

AMNESTY INTERNATIONAL PUBLIC STATEMENT

30 November 2011
Index: ASA 25/016/2011

Amnesty International welcomes 10th anniversary of NHRCK but remains concerned over lack of independence

Amnesty International welcomes the 10th anniversary of the National Human Rights Commission of Korea (NHRCK) on 25 November but remains concerned that the organization has lost some of its independence and credibility in more recent years.

During its ten year history, the NHRCK has taken a positive stance on key human rights issues in South Korea. This includes calling for the abolition of the death penalty and urging the government to reform the National Security Law which has been used to violate the human rights to freedom of expression and association. The NHRCK has also conducted research on the rights of migrant workers in South Korea and called on the government to recognize the right of migrant workers to form and join trade unions of their choice.

However, in 2010 the NHRCK was downsized by 21 per cent, which led to a significant reduction in the capacity and effectiveness of the organization and undermined its independence and credibility.

The UN Committee on Economic, Social and Cultural Rights expressed deep concern about the impact of the cuts on the independence of the NHRCK and recommended that the government allocate adequate human and financial resources to the organization.

Independence from the government which is ensured in part by the provision of adequate funding is one of the key Paris Principles relating to the status of national institutions which are the minimum standards that a national human rights institution must meet if it is to be considered legitimate.

Amnesty International also expressed concern in 2010 over the independence and effectiveness of the NHRCK in light of appointments of Commissioners which appeared to be politically motivated. Commissioners with little experience of human rights have been appointed without broad consultation with civil society groups and other relevant stakeholders, threatening the credibility of the organization. Amnesty International remains concerned that the process of appointments is not sufficiently transparent to ensure the independence of those appointed.

Amnesty International is also concerned that the NHRCK since 2009 has remained silent on significant human rights issues. These include controversial investigations of TV Broadcaster MBC's programme PD Notebook, which was accused of "spreading false rumours" on US beef imports; surveillance of Frank La Rue, UN Special Rapporteur on freedom of opinion and expression during his visit in 2010; and continued use of arrest and investigation under the NSL to harass people peacefully exercising freedom of expression and association.

During his 2010 visit to South Korea, Frank La Rue expressed similar concerns that the NHRCK has remained quiet on key human rights issues in the country. He also encouraged the South Korean authorities to fully implement the recommendations made by the NHRCK and called on the NHRCK to be more proactive in examining and speaking out publicly on human rights violations.

An independent and fully empowered national human rights institution which enjoys the trust and confidence of civil society, particularly the local human rights community can play a vital role in the promotion and protection of human rights in South Korea.

As the NHRCK celebrates ten years of promoting and protecting human rights in South Korea, Amnesty International urges the NHRCK leadership and the South Korean government to ensure that the organization is empowered to act as an independent, effective and credible national human rights institution.

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