

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: ASA 25/2161/2015

10 August 2015

South Korea: Secrecy of Chair appointment undermines independence of National Human Rights Commission of Korea

Amnesty International is concerned about the method of selection and appointment of the next chairperson of the National Human Rights Commission of Korea (NHRCK). The decision is currently being finalized without broad consultation with civil society groups and other relevant stakeholders, which could undermine its competence, impartiality and independence, all necessary attributes if the Commission is to effectively carry out its work.

National human rights institutions can play a key role in the protection and promotion of human rights. To fulfil this role it is vital that they are independent, fully empowered and enjoy the trust and confidence of civil society, particularly the local human rights community. Independence, and to be seen as independent, is a key attribute underpinning the legitimacy, credibility and effectiveness of the NHRCK.

The NHRCK was established in 2001 as an independent body under the National Human Rights Commission Act.

The selection, appointment, and removal procedures of the members of the National Human Rights Commission should be fair and transparent, so as to afford all necessary guarantees of genuine independence. Members of the national human rights institution should have adequate knowledge and expertise in the field of human rights and be appointed independently of the government.

The nomination process for selection of members should involve as far as possible a broad spectrum of representatives of civil society, including human rights defenders, NGOs, opposition politicians, trade unionists, social workers and journalists. It is crucial that the public perceives the Commission's members as being free from bias, and from expectations of further career advancement.

In addition, the senior leadership of the Commission is particularly important as it sets the tone for the activities of the institution as a whole. It is of primary importance that the highest calibre candidates, with proven expertise of practical human rights work, be appointed. Chairpersons of national human rights institutions should have, and should be known to have, knowledge and experience in human rights issues to ensure that victims of human rights violations turn to them with confidence.

The current selection process for the Chairperson has been non-transparent but it appears the decision has been made solely by the President without broad stakeholder consultation.

The independent procedures of selection, appointment, removal and terms of tenure of the NHRCK members should be clearly specified and done through a transparent process in line with the “United Nations Principles relating to the Status of National Institutions” (adopted by the UN Commission on Human Rights in 1992, and later the UN General Assembly, known as “the Paris Principles”), which are the minimum standards that a national human rights institution must meet if it is to be considered legitimate, so as to afford the strongest possible guarantees of competence, impartiality and genuine independence.¹

¹ UN Commission on Human Rights Resolution 1992/54, 3 March 1992 (E/1992/22); UN General Assembly Resolution 48/134, 20 December 1993.