

SOUTH KOREA

REGRESSION OF CIVIC SPACE UNDER PRESIDENT YOON

윤석열 대통령 취임 2주년 기자회견



South Korean President Yoon Suk-yeol attends a press conference marking two years in office, May 2024. SONG KYUNG-SEOK/Pool via REUTERS



INTRODUCTION

In May 2022, Yoon Suk-yeol, a conservative, was [sworn in](#) as South Korea's new president. During his inauguration speech, President Yoon spoke of strengthening the country's democracy and support for fundamental freedoms. But while Yoon has taken steps to draw international [attention](#) to human rights violations in North Korea, two years on, there is growing [concern](#) about the erosion of civic freedoms at home.

Over the last two years, the CIVICUS Monitor has documented an array of restrictions and attacks on civic space in South Korea. These include the harassment and criminalisation of journalists, restrictions and crackdowns on protests, the targeting of trade union activists and the use of the restrictive National Security Act (NSA). Due to this, the state of civic space is rated as [narrowed](#) by the CIVICUS Monitor.

The government's actions are inconsistent with South Korea's international human rights obligations under the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1990. In November 2023, the [United Nations \(UN\) Human Rights Committee](#), which reviews the implementation of the ICCPR, raised concerns over the criminalisation of expression and restrictions on protests and freedom of association.

The government has failed to effectively implement recommendations made by the [UN Human Rights Council](#) during its Universal Periodic Review in March 2023. This includes calls by UN member states to implement adequate measures to ensure freedom of the press and guarantee freedom of expression, and to guarantee that the right to freedoms of association and peaceful assembly can be exercised by all people. There were also recommendations to stop the suppression of people from lawfully exercising their rights, cease arbitrary interference in the functioning of trade unions and end disproportionate use of force against people enjoying the right to peaceful assembly.

This brief highlights some of our current concerns with the state of civic space in South Korea and makes a series of recommendations.

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in South Korea as **"Narrowed"**.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



PRESS FREEDOM AT RISK

Press freedom has deteriorated in South Korea under Yoon's administration. In the 2023 World Press Freedom Index released by Reporters Without Borders (RSF) the country [fell four spots](#) to 47th place out of 180 countries. In May 2024, it [dropped](#) another 15 spots to 62nd place. RSF states that while South Korea has a rich media landscape and respects media freedom and pluralism, news outlets face pressure from politicians, government officials and business conglomerates. Further, some journalists have faced lawsuits and criminal defamation laws create a chilling effect.

In November 2022, journalists and media workers from Korean news outlet Munhwa Broadcasting Corporation were [refused access](#) to Yoon's official plane. According to the International Federation of Journalists (IFJ), they were notified by the presidential office that this was due to the broadcaster's alleged 'distorted' coverage of diplomatic affairs. Yoon justified his decision by citing national security concerns. Eight major media rights organisations, including the Journalists' Association of Korea, criticised the incident, calling it 'unconstitutional and historically unprecedented'.

In November 2022, it was [reported](#) that a broadcaster that had been critical of the government had lost city funding. Traffic Broadcasting System (TBS) operates two radio stations and a television channel and received 70 per cent of its funding from the Seoul city government. Yoon's conservative People Power Party (PPP), which also holds a majority on the city council, had called for the funding to be scrapped and proposed an [ordinance](#) to that effect. Members from the main opposition party, the Democratic Party of Korea, walked out of the session in [protest at the decision](#), saying that they 'strongly condemn the suppression of the media'. TBS's star radio personality, Kim Ou-joon, has been openly critical of the PPP and current government.



TBS employees outside the Seoul Metropolitan Council when it passed a bill scrapping funding for the news outlet (Photo Credit: Yonhap)

Defamatory libel is a [criminal offence](#) in South Korea. Articles 307 to 312 of the Penal Code describe various 'crimes against reputation', including defamation, defamation through printed materials and insult, with a penalty of up to seven years' imprisonment and fines of up to 50 million won (approx. US\$38,600).

In February 2023, the presidential office filed a [complaint of libel](#) against a former spokesperson for the Defence Ministry, accusing him of making a false claim that its decision to relocate Yoon's residence to Yongsan, central Seoul, was linked to a fortune teller whom the opposition party alleges the president has ties with. The office also sued two other reporters, from Hankook Ilbo and News Tomato, for libel for also writing about the ex-spokesperson's claim.



In March 2023, freelance photojournalist Jang Jin-young was [fined](#) 5 million won (approx. US\$3,650) for covering the war in Ukraine without permission from the government. The authorities charged Jang under article 17(1) of the Passport Act (Restriction on the Use of Passports), which gives power to the government to 'stop visiting or staying in a specific country or region only in countries where war has occurred'. The IFJ [said](#) the law violates the constitution and restricts local reporters' right to travel to conflict areas to conduct their work

In September 2023, investigators and prosecutors from the Seoul Central District Prosecutor's Office were [dispatched](#) to the offices of broadcaster JoongAng Tongyong Broadcasting Company (JTBC) and online news outlet Newstapa and seized materials related to a 2021 interview between trade union leader and former journalist Shin Hak-lim and Kim Man-bae, a key figure in a land development scandal.



Newstapa new outlet founder and editor-in-chief (Photo Credit: ICIJ)

The interview was published by Newstapa three days before the national election in March 2022, with JTBC reporting a similar story in February 2022. It described an [allegation](#) that Yoon, as a prosecutor in 2011, had decided not to indict Cho Woo-hyung, who was implicated in a banking and real estate scandal in response to lobbying. Yoon denied the claim during presidential debates and continues to do so.

Prosecutors [ransacked the homes and offices](#) of two Newstapa reporters. They also targeted journalists from other outlets and confiscated their phones and files to collect criminal evidence of defamation. In December 2023, officials [raided](#) the residence of Newstapa CEO and former editor-in-chief Kim Yong-jin over the report.

In November 2023, a daily political programme, Choo Chin-woo Live, was suddenly [removed](#) from the schedule of the public broadcasting group, KBS. Choo, a well-known investigative journalist who had carried out investigations on corruption and abuse of power, was sacked. This decision was announced as soon as the new KBS president, Park Min, took office on 14 November 2023. It was reported that this [tougher stance](#) was in line with the PPP's wishes.

According to a December 2023 [Voice of America](#) report, in the first 18 months of his presidency, Yoon's government and political allies initiated defamation cases related to at least 11 different instances of coverage. Criminal charges are being pursued in some cases. This outpaces defamation-related complaints linked to previous governments.

TRADE UNIONS TARGETED

As a pro-business conservative, Yoon [vowed](#) to deal 'strictly' with labour disputes. His administration has targeted trade union activists with raids on their offices and arrests. His vilification of trade unionists has also led to attacks against them by the police and others.

In January 2023, the authorities [raided trade unions](#) in Seoul, raising concerns about suppression of the labour movement. The police and National Intelligence Service (NIS) raided the offices of the Korean Confederation of Trade Unions (KCTU) on 18 January 2023, alleging that current and former KCTU members had violated the NSA.



According to reports, the authorities conducted a search and seizure operation on the administration office of the KCTU and the office of the Korea Health and Medical Workers' Union (KHMWU). The NIS and police also searched the home, in Damyang, South Jeolla Province, of a member of a Kia Motors union branch who served as vice chairman of the Korean Metal Workers' Union (KMWU), and a peace shelter in Jeju's Bonggae neighbourhood headed by a former KMWU member.



The Korean Confederation of Trade Unions (KCTU) had their offices raided in January 2023 (Photo Credit: IndustriALL)

The following day, police raided the offices of construction unions affiliated with the Korean Confederation of Trade Unions (KCTU) and the Federation of Korean Trade Unions. On 20 January 2023, dozens of NIS agents again raided KCTU's head office building for several hours. The NIS said the operation was part of an investigation into whether some members had violated the NSA by having contact with North Korean agents overseas, possibly in Cambodia and Vietnam, and allegedly receiving orders from them.

The KHMWU strongly [condemned](#) the 'public security suppression of the labour movement' while the International Trade Union Confederation denounced the raids as 'overt aggression and intimidation by the government'.

In May 2023, global union [IndustriALL](#) said that Yoon's use of union-bashing rhetoric had set a national tone echoed on the ground in workplaces across South Korea, with increasingly violent attacks against trade unionists.

On 1 May 2023, Yang Hoe-Dong, a local union leader from the Korean Construction Workers Union, set himself on fire outside a court to protest against the [concerted prosecution of trade unionists](#) for carrying out union-organising activities. He was under investigation on charges of forcing construction companies to hire unionised workers and collecting union membership dues.

On 4 May 2023, a manager at ILJIN Hysolus [rammed](#) his car into three trade union leaders, causing serious injuries to the union's vice chair.

While visiting a sit-in protest of FKMTU members working at POSCO steel mill in Gwangyang on 31 May 2023, FKMTU president Kim Man-jae was detained and ill-treated by six plainclothes police officers who pressed him to the ground and knelt on his neck before handcuffing him.

The following day, FKMTU secretary-general Kim Jun-yeong joined a sit-in protest on a seven-metre-high makeshift scaffolding. At dawn, four police officers approached him with a mobile crane and [struck](#) him with a long stick until he fell from the scaffolding. Kim suffered severe injuries to his forehead and head, a fractured knee and severe bruising. He was taken into police custody and [charged](#) before being released on bail.



Korea trade unions protest against increasing repression, July 2023 (Photo Credit: IndustriALL)



In June 2023, two FKMTU unionists were injured in a [violent police attack](#).

In November 2023, the [UN Human Rights Committee](#) raised concerns about a reported significant crackdown on trade union activities since 2022, including ‘alleged judicial harassment and stigmatisation of the Korean Construction Workers Union, which has reportedly been subjected to multiple forced seizures and heavy administrative fines, and whose members have reportedly been subjected to investigation, detention and, in some cases, imprisonment’.

RESTRICTIVE NATIONAL SECURITY ACT

Article 7 of the NSA bans ‘praising or propagating activities of any anti-state organisation and possession or distribution of pro-enemy materials’. The term ‘anti-state organisation’ is vague and [not defined](#), which makes it unclear what types of organisations may fall under its scope. The failure to define a key term is highly concerning and can only lead to the NSA’s unclear and overly broad application in practice. National security laws, due to their nature, must be clearly defined in law. According to [Amnesty International](#), the NSA has been continuously used as a means to censor and cast a chilling effect on and imprison those who exercise their right to freedom of expression. It has also been used against human rights defenders who have expressed criticism of government policies.

In November 2023, the [UN Human Rights Committee](#) stated that it ‘remains concerned that prosecutions continue to be brought under the National Security Act, and in particular under the excessively vague wording of article 7 of the Act’.

In August 2022, Seoul police [raided the office and home](#) of religious activist Jung Dae-il over accusations he published pro-North Korea materials in violation of article 7. Jung is the director of the Tongil Times research institute, which publishes analysis and policy proposals that advocate reconciliation and unification between North and South Korea and opposes what it calls US ‘domination and interference’.

Lee Yoon-seop was [sentenced](#) to 14 months in prison under the NSA for praising North Korea in a poem.

BARRIERS AGAINST PROTESTS



Members of the Cargo Truckers Solidarity union protesting in Ulsan in June 2022. Photo Credit: Reuters/ Byungwook Kim)

There are also concerns about the policing of protests in South Korea and restrictions in law and practice that are not consistent with international human rights law and standards.

In November 2023, the [UN Human Rights Committee](#) raised concerns about restrictions on the right to peaceful assembly. The Committee said that the banning of a significant number of rallies to ensure the smooth flow of traffic, particularly in the vicinity of the President’s office, based on articles 11 and 12 of the Assembly and Demonstration Act, is not in conformity with the principles of proportionality and necessity.

In June 2022, at least 44 unionised truckers were [arrested](#) during a nationwide strike calling for an extension of subsidies and a guarantee of minimum wages as fuel prices rose. They were accused of committing ‘illegal activities’ such as ‘interfering’ with normal vehicle operation. Two of them were formally arrested.



COURTS DECRIMINALISE ACTIVISM ON NORTH KOREA

Under the previous administration, South Korea's parliament passed revisions to a law to [ban the launching](#) of propaganda leaflets into North Korea. The amendments to the Development of Inter-Korean Relations Act barred any scattering of printed materials, goods, money and other items of value across the heavily fortified frontier. It also restricted loudspeaker propaganda broadcasts. The law carried punishment of up to three years in prison or 30 million won (approx. US\$27,400) in fines.

In July 2020, the Unification Ministry decided to revoke the registration of Fighters for Free North Korea (FFNK), a defector group led by a well-known North Korean defector, Park Sang-hak, that leads the leafleting campaign. In May 2021, the [law was used](#) against Park. His office was raided and he was



Park Sang-hak, head of Fighters for a Free North Korea, April 2021 (Photo Credit: Yonhap)

arrested and [indicted](#) for having sent balloons carrying propaganda leaflets and booklets and US\$1 notes towards North Korea on [two occasions](#) in April 2021.

In a positive move in April 2023, the Supreme Court ruled that it was [unfair](#) for the previous administration to have revoked the FFNK's registration and reversed the lower court's decision. In September 2023, South Korea's Constitutional Court [struck down](#) the [clause](#) in the Development of Inter-Korean Relations Act that criminalised the sending of propaganda leaflets to North Korea, calling it an excessive restriction on free speech.



RECOMMENDATIONS

The government of South Korea should:

- Ensure freedom of expression and media freedom by bringing national legislation into line with international law and standards.
- Decriminalise defamation and ensure that criminal laws are not used to silence journalists or dissenting voices, and instead promote a culture of tolerance of criticism, which is essential for a functioning democracy.
- Ensure that journalists and writers may work freely and without fear of retribution for expressing critical opinions or covering topics the government may deem sensitive.
- Take steps to adopt a framework for the protection of journalists from persecution, intimidation and harassment.
- Ensure that trade unions are not subjected to stigmatisation, interference and judicial harassment, and instead foster an enabling environment for the exercise of the right to freedom of association.
- Repeal, review or amend the National Security Act, particularly article 7, so that it complies with international human rights law. This law should not be used to harass, intimidate, arrest, or prosecute those peacefully exercising their rights to freedoms of opinion and expression.
- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Repeal or amend articles 11 and 12 of the Assembly and Demonstration Act and ensure that all law enforcement officers systematically receive training on the use of force, particularly in the context of demonstrations.