

AMNESTY INTERNATIONAL

Public Statement

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South Korea: Making the National Human Rights Commission autonomous and effective

The National Human Rights Commission (the Commission) was established with the appointment of eleven commissioners on 25 November 2001, in accordance with the National Human Rights Act (NHRC Act), passed by the National Assembly of the Republic of Korea (South Korea) in May 2001. While welcoming the NHRC Act and establishment of the Commission, Amnesty International expresses its concerns on the potential limitations in the investigative powers of the Commission, vaguely worded provisions in the NHRC Act, and the selection process of the Commissioners.

Amnesty International has repeatedly called for the National Human Rights Commission to be established in full conformity with international human rights standards and for it to be fully independent of the Ministry of Justice. In its report, *Amnesty International's comments on the National Human Rights Commission Act: Towards an Autonomous, Effective National Human Rights Commission*, the organization urges the South Korean government to ensure that the Commission be provided with adequate funding and resources in order to be able to carry out its mandate without limitations and autonomously.

Amnesty International strongly recommends that the implementation of the NHRC Act ensures that the Commission is given authority to work without any restrictions and interventions, and remain credible and effective. Amnesty International urges the South Korean government to ensure that:

- the NHRC should have the power to investigate allegations of abuses by security forces; the members and staff of the NHRC should consist of men and women who shall decide matters before them on the basis of facts and in accordance with the law, without restrictions, improper influences, inducements, pressures, threats or interferences from any quarter or for any reason;
- commissioners and staff members of the Commission are granted protection from liability regarding defamation of character (libel action) so that it would allow them to raise genuine concerns without being prosecuted;
- the Commissioners and staff of the NHRC should be able to visit all places of detention freely and at any time, have access to all parts of the place of detention. They should be able to interview any detainee without witnesses, in private and in complete confidentiality.
- that the method of selection of the Commission members be fair and transparent. The NHRC Act should ensure that the Commission's staff are well trained, possess a good grasp and

understanding of international human rights standards.

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