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The National Human Rights Commission of Korea must uphold its independence and ensure credibility

As the National Human Rights Commission of Korea (NHRCK) enters its 10th year, Amnesty International calls on it to uphold its autonomy and ensure it remains effective and credible.

Amnesty International believes that national human rights institutions can play a key role in the protection and promotion of human rights. To fulfil this role it is vital they are independent, fully empowered and enjoy the trust and confidence of civil society, particularly the local human rights community.

Amnesty International notes with concern the resignation on 1 November of two standing Commissioners of the NHRCK, Mr Yu Nam-young and Ms Mun Kyung-ran followed by the resignation on 10 November of a non-standing Commissioner, Professor Cho Kuk and the resignations on 15 November of 61 out of the 160 experts and consultants appointed by the NHRCK including the specialised committee, the advisory organ and the conciliation committee.

The Commissioners resigned to register their opposition to a proposed draft amendment to the NHRCK's managerial regulations submitted to its Plenary Committee on 25 October. The amendment would restrict the power of the Commissioners while enhancing that of the Chairperson.

Chairperson Professor Hyun Byung-chul is regarded by some in South Korea as overly defensive of government policies. He has expressed the views that the NHRCK is part of the government. Under his leadership since 2009 the NHRCK has remained silent or failed to act decisively on some key human rights issues such as the police handling of the Yongsan forced eviction in January 2009, the investigation methods of the prosecution service and the Constitutional Court's 2009 deliberations on the constitutionality of a ban on night-time demonstrations. The NHRCK has also remained silent on issues including: police and prosecutors' controversial investigations of the TV Broadcaster MBC's programme PD Notebook for "spreading false rumours" on US beef imports; and the authorities surveillance of Frank La Rue, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in May 2010 during his official mission to South Korea.

Since the establishment of the NHRCK, Amnesty International has repeatedly addressed threats to the independence and effectiveness of the body. One such threat is the method of selection and appointment whereby the President of South Korea directly nominates some Commissioners. Amnesty International believes that all members of the NHRCK must be selected fairly and transparently in such a manner as to afford all necessary guarantees of independence of those appointed. Amnesty International is concerned that recent appointments of NHRCK Standing Commissioners, appear to have been politically motivated. In order to remain independent, credible and effective it is essential that the NHRCK consists of men and women known for their integrity and impartiality of judgment who decide matters before them on the basis of facts and in accordance with the law, without any restrictions, improper influences, inducements, pressures, threats or interferences from any quarter or for any reason, for example, allegiances to political parties, or strong links with the executive part of the government.

Amnesty International is deeply concerned that the NHRCK's silence on significant human rights issues in South Korea, resignations of Commissioners and experts, appointments that appear politically motivated and the proposed amendment to its managerial regulations all indicate that the NHRCK may be losing its independence and authority, and risks losing the trust of South Korean civil society, particularly its human rights community.

As the NHRCK enters its 10th year, Amnesty International urges the NHRCK leadership and the South Korean government to ensure that this crisis faced by the NHRCK is resolved transparently, in consultation with civil society, in particular the South Korean human rights community. Every effort should be made to ensure that the NHRCK resumes its role as an independent, effective and credible national human rights institution.

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