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- **Source:**
Freedom House
- **Title:**
Freedom in the World 2015 - South Korea
- **Publication date:**
28 January 2015
- **ecoi.net summary:** Annual report on political rights and civil liberties in 2014 [ID 300495]
- **Countries:**
Korea, Republic
- **Original link** <https://freedomhouse.org/report/freedom-world/2015/south-korea>

Recommended citation:

Freedom House: Freedom in the World 2015 - South Korea, 28 January 2015 (available at ecoi.net)
http://www.ecoi.net/local_link/300495/423150_en.html (accessed 14 May 2015)



Freedom in the World 2015 - South Korea

2015 Scores

Status

Free

Freedom Rating

(1 = best, 7 = worst)

2.0

Civil Liberties

(1 = best, 7 = worst)

2

Political Rights

(1 = best, 7 = worst)

2

Trend Arrow:

South Korea received a downward trend arrow due to the increased intimidation of political opponents of President Park Geun-hye and crackdowns on public criticism of her performance following the *Sewol* ferry accident.

Overview:

The South Korean ferry *Sewol* capsized in April 2014, resulting in the loss of 304 of 476 passengers in one of the worst maritime disasters in South Korean history. Public outcry arose over what was perceived as untimely,

disorganized, insensitive, and generally inadequate responses from the government in the handling of the incident, as well as questionable safety conditions that caused the disaster. Further controversy ensued over President Park Geun-hye's attempts to downplay government culpability. The captain—who was the first to be rescued—became a target of public outcry, as well as the operator and regulators who oversaw the operations; criminal charges were brought against all of them in May.

In an effort to control rumors about and criticism of the president in the wake of the disaster, a cyberinvestigation team was established in September 2014 to monitor social media and censor or prosecute those perceived as defaming Park. This led to millions of South Koreans seeking “cyberasylum” by using foreign-based social media platforms. It also resulted in an overall distrust in government.

In August, Japanese journalist Tatsuya Kato was arrested on defamation charges for republishing in Japan's *Sankei Shimbun* newspaper false rumors about Park's absence during the *Sewol* ferry incident, which had originally appeared in South Korean media. Kato, who was banned from leaving the country, entered a plea of “not guilty” at the start of his trial in December.

Also in December, the Constitutional Court of Korea ruled to dissolve the Unified Progressive Party (UPP) on the grounds that its pro-North Korean ideology posed a threat to the South Korean government. The decision was the first time a South Korean political party has been forcibly disbanded.

Political Rights and Civil Liberties:

Political Rights: 34 / 40 (-1) [Key]

A. Electoral Process: 11 / 12

The 1988 constitution vests executive power in a directly elected president, who is limited to a single five-year term. In the 2012 presidential election, Park of the Saenuri Party defeated Democratic United Party (DUP) candidate Moon Jae-in 52 percent to 48 percent.

Of the unicameral National Assembly's 300 members, 246 are elected in single-member districts and 54 are chosen through proportional representation, all for four-year terms. In the July 2014 by-elections for the National Assembly, the ruling Saenuri Party won in 11 of the 15 districts, including 5 districts in Seoul; the primary opposition party, New Politics Alliance for Democracy (NPAD), won only four races. The UPP and Labor Parties failed to win any seats. This gave Saenuri Party 158 seats, NPAD 130, the UPP 5, the Justice Party 5, and independents 2. Voter turnout was low at 32.9 percent.

In the June 2014 local elections, which were largely seen as a reflection of public opinion regarding Park's handling of the *Sewol* ferry accident, voter turnout was around 56.8 percent. The results were split between Saenuri and NPAD, contrary to what many assumed would be an overwhelming win for the opposition.

In September, the Seoul Central District Court found former intelligence chief Won Sei-hoon guilty of violating a law that bans the National Intelligence Service (NIS) from becoming involved in domestic politics. Won was convicted for the actions of NIS officials, who posted more than 1.2 million pro-Park Geun-hye messages online during the 2012 presidential election. He was dismissed on a separate charge of violating a provision of the election law that prohibits public servants from interfering in elections, for lack of evidence that he had actually ordered his agents to support or oppose any specific candidate. Two other former senior NIS officials associated with the scandal were also sentenced to a year in prison for violating the ban on NIS political involvement, though their sentences were suspended.

B. Political Pluralism and Participation: 13 / 16 (-1)

Political pluralism is robust, with multiple parties competing for power. The two dominant parties during the 2014 elections were the ruling Saenuri Party and the NPAD, though party structures and coalitions are relatively fluid.

In December 2014, in an 8 to 1 vote, the Constitutional Court called for the immediate dissolution of the pro-North Korean UPP and the removal of its five elected National Assembly members. The lone dissenting voice on the court cautioned against overgeneralization of the party's activities based on the actions of a few. The action was the culmination of a 2013 Ministry of Justice petition to disband the UPP following the arrests of its leader, Lee Seok-ki, and other UPP party members on charges of plotting a North Korean insurgency and violating the National Security Act. The UPP claimed to be an oppressed minority party and accused the NIS of fabricating evidence against Lee, who had been sentenced to 12 years in prison in February 2014. Conservatives hailed the outcome as a victory of “free democracy,” while opposition activists and political leaders had more mixed reactions. International

organizations, such as Amnesty International, said the decision calls into question South Korea's commitment to freedom of expression and assembly.

In order to restrict the power of the ruling party, the 2012 National Assembly Advancement Act requires a three-fifths majority to bring closely contested bills from standing committees to the plenum for a floor vote. In practice, this has made the National Assembly prone to deadlock. No bills were passed by the National Assembly from May to October 2014, when efforts were focused on passing a bill that stipulated the role and powers of a new committee responsible for conducting an investigation into the *Sewol* ferry incident. Once the *Sewol* bill passed, the National Assembly passed 91 bills in less than two hours.

C. Functioning of Government: 10 / 12

Despite government anticorruption efforts, bribery, influence peddling, and extortion persist in politics, business, and everyday life. South Korea was ranked 43 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index.

Cases of NIS tampering in domestic political affairs continue to come to light. In January 2014, the Seoul Central District Court sentenced former NIS chief Won—separately convicted for tampering with the 2012 presidential election—for accepting bribes in 2009 and 2010 from the head of Hwangbo Construction in exchange for helping the company acquire construction projects. Won was sentenced to two years in prison and fined 160 million won (\$140,000).

In April 2014, an appeals court upheld a lower-court ruling that acquitted Yu Woo-sung, a North Korean defector in South Korea working for the Seoul municipal government, of spying for North Korea after an NIS agent and an NIS informant were indicted for forging documents to frame him. NIS second deputy director Suh Cheon-ho resigned as a result, and both NIS director Nam Jae-jun and President Park made public apologies for the service's actions.

In mid-May, an estimated 50,000 people staged a candlelight vigil in Seoul to protest the Park administration's mishandling and misreporting of the *Sewol* ferry incident. Protests continued throughout the summer, demanding a full investigation and accountability. At the center of the protests was a public belief that collusion between government and business were to blame for the negligence behind the accident.

Civil Liberties: 50 / 60

D. Freedom of Expression and Belief: 13 / 16 (-1)

The news media are generally free and competitive. Newspapers are privately owned and report aggressively on government policies and alleged official and corporate wrongdoing. However, although media censorship is illegal, official censorship, particularly of online content, increased during Lee Myung-bak's 2008–13 presidency. Under the National Security Law, enacted in 1948 to prevent espionage and other threats from North Korea, listening to North Korean radio is illegal, as is posting pro-North messages online; authorities have deleted tens of thousands of web posts deemed to be pro-North. The Office of the UN High Commissioner for Human Rights and Amnesty International have called for the law to be scaled back or repealed, insisting that its broadly written provisions are being abused to silence political opposition. The government has also attempted to influence reporting by media outlets and has interfered with the management of major broadcast media.

The August 2014 indictment of Japanese reporter Tatsuya Kato raises additional questions about South Korea's press freedoms. Kato, the former Seoul bureau chief for *Sankei Shimbun*, was charged with defamation of President Park for an August 2 report that reprinted rumors that the president was absent for seven hours during the *Sewol* ferry incident while with a married man. The rumors originally appeared in the South Korean press, but only Kato has been indicted for reporting the falsehood. His trial began in December.

The government generally respects citizens' right to privacy. A wiretap law sets the conditions under which the government may monitor telephone calls, mail, and e-mail. In September, the Public Prosecutor's Office established an antidefamation cyberinvestigation team after Park claimed rumors about her in the wake of the *Sewol* tragedy were unacceptable. The team censored and prosecuted suspects of online defamation of the president that took place over Twitter, other social media, and text messaging. The investigation team used KakaoTalk, South Korea's most popular social media and text messaging service, to seek out defamation cases. Millions of KakaoTalk users sought "cyberasylum" by switching to non-South Korean-based social media platforms. In a public opinion survey conducted by the Centre for International Governance Innovation between October 7 and November 12, more than 7 out of 10 South Koreans said they were concerned that police or government agencies would secretly monitor their online activities.

The constitution provides for freedom of religion. Academic freedom is unrestricted, though the National Security Law limits statements supporting the North Korean regime or communism.

E. Associational and Organizational Rights: 11 / 12

The government generally respects freedoms of assembly and association, which are protected under the constitution. However, several legal provisions conflict with these principles, creating tension between the police and protesters over the application of the law. For instance, the Law on Assembly and Demonstration prohibits activities that might cause social unrest. Police must be notified of all demonstrations. Local nongovernmental organizations (NGOs) have alleged that police who mistreat demonstrators have not been penalized equally with protesters under this law.

Human rights groups, social welfare organizations, and other NGOs are active and generally operate freely. The country's independent labor unions advocate workers' interests, organizing high-profile strikes and demonstrations that sometimes lead to arrests. However, labor unions in general have diminished in strength and popularity, especially as the employment of temporary workers increases.

F. Rule of Law: 13 / 16

South Korea's judiciary is generally considered to be independent. Judges render verdicts in all cases. While there is no trial by jury, an advisory jury system has been in place since 2008, and judges generally respect juries' decisions. Reports of beatings or intimidation by guards in South Korea's prisons are infrequent.

Cases of bullying and violence in South Korea's military have been on the rise. From April to August 2014, at least four conscript suicides were reported that may have been tied to hazing. In June, a sergeant killed five soldiers in a shooting spree at a military guard post in revenge for bullying. In July, the death of a soldier was blamed on beatings from his peers. The military is working to prosecute these cases.

The country's few ethnic minorities face legal and societal discrimination. Residents who are not ethnic Koreans face extreme difficulties obtaining citizenship, which is based on parentage rather than place of birth. Lack of citizenship bars them from the civil service and limits job opportunities at some major corporations.

Same-sex sexual relations are legal, but same-sex marriage is not. Such relationships are gaining acceptance, but still remain largely hidden. In October 2014, Seoul mayor Park Won-soon became the first major South Korean politician to endorse same-sex marriage. Gender reassignment surgery is permitted by law to citizens over 20 years of age, though only after the completion of or exemption from military service. Since a 2003 Supreme Court ruling, transgender people have had the right to change their gender designations and names in official documents. In December 2014, the Seoul Metropolitan Government planned to enact the Human Rights Charter for Seoul Citizens, which would have included freedom from discrimination on the basis of sexual orientation or sexual identity; however, the last six public hearings about the charter were protested by antigay Christian groups, and failure to reach an agreement over the language of the antidiscrimination clause caused the charter to fail.

With more than 27,000 North Korean defectors resettled in South Korea, defectors' rights have come under scrutiny. In July 2014, the NIS announced measures to reform interrogation procedures for North Korean defectors trying to enter the country. Other measures included open-door interrogations, and plans to hire full-time female attorneys (as the majority of defectors are female).

G. Personal Autonomy and Individual Rights: 13 / 16 (+1)

Travel both within South Korea and abroad is unrestricted, except for travel to North Korea, which requires government approval. Korea fully recognizes rights of private ownership and has a well-developed body of laws governing the establishment of corporate and other business enterprises.

South Korean women enjoy legal equality and a 2005 Supreme Court ruling grants married women equal rights with respect to inheritance. Women face some social and employment discrimination in practice, and continue to be underrepresented in government. Female workers earn only 44 percent of their male counterparts.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

[Full Methodology](#)

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