

**KDF** Korean Democracy  
ANNUAL REPORT



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## PREFACE

The year 2018, which has been running past at a breathless pace has reached its end. The Korea Democracy Foundation of the Institute for Korean Democracy has looked back at South Korean society in this year through the lenses “peace” and “inequality.” While the winds of peace have blown around the world, the shadows of social and economic inequalities have grown darker in South Korea. In 2018, hope and unhappiness have coexisted together.

As South and North Korean athletes opened a gate of peace when they entered the Pyeongchang Winter Olympics, holding a Korean Unification Flag together, the Korean Peninsula was reborn as a venue of peaceful Olympics from the prolonged shadows of conflict. Furthermore, as agreement was achieved on the goal of denuclearization of the Korean Peninsula and the end of war affirmed through the “Panmunjeom Declaration” at the South and North Korean Summits, another milestone was crossed, one that would be long remembered in the history of peace in the Korean Peninsula. The winds of peace filled the Korean Peninsula and the people began to hope for prosperity and coexistence.

On the other hand, many controversies and conflicts deepened and instability accelerated. Examples of this latter trend include changes in the work environment due to the increase in minimum wage and implementation of the 52-hour work week, overheating of the real estate market, resurrection of protectionism, abuses of power by owners/chaebol, #MeToo Movement, contempt for refugees, subcontracting of hazardous works, and rise in non-regular employment. Since 2008, the income gap has been increasing in South Korea every year, and South Korea ranked 56th among 157 countries on the “Commitment to Reducing Inequality (CRI) Index 2018.” This corresponds to the second last position among the 36 OECD (Organization for Economic Cooperation and Development) member countries. Social and economic inequalities are overshadowing the future of South Korean society.

We ponder over democracy once again. Furthermore, we are reminded of Section 10 of Article 2 of the Constitution: “Every citizen has dignity and value as a human being and has the right to pursue happiness.” We need to inquire into the dignity of communities and individual persons, and find answers from democracy. The June Struggle of 1987 and the Candlelight Protests of 2017 raised questions about the kind of democracy we aimed to create, rather than the kind of democracy created for us by someone else.

In line with these intentions, the Korea Democracy Foundation, the Institute for Korean Democracy, has planned and published the Korea Democracy Annual Report this year as a pilot project evaluating the state of democracy in South Korea in 2018 in various areas. It is hoped that this will contribute to seeking various solutions for resolving the fault lines and gaps in South Korean society through the democracy we have kept alive till now.

**Jiseon**  
**Chairman of Board,**  
**Korea Democracy Foundation.**

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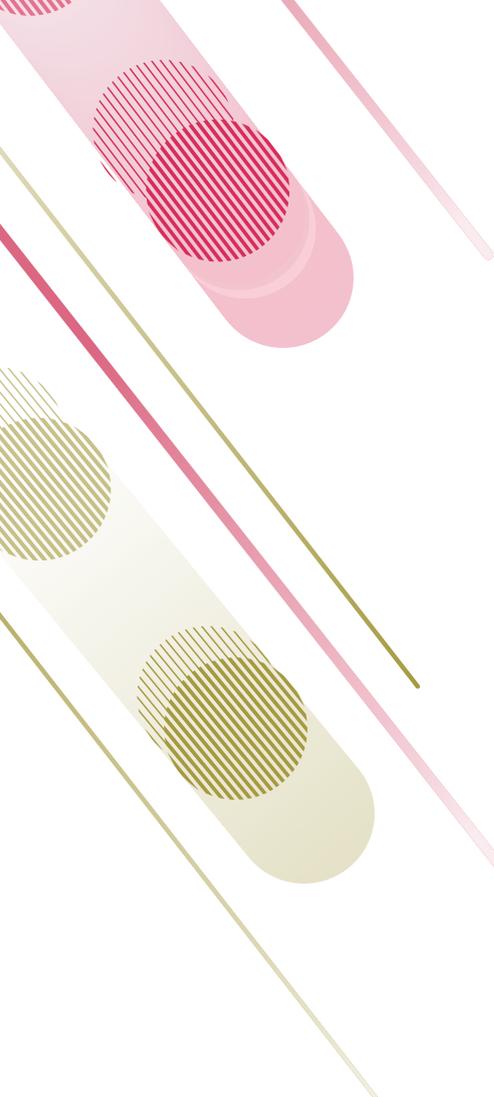
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2018 Korean  
Democracy  
Annual Report  
**Economy**

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## I. Introduction

### 01 Establishment of assessment criteria

Democracy in the field of economy has been assessed on the basis of Section 2 of Article 119 of the Constitution, which refers to economic democratization. Article 119 of the Constitution reads as follows.

#### Article 119

- ① The economic order of the Republic of Korea is based on respect for the economic freedom and creativity of individuals and companies.
- ② The nation can regulate and coordinate the economy to maintain the national economy's growth and stability, and an appropriate income distribution; to prevent domination of market and misuse of economic power; and to democratize the economy through harmony between economic entities.

### 02 Detailed assessment factors

“Concentration of economic power” and “corporate governance” were adopted as factors to specifically evaluate the “market domination and misuse of economic power” mentioned in Section 2 of Article 119; “relationship between large corporations and small/medium companies” and “current status of self-employment” were adopted to specifically evaluate the “balanced growth and stability of the national economy”; and “household income inequality” to specifically evaluate the “maintenance of appropriate income distribution.”

## II. Detailed Assessment of Factors

### 01 Concentration of economic power

The concentration of economic power problem was first raised by the progressive movement in the USA in the early 20th century, with economic power defined as “a situation in which someone's economic future depended on their pleasing a particular gatekeeper.”<sup>1)</sup> Therefore, when a certain individual or family controls a considerable portion of national economic resources, concentration of economic power occurs. In such a case, political, policy, and judicial decision-making can be distorted for the private benefit of that individual or family. In this perspective, the concentration of economic power can be viewed as a fundamental threat to a pluralist system of democracy and market economy.

In South Korean society, the evidence for the concentration of economic power among the chaebol, especially the upper level chaebol, is quite obvious. The following cases demonstrate the excessive influence of the chaebol on the judiciary, legislative, administration, and journalism, and the distorted decision-making resulting from this.

First, despite a continual critique of the judiciary's “rulings partial to the chaebol,” an appeals

1) Becht, M. and J. B. DeLong, “Why Has There Been So Little Block Holding in America?” in: Morck, Randall K. (Ed), A History of Corporate Governance Around the World, Chicago: University of Chicago Press, 2005, pp.613-666..

court, in February this year, awarded a suspended sentence of two-and-a-half years' imprisonment, with a four-year probation, to Lee Jae-yong, the Vice-chairman of Samsung Electronics, in one of the trials into former president Park Geun-hye and her confidant Choi Soon-sil's abuse of power and meddling in state affairs. Although a trial court judged that both the ex-president Park Geun-hye and Lee Jae-yong agreed implicitly on the succession of management rights, the appeals court did not acknowledge this and reduced the sentence greatly, based on the view that Samsung was a victim of coercion. However, criticism has been raised that the sentence was too generous, given the bribery amount of 3.6 billion won recognized by the appeals court.

Similarly, the Chairman of the Lotte Group, Shin Dong-bin, was originally sentenced to two-and-a-half years in prison in a related trial, when he was found guilty of paying a bribe of 7 billion won to receive a favor for relicensing inner-city duty-free shops. However, following his appeal, he was released on a suspended sentence with a four-year probation. Although breach of trust was added to the charges against him at the appeals stage, Shin Dong-bin was awarded a sentence of probation instead.

To root out rulings favorable to chaebol chairmen's family members, an amendment was proposed to increase prison sentences for certain economic crimes to "seven years or longer" for defendants who gained criminal profits of 5 billion won or higher through embezzlement and breach of trust. This was proposed so that probation sentences would no longer be possible. However, this bill is still mired in the National Assembly.

Following the appellate court decisions in favor of Lee Jae-yong and Shin Dong-bin, some newspapers adopted a so-called "frame of warm breeze on business" and poured out reports supporting the court decision. According to a journalists' consciousness survey conducted in 2017 by the Korea Press Foundation, 74.2% of field reporters picked "advertisers" as the most important factor that directly/indirectly restricts freedom of press in South Korea. Nonetheless, the proportion of total advertising spending by the companies affiliated with the top five chaebols among the top 100 advertisers from January to September this year was 35.88%. Particularly in the case of newspapers, the top five chaebols spent 37.25% of the total advertising costs of the top 100 advertisers. Among them, the advertising costs of Samsung-affiliated companies accounted for the highest proportion of 12.79%.<sup>2)</sup>

Despite the fact that concentration of economic power is such a serious problem, the Moon Jae-in administration has put very little effort into diluting the concentration of economic power among the chaebols. The bill to amend the Fair Trade Act submitted to the National Assembly by the Korea Fair Trade Commission (KFTC) did not include a plan for solving the problem of concentration of economic power among existing chaebols, and the Moon administration is still urging the chaebols to voluntarily resolve this problem.

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2) Source: Neilson Korea (<https://www.adic.or.kr/stat/main/getStats.do?className=AdvertiserAdOutlay>)

## 02 Corporate Governance

Corporate governance refers to a set of norms and legal devices that prohibits personal gain and fraudulent practices of controlling shareholders that violate the interest of non-controlling shareholders, and prevents private possession of a company by controlling shareholders and top management. However, such mechanisms of corporate governance have not proven to function effectively in the chaebol system of South Korea because of the corporate management style called “emperor management.”

“Section 2 of Article 23” was introduced in the Fair Trade Act in 2013 to prevent personal gain and fraud by chaebol chairmen’s family members through “related-party-transactions.” However, related-party-transactions have not yet been eradicated due to the insufficiency of legal provisions. According to a survey by the KFTC reported in June 2018,<sup>3)</sup> the proportion of intra-company transactions decreased temporarily and then increased again in the companies subject to the regulation since its introduction in 2013. Furthermore, the proportion of intra-company transactions has been maintained at a high level for the companies falling in the blind spots of the regulation.

**Table 1** Proportion of intra-company transactions in the analysis target companies (no. of companies)

Year	Companies subject to regulation	Companies in Blind Spots		
		Listed companies in which the ownership shares of the chairman and family are 29–30%	Companies exempted from regulation after implementation of regulation	Subsidiaries in which ownership of regulation-target companies exceeds 50%
2014	11.4% (159)	20.5% (6)	29.5% (8)	16.3% (141)
2017	14.1% (203)	21.5% (4)	26.6% (8)	15.1% (214)

**Note:** The proportion of intra-company transactions was 15.7% for the companies satisfying the regulation criteria (160 companies) before the enforcement of the regulation (source: Korea Fair Trade Commission)

The bill to amend the Fair Trade Act submitted to the National Assembly by the KFTC at the end of November included a plan for expanding the scope of companies subject to the regulation regarding fraud through related-party-transactions. However, its effectiveness is still in doubt. Although the scope of listed companies subject to the regulation was expanded in the amendment bill, this limitation can be also evaded by the chaebols. More importantly, if the verdict of the High Court regarding related-party-transactions in Korean Air<sup>4)</sup> is affirmed by the Supreme Court, the anti-fraud regulation may itself become ineffective. Therefore, the amendment bill should have contained a plan that could solve these problems fundamentally. However, such a plan was never adopted.

Examples of controlling shareholders or top management privatizing a company or following an “emperor management” style include “power trips” or instances of abuse of power by chairmen’s family members towards employees. Such incidents have occurred several times, especially in 2018. For instance, Cho Hyun Min, Senior Vice President of Passenger Marketing at Korean Air threw water into the face of an advertising manager from an agency affiliated to Korean Air and kicked him out of a conference room. As an audio recording of the incident was released, the so-called “water cup power trip” came to light.<sup>5)</sup> However, on October 15, the Seoul Southern District

3) KFTC, “Intra-company transaction changes analysis result after implementation of defraudation regulation in 2014”, June 25, 2018.

4) Seoul High Court, ruling of “2017-nu-36153”, September 1, 2017.

5) Maeil Business Newspaper, “Cho Hyeon-min, Senior VP of Korean Air, accused of power trip for splashing water to an ad agency manager”, April 12, 2018.

Prosecutor's Office decided that there was "no right of arraignment," and Cho was not indicted. Similarly, details emerged regarding the misconduct by Lee Jae-hwan, the CEO of CJ Powercast, who was the second son of the late honorary chairman of CJ Group, Lee Maeng-hee. Cho allegedly ordered his assistant to perform personal errands such as washing a bedpan and abused him verbally when such tasks were not handled in the way he desired.<sup>6)</sup> Meanwhile, Samsung, Hanjin, Hyundai, and Hyosung Group have been caught using company finances and personnel to look after the family cemeteries of the founders.<sup>7)</sup>

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6) [JTBC, April 19, 2018] "Power Trip Exposed" This Time, CJ... "Lee Jae-hwan Ordered His Bedpan to be Washed".

7) [KBS, September 24, 2018] Hanjin & Samsung, 'the Companies Managed the Family Cemeteries of the Chairmen'.

### 03 Relationship between large corporations and small/medium companies

An assessment of the relationship between large corporations and small/medium companies showed that it still remained a subordinate/exploiting relationship, rather than being equal and cooperative, as demonstrated by the problems of a strong-weak structure, price-slashing, and technology-extortion.

In particular, the problem of the strong-weak structure frequently arose this year for franchise businesses.<sup>8)</sup> For instance, Pizza Etang courted public criticism because it secretly monitored the franchise stores that had taken the lead in the establishment of the Franchise Owners Association and set them at a disadvantage. It had also forced 509 franchise owners to purchase marketing flyers since 2005. Subway, another restaurant franchise, stirred up a controversy because it told the owners of franchises that had been closed down to pursue their disputes in English in the USA. Bon Gousse sold the company in secrecy although it had liability problems with franchise owners.

According to the report titled “Current Status of Subcontract Act Violations of Corporate Groups Subject to Mutual Investment Restriction from 2014 to June 2018” submitted by the KFTC, 40 companies were found to have violated the Subcontract Act in the last five years, with a total fine of 9.579 billion won imposed on them. It has been pointed out that violations of the Subcontract Act are repeated every year despite sanctions by the KFTC because the penalties given by the KFTC have been too light.

The problem of technology extortion has been also widespread. For instance, it has been claimed that the technical documents for major components of the HiMSEN engine, which was promoted as an independently developed product of Hyundai Heavy Industries, were stolen from Samyoung Machinery, a subcontractor. In response, the KFTC conducted a one-month investigation into Hyundai Heavy Industries last October, and acquired considerable evidence to support suspicions of multiple technology extortions as well as of unfairly slashing supply-prices from 1st and 2nd tier suppliers.<sup>9)</sup>

The KFTC has been focused on cracking down on individual instances using its administrative power, instead of improving the fundamental laws and policies that would induce and force the development of equal and cooperative relationships between large corporations and small/medium companies.

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8) [Chosun Biz, October 25, 2018] Power Trip of Franchises “Squeezing Member Shops”, Price Cutting, Closing Notice.

9) [Money Today, October 26, 2018] [National Inspection] Samyoung Machinery “Hyundai Heavy Stole Tech” vs. Hyundai “Nothing More than Components”.

#### 04 Current status of self-employment

According to the employment trend data presented in October 2018, the number of self-employed persons decreased by 24,000 in the first quarter, 3,000 in the second quarter, 55,000 in the third quarter, and 105,000 in October, as compared to the same periods in 2017. These decreases in the number of self-employed persons were mainly due to decreases in the number of self-employed people having no employees under them. However, even for self-employed people with employees, the number showed a decrease of 4,000 in October as compared to the same period in the previous year.

Nevertheless, the decrease in the number of self-employed persons did not seem to lead to higher incomes for the remaining self-employed individuals. Rather, the majority of self-employed people were estimated to belong to households in the lower 40% income bracket. Further, according to the household trends investigation by Statistics Korea, their incomes are on a downward trend. In fact, the decrease in the number of self-employed persons seems to be largely due to the effects of restructuring in the manufacturing sector. The sharp rise in minimum wage seems to gradually be having an impact as well.

In September 2018, the Moon administration passed an amendment to the Commercial Property Lease Protection Act that increases the contract renewal period from five years to ten years. Furthermore, in November, the Moon administration greatly expanded the range of stores to which preferential fee rates can be applied in order to reduce credit card service fees. While this facility was earlier only available to affiliated stores having an annual revenue less than or equal to 500 million won, it will be available to those having an annual revenue of less than 3 billion won starting next year. However, since there are many potential new entrants who want to enter into self-employment because of early retirement and the severance pay system, it is forecasted that the restriction on increase of rents and reduction of credit card fees will hardly lead to income increases for individual self-employed persons.

#### 05 Household income inequality

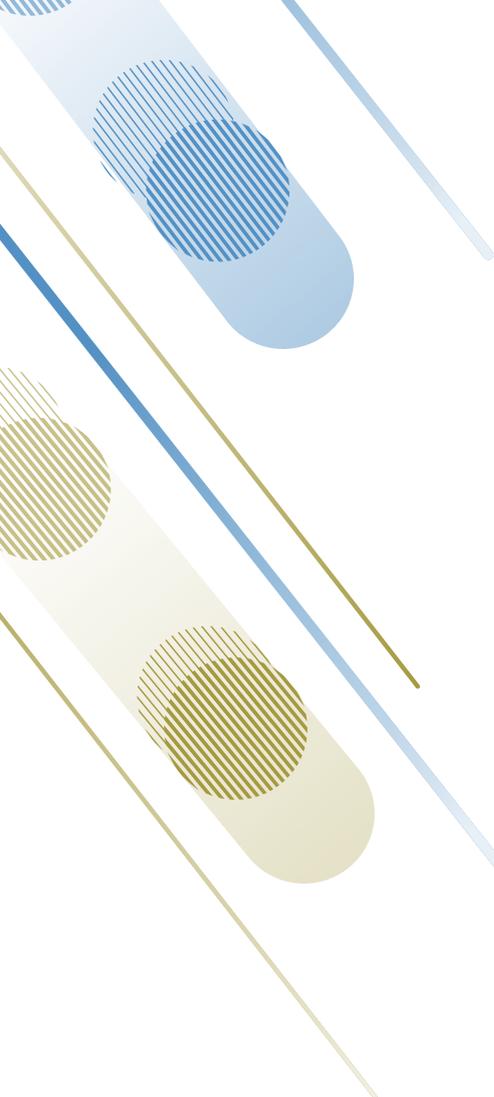
According to the household trends investigation report presented by Statistics Korea every quarter, the distribution of household incomes has worsened this year. The first group corresponding to households in the top 20% income bracket showed an increase of 9.3% in household incomes in the first quarter, a 10.3% in the second quarter, and an 8.8% increase in the third quarter, as compared to the same periods in 2017. However, the fifth group, corresponding to households in the lowest 20% income bracket showed an 8.0% decrease in the first quarter, a 7.6% decrease in the second quarter, and a 7.0% decrease in the third quarter. It could be assumed that the main causes of such degradation in household income distribution were sluggish employment growth and an aging society.

### III. Summary

In summary, it can be argued that the democratization of the economy did not show much progress in 2018. In particular, it is suspected that the Moon administration has lost the will to reform in the areas of resolving the concentration of economic power and normalizing corporate governance. Fortunately, more active administrative control was exercised over the problems of the strong-weak relationship and technology extortion arising in the relationships between large corporations and small/medium companies. Even for these problems, however, fundamental legal and institutional solutions were not sought. Meanwhile, although the Moon administration has set itself policy goals of “job creation” and “income inequality mitigation,” self-employment shrunk and household income inequality worsened in 2018.

Several factors that need to be considered with respect to future assessments of democratization of the economy were discovered. Although quantitative evaluations were presented through statistical data for “self-employment status” and “household income inequality” in Section 2, the question arises of whether to continue to perform annual assessments based on quarterly data, considering that sampling issues have been persistently raised with respect to the household trends investigation. Furthermore, even for such statistical data, it would be more desirable to evaluate trends and changes over a certain period (e.g., five-year period) rather than making year-on-year comparisons.

On the other hand, although there is no method or theoretical basis existing for quantitatively measuring the “concentration of economic power,” the proportion of assets or revenue to GDP is mainly used as a quantitative index of economic resources that a certain individual or family can control in a nation. However, the currently usable data only extend up to the end of 2017, and the 2018 data will be available in the first half of next year. Nevertheless, even for such statistical data, it would be more desirable to evaluate trends and changes over a certain period (e.g., five-year period), rather than making year-on-year comparisons.



2018 Korean  
Democracy  
Annual Report  
**Politics**

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## I. Introduction

### 01 Establishment of assessment criteria

Various criteria can be considered in the assessment of the democratic system of a nation. Here, five criteria were considered.

The first criterion was fair and free elections. The minimal condition for democracy is free, fair, and periodic elections. More specifically, a head of administration should be elected through universal suffrage in free, competitive, and fair elections involving competition among multiple parties; a national assembly should be formed by election; and political power should change hands based on competition among multiple parties through election or an election-identical system.<sup>1)</sup> From this perspective, the first criterion for assessing a democracy involves the procedural element of fairness of electoral competition.

The second criterion is the protection of civil liberties. In a democracy, civil liberties should be protected from the tyranny of government organizations and the majority, and the freedom of belief and conscience of individual persons should be guaranteed. Furthermore, it should be possible to freely express criticism and opposing opinions against those in power, and the freedom of assembly and association should also be guaranteed.

Third, government power should not be exercised arbitrarily, but in accordance with the law. The human rights of citizens should be ensured by the law and should not be restricted by the arbitrary judgment of government. The rule of law and human rights should be upheld by the political system and organizations that regulate them.

Fourth, government organizations should operate efficiently and effectively. Each government organization should be able to properly perform its institutional functions and roles. The functions should also be performed properly to ensure the separation of powers and maintain institutional checks and balances.

Fifth, negative and unfair customs and political cultures such as corruption and misuse of power should be gotten rid of. In particular, corruption in politics harms social trust in fairness and has a very large negative impact on democracy.

Based on these five criteria, democracy in the area of politics in South Korea was evaluated for 2018.

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1) Przeworski, Adam, Michael Alvarez, Jose Cheibub, Fernando Limongi. 2000. *Democracy and Development: Political Institutions and Material Well-being in the World, 1950-1990*. Cambridge: Cambridge University Press, 15.

## II. Detailed Assessment of Factors

### 01 Fairness of electoral competition

#### 1) Evaluation of local election results

On June 13, 2018, the Seventh Korean Nationwide Local Elections were carried out, with a voter turnout of 60.2%. This was higher than the 56.8% turnout in 2014 and the 54.5% turnout in 2010. Overall, the elections were carried out fairly without serious problems. The elections ended with a landslide victory for the Democratic Party of Korea (DP). The candidates of the DP, the ruling party, were elected heads of metropolitan and provincial governments in every region except for Daegu, Gyeongsangbuk Province, and Jeju Province. The candidates of the Liberty Korea Party (LKP) were elected in Daegu and Gyeongsangbuk Province, and an independent candidate won the election in Jeju. In the elections for Metropolitan/Provincial Council members too, 652 candidates of the DP were elected, comprising 78.5% of the 824 metropolitan/provincial council members nationwide, including Proportional Representatives. Among the remaining members elected, 137 belonged to the LKP, 1 to the Justice Party (JP), 5 to the Bareunmirae Party (BP), 3 to the Party for Democracy and Peace (PDP), and 16 were independent candidates. In the elections for 226 local governments too, the DP secured a landslide victory, with 151 (66.8%) of its candidates elected as local government heads. Local council membership, amounting to 2,927 persons, was monopolized by the DP as well. 1,386 DP candidates won the election, exceeding half the total number. The other elected local council members included 862 persons from the LKP, 17 from the BP, 45 from the PDP, 17 from the JP, and 172 independents. This result was produced because the local elections took place during the honeymoon period, i.e., a little over one year after the 2017 presidential election, when satisfaction with the work of President Moon remained high, close to 80%. Furthermore, the day before the local election, the North Korea issue emerged as an important concern because of the summit meeting between US President Donald Trump and North Korean head of state Kim Jong-un in Singapore. Consequently, regional issues could not be properly discussed during the election process, despite these being local elections.

As a result of the landslide victory of the DP, the phenomenon of a certain party monopolizing political representation in the southeastern region of Korea was mitigated to some degree. For example, DP candidates won the election in 13 places out of 16 in Busan. Five DP candidates were elected as local government heads in Ulsan. In Gumi, Gyeongsangbuk Province, the hometown of ex-president Park Chung-hee, a DP candidate was elected as the mayor.

However, the 2018 local elections still clearly showed the problems of procedural democracy in South Korea. Above all, the gap between vote share and council seat share was very large. For example, in the metropolitan council member elections in Seoul, the vote shares for Proportional Representative Members of political parties were 50.9% for the DP, 25.2% for the LKP, 11.5% for the BP, and 9.7% for the JP. However, the distribution of metropolitan council members combining the proportional representatives and local election district members was 102 persons for the DP, 6 for the LKP, 1 for the JP, and 1 for the BP. The occupancy rate of the DP reached 92.7%. Thus, in party terms, the DP accounted for 50.9% of the vote share but 92.7% of the council seat share. This was because 100 out of 110 seats were allocated to electoral districts, and only 10 seats were reserved for the Proportional Representatives. In Busan, the vote share for the political party votes for the metropolitan council was 48.8% for the DP, 36.7% for the LKP, and 6.7% for the BP, but the number of seats was 41 for the DP and 6 for the LKP. Thus, the seat share of the DP was 87.2%. Nationwide, the DP received 51.4% of the vote share based on the proportional representative elections to metropolitan/provincial councils, while the LKP received 27.8%, the JP 9.0%, the BP 7.8%, and

the PDP 1.5%. However, the council seat distribution was 79.1% (652 seats) for the DP, 16.6% (137 seats) for the LKP, 1.3% (11 seats) for the JP, 0.6% (5 seats) for the BP, and 0.3% (3 seats) for the PDP.

If elections are a process of electing political representatives based on the will of the people, such serious gaps between the vote share and the council seat share reveal a serious flaw in the electoral democracy of South Korea. When just one person is elected as the head of a local government, the plurality voting method may be unavoidable. However, in the election of local council members, the gap between vote share and council seat share must be rectified. Such a result emerged because the simple plurality system was used as the main form of local elections. For example, in the metropolitan/provincial council elections, only 86 out of 824 council members nationwide were elected as proportional representatives, which is only 10.4% of the total. Therefore, the system should be improved so that the intentions of voters can be reflected in the election of political representatives more accurately.

In addition, there exists a problem in the social representativeness of elected local government heads and local council members. For example, the proportion of women elected in local elections is still very low. In the 2018 local elections, the number of female candidates elected to metropolitan/provincial councils accounted for only 19.4% of the total, and the proportion of women in the local councils was only 30.7%. Although these proportions had increased, as compared to the 14.3% in metropolitan/provincial councils and 25.2% in local councils in 2014, the numbers were still low. Meanwhile, the proportion of women elected is even lower in the case of local government heads.

In the case of metropolitan/provincial government heads, the number of female candidates was only 6 (8.45%) out of a total of 71 candidates, and those elected in 17 cities and provinces were all men among the 749 candidates for local government head, there were only 35 (4.67%) female candidates, and the number of women elected was only 8 (3.54%) out of 226 persons in total. This proportion was a decrease from the 3.98% elected in 2014.<sup>2)</sup> The representativeness of women in the area of politics should be expanded greatly. In addition to this, the representation of social minorities should also be improved greatly as compared to the present level.

## 2) Fairness of elections

The number of people charged for violations of the Public Official Election Act in the local elections was 2,113 in total; out of these, 1,801 persons were investigated by the prosecution and 17 were placed under arrest. Among them, 14 persons were arrested for providing money and goods for candidates or campaigning organizations. 86.1% (1,820 persons) of those charged were charged following accusations and complaints. The types of electoral crime committed included lying (812 persons, 38.4%), providing money and goods (385 persons, 18.2%), manipulation of polls (124 persons, 5.9%), and interference by government employees (71 persons, 3.4%). Compared to earlier elections, the total number of illegal electoral acts was similar. However, the proportion of acts of lying, such as spreading fake news (6 times, 674 persons out of 2111, 31.9%), had increased by 6.5%. These involved cases of spreading false information to benefit a candidate and manipulating the polls to increase knowledge of election trends within a party. Among the elected candidates, 8 metropolitan/provincial heads, 7 superintendents of education, and 68 local government heads were investigated by the prosecution.<sup>3)</sup>

Despite the fact that these illegal electoral activities came to light, it can be said that the

2) <http://women21.or.kr/politics/11299>

3) [http://news.chosun.com/site/data/html\\_dir/2018/06/14/2018061401371.html](http://news.chosun.com/site/data/html_dir/2018/06/14/2018061401371.html)

electoral campaigns were much cleaner, overall, than in earlier elections. Although some problems of voter bribery, such as providing money, goods, or entertainment occurred, they were not very serious. However, along with the increasing influence of social media in elections, fake news and spreading false information have emerged as problems threatening fair elections.

### 3) Druking scandal

The so-called “Druking scandal,” which involved manipulation of online opinion, was brought to light in March 2018. The Druking scandal refers to an incident in which Kim Dongwon, a blogger whose nickname was “Druking,” manipulated public opinion in criticism of the Moon administration. The blogger was found out following an accusation by the DP. However, in the ensuing police investigation, suspicions emerged that the party had conducted organized opinion rigging of its own on internet portals and communities in relation to the election and in support of presidential candidate Moon Jae-in even before the 2017 presidential election. Furthermore, when Druking pointed a finger at Kim Kyong-soo, a DP member of the National Assembly, for his involvement in this incident, the political scandal expanded. The opposition parties demanded a special prosecutor investigation over these allegations. Following a confrontation between the ruling and opposition parties, the Special Prosecution Act was passed in the National Assembly on May 21, 2018, and an investigation by a special prosecutor was commenced in full scale.

On August 27, 2018, the team of special prosecutor Huh Ik-beom presented the results of the investigation and revealed that “Druking” members had manipulated comments about 100 million times on various portals and had conspired with Kim Kyung-soo, the governor of Gyeongsangnam Province, on 88.4 million such instances. According to the report of the special prosecution team, the Druking members used “King Crab,” a macro program, from December 4, 2016 to February 1, 2018 to influence the rankings of comments on various portals by sending 99,711,788 “like” and “dislike” click signals for 1,410,643 comments on 81,623 newspaper articles posted on sites such as Naver, Daum, and Nate. Furthermore, they were involved in manipulating the presidential election campaign of 2017 from November 2016 by liking and disliking comments using King Crab. After the presidential election, they had continued manipulating the comment rankings until the local elections of 2018.<sup>4)</sup>

As the trial into these charges is under progress at the time of writing, we will have to wait until the final court verdict for the full truth regarding this scandal. However, it is obvious, based on the results of the investigation thus far, that comments were manipulated to influence elections. Following the comment incident involving the National Intelligence Service and the Defense Security Command during the 2012 presidential election, with the occurrence of the Druking scandal, online opinion rigging has emerged as a new threat that harms the foundation of democracy called fair elections.

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4) [http://news.chosun.com/site/data/html\\_dir/2018/08/27/2018082701864.html](http://news.chosun.com/site/data/html_dir/2018/08/27/2018082701864.html)

## 02 Civil liberties (freedom of expression, freedom of assembly and association)

Significant progress has been made regarding civil liberties, as compared to before. Unlike in the past, almost no physical clashes with the police have occurred in recent assemblies and demonstrations. Public authorities such as the police have been showing a tolerant attitude towards demonstrations and rallies. In contrast, radical behaviors have been demonstrated in the courses of demonstrations and rallies, such as the Korean Confederation of Trade Unions' illegal occupation of the office of the mayor of Gimcheon, illegal occupation of the Supreme Public Prosecutors' Office building, assault on an executive of Yoosung Enterprise, and illegal occupation of a Local Labor Office.

Two significant incidents occurred with respect to freedom of speech. The first was the controversy around the government's "fake news punishment" policy.<sup>5)</sup> On October 2, 2018, Prime Minister Lee Nak-yeon presented to the cabinet a government policy for strict punishment for the publication of fake news. Prime Minister Lee pointed out that "unfounded fake news is circulating with respect to national security and the head of state, including about the relationship between South and North Korea as well as the private lives of individuals and sensitive political issues," and said that "fake news articles are public enemies hidden behind the freedom of expression" and "community destroyers instigate distrust and confusion in society, while attacking the personal integrity of individuals." In addition, he ordered that "the prosecution and the police should build a joint response system with relevant organizations to investigate cases of fake news quickly and punish illegal activities strictly."

Prime Minister Lee instituted this policy because conservative supporters, in particular, had distributed information on the internet that was critical of the government, including "fake news." Furthermore, in politically sensitive situations like elections, fake news can have enormous harmful effects since they can have negative influences on elections.

However, the fake news punishment policy instituted by Prime Minister Lee stirred up social and political controversy. Above all, it was pointed out that the criteria for determining fake news and false and manipulated information were unclear, and could be defined arbitrarily by the government. In the past, the Park Geun-hye administration had tried to investigate and punish "rumors," and the Lee Myung-bak administration had investigated the so-called "Minerva Incident." Both of these cases could be classified as examples of improper responses to fake news based on the judgment of the government. Therefore, although the harmful effects of "fake news" represent a problem, excessive regulation may violate the people's freedom of expression.

Another noticeable incident in 2018 with respect to freedom of expression involved the public gestures of some sections of the people regarding the visit by North Korea's Kim Jong-un to South Korea. Kim Soo-keun, the president of the "Welcoming Committee for the Great Man," an organization of young people formed to welcome Kim Jong-un to South Korea, expresses support to North Korea and kicked off a controversy.<sup>6)</sup> The members of this organization shouted slogans like "I like the Communist Party" in the middle of Gwanghwamun Square. Further, appearing on the "Tonight Kim Jae-dong" show on KBS, the show host Kim Jae-dong said, "I am a fan of Kim Jong-un, who is humble and shows great leadership." In addition, an organization called the "Baekdu Praise Committee" hosted a "speech contest for welcoming Chairman Kim Jong-un to

5) <http://www.segye.com/newsView/20181002003783>

6) <https://news.joins.com/article/23194837>

Seoul” at a central square in Suwon Station on December 9. Within 21 days after the first speech contest was held in Seoul on November 18, events in support of Kim Jong-un called “flower waves” were held consecutively in several parts of the country including Busan, Daegu, Gwangju, and Suwon.

Such remarks and events stirred up more than minor controversies socially. In general, the social reaction to these movements was negative. In particular, conservative groups and media houses stood strongly against them, raising concerns that these were unacceptable expressions and activities in a situation where the South and North remained divided. However, considering that such expressions had been greatly restricted in Korean society up until then, due to the National Security Act and the prevalent anti-communist ideology, the fact that the people involved were neither arrested nor investigated by the police for violation of the National Security Act can be evaluated as noticeable progress on the question of freedom of expression although “I like the Communist Party” was shouted in a city center of Seoul and interview was conducted for this on a public TV network, thereby being reported in media and causing a controversy .

### 03 Rule by law and human rights

The biggest step taken in the area of human rights in 2018 was the adoption of the alternative civil service policy for conscientious objectors to military service. The Constitutional Court heard multiple constitutional appeals and requests for retrial in deciding whether the relevant articles of the Military Service Act (Section 1 of Article 88, Section 1 of Article 5, etc.) were constitutional, and on June 28, 2018, it pronounced that Section 1 of Article 5 in the Military Service Act was unconstitutional, with a 6:3 ruling. The court based its verdict on the reasoning that an alternative service policy had not been specified for conscientious objectors to military service. The Constitutional Court decided that the rules for punishing military service objectors were constitutional, but that alternative service options should be provided instead of simply punishing conscientious objectors. This was assessed to be a decision that reflected the changing perceptions of South Korean society—that the conscience, dignity, and value of individual persons should be respected as much as possible in their different forms, rather than demanding that everyone fulfill their obligation to national defense uniformly, through the same method.<sup>7)</sup>

The Supreme Court also ruled that conscientious objection to military service should be allowed. On November 1, 2018, the Supreme Court acquitted an adherent of the Jehovah’s Witness denomination for refusing military service in keeping with his religious beliefs, recognizing that religious conscience was a valid reason for rejecting enlistment. This decision ran contradictory to the Supreme Court position in 2004. Following this decision, the Military Manpower Administration took down its website disclosing the identities and personal information of conscientious military service objectors. Prior to this, such information was disclosed in accordance with the rules and procedures specified in Section 1 of Article 88 in the Military Service Act.<sup>8)</sup>

The Constitutional Court also decided that the Military Service Act should be amended to include the alternative civil service policy by the end of 2019. Accordingly, the Ministry of National Defense is in discussion over methods of implementing alternative civil service options. However, the debate surrounding alternative civil service is still ongoing. As the Ministry of National Defense is currently reviewing a proposal for joint stay at a correctional institution for 36 months, which runs for double the length of the current military service period, the controversy surrounding non-punitive alternative service continues.

7) [http://www.hani.co.kr/arti/society/society\\_general/851052.html#csidx714cad0966ab1368df0d17eaae73632](http://www.hani.co.kr/arti/society/society_general/851052.html#csidx714cad0966ab1368df0d17eaae73632)

8) [http://news.khan.co.kr/kh\\_news/khan\\_art\\_view.html?artid=201811211142011&code=940100#csidxc85229daf5edbcca9ac-f9793aaf5f856](http://news.khan.co.kr/kh_news/khan_art_view.html?artid=201811211142011&code=940100#csidxc85229daf5edbcca9ac-f9793aaf5f856)

There has also been introspection over human rights violations in the past. On November 27, the Public Prosecutor General, Moon Mu-il, met with and apologized to victims of the Hyung-jae Welfare Institution case. In this case, civilians were illegally confined and forced into labor in a welfare institution operated as a kind of concentration camp from 1975 to 1987, based on the justification of providing institutional guidance to vagrants. In 1986, through the work of Kim Yong-won, a prosecutor at the Ulsan branch of the Busan District Prosecutors' Office, violations of human rights at the welfare institution, including physical abuse, violence, and secret burials, were exposed to the world. The investigation found that 513 people had died in the welfare institution. The prosecution investigated the institution's director Park In-geun on charges of illegal confinement, and turned the case over to the court in 1987. However, in 1989, the Supreme Court acquitted the director, stating that the institution had accommodated vagrants based on instructions from the Ministry of Interior. The Public Prosecutor General Moon met with about 30 victims of Hyung-jae Welfare Incident this year and apologized, saying, "With a heavy heart, I accept the result of the Truth Commission of Prosecution's investigation, that the prosecution terminated the investigation early due to external pressure," and "we did not investigate the violations of Accordingly, the Supreme Court reopened the trial.<sup>9)</sup> This action can be evaluated as a positive development for human rights, since it was correcting the wrongdoings of the prosecution and court in relation to human rights violations committed in a past authoritarian era.

However, frequent requests for arrest warrants, and seizures and searches by police and prosecution still remain as problems in 2018, without improvement.

Meanwhile, a refugee issue, which had been overlooked up to that point, emerged. In South Korea, the Refugee Act was enacted in June 2013. When a large number of Yemeni refugees entered the country through Jeju Island in 2018, their stay in South Korea created a big social controversy. The number of Yemenis applying for asylum in foreign countries had increased due to the civil war in Yemen. In the first half of 2018, 561 refugees of Yemeni nationality entered South Korea through Jeju Island, and almost all of them applied for asylum. As people could enter Jeju Island from Malaysia without a visa, these refugees had arrived in South Korea through this route .

However, social conflict over the refugee issue became heightened, as proponents and opponents held rallies in Seoul and Jeju regarding the continued stay of Yemeni refugees in the country. The conflict over this issue loomed large on the Blue House petition bulletin board and in online discussions. The Ministry of Justice completed the final review of the applications of the Yemeni refugees on October 17, and did not grant asylum to any of them, but granted humanitarian stay for 362 persons.<sup>10)</sup> Then, on December 14, two persons among the Yemeni refugees were granted asylum for the first time. On December 21, a Chinese national who had supported North Koreans defectors was approved for refugee status. Nevertheless, this incident showed the seriousness of the conflict surrounding the human rights of refugees in South Korean society, and people recognized the importance of more serious social discussions and education regarding the human rights of refugees.

#### 04 Operation of governance

For the proper operation of democracy, the political system that constitutes it must operate smoothly. However, suspension of the National Assembly was repeated in 2018 as well. Due to a conflict between the ruling and opposition parties over the issue of launching a special prosecutor investigation into the "Druking" scandal, the National Assembly was suspended for 42 days, from April 2 to May 14. Kim Sung-tae, an assemblyman and a Floor Leader of the LKP, went on a hunger strike for nine days to ensure that the opposition parties' demand for the special prosecutor

9) <https://www.lawtimes.co.kr/Legal-News/Legal-News-View?serial=148703>

10) <http://www.fnnews.com/news/201810171201153620>

investigation was fulfilled. In the end, the National Assembly returned to normal functioning after 42 days, on May 14, as an agreement was reached on the “simultaneous processing on the 18th” of the revised supplementary budget and the Special Prosecution Act regarding “manipulation incident of recommendations of comments of DP members (Druking scandal),” which were the controversial issues that led to the suspension of the National Assembly for.<sup>11)</sup>

Later in the year, a regular session of the National Assembly was also suspended. Due to a confrontation over the National Assembly’s investigation of the state administration over suspicions of allowing hereditary employment in public organizations, the formation of the budget sub-committee in the Special Committee on Budget and Accounts of the National Assembly was delayed. The review of the budget bills was delayed as the BP, JP, and PDP insisted on linking reforms to the electoral system reform with the processing of the budget. As a result, the following year’s budgets were passed only at the main meeting on December 8, five days after the legal deadline of December 2 had elapsed. The budget bills were finally processed, following an agreement between the DP and the main opposition party, the LKP, which excluded the three other opposition parties. Following this, the BP, PDP, and JP started a sit-in strike at the National Assembly, demanding the adoption of a mixed-member proportional representation system, and BP leader Sohn Hak-kyu and JP leader Lee Jeong-mi launched a hunger strike.<sup>12)</sup> As a result, the National Assembly did not follow its prearranged schedule in 2018, with parliamentary politics descending into non-parliamentary methods, rather than dialogue and negotiation.

Further, problems regarding the review of budget bills were confirmed once more. As budget bills are reviewed during the regular session of the National Assembly, it is difficult to say that the National Assembly receives enough time to review the highly detailed budget bills. Despite this, the review of the budget bills was itself delayed because of political conflicts between the ruling and opposition parties. Consequently, the actual review process hit a snag. In the end, the review was completed through undisclosed discussions between the ruling and opposition party secretaries in the budget review committee and the budget review committee chairperson. As the discussion was kept undisclosed and no stenographic record was maintained, there was no way of confirming how the review was finally performed. For this reason, the budget was dubbed a “budget on a piece of paper,” with members of the National Assembly looking after the civil petitions of their own districts.

Supervision of the budget by the National Assembly has assumed a very significant meaning historically in the assessment of the progress of democracy. However, it is still difficult to say that the South Korean National Assembly has been conducting budget bill reviews properly. Therefore, the policy for budget bill reviews should be modified in order to provide a longer time frame in which the National Assembly can review budget bills carefully. Furthermore, a plan should be prepared to ensure the transparency of budget discussions. The Special Committee on Budget and Accounts should remain operational at all times, rather than only during the regular sessions of the National Assembly. Furthermore, a strict policy regarding the maintenance of records of all budget review processes should be instituted.

## **05 Political culture (corruption, misuse of power, etc.)**

2018 saw investigations into charges of corruption and misuse of power by the Lee Myung-bak and Park Geun-hye administrations. However, no instances of corruption and misuse of power by the present administration have emerged thus far.

11) <http://www.hani.co.kr/arti/politics/assembly/844594.html>

12) The Scoop (<http://www.thescoop.co.kr>)

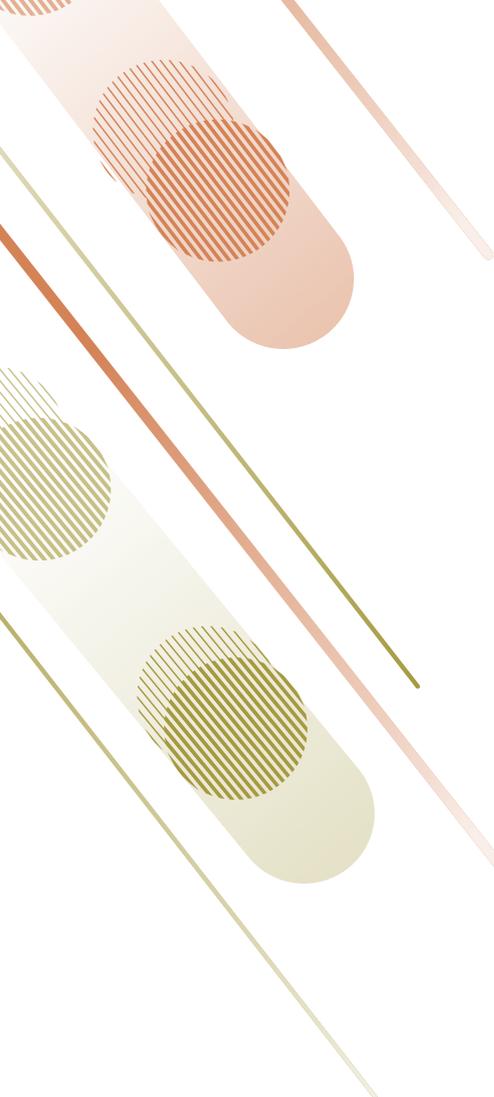
However, instances of corruption emerged in the recruitment processes of public organizations, such as the hiring of relatives and hereditary succession to employment. Various forms of recruitment corruption were revealed. For instance, a person who had been dismissed could be rehired as a temporary employee, exempting him or her from a review of qualifications or a written test, following which the position would be converted to full-time employment soon after. It was found that such instances of recruitment corruption were widespread, occurring in national and local public companies, which created a large social shockwave. In thorough investigations into 1,190 public organizations, the government uncovered 4,788 incidents of recruitment corruption at 946 organizations (80%).<sup>13)</sup> These incidents of recruitment corruption and hereditary employment were seen to be very serious because they desecrated the ideas of social fairness and trust.

In addition to this, it was revealed that the Blue House's Special Inspection Team had itself committed malpractice.<sup>14)</sup> An inspector in the Special Inspection Team under the Anti-corruption Secretary of the Blue House had attempted to gain information on a police investigation into a bribery case by fraudulently claiming that it was also being investigated by the Blue House. The inspector had interfered into this bribery case because it involved a construction contractor who he was acquainted with. This incident entailed a misuse of power, whereby the power of the inspection team of the Blue House was deployed for a private purpose. As a result, all members of the Special Inspection Team were replaced.

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13) <http://www.hani.co.kr/arti/politics/assembly/866781.html#csidx4fe51ac32d9c0359610469bd7675b4c>

14) <http://www.hani.co.kr/arti/politics/bluehouse/872442.html#csidx25a444fdef4ded688d2700cc635e0f5>



2018 Korean  
Democracy  
Annual Report  
**Labor**

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## I. Introduction

### 01 Establishment of assessment criteria

The democratization of labor can be evaluated in terms of procedural democracy and substantive democracy. Procedural labor democracy centers on the question of whether workers' human rights and other basic rights are guaranteed. Substantive democracy refers to how much the quality of life of workers has actually improved in terms of socioeconomic factors.

Labor democratization has been expanding alongside the general democratization of South Korean society since 1987, functioning as a key indicator of the latter process. Therefore, it has to be evaluated in close relationship with the processes of change in the wider society. Labor democracy in 2018 can be evaluated from the perspective that it is a key social task demanded by the Candlelight Revolution at the end of 2016. The campaign pledges regarding labor democracy made by President Moon Jae-in and the measures launched by his administration to fulfill them thus form an important basis for assessment.

### 02 Detailed assessment factors

It could be said that non-regular employment is the biggest issue currently facing a polarized South Korean society. This is an issue of human rights and a yardstick of substantive democracy in the area of labor relations. In addition, the restoration and assurance of basic labor rights, which were sometimes protected only in a limited capacity or were sometimes set back after democratization, are also important issues. In South Korean society, in which national interest looms large over labor politics, national labor policies are primary targets for assessment. On the other hand, the establishment of social dialogue organization and the attitude changes in labor, management, and government necessary for this are also important. Lastly, a civil society environment hostile toward labor interests, with the media's reporting attitude as an indicator of this, are also factors that should be closely examined.

## II. Detailed Assessment of Factors

### 01 Non-regular employment

After the Candlelight Revolution and the 2017 presidential election, people began to call for the reduction of non-regular employment and minimization of discrimination. The Moon administration highlighted non-regular employment as a top priority task with respect to labor, and demonstrated a vivid change in attitude by arranging a visit to the Incheon International Airport Corporation as the first public event of the President. The basic principles of the policy proposed by the new government to tackle non-regular employment were direct employment, hiring of full-time workers for full-time jobs, and equal pay for work of equal value. Specifically, the following measures were proposed: reduction of the size of the non-regular labor pool, expansion of the concept of the worker under law, restrictions on the reasons for employing temporary workers, abolition of illegal dismissals of workers, assurance of basic labor rights for workers in special employment, strengthening of regulations regarding the use of indirect employment, conversion of non-regular employment to full-time employment in the public sector, and strengthening of various labor market policies.

Among these many tasks, the government began with the conversion of non-regular

employment to full-time employment in the public sector, announcing the guidelines for this process in July 2017. The main point of the plan was to convert 175,000 persons (42.1%), out of the total target of 416,000 persons, into full-time employees by the year 2020. The actual outcome was that 85,043 workers were converted into full-time employees at the end of August 2018, which amounted to 48.6% of the conversion target.

This development could largely be evaluated positively, since the number of jobs to be converted was large, as compared to attempts by previous administrations, and because cases of indirect employment were also included in the conversion targets. However, disappointingly, the basic principle was compromised, since indirect employment in the form of employment by subsidiaries was allowed, which represented a key issue in this area. Furthermore, the conversion to full-time employment could not go beyond offering workers a no-fixed term contract, and they continued to be discriminated against, as compared to permanent workers. Due to these problems, labor disputes occurred at dozens of public organizations such as Korea Job World, Korea Gas Corporation, and Korea Racing Authority.

On the other hand, the government announced that a job-based standard wage system would be instituted for the converted full-time employees in January 2018. This was to correct discriminatory wage payments and to ensure equal treatment for work of equal value. However, though the basic intention was to reduce wage gaps among organizations, levels, and duties, a problem of wages being bound at the minimum wage level emerged. Inevitably, this resulted in the criticism that the government was lowering the average standard of wages.

Despite this one visible outcome, i.e., the conversion of non-regular employment to full-time employment in the public sector, it could be argued that the progress made in 2018 into the problem of non-regular employment was miniscule. Above all, a key limitation in this situation was that the necessary legal and institutional reforms could not be properly started. Furthermore, though other proposed measures such as limitations on the allowable reasons for employing temporary workers, abolishing illegal dismissals of workers, expanding the concept of the worker, increasing the responsibilities of primary contractors for indirect employment, etc., require legal amendment, the government has not announced any specific policies in this regard yet. Consequently, no progress has been made with regard to the problem of non-regular employment in the private sector, and the total number of non-regular workers is still increasing and discrimination still persists.

## 02 Basic labor rights

Progress was made to a certain extent regarding the problem of basic labor rights that had suffered a great setback under the previous conservative government. First, measures were taken to restore the basic rights that had been denied or disregarded in many business establishments, despite long struggles. Steps toward resolution in regard to disputes that had lasted for over ten years were taken, such as an agreement to reinstate workers laid off at Ssangyong Motors, the reinstatement and full-time employment of female attendants at KTX, direct hiring of illegally dismissed workers at Samsung Electronics Services, and a final settlement in the leukemia incident at Samsung Electronics. The resolution of these disputes could be understood as symbolic actions towards restoration of basic labor rights, and were important moments of progress since they could become the standard for other cases of dispute, non-regular employment, and industrial accidents.

The next positive change was the beginning made in the ratification of core conventions of the International Labour Organization (ILO), a key campaign pledge in the presidential election.

The ratification of core conventions of ILO included in the reform bill proposed by the Labor-Management Relations, Policy, and Practice Improvement Committee under the Economic, Social and Labor Council created an agenda that would lead to great progress in basic labor rights. The ratification of Article 87 and Article 98 of the agreement is expected to resolve various violations of basic rights such as the prohibition against dismissed employees or non-employees from joining a labor union, the limiting of job positions of government employees for joining a labor union, the prohibition of high school teachers from joining a labor union, and the restriction of the labor rights of workers under special employment.

Furthermore, through this process, it will be possible to expand the scope of the concept of workers elaborated in the Labor Union Act. However, since the ratification work has just started at present, the results cannot be predicted.

Meanwhile, the problem of the delegalization of the Korean Teachers and Education Workers Union (KTU) was not resolved. Following the Candlelight Revolution, this problem was pointed out as a typical example of the deep-rooted evil of labor exploitation. The government has expressing the will to resolve this problem, but has blamed the delay in resolution on a verdict that remains pending in the Supreme Court. However, union stakeholders have continued to protest against this. Furthermore, it was revealed that the KTU problem involved the abuse of judicial power, with the Supreme Court conspiring with the Blue House. Consequently, it came to light that the government had committed a serious violation of basic labor rights, thereby deepening the conflict. Meanwhile, in the case of the government employees union, which was recognized as a legal union through the revision of rules and regulations, conflict is still on-going because workers who had been laid off in the past have not yet been reinstated.

Furthermore, the institutionalized methods of denial of basic labor rights implemented by the past government have not been corrected. Typical examples of these include damage claim suits based on disputes or the application of criminal charges in incidents of obstruction of work, imposing a single point of contact for multiple unions at a workplace, and a policy regarding union representatives' wage payments. Lastly, betraying the expectations of labor groups, Han Sang-gyun, a former president of the Korean Confederation of Trade Unions who was imprisoned as a repressive measure by the previous government, was not pardoned.

In general, some progress was made in 2018 in the expansion of basic labor rights. Since many deeply rooted pending issues were resolved and physical oppression as a reaction to disputes has almost disappeared, the assessment could be made that noticeable progress has been achieved. On the other hand, one big limitation has been the failure to begin the process of legal and institutional reform, which is more important in the long-run.

### **03 The government's labor policies and administration**

Both positive and negative aspects were clearly visible in the government's labor policies and administration in 2018. First, the positive changes include the abolition of the illegal overuse of administrative power by the previous Park Geun-hye administration. Among the so-called "labor reforms" of the Park administration, two main guidelines, namely "regular dismissal" and "mitigation of employment rule changing criteria" were abolished. Moreover, the performance-based salary system of the public sector, strictly implemented since the Lee Myung-bak administration, was completely abolished. Obviously, the abolition of existing administrative measures that forced unfavorable changes in wages and work conditions was justified, since such measures were strictly restricted by the Labor Standards Act.

Further, the activities of the Employment and Labor Administration Reform Committee, led

by the Ministry of Employment and Labor, were another very important element of progress in expanding the democratization of labor administration. Despite functioning for a short period of nine months up to July 2018, the committee completed investigations into a broad range of subjects, including labor administration, work supervision, labor-management relations, industrial safety, and prevention of abuses of power, and the results were quite reformative. However, it is disappointing that no meaningful result has yet been derived in the form of follow-up measures or execution of investigation results, with the exception that some investigations related to oppression of labor unions led to judicial investigations and restorations to the original states. In particular, almost no action, such as strict punishment, measures to prevent recurrences, and organizational reforms, has been taken with respect to past illegal activities of the Ministry of Employment and Labor, which bore the responsibility for transparent administration from a neutral position. Thus, the possibility exists that the government's attempts to expand the democratization of labor policies and administration may end up bearing no fruit.

The main turning points in revealing the problems of labor administration in 2018 were the increase in minimum wage and adjustment of the calculation inclusion scope, and the adoption of the 52-hour work week and a system of flexible working hours through amendments to the Labor Standards Act. In the case of both these issues, which were hot-button issues in 2018, the Moon administration instituted reform measures only to adopt counter-reform measures immediately afterwards. This created resistance on the sides of both labor and managements, resulting in a fresh cycle of serious conflicts. In general, it can be argued that the government often adopted an attitude that was not consistent with its policy goal of constructing a "labor-respecting society."

Above all, the opposition of the conservative press and capital grew strong immediately after the large increase in the minimum wage (16.4%) was announced in 2017. The grounds for this opposition were centered mainly on issues such as the larger burden imposed on self-employed people that would result in them going out of business, and shrinkage in employment. In the end, the government amended the law to include regular bonuses and welfare benefits within the scope of calculations of minimum wage, despite strong opposition from labor groups.

Furthermore, at the end of February, the law was revised reformatively to restrict the working week to 52 hours, as compared to the previous limit of 68 hours per week. However, as the resistance from capital and the conservative press intensified during the growing economic recession, the government soon carried out measures that undid the reform by postponing crack-downs and expanding the application period of the flexible working hours system, even before the law was enforced. This created a serious problem, since, on the one hand, the government demanded a new social dialogue on labor administration, but implemented counter-reform measures on its own initiative on the other hand, despite opposition from labor groups.

#### **04 Social dialogue between labor, management, and government**

Social dialogue between labor unions, company managements, and the government is a yardstick of labor democracy, and the formation and operation of organizations for this purpose can itself be viewed as a positive measure in this regard. President Moon had promised to establish and operate a new social dialogue organization as part of his campaign pledges. Although the law was revised in May 2018 to facilitate the formation of the new organization, the launch of the organization became possible only on November 22, due to delays in the Korean Confederation of Trade Unions (KCTU) joining the organization. Though the dialogue organization officially began operations before the KCTU had made the decision on whether to participate, the former's formation and operation should be regarded as a positive matter.

Currently, the new social dialogue organization, the Economic, Social, and Labor Council (ESLC) has formed and operates several sub-committees in addition to the main committee, such as the National Pension Reform and Retirement Income Security Committee; Labor-Management Relation, Policy, and Practice Improvement Committee; Social Security Network Improvement Committee; Quality Job Creation Committee; and Financial Industry Committee. Recently, it established the Work Hour Policy Improvement Committee to deal with the system of flexible working hours. As signs of positive effects, some committees have already produced reformative policy improvement plans. For instance, the Labor-Management Relation, Policy, and Practice Improvement Committee has presented major reform agendas such as the ratification plan for the core conventions of ILO, which was a key government pledge. Furthermore, the ESLC has also carried out activities to settle important dispute issues and to implement Gwangju-type job agreements in addition to committee activities dealing with major policy reforms.

In the past, social dialogue organizations operating in South Korean society were criticized as “bridesmaid” organizations or labor control organizations. Therefore, the first criteria in the assessment of ESLC should be whether it is an independent and stable organization for labor reform. Although its scope is limited as a presidential advisory body, at its inauguration, President Moon expressed the will to treat and operate the organization as a legislative organization, unlike in the past. In this aspect, however, many limitations were revealed in the activities of ESLC actually performed in 2018.

First, the suspicion of being a bridesmaid organization and a labor-control organization still persists. Such criticism, coming mainly from labor groups, was especially noticeable in the context of issues such as the scope of calculations of the minimum wage or the system of flexible working hours discussed earlier. Despite strong opposition from labor groups, the government enforced measures setting back reforms, and this grew into a hurdle blocking democratic dialogue. Furthermore, it was a matter of great concern that when the KCTU failed to participate in the ESLC in October, the ruling party leader, the Chief Presidential Secretary, and the Senior Secretary to the President for Civil Affairs all came out with criticisms that angered KCTU representatives. Moreover, in the issue of Gwangju-type jobs, the ESLC acted on its own, despite strong opposition from the union that was the main stakeholder, and this was not consistent with the principle of democratic social dialogue.

It was, thus, ironic that the government demanded KCTU’s participation in social dialogue on the one hand, but on the other, drove public criticism and enforced counter-reform measures that prevented such participation. Therefore, the criticism from some labor groups of the government for repeating the undemocratic behavior of past democratic governments proved to be valid. However, as a whole, it is yet to be revealed whether the ESLC will expand or block labor democracy.

## **05 Press reports on labor**

Since 1987, press reports on labor issues have been an important yardstick of labor democracy in South Korean society. Considering that Korean civil society has been very hostile towards labor since 1945, the kind of attitude adopted by the press on labor issues is a very important indicator. This is because, under the complex conditions of the 4th industrial society and information society, the reporting attitudes of the press can have a decisive effect on the perspectives of citizens towards labor.

For decades before the Candlelight Revolution, the South Korean press was generally negative regarding labor issues and behaved hostilely towards labor movements. It is true that since the financial crisis of 1997, the labor movements, particularly the KCTU, has been denounced as

an aristocratic labor union, a collectivist, left-wing, violent, and pro-North Korea organization. However, such perceptions are quite separate from the objective facts, and can be called an undemocratic technique of the government for the exclusion of working people. Therefore, the transition to a labor-respecting society requires that the press change its antiquated perception of labor. However, even after the Candlelight Revolution, the conservative-led press environment and the critical perspective towards labor have not changed much.

In 2018, such critical reports of the press were especially severe, and citizens' negative perceptions of the labor moment increased greatly. There were several reasons for this. First, the resistance of conservative forces, especially big capital, to the government's various proposed labor reform measures, was having an impact. The capitalist forces' control over the press was unchanged. Second, various unintended consequences emerged from the increase in the minimum wage and the reduction of the work week, which the conservative press blew up out of proportion for political purposes. Third, as pointed out earlier, some key people in the government criticized the KCTU strongly, providing justification for the conservative press's barrage of criticism.

Lastly, the unskilled response and limited organizational power of labor movements, including the KCTU, also contributed to worsening the situation. The fact that the forms and practices of company-level unions could not be got rid of entirely could be regarded as indicating the limits of the situation. However, this would mean that labor unions should have been more active in responding to this attack. The labor unions could not maintain a balance in terms of strategies for social dialogue participation and realistic battle pressure. In brief, there is a high probability that 2018 will be recorded as a year in which labor democracy retreated considerably in terms of the press and civil society's perception of labor.

### III. Summary

Overall, some progress has been made in the democratization of labor in 2018, though the year may be recorded as one of multiple problems. The deep-rooted evils of past governments were partially abolished and various reform measures were undertaken. Furthermore, the conversion of non-regular employees in the public sector into full-time employees and the resolution of several long-standing workplace disputes and struggles could be evaluated as meaningful progress.

However, considering the political goal of constructing a labor-respecting society, and the enthusiasm with which labor reform policies were pursued immediately after the launch of government in 2017, it can be determined that a certain setback in political will has subsequently occurred. Noticeable examples of this include the disputes regarding the inclusion scope of minimum wage calculations and the system of flexible working hours, the shrinkage of non-regular employment and the retreat over the policy of abolishing discrimination, the government's and civil society's public opinions against the KCTU, and the social dialogue organization that has not taken its proper place yet. These were excessive even in light of the economic recession, the offensive moves of the conservative press, and the direction of public opinion. Inevitably, the blame primarily falls on the Moon administration. The attitude of government, which is easily swayed by public opinion or approval ratings and is obsessed with economic outcomes such as jobs, does not mix well with respect for labor or a candlelight administration.



2018 Korean  
Democracy  
Annual Report  
**Gender &  
Minorities**

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## I. Introduction

In general, the criteria for evaluating the state of democracy in a country in a given year focus on how it was institutionalized, how it was executed and practiced through official government organizations, and what results it produced. However, this article views democracy not only as an institutional form, but also as a moving target and *modus vivendi* (mode of living). Democracy or democratization should refer not only to the institutionalized form and results, but also to the extent to which it awakens democratic values and is transformed into a *modus vivendi*.

Therefore, when evaluating the state of democracy in a given year, social movements, civil society's response, and society's overall democratic sentiment should also be considered, rather than just limiting the criteria to the degree of realizing the institutionalization of and changes to government policies. Above all, from the perspective that democracy should advance to a substantive sociocultural democracy beyond perfunctory political democracy, the following aspects should be considered as well: (1) social awakening and changes in democratic form and approach, and (2) the subjective empowerment of people directly involved.

In particular, such perspectives and evaluation criteria are important in the context of gender and social minorities. That is why "social correctness" or "social sensitivity" is talked about as an important premise when discussing gender and minority issues. Furthermore, a democracy based on the principle of majority rule and arithmetic representation can be harsh on social minorities. Therefore, we should pay attention to a democracy's "quality" as well as its form, and to changes in the approach of democracy towards not only equality, but also "difference."

In this regard, 2018 was a very important year for South Korean society. On the one hand, in relation to the roles and institutions of government, President Moon Jae-in, who came into power at the head of a candlelight administration in 2017, presented gender equality as a key pledge in his campaign, and proclaimed that he would become "a feminist president." Furthermore, he pledged to become a human rights president and promised to bring hope to gender minorities, disabled persons, and female workers who are vulnerable in the workplace, and to account for the majority of non-regular employment. However, the gender policy of the Moon administration turned out to be passive rather than active, and defensive rather than offensive. It followed the social flow passively, and the government did not produce its own prospective policies or proposals regarding gender and minority issues. Furthermore, the government maintained a hands-off attitude or a defensive position toward the offensive flow, and remained busy maintaining the status quo or retrograde moves.

This is in contrast to the reform-oriented politics pursued in other areas. For a year-and-a-half, the issues of social minorities such as gender, refugees, gender minorities, and disabled persons have been completely sidelined under this administration in contrast to the economy, politics, international relations, and labor policies, with which the government has attempted to produce certain results in the macro social and national "rooting out of the deep-rooted evils" of the Park Geun-hye administration. It would not be an overstatement to say that there was not a single policy concerning women or gender produced by the government. At best it could be said that three women were appointed as ministers among 100 key positions. These women were appointed as the Minister of Land, Infrastructure, and Transport, and the Vice Minister of Education (both of which were regarded as positions for "women" before), as well as the Minister of Gender Equality and Family. Other accomplishments include the institution of a 100,000 won allowance for child support and a survey on paternity leave usage.

The gender-related policy improvements and legislations implemented in 2018 were all carried

out reluctantly in the face of demonstrations, resistant demands, and recognition struggles of issue raisers. The Illegal Hidden Camera Recording Act and the Violence against Women Act were enacted, but these were also the result of pressure from demonstrations by women. In the case of refugees and disabled persons, policies have not moved an inch and were almost identical in 2018 to those of 2017. However, having faced fierce actions from refugee support organizations and disability groups, the government has promised gradual changes in policies.

In sum, in the context of gender and minorities, democracy advanced in 2018 because victims and stakeholders themselves rose up to make the issues visible and make demands through group efforts as the main stakeholders. Such a trend was most explosively revealed in the case of feminist or women-related issues. First, feminist issues were the most explosive issues of 2018: from the me-too (#MeToo) movement that shook the South Korea in January 2018 to the large-scale demonstration of women that denounced the “discriminatory investigations of illegal video recordings” and the criminalization of abortion.

In fact, these built on the voices of women that erupted in the online space, as with the “#I am a feminist” declaration started in 2015 and the “#Sexual\_Harassment\_in\_Literary\_Circles” hashtag movement started in 2016. Further, a case of sexual harassment exposed by a prosecutor, Seo Ji-hyeon, on January 29, led to a strong #MeToo Movement until April. The #MeToo Movement began with voices of surviving victims expressed anonymously in online spaces or exposed to the full glare of the media, and this led to demands for institutional reforms, large demonstrations, and courtroom monitoring struggles.

Meanwhile, the “femicide” case at Gangnam Station in 2016 and the many deaths of women in a public bathhouse in Jechon in 2017 stirred up fear and public rage simultaneously for “femicide,” going beyond misogyny. Furthermore, the police discriminated between female and male criminals in cases of illegal video recording and distribution of so-called “hidden camera” videos, ranging from a hidden camera video of a female model of Hongik University posted on the Womad website to SoraNet and illegal pornography. Women were enraged and their demonstrations only grew into the largest demonstration by women ever. Furthermore, prior to the abortion crime judgment of the Constitution Court, 125 women performatively swallowed pregnancy termination drugs on the street, while shouting “my body is not illegal.”

As such, 2018 was a year in which the collectivization of women’s voices and their collective subjectivation were more noticeable than in any other year. In other words, whenever incidents occurred, such as #MeToo Movement, the Hongik University Womad incident, or the discriminatory police investigation controversy, women did not just sit around, but came out on the street and participated in group actions involving various methods and raised issues with a direct response. In other words, they undertook a process of making themselves visible and subjectivation, rather than just sitting around.

Overall, 2018 was a year of feminism. Furthermore, it was a year in which gender issues emerged as the biggest concern for democracy and human rights in South Korea. These issues had great explosive social power and revealed Korean society’s daily and microscopic gender customs and the genderized order in the government and institutions that supported them. Furthermore, survivor solidarities were formed, based on the common experiences of women, and the popular feminism and girl-crush phenomena emerged in the popular culture and print publications. It could even be argued that feminism and women’s voices can no longer be ignored in society.

At the same time, however, retroaction and backlash in the area of gender and delays in institutional improvement are also formidable. There is a high possibility that misogyny will appear as men-women confrontations, hatred, and violence. Misogyny associates with other hatreds and

consequentially, hate crimes and hate behaviors toward social minorities have been amplified. Furthermore, the relationship of gender and other minorities showed the possibility of mutual collision and conflict, thereby raising political issues for minority solidarities, as demonstrated by the racist repulsion of some feminists for the entry of refugees in Jeju.

## II. Detailed Assessment of Factors

### 01 #MeToo Movement: “I talk too”

#MeToo began as a movement of adding the hashtag #MeToo to expose instances of sexual assault and harassment in the USA, although it became better known when actresses revealed their own experiences with the film producer Harvey Weinstein. In South Korea, however, #MeToo emerged as an explosion of what had already piled up in thick layers. There was a hashtag movement called #Sexual\_Harrasment\_in\_Literary\_Circles in 2016 and the “I am a feminist” declaration movement in 2015. Further, on January 29, 2018, Seo Ji-hyun, a public prosecutor at the Tongyeong branch of the Changwon District Prosecutors’ Office, revealed that Ahn Tae-geun, a senior prosecutor, had sexually harassed her at a funeral. This was a signal flare for a full-scale #MeToo Movement. On the same day, she appeared and revealed this again in a televised interview on JTBC.

The #MeToo experience of prosecutor Seo showed that sexual harassment was such a common experience for women that even a female prosecutor from an elite power group could not evade it. This ignited numerous #MeToos for many women’s experiences that had been buried in the corners of hearts, never disclosed to anyone. Stormy disclosures came in an overwhelming manner until February. On February 7, a poet, Choi Yeong-mi, published a poem called “Monster” in the magazine “Hwanghae Culture” to expose the behavior of another poet, Ko Un. She too appeared on television to give a testimony. On February 14, Lee Yoon-taek, a theatre director and the president of the Yeonhee Street Theater Troupe was accused of multiple habitual instances of sexual harassment under the guise of body massages. The exposures followed one after the other, from directors and actresses who were once members of this troupe, and Lee Yoon-taek characterized his actions as “customary behaviors.” Later on, this was followed by #MeToo revelations by victims of Ha Yong-bu, the president of the Miryang Play Village, Oh Tae-seok of Mokhwa Troupe, and Kim Seong-man of Yeonwoo Stage. In the world of movies, these were followed by #MeToo revelations by victims of director Kim Ki-deok and actors Jo Jae-hyeon, Jo Min-ki, and Oh Dal-soo. In addition, #MeToo was resumed in literary circles, and an accusation was made against Ha Il-ji. #MeToo did not stop at the cultural world but continued on into the Justice Party and the Democratic Party as well, and the #MeToo of civil movement activists and their apologies followed.

Though it slowed down temporarily, the #MeToo movement was reignited on March 5 following the sexual assault brought to light by a secretary of Ahn Hee-jung, who was the Governor of South Chungcheong Province and a strong presidential hopeful of the Democratic Party. This also became known to the world as the victim Kim Ji-eun appeared in a news room of the JTBC to make her accusations. As the #MeToo revelation against Ahn, the Governor of South Chungcheong, concerned sexual assaults committed by a powerful politician using his “power hierarchy,” the shock was even greater. Furthermore, the #MeToo against Ahn revealed the limitation of “386” and “movement generation males,” called the driving force of democratization. As a result, Ahn resigned from the post of Governor of Chungcheong. Nevertheless, after the #MeToo against

Ahn, backlash against the #MeToo Movement began in full scale, and the accusations against elite people slowed down and the “gold digger” frame emerged. Furthermore, the “Pence rule,” i.e., keeping a distance from female colleagues at work was talked about, and consequently, it was expected that the outcome of #MeToo Movement would be unclear in future. On the other hand, the social reaction was weak unless a perpetrator was a person whose name was easily recognizable. This fact revealed that the voices of #MeToo in cases of ordinary sexual harassment and sexual assaults in society, and #MeToo revelations were still not easy for non-regular female workers, social minorities, disabled persons, and immigrant women.

In this aspect, attention should be paid to the #SchoolMeToo Movement of middle and high school students and the #MeToo Movement at universities, as much as to #MeToo movements against elite power groups. Another aspect worth noticing was the #MeToo of women in past historical events, such as the Jeju April 3 Uprising and Gwangju Massacre. Students of many schools across the country, including Yonghwa High School in Seoul, used “Post-it” notes to accuse their teachers of sexual harassment and sexist speech. The #SchoolMeToo movement provided a chance to reveal problems of sexual harassment and gender-insensitivity in schools, which otherwise fell in the blind spots of sexual harassment discussions and were buried under the name of school education. The school sexual harassment problem was so serious that, according to one study, 43% of middle school girls in Seoul had acknowledged that they had been sexually harassed by peers and heard sexist remarks from teachers.<sup>1)</sup> The students said that the feminism was a “survival strategy” and engaged in the “corset-free” movement against sexist customs and female prejudice. #SchoolMeToo revealed wide-spread problems of not only gender discrimination and sexual harassment of school girls by teachers, but also of sexual violence between male and female students, and sexual harassment of female teachers by male students.

On the other hand, the MeToo movement in universities involved incidents occurring in a space of deep-rooted sexual harassment and power. In fact, the first “sexual harassment” case to reach a court involved a professor of Seoul National University surnamed Shin (usually called “Teaching Assistant Woo Incident”). In the course of #MeToo Movement, sexual harassment cases were brought to light in several universities, such as Seoul National University, Yeonsei University, Korea University, Busan University, Ehwa Women’s University, Hankuk University of Foreign Studies, Sungkyunkwan University, Sungshin Women’s University, Duksung Women’s University, Kookmin University, Hanyang University, Gachon University, and Seoul Institute of Arts. However, while the #SchoolMeToo ended with prompt responses from Education Offices, it was difficult for universities to investigate their harassment cases by specifying certain perpetrators and punishing the perpetrators by separating them from victims. What is worse is that a majority of the perpetrators are returning to school as professors.

Interest was heightened in the Jeju April 3 Uprising, as its 70th anniversary was commemorated this year, and the crimes of state, such as the rape of women, which had happened at that time but had long been ignored, were freshly spotlighted. Later on, this led to the exposure of abductions and group rapes of female protesters by army personnel under martial law conditions in the course of subduing the Gwangju Uprising in 1980. In the end, these cases can be called #MeToo of state crimes. The horrible crimes of the military had been exposed by individuals before but had been buried by gagging individuals or through the erasure of records. However, these crimes surfaced again after 38 years from the date of Gwangju Uprising. The Ministry of Defense formed a joint investigation team with the Ministry of Gender Equality and Family and announced 28 sexual assault cases committed by the army under martial law, on October 31.

1) [http://m.womennews.co.kr/news\\_detail.asp?num=129190#.WmXcKHXLYV](http://m.womennews.co.kr/news_detail.asp?num=129190#.WmXcKHXLYV)

## 02 After #MeToo Movement: #WithYou and Time's up?

As soon as the #MeToo Movement broke out, civic actions (#MeToo\_CivicAction) were formed by 350 organizations to work with the #MeToo Movement, and they held rallies six times as MeToo relays starting with a rally that kept #MeToo alive based on the common experiences of women and ending with a rally at Gwanghwamun Square on December 1. Furthermore, the MeToo survivors showed an image different from the past by organizing a survivor gathering and engaging in the courtroom monitoring struggle over the trial of Ahn Hee-jung. Public support for the #MeToo Movement was high and, according to a survey by Realmeter on February 5, 75% supported the #MeToo Movement while 5% was against it.<sup>2)</sup>

#MeToo was spontaneous and exposed individual persons but revealed strictly social and structural problems. This also showed the problems of ordinary power politics and of the governmental and institutional orders that support them. The #MeToo Movement and many women's demonstrations carried out afterwards were unquestionably different from before. Through enormous social mobilization, concentration of movement energy and spontaneity were displayed, and it was probably the first public mobilization of a certain social group with the largest movement energy since the 1987 Great Labor Struggle.

However, the response and backlash of #MeToo perpetrators were also formidable. First, although the perpetrators admitted to the incidents at the time of exposure, in the face of exposures, testimonies, and an atmosphere of public acknowledgement for these, they denied the allegations of "sexual violence" insisting that these incidents were based on consent. That is what Lee Yoon-taek claimed. While there existed one case of apology through death of actor Jo Mingi, in general, the perpetrators all maintained silence or disappeared from the eyes of public and prepared their legal responses. The poet Ko Un recently brought legal action for damages against Choi Yeong-mi, the exposé, asking for compensation of 1 billion won. When the first trial court (chief prosecuting attorney: Cho Byeong-gu) decided that Ahn Hee-jung was not guilty on August 14, the #MeToo Movement faced a big challenge. The acquittal was based on the reasoning that "although he had the power, he did not exercise the power," and this led to controversy regarding the existence of exercises of power.

Furthermore, because the definition of "rape" in Article 297 of the Criminal Law states that "a person who raped a person by assault or threat is to be imprisoned for three years or longer," the criteria for rape is satisfied in South Korea only when it is accompanied by "coercion" not "consent." Therefore, a need was raised to revise the law for rape. Moreover, by taking advantage of the rules regarding defamation based on facts (Article 307 of Criminal Law), counter-accusations are filed against victims who exposed sexual offenses through #MeToo. As a result, the #MeToo Movement has become blocked from being taken further, or victims are silenced. As a result, truth has become bent and distorted, and a problem of producing secondary damages is also serious.

On the other hand, the outcome of legislations based on the results of #MeToo Movement is even shabbier. In the face of the exposure by prosecutor Seo Ji-hyun, the #MeToo Movement that followed, the #MeToo assault of Governor Ahn Hee-jung, and the #MeToo Movement that showed a sign of striking at political circles, the members of the National Assembly quickly proposed over 150 bills. However, the only one that was legislated among these was the Violence Against Women Act, passed by the National Assembly last December. Originally, this law was put forward as a "sexual violence bill" that did not specify only women as targets. However, in the course of reviewing the bill, it was changed to a peculiar law called "violence against women." Consequently,

2) (<http://v.media.daum.net/v/20180205093104353?f=m>) (2018.02.05).

as the #MeToo Movement was assumed to be a male-female confrontation, it resulted in rejection of the feminist movement instead.

On the other hand, most of plans to establish new departments to exclusively deal with #MeToo were suspended and budget acquisition also met with difficulty because the Ministry of Economy and Finance put on the brakes. In particular, the passive response of the Ministry of Gender Equality and Family to the #MeToo Movement became a topic of heated debate. Furthermore, the investigation committee of the Ministry of Justice (committee chair: Kwon In-sook) for the #MeToo against Ahn Tae-geun also responded passively, despite criticism that the prosecution's chief investigator (Cho hee-jin) was a secondary perpetrator. In brief, the government's and society's ways of responding after #MeToo were lukewarm, and there seems to be a long way to go to socialistically institutionalize the results of the #MeToo Movement.

### **03 Misogyny and femicide: “She was killed because she was a woman”**

The murder of a woman at Gangnam Station in 2016 bore the potential for a different kind of influence and explosive power from the cases of sexual harassment in literary circles. Several women said that this incident was a turning point for realizing the kind of distress that women of the same era in South Korea were experiencing, and how similar they were to their own distress. Through #MeToo, South Korean women visualized the common experiences of numerous women of the same era, including themselves, of sexual harassment and similar traumas. Likewise, the Gangnam Station femicide imprinted the fear of “femicide” as a reality, beyond a simple concept, whereby any woman could become a target of a hate crime and be killed. Furthermore, the outrage grew over the responses of the police and government that did not acknowledge the case as an instance of femicide, because they viewed it as an accidental murder by a person with a history of mental illness.

In the fire that occurred at a sports center in Jecheon on December 21, 2017, the number of women killed was 23 out of 29 total deaths. It was revealed that the causes for the higher proportion of female deaths were the failure of the building owner to hire a manager for the women's bath, and the entrance to the women's sauna being blocked with objects. In the end, this can be associated with the everyday “poor treatment of women” in South Korean society. Women organized a protest over this incident that revealed women were “vulnerable in disasters.”

Furthermore, concerns were persistently raised over the problems of dating violence exceeding danger levels and dating sexual assault, and the generous view of perpetrators of police and courts, and lenient punishments awarded. According to the Korean National Police Agency, 8,965 persons were apprehended per year on average for dating violence from 2007 to 2016. This means that 25 people commit acts of dating violence every day. In the last year, a total of 8,367 persons were apprehended for dating violence.<sup>3)</sup> However, the punishments they received were preposterously weak, and an overwhelming number of media reports showing the sympathetic verdicts of courts left people dumbfounded.

Ordinary and microscopic misogyny and prejudice against women led to a hate crime in an instant, an attack on a woman and even “femicide.” The murder of a woman at the number 10 entrance of Gangnam Station in 2016 proved that these problems were not just in the imagination. In 2017, on the first anniversary of the incident, women held a small demonstration in memory of the deceased person at Gangnam Station. However, in 2018, they combined this issue with

3) (<http://v.media.daum.net/v/20180209140004532>).

the #MeToo Movement that raged strongly from January on. Furthermore, for the biased police investigations of hidden camera crimes discussed in the next section, women assembled and formed more specific group actions based on public rage

#### **04 Hidden cameras, cyber sexual harassment, and biased police investigations: “There is no country for women”**

The “Hongik University Womad hidden camera incident” in May showed a contrast from the lukewarm responses of government up to that point to cases of cyber sexual harassment of women. Furthermore, it ended with the maximum mobilization of women protestors by harnessing the public rage over the leniency of the government in cases of anti-women crimes, such as misogynistic attacks or femicides.

Up until then, the use of hidden cams (hidden cameras) was widespread as a “men’s game” in South Korean society, and the society’s and government’s responses to these crimes were lenient and generous. As a typical example, a court acquitted male athletes who installed hidden cams in the dressing room of female national team athletes. As a result of the fear of hidden cams, women experienced uneasiness whenever they had to use public restrooms. In fact, cyber harassment was a serious problem as videos recorded with hidden cams or self-recorded videos were widely distributed without consent of the women involved. Several such women who suffered secondary and tertiary violence as a result tried to get the videos deleted and stop their distribution by hiring so-called cyber morticians using their own money. In some cases, they ended up committing suicide. Furthermore, it had been continually pointed out that the government responded very slowly to the problem of obscene websites such as SoraNet and Webhard that had been profiting by commercially posting hidden cam photographs.

This clearly contrasted with the way the so-called “Hongik Womad hidden cam incident” was handled. On May 1, hidden cam photographs of male nude models were shared on a radical misandrist feminist website called Womad. In response, the police arrested the person who distributed them and the operator of Womad in just seven days over charges of distributing and aiding the distribution of obscene material. This contrasted significantly with the fact that the police had not moved against SoraNet for more than a decade, though the website was famous for illegal cyber violence and hidden cams. The reason cited for this slow pace was that investigating the website was difficult. In the end, the website was closed down only in 2015, 15 years after the first demand for a police investigation was made, due to pressure from a women’s anti-SoraNet movement.

On May 17, a famous YouTuber named Yang Ye Won claimed through #MeToo on social media that she had been sexually harassed while modeling in an undisclosed photo-shoot, and that her photographs had been shared and distributed on an obscene website, which had led to secondary cyber sexual violence. In the end, women gathered on May 19 in a rally held by an Internet café called “Public protests against the biased police investigation of illegal photographing (“Inconvenient Courage”).” The protest flooded the Hyeonwa Station area with 12,000 women, demanding an end to sexist police investigations with the slogan “17 years to close SoraNet and 7 days to arrest for Hongik Univ.” A later demonstration, held in June to protest against biased policed investigations, featured the following slogans: “My body is not your porno,” “Women guilty, men not-guilty. Stop the sexist police investigation,” “Biased police investigations are unjust. Arrest men too,” and “We urge the same investigation, the same punishment.” Protestors raised the criticism that while “all people should be equal before the law,” the law in South Korean society discriminated against women. Thus, a slogan stating, “There is no country for women” appeared.

Close to 15,000 people gathered for the first protest demonstration against biased police investigations (May 19), 45,000 gathered for the second one (June 9), 60,000 for the third (July 7), 70,000 for the fourth (August 4), and 60,000 for the fifth protest (October); in total, 250,000 people gathered. The demonstrations were ended as 110,000 people gathered in the sixth demonstration held at Gwanghwamun Square on December 22; they denounced the “biased judgments and illegal picture-taking” and urged enactment of the Webhard cartel prevention law. This was the largest public demonstration by women alone and was unprecedented in the history of the Republic of Korea. In response, the chief of police, Lee Cheol-seong asserted that there had been no discrimination against women in investigations. However, this demonstration eventually led to the legislation of a clause relating to “prevention of illegal picture-taking/video-recording” in the law relating to sexual violence. This law, which came into effective on December 18, was amended to increase the penalties for illegal picture-taking and video-recording from “imprisonment up to 5 years or fine up to 10 million won” to “imprisonment up to 5 years or fine up to 30 million won.” Furthermore, for the distribution of photos/videos against the will of a person, even if that person had agreed to taking pictures/videos, the penalty was increased heavily from “imprisonment up to 3 years or fine up to 5 million won” to “imprisonment up to 5 years or fine up to 30 million won.” Moreover, in addition to photos/videos of physical bodies, their copies were also included in the scope of illegal photos/videos. However, it is still doubtful whether the law will be effective simply through such increases in the quantum of penalties.

## 05 The right to decide for my body. Abortion law abolition controversy: “I decide for my body”

In the Criminal Law of South Korea, Section 1 of Article 269 and Section 1 of Article 270 criminalize women who undergo an abortion, medical personnel who perform abortions, and persons causing an abortion without the consent of the pregnant woman, thereby prohibiting induced abortions as a general rule. However, the abortion law in South Korea was a de facto dead-letter law. As falling birthrates became a problem, the government revived the dead-letter articles that had not been observed to hold women responsible and punish them in line with penal law. Consequentially, a heated dispute arose again in six years in South Korea regarding whether the abortion law was in violation of the constitution.

The Ministry of Justice that supported retention of the abortion law denigrated women in a sentence, saying, “They have sexual intercourse irresponsibly but do not take responsibility.” This statement created a lot of backlash. However, when the abortion experiences of women were investigated, the results showed that, contrary to the thinking of the Ministry of Justice, out of the people who had considered undergoing an abortion (29.6% of total or 593 persons), those who actually went through with it comprised only 21.1% of the total number (422 persons), i.e., just one out of five persons. Furthermore, 98.9% of these women had chosen to undergo an abortion due to “socioeconomic reasons,” which were not allowed under the Mother and Child Health Law. In other words, they had undergone an abortion because of their financial situations, and not as a result of “irresponsible sexual intercourse.”<sup>4)</sup>

Following this, the proponents of abortion law abolition spurred into action with demonstrations to demand that the Constitution Court declare that the abortion law was in violation of the constitution within the year. At one demonstration, 125 women, including those belonging to “Femi-dangdang,” a feminist group involved in the movement to abolish the abortion law, performatively consumed Mifegyne (mifeprstone), a medication for terminating pregnancy, shouting slogans proclaiming, “My body is not illegal.” However, although the Constitution Court held a public hearing in May 2017 to examine whether the abortion law was in violation of the constitution, it postponed the sentencing.

Although the South Korean abortion law still remains at a crossroads of choosing between a fetus’s right to life and women’s right to self-determination, women are demanding for greater “reproductive rights,” going beyond the simple abolition of abortion law. In fact, it is questionable whether the retention of the abortion law and the punishment of women will provide a solution for low birthrates in a reality where poor workers fatally neglect their own children and sometimes become child abusers in poverty because they face financial difficulties in giving birth to and raising children.

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4) (<http://v.media.daum.net/v/20180409151451320?rcmd=rn> 2018.04.09.)

## 06 Women's labor: "I want to be a worker"

The #MeToo exposures mostly involved cases of sexual harassment through the misuse of power that occurred not in personal and private relationships, but in everyday and microscopic living spaces, particularly, workplaces. Prosecutor Seo Ji-hyeon's #MeToo revelations regarding prosecutor Ahn Tae-geun was one example of such cases, and this expanded into a controversy relating to vindictive transfers of employees. The sexual violence perpetrated by South Chungcheong Province Governor Ahn Hee-jung, based on the power hierarchy, also occurred between a "man of power" and an assistant, a worker who took orders from him. It is profoundly significant that Kim Ji-eun sent the following message to a #MeToo civil action rally after Ahn's acquittal in the first trial: "I want to be worker Kim Ji-eun." This probably means that she wanted to wholly be a worker, rather than be exposed to power-related sexual harassment because of being a worker.

In relation to this, the number of cases reported of sexual harassment at work in the last five years, according to the Ministry of Employment and Labor, was 285 cases in 2013, 392 cases in 2014, 393 cases in 2015, 424 cases in 2016, and 558 in the last year. The number has almost doubled in just four years.<sup>5)</sup>

In the end, the #MeToo Movement is about a problem of sexual violence occurring structurally and based on power relationships, rather than just a problem of men's sexual violence against women. In other words, these cases involve power-related sexual violence. This problem is, therefore, related not only to the problem of the social status of South Korean women, but also to the low status of workers in the labor reality of South Korea and the rights of workers that are not protected in power relationships.

In South Korean society, it has been argued that gender equality has been achieved in higher education since the year 2000. Since 2011, the college entrance rate of female students has been 5–10% higher than that of male students. In 2016, 73.5% of female students and 66.3% of male students entered colleges (Annual Education Statistics Report). However, such gender equality remains within schools only. No, actually, as demonstrated by the #SchoolMeToomovement, teenage girls and female teachers are not free from sexual harassment even in school. However, it is more noticeable that women are "second class citizens" when they come out of school.

Most importantly, South Korea has been maintaining the number one ranking every year in terms of the wage gap between genders in the statistics reports of the OECD since 2000. If the average wage of men was pegged at 100%, the wage level of women was only 64.1% (2016, the Ministry of Employment and Labor). Furthermore, according to the "gender-sensitive statistics" of the Korean Women's Development Institute, if the first-year salary of men was pegged at 100%, that of female workers was 73.0% in 2012, 72.1% in 2014, and 69.9% in 2015, showing a steady increase in the wage gap between the genders. The proportion would stand at 71.3% in 2016, showing a slight decrease. Furthermore, the proportion of non-regular workers was overwhelmingly high among women, estimated to range between 40% and 70%.<sup>6)</sup>

In the end, the low status of women's labor and the steady increase in non-regular employment that pushes women into low status of labor overlap with the employment insecurity of women, and make them more socially vulnerable in the workplace and in power relationships. Women become victims of "gender power trips" in everything ranging from joining a company, to

4) (<http://v.media.daum.net/v/20180409151451320?rcmd=rn> 2018.04.09.)

6) (<https://www.sisain.co.kr/?mod=news&act=articleView&idxno=31238>. 2018.02.08)

wages, promotions, and work performance. Power-related sexual harassment acts as one more unavoidable element among them.<sup>7)</sup>

According to the “Global Gender Report 2018,” in which the World Economic Forum (WEF) recently investigated the politics, economics, education, and health dimensions of 149 countries worldwide, it will take 202 years to close the economic gap between women and men. In terms of the gender gap, South Korea ranked 115th, remaining at a very low rank. In South Korea, the gender gap created by the dual fetters of gender and labor, or the system of inequality based on gender discrimination, is still strong and firm.<sup>8)</sup>

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7) [http://www.hani.co.kr/arti/society/women/874922.html?fbclid=IwAR0\\_nPvCr0\\_UkE4sKc-r0kYVVAjZ3YS75M-\\_RL2Akf8r3An5ip1pkzBKtTY#csidx5ee758b229f187eb1a43198898eac22](http://www.hani.co.kr/arti/society/women/874922.html?fbclid=IwAR0_nPvCr0_UkE4sKc-r0kYVVAjZ3YS75M-_RL2Akf8r3An5ip1pkzBKtTY#csidx5ee758b229f187eb1a43198898eac22). 2018-12-18)

8) [http://m.khan.co.kr/view.html?art\\_id=201812181656001&fbclid=IwAR3ZMlc4hm1Cyx0XQTWJ6meeZ2HX5\\_l8FOGvBY2g8s-VapX93rumD4EzrXU](http://m.khan.co.kr/view.html?art_id=201812181656001&fbclid=IwAR3ZMlc4hm1Cyx0XQTWJ6meeZ2HX5_l8FOGvBY2g8s-VapX93rumD4EzrXU). 2018. 12. 19)

### III. Summary

The #MeToo Movement was an important movement that could reveal the characteristics of South Korean democracy and the degree of democratization in this society. Hence, what was most noticeable in the status of democracy in South Korea in 2018 was the #MeToo Movement.

In fact, the #MeToo Movement is doing the work that Park Geun-hye's Resignation Candlelight could not do. If the Candlelight stopped at being conservative in terms of recovering and restoring the democracy, the #MeToo Movement that began on top of the vibrations of Candlelight, and the collective voices of women, touched the inner core of society, and raised issues against the social, political, and biological powers that had been settled down layer by layer.

In the end, what #MeToo wanted to change was an order of this society. It attempted to change one of the essential foundations for forming social orders. However, that order will not be easily collapsed and society will not want this change because, if one part of the foundation collapses, the others will be in jeopardy.

As seen above, the #MeToo Movement led to the building of strong solidarities based on girl-crush and the common experiences of women survivors that, "they were not different"; furthermore, it led to emergence of awareness regarding the "genderized" national orders and governmental authorities that facilitate the maintenance of gender-discriminatory structures or inhibit the process of dealing with them properly. However, at the same time, the backlash and retaliation to the #MeToo Movement were formidable, and the results of institutionalization and legislation as outcomes of #MeToo Movement were pitiful. Furthermore, the collision of the #MeToo Movement with the individuals' right to be forgotten, issues of false accusations, libel, and slander related with #MeToo Movement, amendment of the sexual assault law based on the condition of force, and the legal interpretation of sexual violence based on power hierarchies—all these problems did not exist in isolation from the "social reality" that brought about #MeToo.

However, the women will not disappear. As shown in the Isu Station assault of men and women in November, women are more actively raising their voices and acting on their own in situations in which they would have stayed behind in the past. Such mobilizing behavior emerged on the basis of common experiences and the contemporary characteristics of women, and the united behavior of survivors. Furthermore, recently, the slogan "This democracy is wrong" was raised in many universities when female student associations were abolished by majority decisions; as such, these issues will be more strongly raised against the method and characteristics of perfunctory democracy based on majority-rule

In the end, gender issues are associated with other concerns. The gender-based order is linked through collisions and cross connections between gender and sexuality (queerness), and politics of solidarities. It sometimes amplifies other hatreds or appears twinned with other types of hate. In addition, sometimes, it is cultivated with various differences in a homogenous structure and becomes a target of prejudice.

As an example, the social controversy regarding the inflow of Yemeni refugees in Jeju and the racist approach of some feminists caused a lot of concern. However, the fact that 700,000 people participated in a people's petition to the Blue House regarding the accommodation of refugees in Jeju, recording the highest number of petitioners in the shortest time, was a more serious problem than the racist prejudice of some feminists against the refugees. In a sense, the realization that women were also influenced by nationalism and racist society and culture like other Koreans,

provided an important example of the cross connections between gender and race.

More importantly, this case showed that one kind of hate leads to another. The dominant trend of South Korean society with regard to misogyny and femicide was that they were never acknowledged as misogyny and femicide. It was the same in the case of racist hatred and fear. The descriptions and discussions of the Yemeni refugees arriving in Jeju were plagued with xenophobia, although they were not acknowledged as xenophobia. It is important to understand that this commonality, the identity dwells in the system and supports the current system.

Therefore, first, we should hate every hate, not only misogyny, but also xenophobia, generation hate, and labor hate.

Second, social differences should not become the cause for discrimination. However, social differences transform into social hatred and discrimination and become internalized as a system of social inequality. Therefore, the issue is social discrimination, not social differences; when social discrimination is internalized, it builds a system of social inequality, and as inequality is reduced to a problem of differences, it is preserved and justified.

Recently, South Korea's social hate phenomenon and hate crimes have reached a dangerous level. However, at the same time, it is no longer difficult to retreat or keep silent over social discrimination and prejudice, government's aid or concealment, socially weak people standing against non-visibility, counterattack, subjectivation, and resistance of minorities. In other words, these are struggles of social values. They are sometimes combined with populism or reduced to simple dichotomous hostility; on the other hand, they sometimes go forward as sensitivity towards social minorities and the politics of solidarities.

Therefore, with the recognition that all hates are connected, we need a solidarity of weak people and minorities against the social structure that produces hates and social differences in the forms of discrimination and inequality; and we need a political science of empathy and solidarity for this.

Furthermore, we need a form of society, politics, political support, institutionalization, and restructuring that can dissolve the politics of hates and facilitate the democratic politics and life of solidarities. In this aspect, South Korean democracy in 2018 was still like shooting at a moving target and had before it the task of evolving towards a substantive social democracy beyond the majority rule-based perfunctory political democracy.



2018 Korean  
Democracy  
Annual Report  
**International  
Arena**

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## I. Introduction

### 01 Establishment of assessment criteria

Internationally, interest in democracy has been increasing greatly. As the democratic values and systems that were taken for granted for some time are no longer working in the real world, various analyses and inspections have been performed. In particular, in the western countries where modern democracy was born and has operated stably since World War II, incidents that desecrate the basic principles of democracy have occurred frequently in recent years, leading to calls for the stagnation, retreat, or even crisis of democracy to be addressed.

This international democracy report, which has been attempted for the first time this year, contains a general introduction and an evaluation of the status of democracy for the last two years, 2017 and 2018. Due to constraints of time and word count, this report was written based on the reports of organizations that monitor, analyze, and evaluate democracy in the international dimension, instead of on direct investigation and research.

## II. Detailed Assessment of Factors

### 02 International democracy analysis and evaluation organizations

Currently, a variety of organizations such as inter-governmental organizations, press agencies, and civil society organizations perform the role of monitoring and evaluating democracy in the international dimension.

The representative international organizations include the International Institute for Democracy and Electoral Assistance (International IDEA), an intergovernmental organization headquartered in Stockholm, Sweden,<sup>1)</sup> and the Economist Intelligence Unit (EIU) within the Economist Group, a British press publication.<sup>2)</sup> The civil society organizations include Freedom House, a US non-profit non-governmental organization,<sup>3)</sup> and CIVICUS, a global alliance of civil society organizations headquartered in South Africa.<sup>4)</sup>

In addition, Amnesty International HQ<sup>5)</sup> in London, UK and Human Rights Watch<sup>6)</sup> in the USA publish reports on the human rights status of most countries in the world; Reporters Without Borders, (RSF)<sup>7)</sup> headquartered in Paris, France, reports the press freedom index;

Transparency International,<sup>8)</sup> headquartered in Berlin, Germany, publishes the Corruption Perceptions Index (CPI); and the International Center for Not for Profit Law (ICNL) monitors civil society-related laws.

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1) <https://www.idea.int/>

2) <http://www.eiu.com/topic/democracy-index>

3) <https://freedomhouse.org/>

4) <https://www.civicus.org/index.php/state-of-civil-society-report-2018>

5) <https://www.amnesty.org/>

6) <https://www.hrw.org/>

7) <https://rsf.org/>

8) <https://www.transparency.org/>

Due to the limitation of paper space, this report primarily examines the reports of four organizations listed below that cover democracy most comprehensively and uses the contents of other organizations' reports in the analysis and the summary.

There are four important annual reports that deal with the current status of international democracy: the "Global State of Democracy" (GSoD) report of the International IDEA, the "Democracy Index" report of EIU, the "Freedom in the World" report of Freedom House, and the "State of Civil Society" report of CIVICUS. Although the approaches and perspectives for understanding democracy differ somewhat between them, they occupy a common ground, and the trends in the macroscopic dimension or the judgments for each country contained in the reports are very similar. As there are differences in the methods of collecting and analyzing democracy-related information, they have characteristics that complement each other.

The characteristics of each report, particularly, the targets and evaluation criteria are as follows:

The first edition of the GSoD report was published by the International IDEA in November 2018. The GSoD report sets democratic rule and political equality as the two main principles of democracy; analyzes and evaluates the democracy levels of 155 countries along five indices corresponding to the two main principles: representative government, fundamental rights, checks on government (separation of powers), impartial administration, and participatory engagement. The report evaluated the measured scores on a scale ranging from a minimum of 0 to a maximum of 1, and traced the flow of changes by measuring every ten years for 40 years from 1975 to 2015. The country rankings were not provided.

The Democracy Index Report of the Economist was first published in 2006. For the 2017 report, the experts evaluated 167 countries based on the following five evaluation criteria: "Is election free and fair?" (electoral process and pluralism); "Does government have checks and balances?" (functioning of government); "Do citizens participate in politics?" (political participation); "Do citizens support the government?" (political culture); and "Is there freedom of expression?" (civil liberties). According to the results, each country was classified into one of four regime types: "full democracies," "flawed democracies," "hybrid regimes," and "authoritarian regimes."

Freedom House has been ranking "freedom in the world" in numerical values every January since 1972 to show the level of freedom level in most countries in the world. The index is expressed on a numerical scale ranging from 1 to 7 for two categories, namely political rights and civil liberties. Political rights are evaluated on the basis of freedom of participation in the political process, including free and fair elections, running for public office, and participation in political party activity. On the other hand, civil liberties are evaluated on the basis of freedom of expression and belief, association and organizational rights, rule of law, and personal autonomy and individual rights. Furthermore, based on these indices, each country in the world is classified as a free, partly free, or not free country. The Freedom House report has the oldest publication history and covers the largest number of 195 countries. In addition, Freedom House has been publishing the press freedom indices since 1980.<sup>9)</sup>

Since 2014, CIVICUS has been publishing the "State of Civil Society" report every year. This report analyzes and evaluates the major events that involve and affect civil society around the world, based on various methods such as monitoring and interviews. The CIVICUS report evaluates democracy from the perspective of independent civil society organizations' roles, i.e., through citizens' freedom of association, assembly, thought, and expression. The 2017 report performed

9) <http://www.icnl.org/>

the evaluation by classifying the civic space into five categories: open, narrowed, obstructed, repressed, and closed. Furthermore, it provided analyses for major trends and causes based on expert interviews.

### 03 International democracy status evaluation reports for 2017 and 2018

The 2017 and 2018 reports published by the last three organizations above all pointed out that democracy and liberties have been in retreat in many countries around the world in the last several years, including the last year. Although there were some exceptions such as South Korea and Nepal, the retreat of democracy was a common phenomenon. Of course, the causes varied depending on the region and country.

Among the reports of four organizations, contents from the reports of the following three organizations are introduced based on the situations in 2017 and 2018:

#### 1) The Democracy Index Report of the Economist

According to the 2017 report covering 167 countries, the average democracy index value dropped down to 5.52 from 5.58 in 2016. Compared to 2016, the scores decreased in 89 countries, whereas they increased in only 27 countries. Thus, democracy scores fell over three times in as many countries as those in which they rose. Thus, 2007 was evaluated as having the worst record after the 2010–2011 indices, since the financial crisis. The remaining 51 countries remained in a state of stagnation.

Further, according to the report, people in 18 countries, i.e., less than 5% of the world’s population lived in “full democracies.” The countries that belonged to this category received a score of 8 points or higher. The top ten countries included Norway (9.87), Iceland (9.58), Sweden (9.39), New Zealand (9.26), Denmark (9.22), Ireland (9.15), Canada (9.15), Australia (9.09), and Finland (9.03). South Korea ranked 20th and barely made it into the category of full democracies, with a score of 8.0. Meanwhile, the USA ranked 21st with a score of 7.98, thereby falling short of the full democracies category, along with Italy.<sup>10)</sup>

On the other hand, North Korea was at the bottom of list with a score of 1.08, and Syria, Chad, Central African Republic, and Democratic Republic of Congo also belonged to the lowest ranking group.

**Table 1** Top 5 and bottom 5 countries on the democracy index

Ranking (Top)	Country	Ranking (Bottom)	Country
1	Norway (9.87)	163	Democratic Republic of Congo (1.61)
2	Ireland (9.58)	164	Central African Republic (1.52)
3	Sweden (9.39)	165	Chad (1.50)
4	New Zealand (9.26)	166	Syria (1.43)
5	Denmark (9.22)	167	North Korea (1.08)

9) <https://thenewspro.org/2018/02/01/these-are-the-best-democracies-in-the-world/>

**Table 2** Democracy index 2017: Proportion of countries and populations

	Score (out of 10 points)	No. of countries	% of countries	% of world population
Full democracies	8-10	19	11.4%	4.5%
Flawed democracies	6.0-7.99	57	34.1%	44.8%
Hybrid regimes	4.0-5.99	39	23.4%	16.7%
Authoritarian regimes	1-3.99	52	31.1%	34.0%

## 2) The Freedom in the World Report by Freedom House

According to the 2017 report by Freedom House, freedom retreated in 2017 for the 12th consecutive year in the global dimension and recorded the lowest score in the last ten years. Not a few countries in Eastern Europe and Asia that had been transitioning to democracy were returning to the authoritarianisms of the past. Furthermore, it pointed out that even in the existing democratic countries of Europe and USA, the foundations of democracy such as rule by law and human rights had been harmed by the emergence of political leaders pandering to populism. Furthermore, Russia and China were expanding the authoritarian government model by using their political and economic influence.

According to the Freedom House report, 39% of the world's population of 7.4 billion people lived in free societies in 2018, 24% in partly free societies, and 37% in not free societies. When these numbers are converted in terms of countries, 45% of 195 countries around the world were free, 30% were partly free, and 25% were not free.

**Table 3** Level of freedom by proportion of population and countries

	% of Population (7.4 billion)	% of Countries (195 countries)
Free	39%	45%
Partly free	24%	30%
Not free	37%	25%

When these data are compared with the past, it can be seen that the number of free countries has been decreasing from 2007, twelve years ago, while the number of not free countries has been gradually increasing. Compared to 1987, i.e., 30 years ago, the number of free countries increased for a while and then entered into a declining trend from the stagnation state; on the other hand, the number of not free countries decreased continuously for a while and then increased again.

**Table 4** Level of freedom by year (1987-2017)

	1987	1997	2007	2017
Free	34.5 %	42.4%	46.6%	45.1%
Partly free	34.5 %	30.4%	31.1%	29.8%
Not free	31.0%	27.2%	22.3%	25.1%

Freedom House analyzed trends based on abundant historical data, and picked Turkey, Central African Republic, Mali, Burundi, and Bahrain as the countries that faced the largest human rights setbacks in the last ten years. Based on of the data for 2017, the twenty countries that showed the largest setbacks included Gabon, Tunisia, Congo, Tanzania, Maldives, and Libya in Africa, and Poland, Hungary, Turkey, Mexico, and USA among the OECD countries. Among the countries that showed greatest progress in human rights were Ecuador, Nepal, Iraq, East Timor, Uzbekistan, and Gambia.

### 3) The State of Civil Society Report of CIVICUS

According to the civic space report of CIVICUS, civic spaces are closed, repressed, or obstructed in 109 countries as of February 2018. When these are investigated in terms of populations, it was found that 28% of the world population is living in closed spaces, 17% in repressed spaces, 37% in obstructed spaces, 14% in narrowed spaces, and only 4% in open spaces. This means that only about 20% of world population is living in civic spaces under full democracies.

**Table 5** Evaluation of quality of civic space in 2017 and 2018

State of Civic Space	Proportion	No. of Countries
Open	4%	109
Narrowed	14%	
Obstructed	37%	
Repressed	17%	
Closed	28%	

## 03 Status of democracy by region

Changes centered on events and institutions related closely with democracies, such as elections, parliaments, political parties, the press, and civil society, have been examined by region. Many reports picked South Korea and Malaysia in the global dimension as countries that showed the most positive changes in 2017 and 2018. Among the worst countries were Myanmar, Syria, and Yemen.

## 1) Asia Pacific

For Asia, 2018 was a year in which progress, stagnation, and retreat of democracy were all mixed together. Malaysia and the Maldives, an island country in the Indian Ocean, were representative of countries that achieved democratization through elections. In India and Indonesia, which had been known for relatively institutionalized democracies, events and trends that set back democracy had occurred recently. Disputes regarding election processes and results occurred in many countries such as Afghanistan, Bangladesh, Cambodia, and Pakistan. Thailand was still under the military dictatorship, and in the Philippines, numerous human rights violations affecting innocent civilians resulted from the “war on drugs.” Myanmar came under criticism and pressure from international society because of the Rohingya massacre. On the other hand, China, Vietnam, and Laos continuously implemented open economic growth policies under a one-party regime.

Malaysia emerged as an icon of democracy in Asia in 2018. In the general election of May 9, Malaysia’s opposition coalition led by Mahathir Mohamed, a former prime minister, won a surprise victory, accomplishing a regime change after 61 years. This peaceful change of regime through election became possible for two reasons: the Malay people had developed an antipathy towards incumbent Prime Minister Najib Razak due to a major scandal surrounding his national fund; and the Bersih, a civil movement for political reforms, had led large demonstrations peacefully.

In the Maldives, the regime change saw a coalition of four opposition parties win a victory in the election on September 23, 2018. As the former president Maumoon Abdul Gayoom, who had been mired in several controversies relating to misuse of power and oppression of the press during his incumbency, was brought down, a democratic order was restored.

In Cambodia, the ruling Cambodian People’s Party (CP) secured all 125 seats of the National Assembly with 77.6% of votes in the election of August 27, 2018. Prior to the election, in November 2017, the Cambodian Supreme Court had ordered the dissolution of the Cambodia National Rescue Party (CNPR), the first opposition party, and had banned all political activities of its National Assembly members. Furthermore, independent media companies that were critical of the government were closed down or led to be sold. The Cambodian opposition party refused to accept the results of the election carried out under these circumstances.

Thailand had been under military rule since the military coup of May 22, 2014, but planned to conduct a general election on February 24, 2019. This measure was taken due to the resistance of Thai civil society and continual criticism from international society. At present, with the ban on political activities completely lifted, political activities are being carried out in full force. In the Philippines, President Rodrigo Duterte, who won the election on May 9, 2016 based on a pledge to wipe out violent crimes and corruption, implemented a strong war on drugs policy with high levels of support. In the process, human rights were violated on a large scale, as thousands of civilians were executed arbitrarily without trials.

Sri Lanka was in the process of stabilizing its democratic system after the change in regime through the election of January 2015. However, last October, the incumbent President Maithripala Sirisena dismissed Prime Minister Wickremesinghe and appointed the former President Mahinda Rajapaksa, who had stepped down following a previous election loss, as the new prime minister. This instigated a political crisis involving the dissolution of the parliament. Nevertheless, the situation settled down as the appointment was withdrawn due to criticism from civil society and international society, and a Supreme Court ruling. However, Sri Lanka is still facing many issues such as delays in resolving past large-scale violations of human rights and corruption problems.

In Myanmar, large-scale violations of human rights in the form of “ethnic cleansing” of an

Islamic minority, the Rohingya, occurred in August 2017. As Aung San Suu Kyi, a state counselor and a Nobel Peace Prize laureate consistently denied the reality of the ethnic cleansing and made excuses for the violence, the criticism from international society increased. Although international pressure was applied on the country, with the US taking the lead, no solution has yet been found yet. Further, as a result of this spate of violence, concerns for the future of democracy in Myanmar increased greatly.

## 2) Middle East and North Africa (MENA)

Many reports evaluated that the democracies of Middle East and North Africa had returned to their winter again after the “Arab Spring” of 2010–2011. In particular, the humanitarian crisis in Syria was at its worst level, with the Syrian Civil War that started in 2011 still in progress. Tunisia, which became the point of origin of the Arab Spring with the Jasmine Revolution in 2010, and produced a Nobel laureate based on execution of exemplary democratization, was regarded as the best example of democratic progress in that region. However, the autocratic powers of the past had again emerged, and the democratic reforms had slowed down and shown stagnation, due to the influences of anti-human rights society and culture.

Syria was in an extremely desperate situation. In this country, the demand for democratic changes had created a civil war, due to which 400,000 people died and 7 million people were forced to leave the country. However, the Assad regime seemed to remain robustly in place.

In Egypt, after the removal of Morsi of the Muslim Brotherhood over attempts to exercise arbitrary power in 2013, al-Sisi of the military took power and was still governing Egypt in an authoritarian manner. In the process, more than 1,000 people died.

In Yemen, a ceasefire took effect on December 18, following a four-year civil war. A turning point in this situation was provided by the development of critical public opinion on Saudi Arabia, following the murder of a Saudi Arabian journalist named Khashouggi. However, because Saudi Arabia and Iran, which support the Sunni Muslim and Shiite stakeholders of civil war, are still locked in confrontation, it is expected that the establishment of complete peace and democracy will take a long time.

Turkey was, at one point of time, evaluated as being at the forefront of Islamic democracy. However, President Recep Tayyip Erdo an, who produced this democratic change strayed down the road of long-term dictatorship through constitutional revision of prudence that additionally extended the power in 2013.

## 3) Africa

The democracies of Africa were at a crossroads of hopes and concerns. Some countries showed the possibility of safely establishing democracy as an institution, while some other countries still faced threats of long-term domination.

The brightest position was occupied by Gambia in Western Africa. Gambia received the highest score for achieving democracy in the Freedom House report, as the regime was changed democratically through a legal election process in December 2016, conducted for the first time in 22 years.

In Angola, South Africa, and Zimbabwe, multi-party democratic systems were settling in, based on regime changes through elections. In contrast, the Democratic Republic of Congo,

Gabon, Zimbabwe, and Burundi experienced political crises at one point because authoritarian governments had abused their power and attempted to extend the power expediently.

#### 4) Central and South America

Democracy had been continually progressing in Central and South America for the last ten years or more. In particular, the active approval of the rights of aborigines and gender and sexual minorities in some countries had a positive impact on the process of embracing democracy. However, because of deteriorating economic inequality and corruption, political chaos and crises erupted in some countries and events that damaged democratic values and principles occurred as well.

In Brazil, Peru, and Venezuela, regimes changed or political crises were instigated due to large scale corruption. In El Salvador, Guatemala, Honduras, Mexico, and Venezuela, human security was threatened due to the activities of organized violent groups.

#### 5) Europe & Eurasia region

As an aftereffect of the large inflow of refugees in 2015 and 2016, far-right, anti-immigration political parties increased the number of parliamentary seats won through elections in the majority of the European countries in the last two years. Examples of this include France, Germany, Netherlands, and Austria. In the case of Sweden, the far-right Sweden Democrats seized the deciding power for forming a coalition with 17.6% of the vote, but had not yet formed the government.

In the Central and East European countries, particularly, Azerbaijan, the Czech Republic, Slovakia, Hungary, Poland, and Russia, activities of independent media, political parties, and civil societies were shrunken or oppressed commonly. Such a trend was more extreme in Hungary and Poland. In these respective countries, the political party that dominated the parliament through election amended laws that damaged the independence of judicial courts and denied the legal foundation of the separation of powers.

Many countries in the Balkan Peninsula were politically unstable, and in Serbia, the setback phenomenon of democracy expanded as the government oppressed the opposition parties and independent media.

#### 6) North America

Ever since President Trump was inaugurated in February 2017, the USA showed rapid drops in rankings in various indices of democracy and human rights. In particular, in the Democracy Index of the Economist, the USA was ousted from the top 20 list for the first time ever and was classified as one of the “flawed democracies,” dropping down from the category of “full democracies.” Due to a series of events that had occurred in the US, which had led international democracies as the first democratic country, the concern for the future of democracy had been sharply increasing in international society. In contrast, Canada recovered in the democracy and human rights indices to return to its past level after the Liberal Party regained power in October 2015.

### III. Summary

The retreat, stagnation, or crisis of democracy, confirmed through various reports and indices above, was not a phenomenon that occurred suddenly at all. The democracies of international dimensions started to stagnate or retreat from the mid-2000s, and it seems that the current phenomenon is an extension of such a trend or the explosive emergence of gradually accumulated causes. Such a retreat appeared not only in newly born democracies, but also in countries where democracy was thought to have been securely established long ago.

In these changes in democracy, there lie structural factors such as accelerating economic globalization, geographical power shifts, role and structure changes of international organizations and transnational organizations (e.g., European Union), and the rapid progress of information and telecommunication technologies. Furthermore, transnational phenomena such as migration and climate change are increasingly having an influence on conflicts, developments, citizenships, and sovereign countries. In particular, the continuously increasing levels of inequality and the social polarization and exclusion caused by this are shaking the foundations of existing political systems. Consequentially, political powers from the two extreme ends are emerging, rather than centrists. On top of this, corruption scandals of power elites have resulted in broad civil resistances.

In this context, the “resilience of democracy” emphasized in the democracy status reports seems to be a very appropriate diagnosis. As democracy is understood not as a finished institution, but as a dynamic process, attention is paid to the process of overcoming challenges to democracy in recent years. At the heart of resilience, there is governance, i.e., democratic systems and procedures that involve citizens’ active participation, transparency and accountability.

Furthermore, continual democratic citizen education for citizen participation and the roles of independent media and civil society organizations are axes that support such governance healthily. Continuous investment in such democratic infrastructure and the fostering of active citizens will ensure the sound future of democracies

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