

South Korea

Country:South Korea**Year:**

2016

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

2

Aggregate Score:

83

Freedom Rating:

2.0

Overview:

The April 2015 suicide of businessman Sung Wan-jong, who left a note implicating senior government officials in corruption, shook the administration of President Park Geun-hye and prompted the resignation of Prime Minister Lee Wan-koo. Other allegations of corruption in recent years had prompted the passage in March of an anticorruption law that made it easier to convict government officials accused of bribery, but the law was criticized for also including journalists and educators. Despite the Sung scandal, Park's Saenuri Party was able to gain seats in by-elections for the National Assembly in late April.

In June, the UN Commission of Inquiry on Human Rights in North Korea opened an office in Seoul to support ongoing efforts to gather information about violations occurring in the North. Reunions of family members separated by the Korean War took place in October at the Diamond Mountain resort in North Korea. The event was the 19th round of such reunions since inter-Korean summit talks in 2000.

In December, President Park reached an agreement with Japanese prime minister Shinzo Abe to resolve a long-running dispute over the exploitation of Korean women and girls as sex slaves for the Japanese military during World War II. Under the agreement, the Japanese government would provide financial compensation to the surviving Korean "comfort women," and Abe issued an apology for their treatment. Advocates for the comfort women criticized the deal, citing a lack of consultation with the victims and Japan's failure to accept formal legal responsibility.

Political Rights and Civil Liberties:**Political Rights: 34 / 40 [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, to become the first female president of the Republic of Korea.

The unicameral National Assembly is composed of 300 members serving four-year terms. As of the most recent national elections in 2012, 246 of the 300 lawmakers were elected in single-member districts and 54 were chosen through proportional representation. The Saenuri Party won three of four seats contested in April 2015 by-elections, bringing its total number of seats to 160. The main opposition party, the New Politics Alliance for Democracy (NPAD), held 130 seats.

By-elections for various local offices held in October 2015 were also seen as a victory for the Saenuri Party, which won 15 of 24 races. The NPAD won only two, and independent candidates won seven, prompting calls for the resignation of NPAD chairman Moon Jae-in. Voter turnout for the elections was about 20 percent, the lowest since 2000.

B. Political Pluralism and Participation: 13 / 16

Political pluralism is robust, with multiple parties competing for power and succeeding one another in government. Currently, the two dominant parties are the ruling conservative Saenuri Party and the liberal NPAD, though party structures and coalitions are relatively fluid.

In December 2014, the Constitutional Court called for the immediate dissolution of the United Progressive Party (UPP) on the grounds that it violated the National Security Law and the constitution by conducting pro-North Korean activities; as a result, the party's five elected National Assembly members were removed from office. The decision marked the first time the court had ordered the breakup of a political party since its founding in 1988, and only the second time such an action had been taken in South Korea's history. The ruling was heavily criticized by both domestic and international organizations. The NPAD issued a statement arguing that the UPP's fate should have been decided through elections rather than a court ruling. In January 2015, the Supreme Court upheld the nine-year prison sentence of former UPP leader Lee Seok-ki, who had been convicted in early 2014 of conducting pro-North activities. The court also backed a previous ruling that stripped Lee of his voting rights and eligibility to hold political office for seven years after his release.

The National Intelligence Service (NIS) has been implicated in a series of scandals in recent years, including allegations that it interfered in political affairs. Former NIS chief Won Sei-hoon was sentenced to three years in prison in February 2015, when the Seoul High Court revised and strengthened a 2014 verdict involving an illegal online campaign by NIS officials to influence the 2012 election in Park's favor. In July 2015, the Supreme Court ordered a new trial after ruling that evidence used against Won was inadmissible.

C. Functioning of Government: 10 / 12

Elected officials generally determine and implement state policy without undue interference from unelected entities and interests. However, despite government anticorruption efforts, bribery, influence peddling, and extortion persist in politics, business, and everyday life. South Korea was ranked 37 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index.

The National Assembly passed a new anticorruption law in March, despite disagreement over its constitutionality. The law establishes strict punishments for those convicted of accepting bribes, and eliminates the need to prove a direct link between a gift and a favor in order to secure a conviction. The law targets government officials, but it is also applicable to journalists and educators, which prompted calls for revisions and a challenge before the Constitutional Court. If upheld, the law would take effect in late 2016.

In April 2015, Sung Wan-jong, a prominent businessman and former National Assembly member with the Saenuri Party, committed suicide, leaving behind a list of eight high-ranking politicians whom he had allegedly bribed. The list included former presidential chiefs of staff and Prime Minister Lee, who had been appointed in February. Lee denied the claims but resigned later in April. In July, prosecutors indicted Lee and former South Gyeongsang governor Hong Joon-pyo for allegedly accepting illegal campaign funding; the prosecutors reported finding insufficient evidence to charge the other figures identified by Sung. Lee and Hong were facing trial at year's end.

Civil Liberties: 49 / 60 (-1)

D. Freedom of Expression and Belief: 12 / 16 (-1)

The news media are generally free and competitive. Newspapers are privately owned and report aggressively on government policies and allegations of official and corporate wrongdoing. Some forms of official censorship are legal, however. 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, drawing accusations that the law's broadly written provisions are being used to circumscribe political expression. Journalists at major news outlets have at times faced political interference from managers or the government. The inclusion of journalists in the 2015 anticorruption law raised concerns that it could be misused to punish critical reporting and encourage self-censorship.

The constitution provides for freedom of religion, and it is respected in practice.

Academic freedom is mostly unrestricted, though the National Security Law limits statements supporting the North Korean regime or communism. In addition, the new anticorruption law subjects public and private school teachers and administrators to the same oversight as public officials, potentially allowing increased government influence or intimidation. Two other developments in 2015 stoked concerns about bias in education. In May, Human Rights Watch called on the Ministry of Education to revise new sex-education guidelines launched earlier in the year that deliberately excluded any mention of LGBT (lesbian, gay, bisexual, and transgender) people, apparently under pressure from conservative religious groups. In October, President Park announced that beginning in 2017, middle and high schools would be required to use history textbooks produced by an official institute, rather than choosing from a variety of options. The announcement drew protests from opponents who saw it as an attempt to whitewash the authoritarian rule of Park's father, Park Chung-hee, who held the presidency from 1962 to 1979.

Private discussion is typically free and open, and 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 July 2015, leaked communications between the Italian company Hacking Team and the NIS showed that the NIS had purchased software called Remote Control System (RCS), which allows remote surveillance of computers and mobile phones. That month, an unnamed NIS employee committed suicide and left a note admitting that he had deleted files that he felt could have caused public misunderstandings about the agency's surveillance. The employee

maintained that the RCS software was not used for surveillance of ordinary citizens, but rather for counterterrorism and covert operations involving North Korea. Opposition leaders called for a full investigation into the usage of RCS.

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.

In May 2015, conservative Christian groups tried to prevent an annual LGBT parade in Seoul by flooding police offices with competing applications for use of space. Police initially banned the parade, citing potential traffic congestion, but a court overturned the ban in June. The event proceeded as scheduled with police protection, despite the presence of counterprotesters.

In November, a massive antigovernment demonstration was held in Seoul over the textbook controversy and other grievances. Some protesters used slingshots and other such weapons against the police, who responded with water cannons containing liquid tear gas and blue paint to help identify demonstrators for later arrest. More than 500 people were injured in the clashes, and dozens were arrested. While the rally organizers were criticized for allowing violence to take place, police also faced criticism for illegally barricading the streets with vehicles and allegedly using excessive force. Another antigovernment rally in December proceeded without incident.

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 largely respect juries' decisions. Reports of beatings or intimidation by guards in South Korea's prisons are infrequent.

Cases of bullying and violence in the military have been on the rise. In February 2015, a South Korean soldier was sentenced to death for killing five fellow soldiers in a 2014 shooting spree, though the country has not carried out an execution since 1997. At his military trial, the soldier claimed that his rampage had been incited by bullying. In May, another soldier opened fire during a training session, killing two fellow reservists and injuring two others before killing himself.

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. As of March 2015, there were over 1.8 million foreign-born people residing in Korea, including students, white-collar workers, migrant laborers, undocumented

workers, and women married to Korean men. The number of multicultural families has more than doubled in the past eight years, reaching over 820,000 in 2015.

There were roughly 29,000 North Korean defectors in South Korea at the end of 2015. Defectors are eligible for South Korean citizenship, but they can face months of detention and interrogations upon arrival, and some have reported abuse in custody and societal discrimination.

Same-sex sexual relations are legal, and the law bars discrimination based on sexual orientation. However, transgender people are not specifically protected, and societal discrimination against LGBT people persists. In April 2015, the Ministry of Justice rejected an attempt by the Beyond the Rainbow Foundation to become the country's first registered LGBT advocacy group on the grounds that it promoted human rights only for a "social minority." The group's previous attempts to register with municipal and human rights authorities in Seoul had also been rejected.

G. Personal Autonomy and Individual Rights: 13 / 16

Travel both within South Korea and abroad is unrestricted, though travel to North Korea requires government approval. South Korea fully recognizes property rights and has a well-developed body of laws governing the establishment of commercial enterprises.

South Korean women have legal equality, and a 2005 Supreme Court ruling granted married women equal rights with respect to inheritance. Women face social and employment discrimination in practice, and continue to be underrepresented in government. According to the 2015 World Economic Forum Gender Gap Index, Korea ranks 115 out of 145 countries in terms of gender parity.

In February 2015, the Constitutional Court overturned a law that made adultery a crime. Same-sex marriage is not legal; in July, a male couple filed a lawsuit seeking recognition of their marriage, marking the first case of its kind. A ruling was pending at year's end.

Foreign migrant workers are vulnerable to debt bondage and forced labor, including forced prostitution. Korean women and foreign women recruited by international marriage brokers can also become sex-trafficking victims. Although the government actively prosecutes human trafficking cases, those convicted often receive light punishments. In September 2015, about 1,000 people held a rally in Seoul to call for the decriminalization of prostitution—a punishable offense since 2004. Illegal sex workers are vulnerable to abuse, trafficking, and withholding of wages.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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