 'Ahn Chang-ho is the right candidate to listen to the diverse voices of the people and improve the situation of human rights in South Korea based on his deep understanding of human rights and expert knowledge of the Constitution and international human rights norms, as he has been a vocal advocate for the underprivileged while serving as a judge of the Constitutional Court.'

During his time as the Constitutional Court judge, Ahn opposed the abolition of adultery, opposed the introduction of alternative service for conscientious objectors, and opposed the right to vote for prisoners in detention centres and the admissibility of videotaped statements of child victims. We cannot help but ask whether this is the position of the President's Office, which considers itself to be in favour of 'socially vulnerable groups'. The National Human Rights Institution is a quasi-international organisation established in accordance with international human rights standards and is the national body responsible for human rights policies and remedies for human rights violations in accordance with international human rights norms. In this respect, Ahn Chang-ho is not at all suitable to run the NHRCK. Furthermore, Ahn is known to the media to have founded and served as co-chairperson of the Gospel Lawyers Association in July 2020, which serves as a think tank that collaborates with the National Coalition Against Anti-Discrimination Laws in the Hope of True Equality, the Academy for Understanding Truth About Anti-Discrimination Laws, and the Preparatory Committee for the Establishment of the Gospel Journalists Association. In other words, Ahn has been at the forefront of opposing enactment of the anti-discrimination laws.

Given this history, President office's argument that Ahn has a deep understanding of human rights is even more questionable. Rather, we are concerned that the principle of separation of church and state as stipulated in the Constitution will be upheld if he is appointed. If the 'diverse voices' of the people are meant to justify discrimination and hatred against LGBTIs people, then the presidential office is

saying that it intends to turn the NHRCK into an incompetent institution that does not recognise the human rights of sexual minorities. So far, no one has argued that the mission and role of the NHRCK is to protect and promote the human rights of all, including LGBTIs, regardless of their thoughts and beliefs. Whether or not President Yun intended it to be so, the NHRCK is now destined to become an institution that is subject to criticism and concern from the international community. If sexual minorities are excluded, refugees are excluded, military conscientious objectors are excluded, and trade unions are excluded, whose human rights can be guaranteed by the NHRCK?

Just because Ahn is not as verbally abusive and overbearing as Commissioner Lee Chung-sang and Kim Yong-won, does not mean he is qualified to be the NHRCK Chairperson. In the current situation where the NHRCK is constantly being paralyzed and its staffs are being suppressed, the nomination of Ahn Chang-ho is nothing less than a declaration that the Yun Suk-yul administration will not normalise the NHRCK but will deform it.

The President should apologise for appointing someone who has shattered the expectations of the international community, not to mention the chaos and conflicts that will arise in our society, and immediately withdraw the nomination of Ahn Chang-ho. President Yun should know that if he ignores our last warning again, he will be met with fierce resistance from us.

President Yoon Seok-yeol must immediately withdraw Ahn Chang-ho's nomination to Chairperson of the NHRCK

South Korean Coalition for Anti-discrimination Legislation(Coalition of 168 South Korean NGOs)

Today, 12 August 2024, President Yoon Seok-yul finally nominated former Constitutional Court Justice Ahn Chang-ho as the new NHRCK Chair candidate. After it was reported on 23 July that the Nomination Committee had recommended the final five candidates for the position, civil society had expressed concerns about the quality of the candidates. In particular, two of the nominees, Ahn Chang-ho and Kim Tae-hoon, were condemned as being not qualified to lead the NHRCK, which is supposed to be independent. Nevertheless, President Yoon has nominated Ahn Chang-ho as the finalist, who is the most unqualified person for the position responsible for upholding, protecting, and promoting fundamental and universal human rights. Is it the policy of the Yun administration to undermine the mandate of the NHRCK to 'realise a human rights society where dignity, equality, and freedom are guaranteed for all'?

The UN Office of the High Commissioner for Human Rights lists the institutional requirements for an equality body such as the NHRCK as follows: Ensure independence in operation and composition; provide adequate human and financial support; reflect the diversity of society; and be easily accessible. The NHRCK, established as a result of the struggle of human rights civil society, have experienced and continue to experience many twists and turns at the hands of state power, but the social consensus and principle that they should be independent bodies that fulfil their role in line with these international standards must remain unwavering. When these institutional requirements are in place, the NHRCK can play an active role in protecting and preventing the rights of victims of human rights violations and make meaningful policy recommendations that can change the perception of human rights in South Korean society. Therefore, ensuring the independence of the NHRCK and reflecting diversity is the core of the institution and its *raison d'être*.

At a common sense level, how can a candidate who opposes an enactment of a comprehensive anti-discrimination law be qualified to head an independent body that respects the diversity of society, protects the rights of its members, and upholds universal human rights? Ahn Chang-ho is the founder of the Gospel Lawyers, an organisation of Christian lawyers who have come together to prevent the enactment of anti-discrimination laws in the name of embodying and defending Christian evangelical values. He has been a leading advocate of misinformation and misrepresentation of anti-discrimination laws through his appearances on the 'Anti-Discrimination Law 101 Academy'. We will not even go into the transphobic language he has documented in his books, but the fact that he has been nominated to head the NHRCK is enough to make it clear that his hateful and anti-minority rhetoric is still being used to deny minority rights. It should be painfully remembered that during the dark days of the NHRCK, under the chairpersonship of Hyun Byung-chul, the NHRCK was a 'human rights commission without human rights'. Moreover, with two commissioners, Kim Yong-won and Lee Chung-sang, already leading the disgraceful behaviour of the commission by inciting discrimination and hatred. The appointment of Ahn Chang-ho will again threaten the existing principles of the commission. In particular, appointing someone who opposes the idea of 'universal equal rights' and its

institutionalisation as the head of a body that is supposed to lead the way in implementing recommendations for the enactment of anti-discrimination legislation is not only a step backwards for human rights, it is a step towards erasing the core principles of human rights altogether.

South Korea has yet to enact a comprehensive anti-discrimination law. There is no racial discrimination law, and there are no specific laws and systems that protect LGBTIs from discrimination. The need to enact a comprehensive anti-discrimination law has been recommended by the international community for over a decade, with repeated calls for its enactment from South Korea people. It is the role of the NHRCK to take the lead in realising these international and national demands. Above all, it must remain as independent as possible from state power and be a national institution that can be relied upon by social minorities who have been excluded from the public sphere.

In South Korean society, it is nothing to be proud of that the NHRCK is seen as the 'last bastion of human rights'. As long as politics has turned a blind eye to human rights and fuelled discrimination and inequality, so too has the NHRCK's isolated status. 'Realising a human rights society in which the dignity, equality and freedom of all people are guaranteed' is the mission of the Yoon administration, not just the NHRCK. Ahn Chang-ho is unqualified to be the Chairperson of the NHRCK. President Yun should immediately withdraw his nomination.

New human rights watchdog chief nominee faces opposition from civic groups

 koreatimes.co.kr/www/nation/2024/09/113_380587.html

Lee Hae-rin

By Lee Hae-rin

Former Justice of the Constitutional Court
of Korea Ahn Chang-ho / Yonhap

Ahn Chang-ho, the former justice of the Constitutional Court who was newly appointed as the next chairman of the National Human Rights Commission of Korea (NHRCK), faces fierce opposition from civic groups and social minorities. Ahn has publicly expressed his opposition to the enactment of a comprehensive anti-discrimination bill and the recognition of the legal rights of LGBTQ people.

According to a joint statement issued by a coalition of 35 human rights groups, Wednesday, "Candidate Ahn opposed the abolition of adultery while serving as a constitutional judge, opposed the introduction of alternative services for conscientious objectors, opposed guaranteeing the right to vote for prisoners in detention facilities and recognizing the ability to testify in the video recording of statements made by children victims."

"It is questionable whether Ahn has a deep understanding of human rights and it is rather worrisome whether the principle of separation of church and state stipulated in the Constitution can be properly observed," the statement read, urging President Yoon Suk Yeol to apologize and immediately withdraw the appointment.

Some are concerned that Ahn's appointment might change the NHRCK's position, which has been advocating for an anti-discrimination law since 2006.

"It is worrisome that Ahn will consider anti-LGBTQ groups that he has been working with as civic groups and cooperate with the commission or sympathize with the logic of opposing the anti-discrimination law," said Park Han-hee, Korea's first transgender attorney, who has been advocating the enactment of an anti-discrimination bill at the Korean Lawyers for Public Interest and Human Rights (KLPH). "The worst case scenario is to see a statement issued under the name of the commissioner saying there should not be an anti-discrimination law."



After graduating from Seoul National University, Ahn served as a constitutional judge between 2012 and 2018. A devoted Protestant, Ahn said criticizing sexual minorities is a “religious freedom” and condemned anti-discrimination laws for restricting it.

“The anti-discrimination law contradicts the biblical worldview and creative order that God created for men and women,” Ahn wrote in his book published in June. “Sermons pointing out the sinfulness of homosexuality or criticizing heresy are restricted in public facilities such as Christian broadcasting, newspapers, social media, public squares, streets, military and churches.”

Some worry that the committee’s presence as a human rights watchdog looking over the rights of the socially vulnerable and disadvantaged will weaken as Ahn takes office.

“The socially vulnerable may feel more humiliated and intimidated that they are not socially protected because they lost a place to go when they are discriminated against,” Park said. “If (the NHRCK) fails to relieve realistic discrimination, the government and the National Assembly will not care about the NHRCK and the commission’s presence could be weakened day by day.”

Ahn will start his term as commissioner after a National Assembly hearing.

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Alarming insensitivity to protecting human rights

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Ahn Chang-ho, former justice at the Constitutional Court, is famous for his consistent remarks based on his experience as a prosecutor and a devout Christian. But controversy has erupted over his past comments on human rights for minorities. Appearing at a confirmation hearing on Tuesday for his new role as head of the National Human Rights Commission, Ahn steadfastly adhered to his strong convictions on sensitive issues.

In a lecture in 2021, he said, "The evolutionary theory is 100 percent wrong." In a written statement he submitted to the National Assembly, Ahn stressed the need for schools to teach Creationism as well. That's not all. In a 2020 seminar, he said, "If the Antidiscrimination Act is implemented, it can be used as a tool to move toward a Communist revolution." In a column, he also wrote, "If the bill comes into effect, primary, middle and high school authorities can't refuse to hire homosexuals as teachers," pointing to the possible spread of AIDS, anal cancer and hepatitis A.

Ahn has the freedom of thought in a democracy. But expressing such biased views as an individual and implementing policies as head of the commission based on such opinions are different matters.

One of the most important roles of the human rights commission is to probe various types of human rights violations and discriminative actions — and rescue the victims. The Human Rights Act strictly prohibits anyone from engaging in unfair treatments of others based on sex, age, religion or birthplace. Discrimination based on political or sexual orientation is also banned. Given such stark discrepancies, Ahn must invalidate the commission's past achievements if he is appointed as the commissioner.

In Tuesday's hearing, Ahn said, "Minority rights should be protected, but it must not infringe on majority rights." Free democracies stipulate the reasons and procedures for restricting basic rights by laws. Nevertheless, human rights violations by the government frequently occur and some types of violations cannot be protected by the law. Most countries have human rights agencies to protect minorities in the blind spot. Korea is no different.

Could the nominee's track record be compatible with his new role as head of the commission? The public security department of the prosecution, where he served, is infamous for human rights violations in the past. We cannot but wonder if the nominee can lead the human rights commission. President Yoon Suk Yeol is expected to appoint him as the commissioner despite concerns about his past. The time has come for Ahn to ask himself if he really deserves to serve in this position.



[Ahn_Chang-ho](#) [human_rights](#) [commission](#) [controversy](#)

Calls mount for nominee to lead Korea's human rights watchdog to drop out

english.hani.co.kr/arti/english_edition/e_national/1157189.html

Observers say that Ahn Chang-ho “confuses the boundaries of hatred and religious freedom” and is an unsuitable choice to head the National Human Rights Commission of Korea



Ahn Chang-ho, the nominee to become the chairperson of the National Human Rights Commission of Korea, takes his seat at his confirmation hearing before the National Assembly in Seoul on Sept. 3, 2024. (Kim Gyoung-ho/Hankyoreh)

Ahn Chang-ho, the current nominee to head the National Human Rights Commission of Korea (NHRCK), is facing growing calls to withdraw from the running after a recent National Assembly confirmation hearing that many said showed him to be an unsuitable choice.

Specifically, many critics said it would be damaging to the principle of separation of church and state as stated in the Republic of Korea Constitution to have someone in an official position who uses conservative Christian ideology to justify hatred and discrimination.

After viewing Ahn's confirmation hearing, minister Lee Dong-hwan — who was expelled by the Methodist church over prayers to bless LGBTQ+ people — bluntly said, "We cannot have 'freedom of religion' that suppresses other people's human rights."

In a telephone interview with the Hankyoreh on Wednesday, Lee said that Ahn represents "an extreme minority even within the Protestant community, with views that are especially fundamentalist, far-right, and discriminatory."

"It is a serious problem when someone who confuses the boundaries of hatred and religious freedom is being appointed to serve as NHRCK chairperson, a position that requires a keen sensitivity to the human rights of minorities," he added.

Lee also said, "In Christian thinking, God is a perfect being, and I have to wonder how they can say that the LGBTQ+ people whom God created are mistakes."

"The scriptures should be interpreted in keeping with the teams, and it is malicious to selectively cite them [as Ahn did]," he commented.

Lee also said that Ahn's bid to hold an official position should be "an occasion for discussing boundaries in terms of the separation of church and state." In his view, the overt religious bias shown by Ahn in an official position may itself be damaging to freedom of religion as a constitutional value.

"There's a problem in and of itself with us accepting people who occupy official positions while presenting their religious convictions as a matter of 'freedom of religion,' only to have a negative impact on human rights concepts under secular law," Lee said.

Konkuk University law professor Han Sang-hie described Ahn as "someone who repudiates [South Korea's] identity as a democratic republic."

"To quote a phrase that President Yoon Suk-yeol likes to use, these are 'anti-state forces,'" he said.

Han himself applied for the position of NHRCK chairperson, only to bow out in favor of "fighting for the NHRCK's very existence."

In his view, Ahn's attitude in rejecting the theory of evolution and treating LGBTQ+ issues as a matter of denominational opinion rather than constitutional or human rights logic represents an "attempt to turn South Korea into a religious state, a theocracy, rather than a secular state."

He also said that Ahn "lacks the basic qualities of a government official as someone who must remain loyal to the Constitution and serve the interests of the entire nation."

Choi Young-ae was the NHRCK's inaugural chairperson between 2002 and 2004 and served as a standing commissioner from 2004 to 2007 before returning as its eighth chairperson in 2018 to 2021. Remarking on the hearing, she said, "When [Ahn] was speaking, I looked at his expression, and he was assertive without any hesitation."

“It was shocking and disappointing. Ahn Chang-ho is unqualified,” she added.

She also said, “In the NHRCK, it is very important what philosophy, norms, and values the chairperson holds. Whether it’s his ideas about anti-discrimination legislation and LGBTQ+ people or his comments about the way women dress being a factor causing sex crimes, [Ahn] would set back the social standards that our society has worked so hard to overcome.”

The day before, commenters on the NHRCK’s internal bulletin board posted messages expressing bafflement and even anger over the prospects of a commission with Ahn as chairperson.

“I have to ask whether the right to condemn minorities constitutes freedom of expression,” one wrote.

“[Ahn] said that evolutionary theory and creationism are both ‘matters of faith.’ Where did they get this person?” another said.

“If God created human beings, I guess we shouldn’t worry about the South Korean birth rate — just solve the problem of keeping up the supply of dust,” another wrote.

“I did not expect he would be so unfiltered even at a confirmation hearing,” a fourth user said.

Commenting on Ahn’s silence concerning human rights infringement issues involving Yoon, one NHRCK staffer said, “It’s very troubling to think he might be taking cues from the president or administration.”

Another staffer predicted, “There’s a very strong chance that any duties involving protecting LGBTQ+ human rights or equality legislation [comprehensive anti-discrimination legislation] will be stymied, and the human rights response to politically sensitive issues will be diminished.”

“It’s looking as though it might devolve into a commission that exists to protect the administration rather than one that performs duties to protect human rights,” they fretted.

A third staffer said, “There’s been a mixture of despair, resignation, concern, and anger among the staff. It’s looking as though the NHRCK will operate as a minor administrative organization.”

Civil society also called for Ahn’s withdrawal from candidacy.

On Wednesday, a press conference was staged in front of the National Assembly by Joint Action for Fixing the National Human Rights Commission of Korea — an organization with 35 human rights and civic groups taking part — and the South Korean Coalition for Anti-Discrimination Legislation.

During the press conference, the organizations commented, “[Ahn’s] National Assembly confirmation hearing was so shocking that before any question of whether this person is suitable as chairperson of the NHRCK, we had to wonder how a person with such a perspective could have been a Constitutional Court justice.”

“Ahn Chang-ho is someone who would lead the way in erasing ‘human rights’ from the National Human Rights Commission of Korea while disregarding the rights of minorities in our society, including LGBTQ+ people and workers,” they said.

“His nomination should be immediately withdrawn,” they urged.

By Koh Kyoung-tae, staff reporter; Lee Ji-hye, staff reporter; Lim Jae-hee, staff reporter

Please direct questions or comments to [english@hani.co.kr]

Original Korean

Dangerous Setback for Minority Rights in South Korea

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Members of the LGBTQ+ community march towards the new presidential office during a protest ahead of the International Day Against Homophobia, Transphobia and Biphobia, in Seoul, South Korea, May 14, 2022. © 2022 Heo Ran/Reuters

South Korea's commitment to equal rights has suffered a dangerous setback with the appointment of Ahn Chang-ho as chairperson of the government's National Human Rights Commission of Korea.

A former Constitutional Court justice, Ahn has drawn widespread criticism for his opposition to antidiscrimination protections, particularly for lesbian, gay, bisexual, and transgender (LGBT) people.

Ahn has taken several deeply troubling positions over the years, including opposing comprehensive sexuality education in public schools, claiming antidiscrimination protections spread HIV/AIDS and anal cancer, and suggesting that homosexuality could lead to a communist revolution.

At his confirmation hearing, Ahn reiterated many of these views, casting minority rights as a threat to the viewpoints of the majority.

President Yoon Suk-yeol appointed Ahn despite strong opposition from civil society groups and his concerning confirmation hearing, bypassing the National Assembly's approval process. Ahn's confirmation is part of a worrying trend under Yoon's administration, which has now appointed 29 officials without the National Assembly's approval.

This appointment is particularly disappointing given South Korea's already weak record on minority rights. South Korea and Japan are the only two countries in the Organisation for Economic Co-operation and Development (OECD) without a comprehensive nondiscrimination law. In 2023, the United Nations Human Rights Committee urged South Korea to pass such a law and expressed concern about ongoing discrimination against various minority groups.

As Human Rights Watch and civil society partners have documented, antidiscrimination protections are urgently needed in South Korea to address unfair treatment based on race, sex, age, disability, religion, sexual orientation, gender identity, and other characteristics.

For over two decades, the National Human Rights Commission of Korea has been a crucial defender of minority rights, investigating discrimination, developing research, and advocating for an antidiscrimination law. Yet despite widespread public support for antidiscrimination legislation, the National Assembly has repeatedly failed to enact such a law.

As Ahn assumes his new role, it is critical that the commission resist any erosion of its mission and uphold South Korea's human rights obligations. Any retreat from its commitment to nondiscrimination would be a devastating setback for the country's progress on equality.

Topic

LGBT Rights