
SPOTLIGHT ON THE REPUBLIC OF KOREA

Mark Salter



© 2021 International Institute for Democracy and Electoral Assistance

International IDEA publications are independent of specific national or political interests. Views expressed in this publication do not necessarily represent the views of International IDEA, its Board of Advisers or its Council members.

The maps presented in this publication do not imply on the part of the Institute any judgement on the legal status of any territory or the endorsement of such boundaries, nor does the placement or size of any country or territory reflect the political view of the Institute. The maps have been created for this publication in order to add clarity to the text.

References to the names of countries and regions in this publication do not represent the official position of International IDEA with regard to the legal status or policy of the entities mentioned.

Applications for permission to reproduce or translate all or any part of this publication should be made to:

International IDEA
Strömsborg
SE-103 34 Stockholm
Sweden
Tel: +46 8 698 37 00
Email: info@idea.int
Website: <https://www.idea.int>

International IDEA encourages dissemination of its work and will promptly respond to requests for permission to reproduce or translate its publications.

Text editing: Accuracy Matters Ltd
Design and layout: International IDEA based on originals by Phoenix Design Aid



The Republic of Korea

Regime type: Mid-range performing democracy as of the end of 2020. High performing democracy between 2017 and 2020. Democracy since 1988.

State of emergency: No state of emergency has been declared.

Covid-19 democracy and human rights impact summary: The Republic of Korea was one of the first countries to suffer an outbreak of the pandemic after China in early 2020. The authorities never imposed a lockdown, but an intense testing, tracing and isolation policy. The policy was supported by the use of digital tracking tools that raised privacy concerns. The country carried out elections at the beginning of the pandemic, setting many good examples of how to protect the electoral process from disruption by Covid-19. In May 2020, the country started to relax some of the restrictions in place. As Covid-19 cases surged in late 2020 and into mid-2021, tighter restrictions were imposed in greater Seoul and many other areas. The vaccine roll-out in the second quarter of 2021 was slow due to delays in supplies.¹

CENTRALITY OF CIVIC DUTY

The Republic of Korea has recorded a number of world ‘firsts’ since the outbreak of the Covid-19 pandemic. The first country to successfully hold national elections under pandemic conditions, it was also one of the first to successfully instigate a policy of ‘trace, test and treat’ (3T), aimed at locating and isolating infected citizens via the widespread use of dedicated smartphone contact tracing apps. Not that everything went according to plan. In particular, privacy-related concerns stemming from the use—and potential abuse—of tracing apps were voiced from an early stage and have yet to be entirely assuaged by official reassurances regarding data protection measures allegedly in place.

Into spring 2021, moreover, after a long period as one of the regional—indeed, global—success stories for containment, the Republic of Korea was hit by a major spike in infections, the harbinger of a new, mostly delta-variant pandemic wave that continued to affect the country during the rest of the year. The government responded in mid-July by introducing some of the strictest ever social distancing rules. On 25 August 2021, for example, the Republic of Korea registered its highest daily number of reported deaths from Covid-19 to date—20; while low by international standards, this was still severe enough to set the authorities on a (eventually successful) scramble to source vaccines. In retrospect, it seems clear that it was precisely the country’s initial success in pandemic containment that played a key role in subsequent official neglect of vaccine supplies, a situation that continued well into 2021. And although the country has made significant strides forward in vaccinating its population—the current goal being to immunize almost 80 per cent before the end of 2021—it has done so in the context of an uphill battle.

VACCINE BLINDSIDING

There are several further factors underlying this apparent vaccine blindsiding, in addition to a measure of complacency induced by the apparent success of its initial 3T anti-pandemic strategy—an approach known as the ‘K-Quarantine’ model. For some time, the Republic of Korea has also been busy developing its own vaccine, which it hopes will come on stream before the end of 2021. To this end, President Moon Jae-in has been directing significant sums towards this vaccine development, the aim being, as he puts it, to become, ‘one of the top five global vaccine producers by 2025’ and to simultaneously solve domestic vaccine supply challenges and bolster the country’s position as a major player in the international pharmaceutical market. Additionally, the country made an early commitment to the international COVAX scheme, aimed at developing and delivering vaccines on a globally

equitable basis. While this commitment was in positive contrast to other Organisation for Economic Co-operation and Development (OECD) member states, to date the initiative has not yet managed to deliver the expected number of vaccine doses—including in the Republic of Korea.

THE LAUDED PARLIAMENTARY ELECTIONS

The 21st National Assembly elections held in mid-April 2020—and widely lauded for being carried out safely, with integrity and with high levels of participation—offer some important lessons. Despite concerns that the pandemic would lower voter participation at these polls, in the end, despite the health risks potentially involved, 61. Per cent of the electorate voted—the highest turnout registered since 1996. A key factor behind these remarkable results was that provisions for advance voting were first introduced in 2014, so they were both tested and consolidated by the time the pandemic hit, but they were also familiar to voters: at the 2020 polls, a record 27 per cent of eligible voters cast their ballots in advance of official voting day. The National Election Commission also enacted stringent measures to guarantee a safe voting environment for those casting their ballot in person, including queuing outside polling stations, limiting crowding in voting areas, safe handling of election materials and special measures for infected patients.

However, higher pandemic diffusion levels in host countries eventually forced the out-of-country voting (OCV) operation to be cancelled in over 50 OCV facilities, affecting as many as 87,000 voters, accounting for approximately 51 per cent of the total 172,000 voters registered abroad. The National Election Commission was apologetic about this.

Significantly, while in many countries the prospect of elections under pandemic conditions served to underscore prevailing divisions and tensions, in the Republic of Korea a sense of national crisis was leveraged to project voting as a form of civic duty. In a final pre-election opinion poll, 86 per cent of those interviewed stated that they were ‘paying attention’ to the election, while 79 per cent claimed that they would ‘certainly vote’. Moreover, some argue that the Government’s hitherto successful pandemic containment strategy conferred on it a legitimacy that in turn helped boost voter turnout.² All in all, the 2020 National Assembly election outcome bears out a view of democracy in the country underscored by one commentator, who suggested that its most impressive feature is not so much the formal institutional arrangements in place, as the informal engagement by citizens.

TREATMENT OF MINORITIES

For the Republic of Korea, however, the pandemic response has not been entirely positive. Symptomatic of long-standing xenophobic undercurrents in the country, which occasionally morph into open racism, in February 2020 some businesses began to display ‘No Chinese Allowed’ signs, while others resorted to simply banning all foreigners from entry. Rising homophobia has also been in evidence, notably in the public reaction to May 2020 reports that a cluster of cases might be traceable back to a 29-year-old individual in Itaewon, a district of Seoul with multiple LGBTQIA+-friendly nightclubs. This increase in homophobic discourse had, in turn, the unwelcome effect of discouraging many from being tested for the virus, thereby potentially jeopardizing the tracking component of the country’s 3T strategy.

CONCERNS OVER PRIVACY OF THE CONTACT TRACING APPS

From a privacy perspective, however, the Republic of Korea’s use of contact tracing apps remains an issue of concern. Following the 2015 MERS outbreak, the country relaxed its digital privacy laws to enable infection tracing,

and the authorities now have access to personal data without needing prior court approval. Software companies have developed apps to supplement official contact tracing efforts, and concerns focus particularly on the collection and use of personal data for those found to be infected. Once a patient is diagnosed, the relevant government agencies can (and do) trace all their movements, starting from the suspected time of transmission, using cell phone location data, credit card history and CCTV footage reviews. These are also released publicly (excluding the individual in question's name), so that area residents or visitors on a diagnosed person's itinerary can determine whether they are at risk. SMS notifications and updates are also sent regularly by local district authorities.

The clash between transparency and an individual's right to privacy is obvious, yet some analysts suggest this is in part the upshot of what one commentator³ calls the 'constant popular pressure that has become intrinsic [to] Korean democracy'. Starting with the previous Park Geun-hye Administration, he argues, a febrile tradition of direct public lobbying emerged, chiefly in the form of petitions, to which the government is obliged to respond if they achieve 200,000 signatures. And pressure from these, he argues further, can end up pushing the authorities in directions that, while responsive to popular concerns, nonetheless threaten aspects of the country's democratic infrastructure.

In fairness, the Republic of Korea's use of contact tracing has defenders as much as critics. It can be argued, for example, that the current tracing strategy is essentially a refinement of that used following the 2015 MERS outbreak, which was also accompanied by related legislative amendments. Moreover, it's worth noting that the official use of contact tracing apps and related interventions at least appears to satisfy standard operational criteria of proportionality and time-boundedness.

Outstanding concerns focus on two issues. One is 'mission creep': are the boundaries of what are considered 'normal'/acceptable infringements of individual privacy norms likely to extend over time? The other is time-related: how long will the authorities actually continue to collect personal data for contact tracing purposes? Faced with an uncertain pandemic future, the answer could well be similarly indefinite.

IMPACT ON GENDER EQUALITY

In terms of gender equality, some analysts suggest that despite the Republic of Korea's strong overall performance in response to Covid-19, a pronounced 'gender-blindness' remains in place. In addition to the low number of women in high-level positions in the pandemic response—5.5 per cent on one estimate—analysts also point to the gendered nature of Covid-19's overall impact.⁴ Alongside increased domestic responsibilities for women, resulting, for example, from childcare needs consequent on school shutdowns, there is also the fact that women make up a significant proportion of those employed in the retail, wholesale and other sectors particularly hard hit by the pandemic. On a different note, recent research indicates that in the Republic of Korea, as in many other countries, domestic violence against women and girls, in tandem with a significant increase in gender-based violence in the form of digital sex crimes, has become what some describe as a 'shadow pandemic'.⁵ As such, it's an issue that deserves far greater priority in both national and international responses to Covid-19.

ECONOMIC STIMULUS: DEEPENING INCOME GAPS

In terms of attempts to protect citizens' basic welfare in the face of pandemic-related economic contraction, during the first half of 2020 the authorities announced a series of stimulus packages totalling KRW 270 trillion (USD 235.5 billion), along with a budget focused on preserving jobs, developing a Covid-19 vaccine and providing discount coupons to boost domestic consumption. Evidence that this overall strategy appeared to be working was provided by October 2020 reports that after two quarters of significant contraction, the Republic of Korea's export-led economy grew by 1.9 per cent during the period July–September 2020—a sharp improvement on the 3.2 per cent decline registered for the previous quarter, the worst on record since the 1998 Asian financial crisis.

Recovery remains uneven across sectors, however, with deepening income gaps between the haves and the have-nots its most notable feature to date. Moving into 2021, the continuing need for fiscal stimulus led the authorities to draw up two further rounds of supplementary budgets totalling KRW 50 trillion (USD 42.7 billion) specifically aimed at providing support to small and medium-sized enterprises (SMEs) hit hard by the pandemic. Looking to the future, the Government has declared that narrowing income disparities will be one of its top priorities.

COURTS

By and large, the Republic of Korea's courts have continued to function uninterrupted since the beginning of the pandemic. A major problem emerged, however, in late August 2020 following the revelation that a district judge had tested positive, the National Courts Administration issued a recommendation that courts 'postpone all trials that do not involve urgent cases'. In the meantime, the courts themselves stepped up preventive efforts, although concerns have since been raised over the fact that some judges reportedly continue to appear without face masks.

PARLIAMENTARY PERFORMANCE

At the same time, by August 2020 the National Assembly was reportedly ramping up quarantine measures to prevent a total shutdown of parliament; in the event, it closed for some days, as it had done once previously in February 2020.⁶ Strict social distancing rules and other precautionary measures have since been adopted, including limiting all meetings to 50 people. The same applies to government Q&A sessions, which MPs have been taking it in turns to attend, while some parts of the parliamentary schedule have been cancelled, and MPs have begun holding webinars. 'We are faced with choosing either going online completely or doing nothing, [so] we decided to go online to prevent any further spread,' noted one MP. An official also stated that the National Assembly was considering making all parliamentary procedures—meetings and voting included—remote in future. In June 2021, parliament was again shut down for several days following the discovery that several people affiliated with the ruling Democratic Party, including chairman Song Young-gil's personal aide, had contracted the virus.

CIVIL SOCIETY AND CIVIC ACTIVISM

While official efforts to address the pandemic in a transparent and efficient manner have generally been both effective and the subject of positive public reaction, one area of concern has been the treatment of civil society activists, in particular human rights campaigners focused on the Democratic People's Republic of Korea. A mid-2020 Human Rights Watch report alleged that authorities from the South were 'targeting' organizations focused on the North for 'special review' in 'an apparent effort to intimidate them'.⁷ Reportedly, tensions sharpened significantly after Pyongyang threatened 'retaliation' for leaflets sent across the border from the South to the North strongly criticizing the Democratic People's Republic of Korea's record on human rights. In response, the North's leader Kim Jong-un demanded that the Moon Government enact a law to prevent such actions, and threatened a series of measures, notably scrapping a 2018 non-hostility pact if it failed to do so. A measure of the apparent success of this intimidatory approach was provided in July 2020, when two human rights groups were notified that their official registration had been withdrawn for 'seriously hindering the unification policies of the government'. While this move did not render the groups involved illegal, one of their leaders pointed out that it would undoubtedly make it more difficult for them to raise funds and enjoy the other benefits of registered Republic of Korea organizations.

Most recently, civil liberties-related concerns were highlighted by anti-government protests held in downtown Seoul to mark National Liberation Day (15 August). Organized in defiance of official warnings that gatherings would violate the strict social distancing rules initiated the previous month in response to the country's fourth pandemic wave, the

demonstrators were held back by riot police, who had installed safety fences and temporary checkpoints to keep them at bay. In response, critics argued that socially distanced outdoor events, including protests, have minimal contagion risks and are in any case arguably much safer than mask-less gatherings at restaurants.

From International IDEA's Global Monitor of Covid-19's Impact on Democracy and Human Rights

- On 18 April 2020, International IDEA published a technical paper, 'Managing Elections under the Covid-19 Pandemic: The Republic of Korea's Crucial Test', <www.idea.int/publications/catalogue/managing-elections-under-covid-19-pandemic-republic-korea-crucial-test?lang=en>.
- Following a number of Covid-19 infection clusters identified among foreigners, Gyeonggi Province ordered all foreigners in the province to get tested in early March 2021. Some denounced this order as discriminatory. On 24 March 2021, the Seoul city government also issued an administrative order to require all foreign workers in the city to get tested for Covid-19. Following such requirements, a human rights watchdog in Seoul launched an investigation into whether testing requirements for foreigners constituted discrimination or a human rights infringement.
- In April 2021, the Government took the decision to extend the period of stay for about 115,000 foreign migrant workers by one year. The decision was taken to address labour shortages in small businesses and in light of Covid-19-related travel restrictions

ENDNOTES

- ¹ International IDEA's Global State of Democracy 2020 Indices and Global Monitor of Covid-19's Impact on Democracy and Human Rights.
- ² Asia Pacific Foundation of Canada, 'Democracy in the time of Covid-19: South Korea's legislative election', 23 April 2020, <<http://www.asiapacific.ca/publication/democracy-time-COVID-19-south-koreas-legislative-election>>, accessed 30 October 2021.
- ³ Gaudin, C., 'Korean democracy in times of coronavirus', *Lettre du Centre Asie*, No. 80, 1 April 2020, <<https://web.archive.org/web/20200928033645/https://www.ifri.org/en/publications/editoriaux-de-lifri/lettre-centre-asie/korean-democracy-times-coronavirus>>, archived 28 September 2020.
- ⁴ Saerom Kim et al., 'Gender analysis of Covid-19 outbreak in South Korea: A common challenge and call for action', *Health, Education & Behavior*, 47/4 (2020), pp. 525–30. <<https://doi.org/10.1177/1090198120931443>>.
- ⁵ UN Women, 'The shadow pandemic: Violence against women during Covid-19', [n.d.], <<https://www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19>>, accessed 30 October 2021.
- ⁶ *Arirang News*, 'S. Korean parliament going non-contact, tech-savvy to prevent COVID-19 outbreak', 24 August 2020, <<https://www.youtube.com/watch?v=K3OvkuDTWUg>>, accessed 30 October 2021.
- ⁷ Human Rights Watch (HRW), 'South Korea: Stop intimidating North Korean human rights groups', 31 July 2020, <<https://www.hrw.org/news/2020/07/31/south-korea-stop-intimidating-north-korean-human-rights-groups>>, accessed 30 October 2021.



International IDEA
Strömsborg
SE-103 34 Stockholm
Sweden
+46 8 698 37 00
info@idea.int
www.idea.int

