



ASIAN MEDIA BAROMETER

The first home grown analysis of the
media landscape in Asia



SOUTH KOREA 2013

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FRIEDRICH
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Introduction to the Asian Media Barometer (ANMB)

The *Asian Media Barometer* (ANMB) is an in-depth and comprehensive description and measurement system for national media environments in Asia. Unlike other press surveys or media indices the ANMB is a local self-assessment exercise based on criteria derived from international standards for media freedom.

At the same time the *Asian Media Barometer* serves as a practical lobbying tool for media organizations. Its results are presented to the public of the respective country with the aim to push and lobby for an improvement of the media situation using international standards as benchmarks. They are then integrated into the advocacy work by the FES offices and their local partners.

Design and method of the *Asian Media Barometer* (ANMB) have been adapted for Asia from the African Media Barometer (AMB), which was based on home grown criteria derived from African Protocols and Declarations like the "Declaration on Principles on Freedom of Expression in Africa" (2002). Since 2005 the African Media Barometer has been held almost 80 times in over 28 African countries in intervals of 2-3 years. It offers FES and its local partners a long-term analysis of media landscapes and is used as a valuable instrument in their campaigns for media reforms.

Yet, in Asia the situation is different. There have been individual attempts in several South Asian countries to come up with a charter or indicators on freedom of expression and freedom of the media. Unfortunately, these initiatives have not been successfully established within individual countries, let alone implemented on a sub-regional, or a more ambitious regional scale. In fact, the Joint Declaration of 2006 by the UN Special Rapporteur on Freedom of Opinion and Expression and his counterparts from regional organizations notes that Asia-Pacific region lacks such a mechanism.¹

However, the lack of an Asian Charter or Declaration on Freedom of Expression is no excuse for Asian governments to restrict media freedom or deny citizens their right to access information. Article 19 of the International Covenant on Civil and Political Rights, which guarantees freedom of expression, including "the right to seek, receive, and impart information and ideas", applies to all UN Member States. And in its General Comment from July 2011 the UN Human Rights Committee has just strengthened the protection of international law on freedom

1 International Mechanisms for Promoting Freedom of Expression, Joint Declaration by the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR (African Commission on Human and Peoples' Rights) Special Rapporteur on Freedom of Expression, 19.12.2011, <http://www.article19.org/data/files/pdfs/igo-documents/four-mandates-dec-2006.pdf>.

of expression and provided authoritative guidance to state actors to create an enabling environment for media freedom.²

Thus, the international benchmarks being used in the *Asian Media Barometer* (ANMB) have been confirmed by the authority of the UN-system.

The only Asian document that is trying to suggest non-binding benchmarks on media freedom is the “Bangkok Declaration on Information and Broadcasting” (2003).³ Here the Ministers of Information and Broadcasting from various countries in the Asia–Pacific region as well as heads of radio and television organizations, policy makers, decision makers, scholars, and representatives of international organizations discussed and signed up to recommendations on Freedom of Information and Broadcasting Legislation.

The conference was organized by the Asia-Pacific Institute for Broadcasting Development (AIBD) and actively supported by the International Telecommunication Union, UNESCO, United Nations, the French Government and the Friedrich-Ebert-Stiftung (FES). Its recommendations on freedom of information, freedom of expression and on the transformation of state into public broadcasters concur with the indicators of the *Asian Media Barometer*.

The first successful *Asian Media Barometers* for India and Pakistan (2009), Thailand (2010), and the Philippines (2011) have been followed by Pakistan and Mongolia (2012) and now India once again and South Korea (2013). The FES media project in Asia will be deploying this instrument for monitoring the media landscapes and advocating media reforms in more Asian countries.

Methodology: Every two to three years a panel of experts, consisting of at least five media practitioners and five representatives of civil society, meets to assess the media situation in their own country. For two days they discuss the national media environment according to 45 predetermined indicators which they have to rate on a scale from 1 to 5 in an anonymous vote. The indicators are formulated as goals which are derived from international political protocols and declarations. The discussion and scoring is moderated by a FES-trained consultant who also edits the country report.

Scoring system: After the discussion of each indicator, panel members rate that respective indicator in an anonymous vote according to the following scoring system:

-
- 2 Human Rights Committee, One Hundred and second session, CCPR/c/GC., General Comment No. 34, Article 19: Freedoms of opinion and expression, Geneva, 11-29 July 2011, <http://www2.ohchr.org/english/bodies/hrc/docs/gc34.pdf> (access 10.11.2011).
 - 3 Full text at <http://www.aibd.org.my/node/693> (access 10.11.2011).

Asian Media Barometer (ANMB)

South Korea 2013

Summary

The objective of this report is to evaluate the media freedom in South Korea as of 2013. As explained in the introduction, the FES Media Barometer is based on general standards and best practices of media freedom used around the globe, and it was carried out to assess the true condition of the media landscape in the context of the South Korean society. This report reflects the qualitative and quantitative evaluation results obtained after careful deliberation by a panel consisting of media scholars, representatives of civil society and media practitioners with long careers in the South Korean media.

To evaluate the media freedom in South Korea, it is necessary to consider the social change triggered by the democratization process after 1987. Journalism, as a major institutional player in the public sphere, takes an important role of bridging between political and civil societies, and for this reason, we need a complex evaluation of whether or not in South Korea it has fulfilled the functions of information and knowledge production and distribution while facilitating social discussion and deliberation.

Labour and civil movements have taken a leading role in the task of democratic consolidation that the South Korean society has been facing since the democratization in 1987. Meanwhile South Korean journalism has become bipolarized, especially since the mid-1990s, into the ruling vs. opposition parties and liberals vs. conservatives in line with the political inclination of the party in office: antagonism between TV and newspapers was notable in the 1990s, and the confrontation between liberals and conservatives became intensified in the 2000s. On the one hand, the diversification of ideological orientations in the South Korean journalism sector may be seen as desirable. On the other, polarized journalism has been criticised as having negatively contributed to the society by aggravating social conflicts and confrontations rather than showing a tolerant attitude to different ideologies, values and opinions.

The panellists involved in this ANMB report of the South Korean media landscape based their assessment on their own experiences and expertise, focusing on the role that the South Korean journalism has taken in the democratization process over the past 20 years. Although the panellists concurred that generally South Korea has achieved significant progress in media freedom since democratization in 1987, their views on specific issues were not in agreement. Nearly every panellist was especially concerned about the lack of tolerance to different ideologies and

value orientations as well as the increasing influence on the media exerted by large capital.

Overall, the panellists agreed that media freedom and free expression in the South Korean society as well as the legal institutions that lay the foundation for such values are strong. However, most of them also agreed that actual operation of the relevant apparatus or institutional systems is quite insufficient. Some panellists raised concern over government intervention serving as an obstacle for further enhancing freedom of the media and expression; others commented on the growing influence of advertisers. A significant number of panellists voiced concern over the excessively cozy ties among some media practitioners and people with political power.

During discussion on the media industry and landscape in general and the new media environment the panellists noted that South Korea holds significant industrial competitiveness. However, they also pointed out the problem of the government trying to regulate the information and communication sector as an extension of traditional media. Concerns were raised about the state of competition within the media industry: while a few newspapers hold monopoly in the print media market, in the digital media industry, as well as the broadcasting sector, they are exposed to excessive competition that could threaten the freedom of expression and freedom of the media.

Comments were made that in the past ten years, South Korea had come a long way in terms of reflecting diversity and minority voices in media contents but that there was still much room for improvement when it comes to protecting the human rights of minorities. Most of the panellists showed concern over how ideological confrontation between “conservatives” and “liberals” in news coverage and commentaries are undermining rational debate and deliberation of social issues, and agreed on the urgency of resolving this matter. Concerns were also raised over excessive representation of market interests driven by the increasing influence of advertisers over new media as well as the traditional newspaper sectors.

The Sector on broadcasting independence and diversity received relatively low marks. In regards to the independence of public broadcasters, including their regulatory frameworks and governance, most of the panellists noted that government intervention was high enough to be worried. Opinions were expressed on how to ensure the independence of public broadcasters, confirming that further public debate is necessary. Programming and fairness of news coverage generated conflicting views among the panellists, similar to how views conflict in general among conservatives and liberals. On the topic of diversity of media content such as regional content and minorities’ voices, most panellists agreed that there is much room for improvement.

Views on the media's practice of professional standards were relatively positive with some reservations: there was a rough consensus that journalists were in general well trained with a high level of education, however some journalists were still failing to put their professional ethics into action. Panellists' opinions were in a greater disparity particularly on the accuracy and fairness of news coverage and those issues related to government intervention and the influence of media owners. It was noted that the journalistic code of ethics for news coverage was being observed but that there were too many close relationships between some journalists and those in power; there were also inappropriate ties between the small-scale press and their advertisers or news sources, which were formed due to the low wage structure of the media houses.

In the follow-up session that dealt with the changes of the past and the future the panelists were unable to come to an agreement whether the freedom of the media and expression in South Korea are to be evaluated positively. Many of them agreed that there was an urgent need for social deliberations and discussion on the partisan polarizations among journalists. The absence or lack of tolerance for different ideologies and values were identified as the challenges that must be met not only by the media but also by the political and civil societies. The biggest threat to media freedom was identified as the fierce competition in the media industry: decreasing diversity, leading to excessive commercialization and sensationalism of news coverage and programming. Specifically, there was a consensus that further social deliberation was more than necessary over the political intervention that has a negative impact on journalistic autonomy, the controversies of which are recurring especially when there is a political power transfer. Many panellists also commented that journalists who formed cozy relationships with the holders of political power in an attempt to get into their prestigious circles are an obstacle to the independence of journalism media.

BROADCAST RADIO
 SATELLITE NEWS
 PAPER MAGAZINES
 REPORTS THIRD
 DEGREE DOCUMENTS
 LEGISLATION
 QUESTIONS LAWS
 PUBLICATION
 FREEDOM ANSWERS
 PRESS INTERVIEWS
 MEDIA EFFICIENCY
 HONESTY ACCESS

SECTOR 1:

Freedom of expression, including freedom of the media, is effectively protected and promoted.

PUBLICATION
 FREEDOM ANSWERS
 PRESS INTERVIEWS
 MEDIA EFFICIENCY
 HONESTY ACCESS
 BOOKS TRANSLATION
 TRUTH POINT
 OF VIEWS INFORMATION
 COMMUNICATION
 CONSTITUTION
 TELEVISION
 BROADCAST RADIO
 SATELLITE NEWS
 PAPER MAGAZINES
 REPORTS THIRD
 DEGREE DOCUMENTS
 LEGISLATION
 QUESTIONS LAWS
 PUBLICATION
 FREEDOM ANSWERS
 PRESS INTERVIEWS
 MEDIA EFFICIENCY

Sector 1: Freedom of expression, including freedom of the media, is effectively protected and promoted.

1.1 Freedom of expression, including freedom of the media, is guaranteed in the constitution and supported by other pieces of legislation.

In the Constitution of the Republic of Korea, the provisions governing the general freedom of expression including the freedom of the media are as follows:

Article 18

1. *The privacy of the correspondence of no citizen shall be infringed.*

Article 21

1. *All citizens shall enjoy freedom of speech and the press, and freedom of assembly and association.*
2. *Licensing or censorship of speech and the press and the licensing of assembly and association shall not be recognized.*
3. *The standards of news service and broadcast facilities and matters necessary to ensure the functions of newspapers shall be determined by Act.*
4. *Neither speech nor the press shall violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting there from.*

Article 22

1. *All citizens shall enjoy freedom of learning and the arts.*
2. *The rights of authors, inventors, scientists, engineers, and artists shall be protected by Act.*

The relatively clear wording of the provisions in the South Korean Constitution guaranteeing the freedom of expression led the panellists to conclude that this question was not much controversial.

The focus of the discussion was on how much these constitutional provisions actually guarantee the freedom of expression, and how concrete these relevant legal provisions were so as to guarantee the freedom of speech.

Regarding the relevant legislations, for example, in the case of the Act on the Promotion of Newspapers, Etc., Article 3 covers the freedom and responsibility of the newspapers, and etc., and Article 4 of the Broadcasting Act provides for the freedom and independence of broadcasting programming.

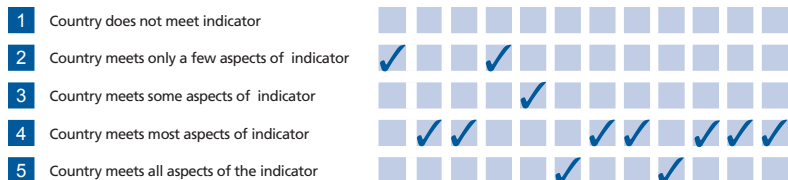
Although it is important that the relevant legislations exist in order to guarantee the freedom of expression, the freedom of expression basically falls under the "right to freedom," therefore, the more interventions or legislations there are, the more restrictive they can become. Furthermore, a comment was made that it would be desirable to interpret the phrase "supported by other pieces of legislation" as meaning that while some legislation can support the freedom of speech, others may also oppress it. For example, the existence of an Anti-Discrimination Act itself may be desirable, but it needs to be taken into consideration that the Act might at the same time restrict the freedom of expression through excessive regulation.

"...the Act might at the same time restrict the freedom of expression through excessive regulation..."

A case in point is the 'conditional online user identity verification system' that was first introduced in 2008 based on Article 44 Paragraph 1 of the Act on Promotion of Information and Communications Network and Information Protection, Etc. This was later abolished after being ruled to be unconstitutional by the Constitutional Court in 2012: it was ruled that the legal provisions of the user identity verification system violates the principle of no excessive prohibition, thereby infringing upon the basic rights such as the freedom of expression, the right of self-determination over personal data, and the freedom of the press. In this regard many opinions were raised that in order to determine if the freedom of expression was supported by other pieces of legislation, it was necessary to consider whether or not there is a law that restricts the constitutionally guaranteed freedom of expression.⁴

Scores:

Individual scores:



Average score 2013:

3.8

4 For instance, the Constitutional Court decided: the laws that require periodical publications or music record production facilities to be registered as having constitutionality; the interpretations on the provisions of their ownership as having limited unconstitutionality; the legal provisions on the right to request of news correction as having constitutionality; Article 7 on "Praise, Incitement, etc." of the National Security Act as having limited constitutionality.

1.2 The right to freedom of expression is practised and citizens, including journalists, are asserting their rights without fear.

First, a comment was made that from a journalist's perspective the threat to the freedom of expression by certain interest groups, regions, gender groups, or religions tends to be felt as bigger and more real than from the state or public authorities. Although field journalists seldom sense a direct pressure from advertisers, one panellist admitted that it was hard to guarantee that there is absolutely no consideration of advertisers in the making of news reports. Some panellists reiterated that the pressure from advertisers is not small at all as it was witnessed in the controversial cases of Samsung and some newspapers that reported the whistleblowing of the company's slush fund in 2007: for quite a while, Samsung, one of the biggest advertisers in South Korea, did not run their advertisements on the newspapers that reported on it critically. This kind of pressure was felt differently depending on the situation of the media company, but it was broadly agreed that advertisers are emerging as a potentially new obstacle to the freedom of expression.

"... citizens' complaints... led to a boycott of the products of the companies running their advertisements on the newspaper..."

Regarding this, there was a discussion concerning those instances when citizens' dissatisfaction with certain advertisers led to a boycott against the newspapers running the companies' advertisements as in the case of a dairy company Namyang's unfair trading practices revealed in 2013. In other instances, citizens' complaints against the Chosun Ilbo (which criticized the civil action against Korea-US Free Trade Agreement triggering wider suspicions on the possibilities of importing mad cow disease) led to a boycott of the products of the companies running their advertisements on the newspaper, exerting pressure over their involvement. Several panel members agreed that such a boycott does indeed have a certain influence on the editorial direction of the newspaper. Though it goes without saying that such circumstances influence every individual journalist, such a movement cannot be disregarded completely at the overall level of a newspaper company.

The discussion also tackled the question of whether freedom of expression is exercised properly from an ordinary citizen's perspective. It was noted that during the Lee Myung Bak administration (2008 - 2013), a military officer, Captain Lee, posted tweets critical to the president 15 times and was consequently sentenced to a six-month prison term under the Military Criminal Act for the crime of insulting one's senior. In another case in 2013, showing

"... a military officer... posted tweets critical to the president... and was consequently sentenced..."

that citizens have too much direct and indirect pressure due to the reckless application of the National Security Act to the cyberspace, Mr. Park Jung-geun was given a guilty verdict under the National Security Act for using North Korean terms and images with an intention to mock them or on other purposes of joking and satire. Ensuing comments pointed out that the state authorities now might restrict the freedom of expression in a less direct manner than before, but that they still intentionally instigate fear among the general public through an unjustifiable application of the law.

Some panellists argued that, in this sense, it is necessary to pay attention to a noteworthy difference between the traditional and the new media environments. For example, during the General Election in 2012, the Public Prosecutor's Office announced its interpretation

"... freedom of expression needs to include the widespread culture of intolerant communication among citizens. "

"...pressure from the state authorities, advertisers, and interest groups needs to be removed."

of the relevant law on SNS social networking services such as Twitter, Facebook, Google+, etc., that "re-tweeting an election-related message will be subject to punishment." The panellists identified this incident as a typical case of the state authorities' intentional fostering of fear among the general public.

Lastly, it was also pointed out that in the current South Korean society, the issue of the freedom of expression needs to include the widespread culture of intolerant communication among citizens. It is generally perceived that the threat to the freedom of expression mostly comes from the state authority, and yet the citizens themselves lack the tolerance for other people's freedom of expression.

The panellists generally agreed with this comment, but there was also an opinion that a conclusive judgment needs to be reserved, given that it may sometimes be difficult to clearly distinguish a statement that justifiably falls into the domain of freedom of expression from hate speech (and that should not be tolerated as such). Nevertheless, the panellists shared the view that the pressure from the state authorities, advertisers, and interest groups needs to be removed. In addition, the society's tolerance for other people's freedom of expression needs to be improved, in order for the people to exercise their freedom of expression without fear.

Scores:

Individual scores:



Average score 2013:

2.8

1.3 There are no laws or parts of laws restricting freedom of expression, such as excessive official secrets or libel acts, or laws that unreasonably interfere with the responsibilities of media.

The discussion first focused on the legal provisions on libel and their wider application. In South Korea, libel is a crime punishable by criminal law, and the provisions in the Criminal Act of South Korea are as follows:

"... there are 200 people imprisoned for defamation around the world per year, in South Korea alone 50 people are punished..."

Article 307

Paragraph 1

A person who defames another by publicly alleging facts shall be punished by imprisonment or imprisonment without prison labor for not more than two years or by a fine not exceeding five million won.

Paragraph 2

A person who defames another by publicly alleging false facts shall be punished by imprisonment for not more than five years, suspension of qualification for not more than ten years, or a fine not exceeding ten million won.

In addition, Article 308 of the Criminal Act governs the defamation of a dead person; Article 309, the defamation through printed materials; and Article 311, insult. The discussion focused on these wide-ranging provisions and punishments in the Criminal Act related to defamation and insult.

One panellist criticized that the criminal punishment of libel in South Korea is exploited to sanction political opponents. The panellist also gave an example that while there are 200 people imprisoned for defamation around the world per year,

in South Korea alone 50 people are punished for defamation in the same period. The panellist went on that the legal dealing of insult in South Korea is based on the logic that ‘an insult is punishable without the necessity of specifying a causal relationship’. The practice of “anonymous reporting” of the South Korean news media, which is often pointed out as problematic, does not only have an intent to protect the news source but also to dodge the legal restraints of this sort. It was also argued that this is particularly the reason why the practice of anonymous reporting is adopted in a way not to expose the identities of the persons concerned even when dealing with a conspicuous corruption case of a public figure.

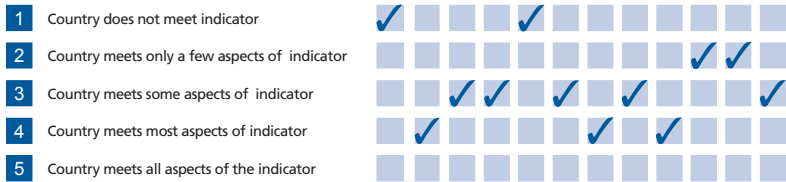
Next, the discussion moved on to “excessive official secrets.” The panel argued that while South Korea does not have a specific set of legal provisions to protect national secrets, too much protective approach to official secrets is put into place in the process of applying the Act on Information Disclosure Request. For example, it was also commented as problematic that when a person requests disclosure of certain information according to the Act, the request can be denied simply if the administrative agency classifies the information as confidential, often in a way that the ground for such classification is not clear.

Criticism was also raised on how the government agencies take an unclear, arbitrary and secretive approach in dealing with official secrets: when the media tries to track down the government’s classified information, its decision to disclose must observe the rules of the National Intelligence Service (NIS), which are set and applied by the NIS in a highly arbitrary manner. Criticism ensued on the recent issue of the disclosure of the minutes of the Inter-Korean Summit: it was asserted that the NIS took an arbitrary and inconsistent approach. Another comment made was that when a local newspaper investigates a local government, it is very often the case that the local government recklessly files libel lawsuits, often called a SLAPP (Strategic Lawsuit Against Public Participation), which puts the local media into a difficult situation.

“... when a local newspaper investigates a local government, it is very often the case that the local government recklessly files libel lawsuits...”

Scores:

Individual scores:



Average score 2013:

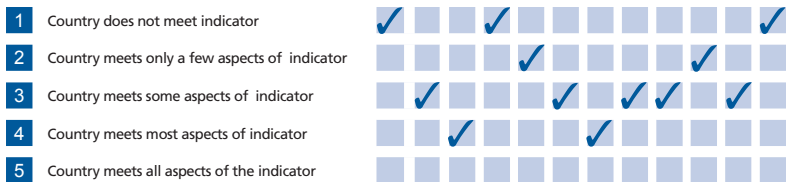
2.8

1.4 Government makes every effort to honour regional and international instruments on freedom of expression and freedom of the media.

South Korea became a signatory nation to the International Covenant on Civil and Political Rights (ICCPR) in 1990. One panellist mentioned that despite the recommendations from several international organizations including the UN Human Rights Committee monitoring on ICCPR to remove the provisions of Article 7 of the National Security Act on “praising, encouraging [...] an anti-State organization”, there has been no progress in this direction.⁵

Scores:

Individual scores:



Average score 2013:

2.5

⁵ Frank La Rue, UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, who visited South Korea in 2010 at the invitation of the government, expressed his concern about the human right condition in South Korea and noted the Article 19 and 20 of ICCPR that prohibits the restriction of freedom of expression were not properly observed. He shed light on the decreasing level of human rights in a number of areas including the criminal punishment of libel and Korea Communications Standards Commission’s regulation of freedom of

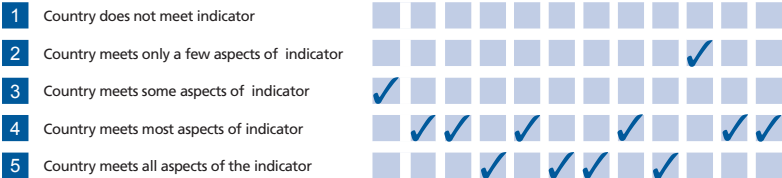
1.5 Print publications are not required to obtain permission to publish from state authorities.

There is no law to require a licence to publish printed materials in South Korea. Yet, the Act on the Promotion of Newspapers, Etc. and the Act on the Promotion of Periodicals including Magazines governs the registration of periodicals. Given the possibility that these laws may be abused to function as a de facto permit system, as ruled by the Supreme Court, no specific requirements for the registration has been put in place. On this issue, a panellist commented that thus, this periodicals registration system is not generally understood as a permit system. Instead, it needs to be noted that there are disqualification rules under the Article 20 of the Act on the Promotion of Periodicals including Magazines: for example, foreigners without a South Korean citizenship cannot become a publisher or an editor of periodicals.

“... foreigners without a South Korean citizenship cannot become a publisher or an editor of periodicals.”

Scores:

Individual scores:



Average score 2013: 4.1

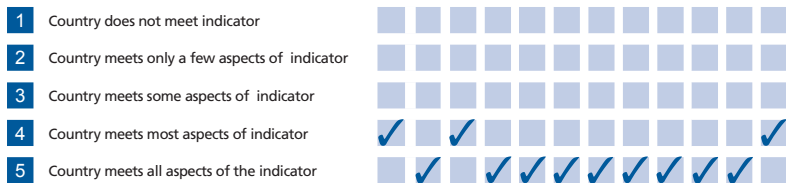
expression on the internet; he also presented a critical opinion on the problem of shrinking media freedom supposedly caused by Article 7 of the National Security Act. Though he understood the exceptional circumstances of national security in South Korea, he maintained a critical view on the potential violation of human rights by the provision in that despite the UN Human Rights Committee's recommendation for revision made in the 1990s, it still maintains its vagueness and thus has much room for misinterpretation.

1.6 Entry into and practice of the journalistic profession is not restricted by law.

There is no legal provision that limits entry into and practice of the journalistic profession. Yet, there was a question about whether or not the press card that allows qualified journalists to enter the premises of the government agencies works as a way to regulate the practice of the journalistic profession. The panellists argued it poses no special problems even though there are some cases like the Seoul Metropolitan Police headquarters that strictly control the admittance of journalists. They viewed that even this control should not be considered as a restriction imposed by the government since it is subject to the collective decision by the press corps.

Scores:

Individual scores:



Average score 2013: **4.8**

1.7 Confidential sources of information are protected by law and/or the courts.

"... there is a widespread behaviour of systematic pressure or judiciary compulsion to disclose information sources."

In South Korea, there is no law that specifically recognises journalists’ right and duty to protect their confidential sources, the principle of which is expected to be observed on the dimension of the ethics of individual journalist. In terms of the legal protection of whistleblowers, on the other hand, Act on Protection of Public Interest Reporters was first implemented in 2011 and further enhanced with a revision in January 2014. The revision has been made based on a parliamentary consensus that stronger and clearer legal provisions to protect whistleblowers were necessary especially as one of the proposed measures for wider NIS reform. At the time of this discussion

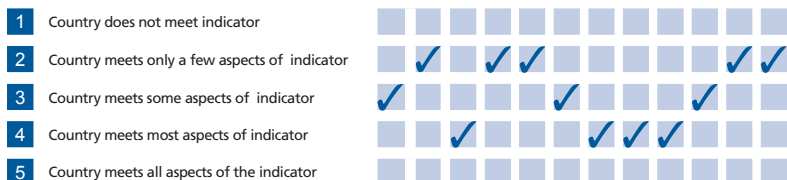
was held, the controversy over NIS's systematic intervention on the Presidential Election campaign in 2012 was the hottest socio-political agenda.⁶

One panellist commented that there were three different interpretations on why there was no actual legal mechanism to protect information sources: First was that there is no legal protection comparable to other countries better equipped with more protective and clearer legal provisions. Second and partly countervailing opinion was that despite the lack of such comparable legal mechanisms, the situation is not as serious as there is virtually no actual case that the court decided to punish the act of disclosure of confidential information or the sources. Third was that more light needed to be shed on the cultural restraints concerning whistleblowers rather than on whether or not there is enough level of legal protection. Along this line, different kinds of perceptions among the panellists were exchanged further on whether or not there are enough legal provisions to protect confidential sources of information; whether or not the court actually intends to protect them; how widely the negative attitude toward whistleblowers permeated South Korean society.

In the process, one panellist alarmingly commented that there is a widespread behaviour of systematic pressure or judiciary compulsion to disclose information sources. In an example from 2012 an opposition MP disclosed that there was prearranged bidding in the Four Major Rivers Restoration Project by the preceding Lee Myung Bak government, and that though the Fair Trade Commission uncovered the case later on they connived at it in collusion with the presidential office. After this moment of disclosure, the Fair Trading Commission launched into hunting down the whistleblower, upon which a civil movement organization lodged a complaint to the prosecutor's office concerning the violation of the Act on Protection of Public Interest Reporters.

Scores:

Individual scores:



Average score 2013:

2.9

⁶ As a result of this, the revision was passed after this panel of ANMB South Korea 2013 against the backdrop of a social recognition that whistleblowing was decisive in making the NIS controversy public. The panel discussion on this indicator was made when this kind of legislation was not actualised yet.

1.8 Public information is easily accessible, guaranteed by law, to all citizens.

The right to access information is explicitly guaranteed by the Act on Information Disclosure Request, but as already discussed in 1.3, some panellists strongly pointed out that despite the apparent presence of the law, there are many problems in the specific stipulation of the range of disclosure and its application. Therefore, the discussion focused on whether the “citizen’s right to access information” under the Act on Information Disclosure Request is truly guaranteed, and on whether the current system on the information disclosure request is mature enough.

“... the heads of local administrative bodies usually reject the request for the information disclosure or mostly remain very hesitant...”

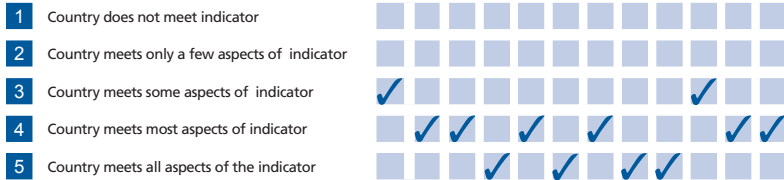
One panellist mentioned that in reality only the members of the National Assembly enjoy an unrestricted right to access public information, which is nearly impossible for an ordinary citizen. While quoting an author who published, based on his career as an adviser to a member of the National Assembly, a book on the quagmire of the real estate policy of South Korean government, the panellist commented that had it not been for the powerful authority given to the National Assembly and those high quality information acquired thanks to the authority and the privilege of working there, the book would have not been able to see the sunlight. Also, another panellist mentioned that the current Act

on Information Disclosure Request is only at the Government 1.0 level where the information access is subject to permission by the government, which is still far away from the Government 2.0 level where the government itself proactively decides to disclose most information. A highly secretive attitude of the local governments was also pointed out: the heads of local administrative bodies usually reject the request for the information disclosure or mostly remain very hesitant, making it difficult even for a journalist to access the information about the local governments.

“...in reality only the members of the National Assembly enjoy an unrestricted right to access public information...”

Scores:

Individual scores:



Average score 2013:

4.2

1.10 The State does not seek to block or filter Internet content unless laws provide for restrictions that serve a legitimate interest and are necessary in a democratic society.

"...KCSC commissioners tended to abuse their power recklessly issuing unnecessary regulations..."

It was pointed out that the definition of the "government" in this question needs to be expanded to include the state in a broad sense beyond the central government, because the contents on the internet are regulated by several public agencies that are difficult to be categorized as a government agency.

The discussion was focused on the subject of online content regulation conducted by the Korean Communications Standards Commission (KCSC).

Above all, there were many negative comments on the online content regulation by the KCSC. It was pointed out that the KCSC commissioners tended to abuse their power recklessly issuing unnecessary regulations despite the principle that regulation should be done in a limited way only according to the statutes enacted by the lawmaker. The example was brought up of an elementary school student who wanted to become a space scientist and wrote on his blog about his unsuccessful experience of making and launching a projectile into the stratosphere. The KCSC reviewed this content and decided to shut down the blog. The blog post included how this student used black gunpowder to achieve the propulsive force, and the KCSC decided to shut it down based on the law regarding the management of firearms and gunpowder. The panellists pointed out that, given the high possibility that the student was not aware of the illegality of the content, the KCSC could have notified the student of the situation and given him the opportunity to make a correction. However, they have notified the student neither of the decision itself nor of the reasons for the shutdown.

One panellist argued that the KCSC needs to distinguish its regulation on the broadcasting contents from its regulation on the internet contents. The practices of statutory regulation of broadcasting contents can be found in many countries which could be justified for the sake of the public good, but the case is different for the regulation of the internet content, according to this panellist. It was also pointed out that a wide application of online content regulation as in South Korea is not a common practice around the world. But there was also an opposing argument, saying that in the environment of media convergence, the Internet cannot really be thought in a separate way from broadcasting. This was met with a counterargument that even though the Internet and broadcasting are being converged technologically, they are still separate in terms of their practices and social custom.

After this, the discussion focused on what is a justifiable for online content regulation in South Korea.

Firstly, many panellists pointed out the tendency of unjustifiable regulation. One panellist argued that in spite of the benefit of more choices to the consumer, there are certain justifiability for content regulations (i.e. child pornography); however, it was countered by another panellist that the current behaviour of online content regulation in South Korea is based on a presumption that internet communication is “communication among unspecified people” different from person-to-person communication, the legitimacy of which reasoning is still quite unclear leading to indiscriminate and arbitrary online regulation. Another panellist argued that for the past five years, there has been a significant increase in the number of requests for regulation of those wide ranging online contents on blogs, Twitter, online bulletins, internet newspapers etc., out of which the appeal was upheld in most cases.⁷

“...when inaccurate information does harm to a person, the process of appeal to correct is too complicated.”

Meanwhile, it was also pointed out that sometimes the regulation is necessary for “legitimate” reasons. One panellist mentioned that even though online content regulation has a side effect of allowing excessive intervention by the state or the public authority, it is necessary to think about issues such as gender discrimination, sexual harassment, and sexual violence that are being more widespread in cyberspace. Another panellist mentioned that when inaccurate information does harm to a person, the process of appeal to correct is too complicated. For an ordinary individual citizen, said the panellist, not only it is an arduous process to get an actual outcome after laying a complaint, but also it is quite helpless to see the wrong information has been

⁷ According to the “Online Content Review Report” by the KCSC, the number of correction request rose five times from 15,004 in 2008 to 71,925 in 2012. (17,636 in 2009, 41,003 in 2010, 53,485 in 2011) The ratio of the cases upheld steadily rose from around 50% in 2008 to 95% in 2012. The implementation rate of the correction request is around 98% - 100%.

already uncontrollably multiplied through the internet even to the extent that there is no way to undo the damage and get compensated.

Scores:

Individual scores:



Average score 2013:

2.2

1.11 Civil society in general and media lobby groups actively advance the cause of media freedom.

At the beginning of the discussion, the panellists agreed that “media lobby groups” refer to both a group for protecting the freedom of the press and for putting pressure on the media for its own interest. The panellists settled on the broad definition to include various groups designed to influence the media, such as the Journalist Association of Korea, other media-related groups, such private media funds as Samsung Media Foundation, and the NGOs working to protect the media freedom.

In this regard, it was pointed out that partisan-style conflicts in South Korean civil society is getting increasingly fierce, meaning that the South Korean society is lacking in tolerance towards media and those who hold different opinions from their own. For example, it is not rare that those who are not satisfied with certain newspapers for a political or any other reason organize a boycott against the products running advertisements on those newspapers (as discussed in 1.2). This brought out a question among the panellists as to whether such action can be seen as supporting and advancing the cause of the media freedom.

“...it is not rare that those who are not satisfied with certain newspapers for a political or any other reason organize a boycott...”

There were other opinions on this matter. While agreeing that this kind of civil action has a negative side, some panellists argued that there were some structural factors that left citizens with no other choice: the disproportionate power

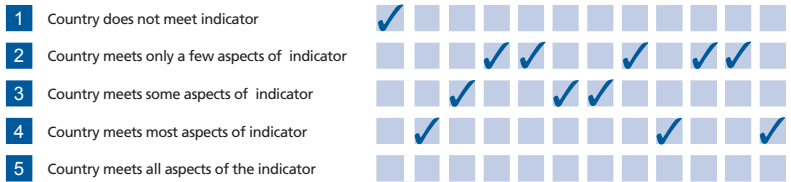
party had already had an underhand decision to pass the bill by majority not necessarily in a consensual way. It was also argued that even though the large proportion of the public was against easing the cross-media ownership rule, the bill was passed without amendment, indicating that the ruling party had no intention to negotiate from the beginning. But another panellist countered that the level of disparity was so wide and deep as to make it impossible to reach a social consensus and that the ruling party did not oppress the minority voices in the National Assembly.

“...the media-related bills in 2009 were passed without enough formalities...”

Each panellist had a very different opinion about this specific issue and therefore the assessment of a socially controversial topic such as the 2009 media-related legislation process is subject to very different evaluations among the discussants.

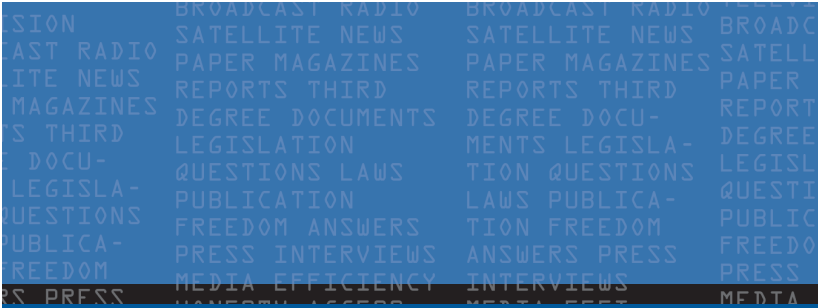
Scores:

Individual scores:



Average score 2013: 2.7

Average score for Sector 1: 3.2



SECTOR 2:

The media landscape, including new media, is characterised by diversity, independence and sustainability.



Sector 2: The media landscape, including new media, is characterised by diversity, independence and sustainability.

2.1 A wide range of sources of information (print, broadcasting, Internet, mobile phones) is accessible and affordable to citizens.

“As of 2013, South Korea continues to be top ranked for the internet penetration: ... for every 100 persons the number of mobile broadband internet subscriptions is 104.2.”

As of 2011, the number of the national daily newspapers is 23, and the number of the local daily newspapers is 111. Both numbers are steadily increasing. As of December 2013, the numbers of periodicals audited by Korea ABC are 430 on the national level, and 665 on the local level. In terms of the circulation level as of 2013, it did not decrease much. As for the major daily newspapers, the *Chosun Ilbo* produced 1.8 million copies, the *Joong Ang Ilbo*, 1.3 million copies, the *Dong-A Ilbo* 1.2 million copies, all showing only a slight decrease since 2010 when Korea ABC started the auditing process. In contrast, the subscription rate (as of 2011, the household subscription rate stands at 24.7%) and the readership rate (as of 2012, 40.9%) for the paper version of the newspapers have been steadily declining from the 70 - 80% level of 10 years ago. Clearly the importance of the paper version of the newspaper is declining. The

monthly subscription fee for national newspapers has been kept around KRW 15,000 (EUR 10.2) for several years now, but it is nearly impossible to raise the fee given the declining subscription rate.

As for broadcasting, the three major terrestrial broadcasting companies such as KBS, MBC, and SBS still remain dominant. The audience ratings of their respective prime time news program are on average 18 - 19% for KBS, 7.8% for MBC, and 11 - 12% for SBS as of 2012. For the local news programs, as of 2012, the average ratings of each network are 20% for KBS, 5% for MBC, and 7% for other local commercial networks. So, except for KBS, the ratings for the local news are very low compared to the nationwide news programs.

The combined ratings of the three terrestrial broadcasters is 35%, proving them to still be the major broadcasters, however they are declining a bit due to the growing paid broadcasting companies. The number of the subscribers and the pay TV ratings are steadily increasing. For example, the number of cable TV subscribers is 15 million as of 2012, representing a six-fold increase over the past

ten years. The total number of pay TV subscribers is around 25 million, representing 90% of the TV households in the country. A notable fact in the non-terrestrial broadcasting sector is that since the comprehensive process of media-related laws revision, the new general-programming channels have been launched, emerging as an alternative to the existing terrestrial broadcasting companies. The major daily newspapers such as the Chosun Ilbo, the *Joong Ang Ilbo*, and the *Dong-A Ilbo* each launched TV Chosun, JTBC, and Channel A, respectively, and the Maeil Business Newspaper, the major business daily, also reshaped its MBN as a general-programming channel. In addition, Yonhap News, the national news agency, also launched a new news channel News Y. The competitiveness of these new channels is not to be disregarded. As a result of the partial deregulation of cross-media ownership rule, these new general-programming channels were allowed into the market. At first, their ratings were at 0.5%, but as of the end of 2012, the rate went up to around 1% and is steadily increasing in 2013. In the meantime, the cost of broadcasting service is not that high when it compares to other countries of a similar economic size to South Korea. The licence fee to support public broadcasters is KRW 2,500 (EUR 1.70) per month, which has been the same since 1981 when colour television service was launched. Also, the entry level of subscription fees is only around KRW 10,000 (EUR 6.80) per month to have pay TV services such as cable TV, satellite TV and IPTV.

South Korea is one of the leading countries in terms of internet and mobile phone users. As of 2013, South Korea continues to be top ranked for internet penetration: the internet penetration rate currently stands at 82.7% of the households; the broadband internet penetration rate with 10 Mbps or higher speed is 45%; and for every 100 persons the number of mobile broadband internet subscriptions is 104.2. In addition, as of 2013, the penetration rate of smart phones has reached 78.5% of the population. The rate of smart phone usage of the young population (18 - 24) is 97.7%. This has resulted in a clear boost of digital news usage: the reach of news services via web portals is, in case of wired internet use, up to 76% of the population as of 2012. The monthly subscription fees of the fixed broad internet with 100Mbps or higher speed are set around KRW 20,000 - 30,000 KRW (EUR 13.60 - 20.50), and those of the 4th generation mobile phone service around KRW 40,000 - 50,000 (EUR 27.30 - 34.10).

Given such conditions, the panellists overall perceived that the users' cost for media and information in South Korea has been maintained at a relatively low rate. Cost for gaining access to information was viewed to be relatively inexpensive taking into account the overall level of charges including television licence fee, the internet and mobile phone service subscription fees in line with the general level of willingness to pay for such services. Of course, it was noted that a fairly high amount of money is paid for purchasing smart phones, but the overall view was that the cost for purchasing

"... the users' cost for media and information in South Korea has been maintained at a relatively low rate."

the devices and for gaining access to information should be distinguished. Most of the print newspapers are virtually free of charge and access to information via Internet is open to the public with almost no constraints. Therefore, the diagnosis was that, when it comes to gaining access to information, low cost—rather than high cost—can also have downsides.

Scores:

Individual scores:



Average score 2013:

4.5

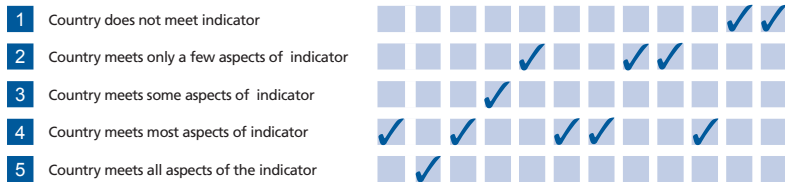
2.2 Citizens' access to domestic and international media sources is not restricted by state authorities.

There were two main points of interest: firstly, whether or not the information related to North Korea should be included into the category of “domestic and international media sources”, and secondly, whether the access to harmful information or contents such as pornography should also be taken into account. This is because, although relatively unlimited access exists in other areas, government regulation of these two areas was perceived as strong. In fact, the South Korean government keeps a tight rein on North Korea-related information in accordance with the National Security Act and access to harmful content such as pornography on the web is also strictly regulated. The panellists' conflicting evaluation of these aspects, that is whether to see it as an unjustifiable restriction or a form of audience protection was deemed to be reflected in the scores.

“...the South Korean government keeps a tight rein on North Korea-related information in accordance with the National Security Act...”

Scores:

Individual scores:



Average score 2013:

3.0

2.3 Efforts are undertaken to increase the scope of circulation of the print media, particularly to rural communities.

Currently, the Special Act on Supporting Local Press is in effect on a temporary basis in South Korea. Based on the Act, various supports such as financial assistance to cover postal fees and support for operating a joint distribution channel are in place. However, one panelist pointed out that aside from postal fee subsidies, there is no practical support provided to the regional press, or at least that the effectiveness of this policy to support the local press is insufficient. In particular, the rural areas of a smaller district level under county are still troubled with the access problems to the print media, where postal service is the only channel of distribution.

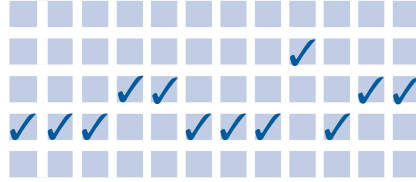
"...aside from postal fee subsidies, there is no practical support provided to the regional press..."

Another panelist believed that the various government support programs in the past failed due to the declining demand for print media and conflicting interests among different newspapers. However, there was also the view, that despite such challenges, the fact that there exist efforts by the government to improve the scope of circulation of the print media should be viewed in a positive light.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

3.5

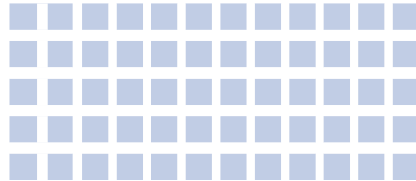
2.4 The editorial independence of print media published by a public authority is protected adequately against undue political interference

Most panel members voiced that government newspapers such as the *Korea Defense Daily* or city and district newsletters for policy promotion do not fall under the category of print media required for discussion under this indicator. Some panellists commented that the periodicals published by the government-funded research institutes should be included in this discussion. However, the majority opinion of the panellists was that, strictly speaking, print media such as state-run newspapers should be the focus of attention here and, in that sense this indicator does not apply in Korea’s case and should not be scored.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

N.A.

2.5 Adequate competition legislation/regulation seeks to prevent media concentration and monopolies.

Many measures under the Broadcasting Act were put in place to prevent media concentration. Restriction on ownership under Article 8 is an example. Broadcasting business operators' ownership and market share are regulated under this provision. In addition, according to Article 35 Paragraph 4 of the same Act, the Media Diversity Promotion Committee has been established to ensure the diversity of opinion in broadcasting and Article 35 Paragraph 5 prescribes the foundation of the Broadcasting Market Competition Evaluation Committee for creating a suitable environment for competition in broadcast media. In particular, Article 69 Paragraph 2 of the Broadcasting Act imposes limit on the audience share of a particular TV broadcaster not exceed 30%. In addition, in accordance with Article 17 of the Act on the Promotion of Newspapers, Etc., an independent assessment unit, the Committee on the Impact of Media Concentration has been put into place to prevent media outlets' excessive influence over public opinion.

“...the South Korean government does not pay much attention to media concentration issues...”

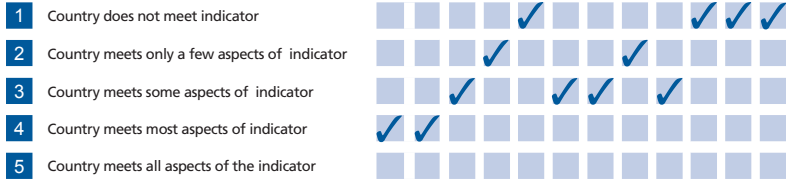
Opinions on the relaxed regulations pertaining to cross-ownership of newspaper and broadcasting stations following the amendment of media-related acts in 2009 was considerably mixed. Some panellists stated that allowing cross-ownership was a global trend and thus needed to be taken as a favourable option from an industrial perspective. Others, however, counter-argued that cross-media ownership regulations were widely maintained and that it was necessary to think about the tenor of those restrictive measures. Also, some panel members suggested that market share regulations should be perceived positively whereas others showed contrasting views, stating that because the market share regulation is impractical, the regulation fails to effectively prevent the concentration of media.

The panellists also assessed the *appropriateness* of the legal provisions or institutions to inhibit media concentration and monopoly in addition to checking the presence or absence of such measures. Some panellists commented rather than simply identifying the existence of legal mechanisms or measures to prevent media concentration, that the pattern of concentration of the “capacity to influence public opinion” should be reviewed, which cannot be identified by simply looking into the concentration level of media ownership of individual media companies. For example, one panellist said that such conservative newspapers as the *Chosun Ilbo*, the *JoongAng Ilbo*, the *Dong-A Ilbo* and the *Maeil Business Daily* had just acquired general-programming channels, which means there was not enough legal measures to take the combined market share of these four media companies into account rather than those of the individual media companies. While one panellist noted that the former administrations failed to take sufficient

interest in the issue of media concentration, another commented that the South Korean government does not pay much attention to media concentration issues when compared to some other countries that keenly work toward creating a healthy competitive environment for the media sector.

Scores:

Individual scores:



Average score 2013:

2.3

2.6 Government promotes a diverse media landscape with economically sustainable and independent media outlets.

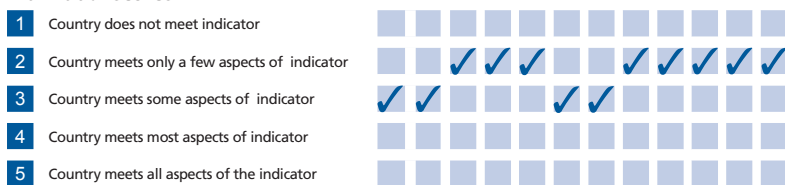
“...“independent media outlets” should also include alternative media and one-person media, and the government’s support for them is very limited.”

The existence of independent media outlets and legal mechanisms to support their economic sustainability can be confirmed through various measures. As mentioned before, various forms of support are provided to small-scale newspapers from the Local Press Support Fund in accordance to legislation such as the Act on the Promotion of Newspapers, Etc. and the Special Act on Supporting Local Press. The Broadcasting Act prescribes the establishment of the Regional Broadcasting Development Committee under Chapter III-2 and presents various measures for supporting broadcast media under Chapter 7. Such legislation induces the establishment of committees for readers’ interests as well as audience councils, and provides them with a wide range of support. It was also agreed that the public agency system the Korea Broadcast Advertising Corp. (KOBACO), a media representative for public and minority broadcasters, and the Korea Press Foundation (KPF), a media-buying agency for government advertising that allocates certain portion of advertising sales in the public interests with a special concern for small-scale media needed to be in due consideration.

Under such circumstances, the panel members widely shared a view that the aim of this indicator is also to assess “the level of government efforts to protect small-scale media outlets”. From this perspective, one panellist noted that despite the existence of government efforts to support small-scale media, the overall level of efforts to protect them is still unsatisfactory not to speak of the decreasing size of government advertising allotment. Another panellist asserted that “independent media outlets” should also include alternative media and one-person media, and that the government’s support for them is very limited.

Scores:

Individual scores:



Average score 2013:

2.3

2.7 All media fairly reflect the voices of both women and men.

At the beginning of the discussion, one panellist provided an introductory evaluation of the situation: the proportion of female journalists is still relatively low, the commentators with expertise who are quoted as an essential part of news coverage are disproportionately male, and the construction of news content is still heavily male-centered. Following this diagnosis of the current situation, another panel member raised a counter-argument that the situation has much improved as the proportion of female journalists continues to exhibit a sharp upward movement, more female perspectives are being reflected into news content than in the past, and clear emphasis is being placed on prior screening of gender-discriminatory contents. This panel member, however, acknowledged having no choice but to reserve judgment on whether such circumstances are sufficient.

“...the commentators with expertise who are quoted ...are disproportionately male, and the construction of news content is still heavily male-centered.”

One panellist said that media outlets are making efforts to reflect women’s voices in the form of a “special section for women” or else, but that what is important

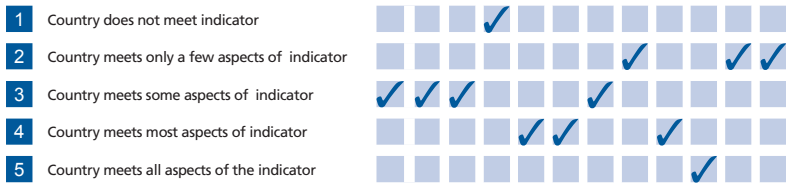
"...more female perspectives are being reflected into news content than in the past..."

is to assess whether the overall approach of the media is being constructed from a "gender perspective". Another panellist raised issue about the problems inherent in the process of reflecting women's perspectives or voices in the media. The criticism here was that the voices reflected are limited to those of "young women" and that excessive softening of news and information is in process. Viewpoints of women were supposed to be excluded because there are not enough women journalists yet or they work in positions where they only report "soft news" such as culture, life style, etc. Another panellist also pointed out, as it is highlighted in the discussion for indicator 4.4, that the representation of women is often done by "objectifying" women even when reflecting their

voices and that news articles on women are, different from those on men, limited in many times within personal affairs.

Scores:

Individual scores:



Average score 2013:

3.0

2.8 All media fairly reflect the voices of society in its ethnic, linguistic, religious, political and social diversity.

As for legal provisions on this matter, there is one that calls for diversity of programming in Article 6 on the impartiality and public interest of broadcasting of the Broadcasting Act. The following are the most representative provisions directly linked to such requirements under Article 6.

Paragraph 2

A broadcast shall not be discriminative in programming on account of gender, age, occupation, religion, belief, class, region, race, etc.

Paragraph 5

A broadcast shall strive to faithfully reflect the interests of the groups or classes that are relatively small in number or at a disadvantage in realization of the pursuit of their interests.

Paragraph 9

A broadcast shall, in publicly announcing the policies, etc. of the Government or specific groups, strive to provide an equal opportunity to other groups having different opinions, and also endeavor to maintain a balance in organizing the broadcast programs with respect to each party of political interests.

In accordance with this legislation, most broadcasters—especially public and terrestrial broadcasters—strive to maintain diversity in their programming and are subject to the regulations of the Korea Communications Commission (KCC) pertaining to fairness and impartiality.

The core point, however, is whether the general media including broadcast media actually reflect diverse voices. Due to the Korea-specific set up, the bias of media reports on social and political matters were to be the focal point of the discussion. They noted that, in general, the media has been heavily polarized by a partisan logic and both the left- and right-wing media fail to overcome this. Some panel members reserved their judgment on this matter, but they did not deny that, within a society that is heavily polarized by political ideologies, the media cannot help but be influenced by such social polarization.

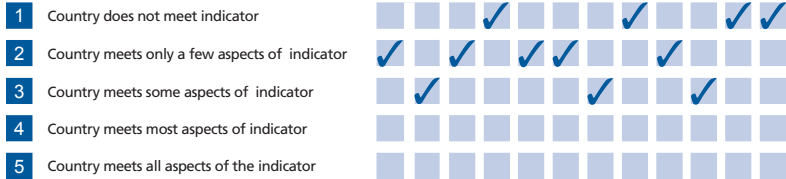
Meanwhile, another comment was made that while the ideological polarization pervasive in the South Korean media in general is a problem, a greater matter of concern was the absence of news reports on certain issues. The given example here was the industrial action by the workers who were driven out of Ssangyong Motors, which was systematically ignored by the mainstream media while only a limited number of media outlets covered the story. Other panellists noted that both the conservative and liberal media provide limited or insufficient amounts of news reports on ethnic or sexual minorities. Panel members shared relevant examples: one panellist mentioned making a proposal to a liberal newspaper to have a migrant worker write a column for the paper only to be met with great reluctance; another panellist commented on experiencing the closed attitude of conservative papers toward

*“...most
broadcasters-
especially public
and terrestrial
broadcasters-
strive to maintain
diversity in their
programming...”*

sexual minorities and journalists of such conservative media outlets exhibiting strong self-censorship in this regard.

Scores:

Individual scores:



Average score 2013:

1.9

2.9 The country has a coherent ICT policy, which aims to meet the information needs of all citizens, including marginalised communities.

The discussion on this particular indicator was carried out with an agreement that the core point for evaluation is the level of “proactiveness of ICT policy.”

“...a government policy was implemented to inform senior citizens, secluded dwellers and low-income communities of the digital switchover and provide them with equipment and helpers.”

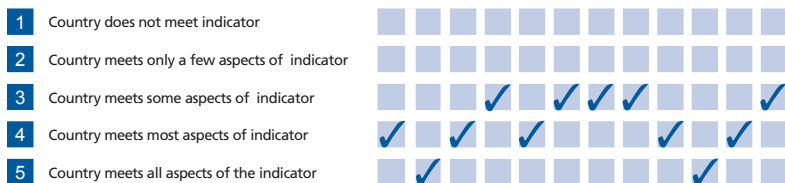
The panellists agreed that Korea’s ICT policy has been put in place with considerable emphasis on providing universal service to citizens nationwide, several comments were made. Several panellists were of the opinion that the proactiveness of the relevant policy must be viewed in a highly positive light, given that the policy aims to enhance socially marginalized people’s level of access to information through improvement of ICT infrastructure. One panellist spoke highly of the government’s efforts to promote the digital switchover of broadcasting based on direct and indirect observation of the government’s relevant policy measures. In effect, a government policy was implemented

to inform senior citizens, secluded dwellers and low-income communities of the digital switchover and provide them with equipment and helpers. In addition, it was made obligatory to guarantee broadcasting for people with visual and

hearing impairment. However, this perspective was contended by another panellist who maintained that evaluation might not be so positive when taking into account not only the physical infrastructure but also the substantiality of user education to facilitate its utilisation. Although a considerable information gap among the population exists due to the elderly and socially marginalized in rural areas lacking motivation to gain access to information and not being aware of the need to obtain digital literacy, the government fails to carry out sufficient efforts to improve the situation.

Scores:

Individual scores:



Average score 2013:

3.8

2.10 Government does not use its power over the placement of advertisements as a means to interfere with editorial content.

The South Korean government, in accordance to the Directive of the Prime Minister No. 541 on the placement of government advertising, delegates the relevant function to the KPF. The range of government advertisement includes not only those of the central government's administrative bodies but also those of the public bodies, regional and special corporations funded by central or local governments.

One panellist introduced the controversy over the placement of government advertisements: during the Roh Moo-hyun administration (2003 - 2008), known as a liberal administration, there was criticism that the government allocated more advertisements to liberal media outlets, while during the following conservative Lee Myung-bak administration (2008 - 2013), it appeared to do just the opposite. The panellist maintained that it was not deniable that there is controversy over the placement of government advertisements. There is much room for questioning the rationale of the placements as well as making a judgment whether there is an explicit unfairness in operation. Controversy arises because, when distributing government advertisements, the KPF, unlike ordinary media-buyers, does not take the level of impact of individual media outlets into serious account. Therefore,

the panellist explained, when a media outlet with a smaller impact is given government advertisements more than generally evaluated by the advertising market (as part of support in the public interests or else), one may suspect that such allocation is an unfair support for liberal media, and conversely, when more advertisement is placed with a media outlet with a bigger impact, this may be criticized as an unfair support for conservative media (as conservative media tend to be more influential on the market).

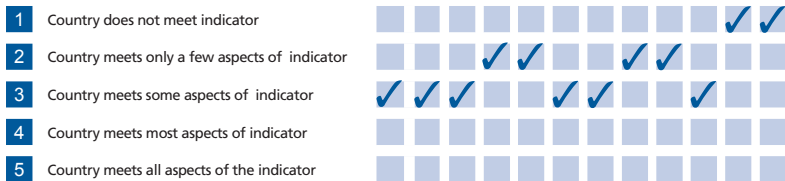
“...during the Roh Moo-hyun administration ...there was criticism that the government allocated more advertisements to liberal media outlets, while during the following conservative ...administration it appeared to do just the opposite.”

Another panellist, at the same time agreeing and disagreeing, commented that explicit tools of government intervention do not exist but there is circumstantial evidence that points to unfair support by the government. During the Lee Myung-bak administration (2008 - 2013) newspapers critical to government policies such as the Four Major River Restoration Project were awarded smaller amount of government advertisements than the past. It was also added that at the time

of the Roh Moo-hyun administration (2003 - 2008), when the government was met with massive public opposition against the Korea-US Free Trade Agreement, the government tried to control media reports on the topic by placing massive amount of government advertisements to promote the policy (see also 1.2). The panellists commented that the government practice of spending public money to promote its own policies would in principle be inappropriate.

Scores:

Individual scores:



Average score 2013:

2.3

2.11 The advertisement market is large enough to support a diversity of media outlets.

According to Cheil Worldwide, the largest advertising firm in South Korea, the domestic advertising market reached an estimated KRW 9.77 trillion (EUR 66.6 million) in 2012. ZenithOptimedia, in its *Advertising Expenditure Forecasts* released in 2011, announced that South Korea was ranked 12th in terms of advertising spending in 2010, two steps down from the ranking in 2000. Both the

“...the economic size of the South Korean advertising market is strong and big enough to support diverse media formats...”

advertising revenue figures presented by Cheil Worldwide and the changing pattern of advertising spending index in the *Advertising Yearbook* show the diminishing presence of traditional media such as newspaper and television in the advertising market. Television broadcasting, which enjoyed a dominant position for a while in advertising sales, has been losing its share, and the same has happened with print newspapers. Meanwhile, Internet/mobile and outdoor advertising have emerged strongly and recorded robust growth in recent years, unlike traditional media such as print and television media. Take Internet advertising for instance, which has been in the leading position in the South Korean advertising market since 2008. While Internet news media still holds some market share, market growth is undoubtedly coming from web portals and search engine

services. With an increased penetration of smartphones, search ads and display ads without any relation to news media are on a steady rise.

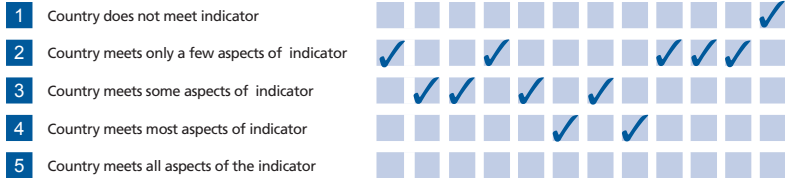
Given such circumstances, the panellists were in a broad agreement in that the economic size of the South Korean advertising market almost up to KRW 10 trillion (EUR 68 million) is to be seen as strong and big enough to support diverse media formats. However, it was accepted to some extent that the evaluation could become different when looking deep into the specific reality of the market. One opinion was that too much dependence on big advertisers like Samsung and substantially low advertising revenues generated by regional broadcasters are issues of special concern. It was also mentioned that small newspapers tend to depend more highly on the advertising spending by a handful of large corporations, which serves as a structural barrier that hinders the media's capacity to reflect diverse voices. Another noteworthy point made by other panellist was that recent changes in the media landscape have been undermining the size of advertising revenues of the news media in general (based

“...small newspapers tend to depend more highly on the advertising spending by a handful of large corporations...”

on the four major traditional media, TV, Radio, Newspapers and Magazines) and thus it may well pose a threat to the diversity of news media outlets.

Scores:

Individual scores:



Average score 2013: 2.6

Average score for Sector 2: 2.9

SECTOR 3:

Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

Sector 3: Broadcasting regulation is transparent and independent; the state broadcaster is transformed into a truly public broadcaster.

3.1 Broadcasting legislation has been passed and is implemented that provides for a conducive environment for public, commercial and community broadcasting.

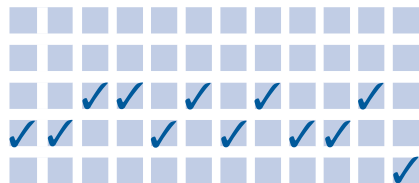
The Broadcasting Act of South Korea contains the provisions on the establishment and operation of public broadcasters, and as shown in the direction of the amendment of the Act in 2009 (which allowed the introduction of general-programming TV channels and new news channels) it ensures that a variety of commercial broadcasters come into existence.

The panellists saw the focus of this indicator being on evaluating whether the legislation facilitates a move towards a diversified broadcasting environment out of the past regime led by a state or state-driven public broadcasting system. Some of the panellists presented a critical opinion over the construct of the indicator itself which seemed to presume that “the current global trend is moving toward a liberalistic media system” and by doing so confirm the system as a norm.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.7

3.2 Broadcasting is regulated by an independent body adequately protected by law against interference whose board is appointed - in an open way - involving civil society and not dominated by any particular political party.

The “board” was interpreted as the regulatory commission that governs the broadcasting industry in South Korea. As described in the legal provisions in Appendix One, there are two independent regulatory bodies: the Korea Communications Commission (KCC), that regulates the communications industry by licensing spectrums and broadcasting channels, and the Korea Communications Standards Commission (KCSC), that focuses on regulation of broadcasting and online content. The KCC is governed by five commissioners, among whom three members are recommended by the ruling party and the other two by the oppositions. The KCSC has nine commissioners, among whom three members are recommended by President, another three by the National Assembly and the other three by other specified ways.

Given that the President is usually from the ruling party, it can be said that the Commission consists of six members inclined to the ruling party and three members to the opposition. Both of the regulatory commissions have an open procedure for appointing the commissioners. The relevant articles from the Act on the Establishment and Operation of the Korea Communications Commission may be found in Appendix One.

“...the recommendations of the President and the ruling party exert a dominant influence on the allotment of the seats in regulatory bodies...”

“...these problems are the reproduction of a major social issue Korea is faced with – social bipolarization...”

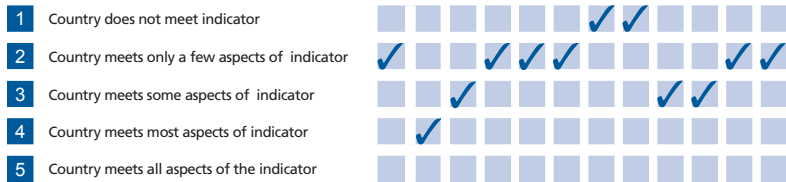
The discussion of the panellists focused on the fact that the recommendations of the President and the ruling party exert a dominant influence on the allotment of the seats in these regulatory bodies, which is evidence of institutionalizing the one-sidedness of a specific political party. Some panellists observed that, in the current situation where the composition of the Commissions is asymmetric and the appointees are most unlikely to go against the will of the appointers, political conflicts between the majority and the minority seem inevitable, and the minority does not have much option other than simply voting against the majority agenda as part of their duties. Allegedly, some people unofficially even declined

appointments in the Commission, being of the opinion that their minority views would not be able to achieve much difference. Even the panellist, who

assessed that there is at least a legal framework in place to reflect diverse voices within these organizations, did not deny the underlying limit that it is difficult to guarantee operational flexibility with a consensual ethos as these organizations are made up of commissioners with strong partisanship. It was noted that these problems are the reproduction of a major social issue Korea is faced with – social bipolarization that deepens conflicts and worsens the segregation within the society. Another panellist went on to say that these are socio-psychological issues that are attributable to South Korea’s unique social situation, which goes beyond issues of institutional formality, and many panellists agreed with that.

Scores:

Individual scores:



Average score 2013: 2.3

3.3 The body regulates broadcasting services and licenses in the public interest and ensures fairness and a diversity of views broadly representing society at large.

A member of the panel expressed concern over the constant criticism that, this time again, a figure that has had a very close relationship with the power group in the current Park Geun-hye administration (2013 - today) was appointed as the chairman of the KCC, just like in the previous Lee Myung-bak administration (2008 - 2013) and other past governments. On that note, no one raised strong counterarguments.

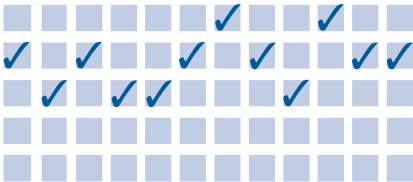
The majority opinion of the panel group was that the strong political inclinations of commissioners serve as an obstacle to the fair operation of the regulatory body.

“...the strong political inclinations of commissioners serve as an obstacle to the fair operation of the regulatory body.”

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.2

3.4 The state/public broadcaster is accountable to the public through a board representative of society at large and selected in an independent, open and transparent manner.

Panellists noted that state broadcasters owned by central or local governments are rather an exception in Korea; KTV run by the Ministry of Culture, Sport and Tourism, is a special cable television channel devoted to promoting government policy, and Traffic Broadcasting Network (TBN) owned by the Seoul Metropolitan Government is a radio broadcasting channel which airs in the metropolitan area.

There are a number of public broadcasters: Korean Broadcasting System (KBS), a leading public broadcaster, was established by the Broadcasting Act; Korea Educational Broadcasting System (EBS) was set up under the Korea Educational Broadcasting System Act and has a special public service remit of educational programming; Munhwa Broadcasting Corporation (MBC) is also a public broadcaster since it is governed by the largest shareholder, the Foundation for Broadcast Culture which is a government-funded public body formed and run by the Foundation for Broadcast Culture Act. The relevant Articles on the public service broadcasters can be found in the Broadcasting Act in Appendix Two, followed by the relevant Articles from the Korea Educational Broadcasting System Act and Foundation for Broadcast Culture Act.

“...questions remain unanswered over the openness, transparency and accountability of the organisation and operation of the board of directors.”

Similar to the preceding discussion on the governance issues of public broadcasters, the views of panellists were focused on the fact that the governance of public broadcasters in Korea has been shaped largely by the preference of the

political majority and thus the public broadcasters seem to be operated from their perspective. As a number of panellists pointed out before, the KCC, Korea's media regulation agency, which is organized and operated according to the logic of the political majority, has the authority to organize the board of directors and even appoints CEOs of some public broadcasters. This means that public broadcasters cannot but be run by the logic of the political majority, said the panellists.

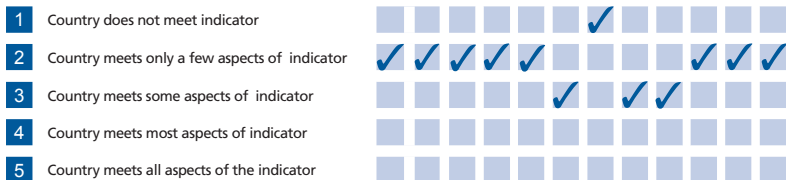
"...the broadcasters seem to represent not the voice of the public but that of the person or party with the appointing power."

While some panellists noted that a certain level of diversity and representation has been achieved by guaranteeing comprehensive participation of socially relevant groups such as women and unions etc. in the board of governors of the public broadcasters like KBS, others acknowledged that questions remain unanswered over the openness, transparency and accountability of the organization and operation of the board of directors. One member of the panel commented that although the general representation of public broadcasters is not a major issue, the openness and transparency may be of controversy; the transparency of operating public broadcasters

remains weak as it is often swayed by political clientele, and the broadcasters seem to represent not the voice of the public but that of the person or party with the appointing power. On that note, some argued that it is rather problematic to appoint the board members of public broadcasters in an asymmetrically encompassing way and then make them all equally accountable to the operation. A panellist sceptically remarked that it would be best that the President, who is at the heart of political power, appointed all directors and held them responsible for the results of operation.

Scores:

Individual scores:



Average score 2013:

2.2

3.5 Office bearers with the state and political parties as well as those with a financial interest in the broadcasting industry are excluded from possible membership on the board of the state/public broadcaster.

Article 48 of the Broadcasting Act stipulates that a “member of a political party” is disqualified as a director of KBS. The same restriction is repeated in Article 11 of the Korea Educational Broadcasting System Act, which defines the governance structure of EBS, and Article 8 of the Foundation for Broadcast Culture Act related to MBC. No other specific restriction is found except the banning the participation of a political party member in the governance of public broadcasters.

The panellists overall agreed that the discussion should focus on the actual practices rather than the formalities. The actual observation of the principle of restricting party members proved to be quite controversial. One panellist claimed that the current practice which makes those who are non-partisan or impartial difficult to be appointed as the board members of public broadcasters is not only endorsed by political authorities or political parties with appointing power but also by political factionsim widespread within the South Korean society in general. In other words, the public’s expectation that a board member can speak independently from a particular faction has weakened and now there is a tendency in the Korean society to regard all statements made by board members to reflect the position of a particular faction.

“...there is a tendency in the Korean society to regard all statements made by board members to reflect the position of a particular faction.”

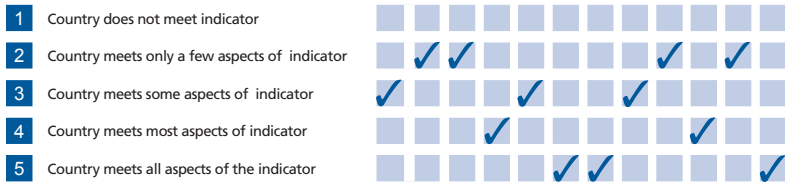
“...audiences tend to look it over when a bias fits their view but criticise when a bias is against their view.”

Such constraints were once again noted as not only an inherent problem of those in power but also that of the civil society in general. For example, a panellist commented that those in power tend to instrumentalise broadcast media for their political interests, which makes the operation of public broadcasters closely tied with the political power shift and that the audiences tend to look it over when a bias fits their view but criticise and become cynical when a bias is against their view. Another panellist also thematised the practices at

the broadcasters’ that job promotions or any other rewards are given to those who were committed to the interests of a particular (political) cause rather than those who showed better performances or capabilities in their professional area.

Scores:

Individual scores:



Average score 2013:

3.3

3.6 The editorial independence of the state/public broadcaster from political influence is guaranteed by law and practiced.

Article 4 on freedom and independence of broadcast programming of the Broadcasting Act of Korea explicitly states the following on safeguarding general editorial independence of broadcasting organizations:

- (1) *The freedom and independence of broadcast programming shall be guaranteed.*
- (2) *No one shall regulate or interfere with the broadcast programming unless as prescribed by this Act or other Acts."*

Meanwhile, there are no legal provisions that specifically safeguard the editorial independence of public broadcasters.

A panellist pointed to the problems and confusion that arise concerning editorial independence; for instance, KBS board members appointed by recommendations of the opposition parties have been arguing that "at least five major executive directors in the management inclusive of the director of news department must have editorial independence" as a prerequisite to increase the television license fee currently under discussion. This not only reflects the lack of editorial independence in public broadcasters but also the confusion and misunderstanding of the goal of editorial independence and whether it is a matter of editorial authority over the content or of managerial command and control.

Another member of the panel highlighted that commercial broadcasting has become politically more independent

"... no legal provisions that specifically safeguard the editorial independence of public broadcasters."

than its public counterpart, criticizing that “when someone at the public broadcaster’s rejects to follow a decision made as a consequence of external political pressure, that person becomes subject to disciplinary action, and in turn, if the person protests against that, he or she is kicked out.” A further panellist added that while “external interference” still exists in the relationship between public broadcasters and political pressure, those who have the power to control broadcast programming in public broadcasters tend to accept and internalize political influence voluntarily.

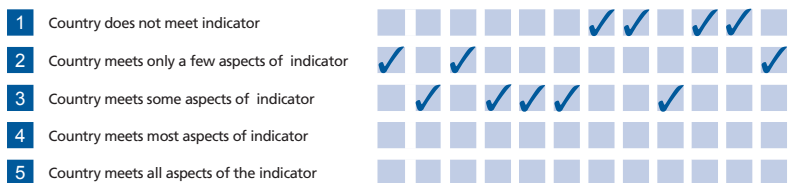
“...when someone at the public broadcaster’s rejects to follow a decision made as a consequence of external political pressure, that person becomes subject to disciplinary action...”

Meanwhile, the influence of regulatory bodies such as the KCSC was pointed out as another obstacle to safeguarding editorial independence. For instance, broadcast content regulation, which had been focused mainly on youth protection and indecency in television shows, shifted its gear to news and current affairs programs during the Lee Myung-bak administration (2008 - 2013). It was also mentioned that the Lee government’s massive investigation into the episodes on US beef imports and fear of mad cow disease of MBC’s investigative TV programme, PD Notebook, triggered a tighter and wider regulation on news and current affairs programmes, and that during this period, such media control was skewed towards news reports critical to government policies such as the Four Major Rivers Restoration Project. Emphasis was made that regardless of its fairness, once a disciplinary measure is taken by the KCSC, it is reflected in the performance evaluation of the person(s) in charge of making the program in question, and therefore, has a significant impact on the editorial direction of the broadcaster.

In summary, on the question of whether editorial independence is “safeguarded in actuality” and not just in the formality of having institutional regulations in place, the majority of the panel remained critical.

Scores:

Individual scores:



Average score 2013:

2.1

3.7 The state/public broadcaster is adequately funded in a manner that protects it from arbitrary interference through its budget and from all commercial pressure.

The discussion on this particular item was carried out with the premise that “funding” here includes the license fee, subsidiaries and other government grants. KBS, Korea’s leading public broadcaster, takes most of the television license fee and only 3% of the fee is allocated to EBS, a public broadcaster that specializes in education. As of 2013, the license fee given to KBS accounts for less than 40% of its total revenue, and the remaining 60% comes from commercial sources such as advertising revenue. The situation is no different in EBS; as of the same year, public funding represents 33% (7% from the license fee, 15% from special government grants, etc.) of the total revenue, and commercial advertising and teaching materials sales takes up the other 67%. MBC, which is also part of the public broadcasting system, depends almost entirely on advertising and other commercial funding.

“KOBACO plays an important role of protecting public broadcasters heavily financed by advertising from being exposed to direct pressure from advertisers.”

Under such circumstances, the panel raised the question on the adequacy of the current level of financial support for the public broadcasters including

KBS as they might not be benefiting adequately from public funding such as the TV licence fee. Meanwhile, KOBACO, a government-funded public corporation and so-called “Public Media Rep,” has contributed to the distribution of advertisements and thus the stable supply of financial resources for public broadcasters. As emphasized by some panellists, it should be evaluated positively that KOBACO plays an important role of protecting public broadcasters heavily financed by advertising from being exposed to direct pressure from advertisers.

A panellist asserted that it is urgent to increase the licence fee, which has long been fixed at KRW 2,500 (EUR 1.70) per month for over three decades. There are negative consequences caused by the licence fee fixed at a low level, such as aggravating the dependence on commercial income by public broadcasters. Even those panellists who had critical views on the political bias of public broadcasters agreed partially, if not fully, with his argument. However, the opposing side countered that if KBS

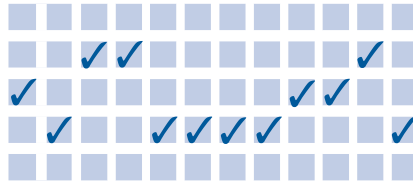
“There are negative consequences caused by the licence fee fixed at a low level, such as aggravating the dependence on commercial income by public broadcasters.”

kept on “not providing what they are supposed to provide” in their program offerings, it would rather be better to let them do more commercial activities than raising the licence fee.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.3

3.8 The state/public broadcaster is technically accessible in the entire country.

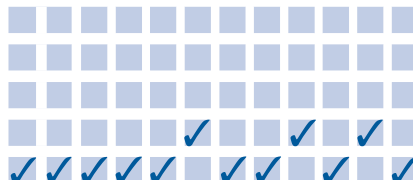
Currently, the physical and technical coverage of terrestrial broadcasting in South Korea after the digital switchover is estimated at 96%. Of course, the actual coverage is supposed to be lower than this, as there are issues of grey areas and spectrum interference. However, universal access to public broadcast programmes is available through low-cost pay TV platforms. Especially KBS is striving to provide alternative services (equipment for satellite reception, etc.) for underserved areas. The panellists were in a broad agreement that the assessment on the ‘technical accessibility of public broadcasting’ is relatively simple.

“...the ...coverage of terrestrial broadcasting in South Korea after the digital switchover is estimated at 96%.”

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

4.8

3.9 The state/public broadcaster offers diverse programming formats for all interests.

As indicated previously, Article 6 of the Broadcasting Act of Korea highlights the widespread demand for diversity in broadcasting content. Especially Article 9 of the Act prescribes that “a broadcast shall, in publicly announcing the policies, etc. of the Government or a specific group, strive to provide an equal opportunity to other groups having different opinions, and also endeavour to maintain a balance in organizing the broadcast programs with respect to each party of political interests.” While there are no specific regulations in place that require diverse broadcasting content in the legislations related to the establishment and operation of public broadcasters, the level of implementation and diversity of programming formats and content by public broadcasters was discussed.

A panellist pointed to the problem of a diminishing number of investigative current affairs programmes on public broadcasting channels amid political considerations, which contribute to undermining the diversity of news and current affairs programmes. The importance of public broadcasters providing sufficient programs designed for children and the disabled as well as classical music and arts-related programs was mentioned (which their commercial counterparts tend to be reluctant to supply). However, one panellist said that although diversity is reflected in the formality of having a time slot allocated for these programs, it is questionable whether interests of a wide spectrum of social stratum and groups can truly be represented. A panellist countered that given the cultural and educational programs provided by EBS, the overall program offerings by public broadcasters are not insufficient. Public broadcasters are striving to provide a variety of high-quality programs, though there are areas requiring improvement in the programming for the senior citizens, and so forth. In short, opinions on whether public broadcasters offer diverse programming formats for all interests were considerably varied.

Such divided views were exhibited again in the discussion about the diversity of local programs provided by public broadcasters. Furthermore, a panellist made a noteworthy point about how national news programs deal with local issues, which highlighted the importance of an adequate understanding of local contexts. It is rare to see localised stories or local current issues covered in national news programmes, and even if aired through national channels, they are mostly about accidents and incidences. The discussion led to criticism of the public broadcasters’ approaches to local issues from a capital-metropolitan point

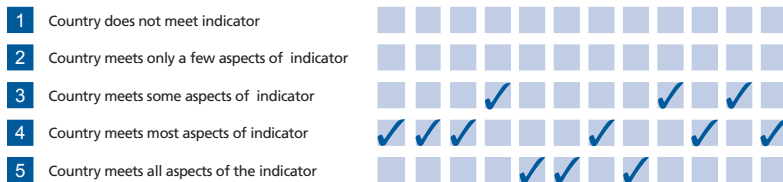
“...the public broadcasters’ approaches to local issues from a capital-metropolitan point of view... often results in... misleading information and opinions about local areas.”

of view, which often results in the reproduction of misleading information and opinions about local areas.

The discussion on this particular indicator was divided between those who see that the diversity of programming formats and content of public broadcasters has been achieved and those who feel that there are still limitations.

Scores:

Individual scores:



Average score 2013:

4.0

3.10 The state/public broadcaster offers balanced and fair information in news and current affairs, reflecting the full spectrum of diverse views and opinions.

Balanced and fair dealing in news and current affairs has been one of the most controversial issues leading to serious confrontation within the South Korean society. Therefore, the panel members shared a widespread understanding that this indicator would have to be evaluated based on sharply contrasted points of view.

Considerably negative and critical views were voiced during the early part of the discussion. One panellist asserted that public broadcasters have exhibited a “qualitative regression” in terms of whether they are sincerely reflecting current social issues and whether they are keeping their balance in reporting non-mainstream or counterarguments against dominant political power. Therefore, the panellist claimed, this regression leaves public broadcasters to be evaluated more negatively than commercial broadcasters. Another panellist referred to the industrial actions in 2012 that were initiated and maintained on a large scale for several months by the workers in major broadcasting companies asking for fair and balanced broadcasting, during which, for example, MBC hired unskilled workers to take the place of journalists who joined the strike and drove the strikers from the organization or relegated them to trivial positions. The panellist criticized that this incident reflects the broadcaster’s explicit will to deny balanced and fair offerings of diverse information.

The counterarguments to these opinions were not to argue that public broadcasters are fair and balanced, but that their bias is not something newly emerged under the conservative administrations beginning with the former Lee Myung-bak. One of the panellists, for example, disagreed with the terminology of “regression”, saying that, “the broadcaster’s bias has always shifted with the orientation of the incoming administration, and so the problem here is that broadcasters have always been biased.” Another panellist noted that the bias of public broadcasters’ news reports is not only caused by the reporters but also by the presenters. The example given was of a radio presenter who was hired at the time of the former liberal Roh Moo-hyun administration (2003- 2008). Apart from the presenter’s political bias slanted to the then government, the panellist explained, what mattered more was the lack of quality necessary to take charge of a current affairs radio programme.

“...public broadcasters have exhibited a “qualitative regression” in terms of... whether they are keeping their balance in reporting non-mainstream... arguments...”

On this countervailing perspective, there was a challenge to the argument that the problem has always existed. One panellist, who expressed a partial agreement with the perspective, noted that when taking a careful look into this matter, considerable differences between each administration can be found. This panel member also raised a question that perhaps the practices of disadvantaging the opponents including those who participated in industrial actions have become more serious under the recent conservative administrations. Another panellist commented that the aforementioned presenter was not picked up because of a progressive

political stance as it must have been a decision of a commercial purpose to appeal the listeners of the programme. The panellist went on that what matters most now is the fact that broadcasters would not embrace any standpoints different from the mainstream—even those who tries to keep mechanical neutrality. There was also a panellist who made a counterargument against the alleged bias in news coverage by the above-mentioned *PD Notebook*. The point was that during the Roh Moo-hyun administration, the programme had clashed with the government and its supporters by airing a series of episodes on the controversy of the manipulated stem cell research by Dr. Hwang Woo-suk (whom the then government had sponsored for its policy needs). According to the panellist, *PD Notebook* of MBC has always kept a critical eye on the government and it was Lee Myung-bak administration that explicitly suppressed the programme’s critical voice.

“...considerable differences between each administration can be found.”

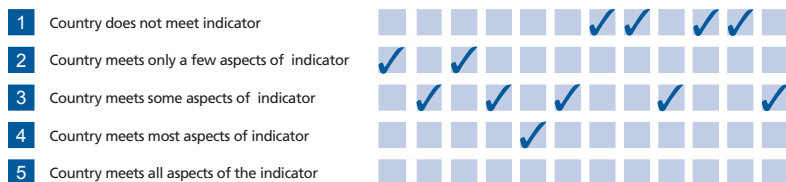
Against this, there came another argument that tried to show neither of them is right nor wrong. For example, said one panellist, if one was to criticize public broadcaster’s pro-government attitude in covering the National Intelligence Service

(NIS) controversy over its systematic intervention in the presidential campaign, it would be contradictory not to criticize the political bias of “Naneun Kkomsuda”, which is translated in English as “I am a weasel”, a podcast that facilitated critical attitude among the public against the conservative political groups during the Lee Myung-bak administration. There was also a comment that while there is a criticism that KBS news coverage of the NIS scandal was biased in favour of the incumbent government, a series of survey results shows that KBS is the most trusted media outlet in South Korea. However, ensuing comments emphasized that it was inappropriate to criticise the bias of a podcast in an equal manner of criticising the public broadcaster. Another panellist referred to a different kind of survey result on the credibility of KBS and maintained that particular survey result of credibility cannot simply be interpreted as reflecting the actual level of public trust to the media outlet.

“...the problem here is that broadcasters have always been biased.”

Scores:

Individual scores:



Average score 2013:

2.3

3.11 The state/public broadcaster offers as much diverse and creative local content as economically achievable.

A panellist pointed out the problem of the overall “inability to provide programs other than news that are locally-relevant.” Another panellist refuted, “it is a misrepresentation of the fact since local broadcasting stations provide their own opt-out programmes from 5 to 6 p.m.” However, the opponents indicated that “original local programmes have a small proportion in the overall programme schedule of public broadcasting,” and “there are limitations in that local issues in national programs are mostly about accidents and incidences.” In this regard, negative viewpoints seemed to be dominant.

“...original local programmes have a small proportion in the overall programme schedule of public broadcasting...”

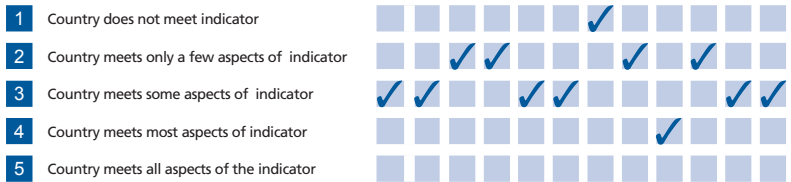
There was great criticism that KBS, the most influential public broadcasting station in Korea, is negligent in discovering local issues. A strong and direct criticism was made that KBS is contributing to the subjugation of local stations to the network, and the overall flow of the ensuing discussion became inclined towards dissatisfaction on the level of local content of public broadcasters. Criticism was also raised over how the distribution of resources, such as manpower, is not equitable to support localities as the local stations of public broadcasting networks are mostly located in metropolitan regions. The discussion went beyond negative assessment of local

content in public broadcasters to expressing views that the fundamental problem lies in the fact that the Korean society is mired in capital-metropolitan viewpoints and many panellists agreed to this. Some pointed out that a growing interest in local issues due to the increased public interest in lifestyle is leading to a greater importance of local content.

“...Korean society is mired in capital-metropolitan viewpoints...”

Scores:

Individual scores:



Average score 2013: 2.6

3.12 Community broadcasting enjoys special promotion given its potential to broaden access by communities to the airwaves.

Community broadcasting in Korea is partially regulated pursuant to Article 2 of the Broadcasting Act, which includes the definition of “community radio broadcasting operator,” a person who has obtained a license from the KCC “for operating radio broadcasting for the purpose of public interest at ten watts or lower antenna power.” These operators had entered the business in 2005 as part of a pilot project, and four years later in 2009, gained the status of a regular

business. Currently there are seven such community broadcasters in operation across the country; two in Seoul (Gwanak-gu and Mapo-gu), one in Gyeonggi-do (Bundang-gu in Seongnam-si) and the other four in the provincial level (Seongseo, Gwangju, Gongju and Youngju).

One panellist suggested that community broadcasting should include not only broadcasting of small communities but also that for minority groups. On that note, other possible forms of community media such as so-called “head-of-the-village broadcasting” in rural areas recently approved to use not-for-broadcasting frequencies as well as web-based podcasting were briefly mentioned. But then, the discussion narrowed down to the direction that it is not appropriate to consider these types of media activities as part of community broadcasting due to the fact that they are not classified as broadcasting under the current Korean legal system and there is no official support in place for them.

“... the concept of community broadcasting is not highlighted enough in South Korea, and thus remains unfamiliar...”

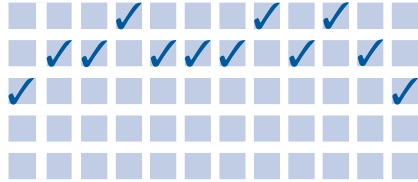
It was pointed out that community radio broadcasting, which was not permitted for a long time and only recently authorized, was a proof of the lack of government support in this field. There were differences in opinions on the utility and effectiveness of community broadcasting. Some panellists mentioned that they did not agree on the necessity of community radio while others opposed this by emphasizing the importance of a broadcasting that facilitates mutual exchange at a very small community level. Opponents once again countered, saying that the reason why community broadcasting has progressed slowly is not because of the lack of government support, but because the audiences themselves do not feel the need for it due to changes in the media environment. On that note, some argued that the concept of community broadcasting is not highlighted enough in South Korea, and thus remains unfamiliar, which implies the focal point is lack of promotion and political will. It was also pointed out that the recent real-time webcasting of community broadcast is allowing hyper-local radio programs to seize the attention of the international community and to form another kind of community.

“...community broadcasting has progressed slowly ... because the audiences themselves do not feel the need for it due to changes in the media environment...”

Scores:

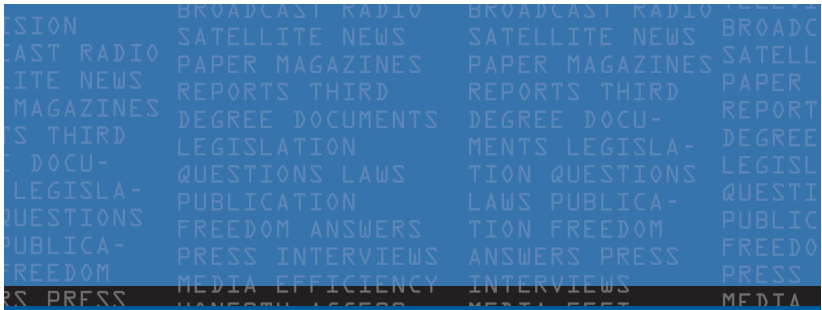
Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013: 1.9

Average score for Sector 3: 2.9



SECTOR 4:

The media practice high levels of professional standards.



Sector 4: The media practice high levels of professional standards.

4.1 The media follow voluntary codes of professional standards, which are enforced by self-regulatory bodies that deal with complaints from the public.⁸

Each South Korean newspaper company has editorial guidelines, code of ethics and internal self-regulatory bodies. An editor-in-chief must be part of the newspaper's readers' committee and their minutes are usually passed to journalists so that details can be reflected into their work. Also, the ombudsman system is generally accepted by major South Korean news media. Many, if not all, newspapers voluntarily set up their own ombudsman system and spare a dedicated ombudsman column section. In the case of TV channels, scheduling ombudsman programmes is not obligatory but one of the factors that positively affect license or permit renewal. At the industry-wide self-regulatory level, the Korea Press Ethics Commission oversees news articles regularly even if complaints are not raised by readers so that violations of ethical standards are identified and notified to the respective newspaper and journalist. Member (47) or non-member (38)

“Upon receiving a disciplinary notice from the Commission, newspapers voluntarily decide whether to observe such notices or not.”

papers that have signed to observe the code of ethics are subject to such oversight. Most major newspapers are members of this commission. Most of the notifications given by the Korea Press Ethics Commission are related to cases of clear unethical acts, in other words, acts related to writing lewd and sensational contents or work of plagiarism of other articles. Judgment on political bias is often controversial and thus is generally avoided. Upon receiving a disciplinary notice from the Commission, newspapers voluntarily decide whether to observe such notices or not. A considerable number of newspapers is known to reflect the notices into the performance assessments of individual journalists. In addition, a unique feature of the South Korean press regulatory system is reflected in the Press Arbitration Commission. In terms of its regulatory characteristics, this Commission can be positioned between the self-regulatory Press Ethics Commission, which is highly voluntary but lacks binding force, and a statutory regulatory body. It is composed of legal experts and professional journalists. When a case of abuse by the press is submitted to the Commission, it deliberates the case and induces a resolution holding a certain level of binding power.

⁸ 12 panellists took part in the discussions for evaluating the prior three Sectors and scored the indicators, but in the discussions pertaining to the fourth Sector and follow-up questions, only 11 engaged in the discussions and indicator scoring.

A panel member remarked that the evaluation of this indicator may considerably differ depending on whether the evaluator works inside or outside of the media industry. A person outside of the media may perceive that there is much room for improvement whereas it is highly likely that those in the journalistic profession may believe that the media voluntarily observe their professional codes. In fact, diverging views among media and non-media practitioners were frequently mentioned throughout the discussion on Sector 4.

For example, one panel discussant recalled the incident of a reporter, who entered the house of an elementary school girl, the victim of a rape case in Naju in 2012, took her illustrated diary without consent and used it in the newspaper article. The newspaper reporter had argued that it was done to help readers to sympathise with the victim. However, the panel member pointed out that it is hard to deny that this is clearly a violation of the victim's human rights. More important is that the perspectives on the reporter inside and outside the newspaper greatly differed from each other: people outside of the newspaper emphasized the problematic aspects whereas those within the newspaper believed that the case could be tolerated considering the journalistic practices or the reporter's intention. Meanwhile, another panellist maintained that "unlike what is perceived by people outside of the media circle, journalists' personal level of awareness on the standards of news reporting or code of conduct is high."

"...unlike what is perceived by people outside of the media circle, journalists' personal level of awareness on the standards of news reporting or code of conduct is high."

Other panellists acknowledged that, in the past, ethical standards for news coverage were not so strong and unavoidable violation of them was thought to be part of training as a journalist (for examples, see 4.7). They agreed that legally evasive news gathering and the negative practices of news gathering in the past such as appeasement, compulsion, intimidation, disguise and deception were not desirable, and added that attitudes are changing and much progress on this matter is being made. Another panellist proposed that ethics of "news gathering process" needs to be distinguished from ethics of "the content of news coverage:" ethics related to the news gathering process is improving whereas ethical standards of news content vary by newspaper or journalist, making it difficult to give high marks for the overall situation.

"...in the past, ethical standards for news coverage were not so strong..."

Additional opinions were presented that major print newspapers' observation of ethical standards is at an acceptable level whereas that of the general-programming TV channels calls for a serious attention. There was also an opinion

that regulatory bodies' handling of violations in many cases is ineffective. A negative example was provided: an interviewee had been falsely identified as having made a certain comment in the paper and suffered considerable inconvenience due to the erroneous identification, but after receiving a complaint from the interviewee the newspaper ran only a short correction notice stating, "the person in question informed [the paper] that he/she has never made such a comment."⁹

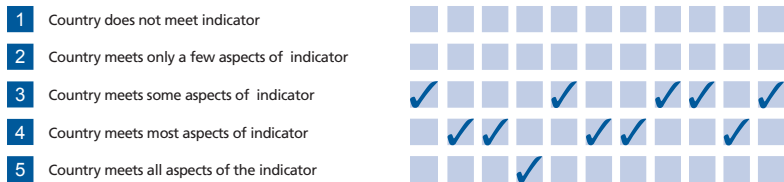
"...ethics related to the news gathering process is improving whereas ethical standards of news content vary by newspaper or journalist..."

From here on, the discussion focused on institutional evaluation on a macro level. One panellist said that based on one's own interpretation of the indicator the panel should identify if professional standards have been voluntarily *established* before evaluating if such standards are voluntarily *met*. "Voluntary enforcement" here does not necessarily mean that compulsory enforcement or regulation is weak but that enforcement is up to the individual journalists' personal discretion. However, there came a countervailing argument from another panellist that journalists do not have professional licence of a sort and thus cannot be dealt with in the same way as such professions as lawyers or medical doctors. Within the journalist circle, penalty is usually given in a way that could undermine his or her social reputation rather than in the form of disqualification, which is deemed to be appropriate in terms of media freedom even though the

level of effectiveness of enforcement is not so strong.

Scores:

Individual scores:



Average score 2013:

3.6

9 A panellist asked why the media outlets use "neither accurate nor fair expressions" such as "the person in question has informed (the newspaper) that ~" upon receiving a request for a correction notice. It was explained that usually, when it had been decided to run a correction notice, the clause, "we would like to correct the following ~" was generally used. If the expression, "the person in question has informed (the newspaper) that ~" was used even for cases where a decision to run a correction notice had been made, that would not be acceptable. However, if such an expression

4.2 The standard of reporting follows the basic principles of accuracy and fairness.

One clear strand of the discussion among the panellists was that South Korean media in general does not follow the principles of accuracy and fairness. A panellist asserted that the overall situation aggravated with the launch of general-programming TV channels. The current affairs talk shows of these channels, which are scheduled in great amounts to secure higher ratings at lower production costs, were given as an example: in one of the cases of serious concern, a contributor of a talk show was criticized for unfairness in several occasions, but the channel launched a new corner under the contributor's name rather than correct the misconduct.

However, some panellists countered that regulation on fairness may inadvertently lead to the suppression of the freedom of the press due to its conceptual vagueness; that it is questionable whether it is necessary for commercial broadcasters and cable channels to observe the principle of fairness and impartiality like public broadcasting; that those broadcasters must be biased but (considering the biases in the opposite direction of the internet) the balance between different political opinions in the overall society might be achieved. Other panellists commented that those general-programming channels were approved under the condition that they comply with the principle of fairness and that an assessment process pertaining to this will be included in the upcoming review for licence renewal of these channels. Though the principle of fairness and impartiality should not be abused, it still has its own place as part of press ethics and having a political opinion does not automatically result in the undermining of fairness.

On the other hand, different sorts of attitudes to the principle of accuracy were presented as well. A panellist asserted that accuracy is a part of a greater norm, "the pursuit of truth" and South Korean media overall is significantly faulty in terms of accuracy- although individual journalists may think this verdict is exaggerated. Another panellist pointed out that even though it is difficult to say that South Korean media has no issues in terms of accuracy, it is also true that the general practice is to enhance accuracy through multi-step verification at the cost of losing scoops. This view was countered by the comment that although the proportion of accurate news is much greater

"...South Korean media in general does not follow the principles of accuracy and fairness."

was used for cases where the newspaper had not decided to carry a correction notice, that would be understandable. This was claimed to be so because interviewees, especially government officials, made certain statements and later denied the fact if they became problematic. Such expressions were adopted in order to acknowledge the right to refute when the case put into dispute but neither party could provide clear evidences such as recordings.

“...it is questionable whether it is necessary for commercial broadcasters and cable channels to observe the principle of fairness and impartiality like public broadcasting...”

than that of inaccurate ones, and the latter are usually only partly faulty, the fact that inaccurate news in many cases are ones that are important in terms of timing and related to controversial topics provides sufficient ground for criticism.

Some of examples were discussed: according to a perspective that sees the accuracy in South Korean news media as not seriously flawed, it is unfair to highlight only the errors found rarely, maybe once in every hundred articles. It was also reported that South Korean newspapers and broadcasters have been maintaining a relatively high level of credibility despite recent controversy over the fairness and impartiality

of news media. However, in a sharp contrast to this statement, one panellist presented a different picture that showed the level of trustworthiness of South Korean broadcast media had been falling in the longer term since the mid-1990s. As it is a matter of fact that survey results on the credibility of media tend to be in a great disparity depending on how and when a survey is conducted by whom in whose commission, one cannot confirm the issue of fairness and impartiality in a positive or negative way by referring to a particular survey result.

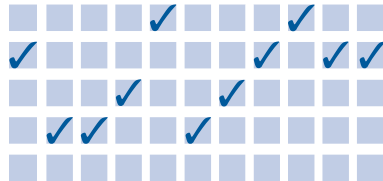
“...it is unfair to highlight only the errors found rarely, maybe once in every hundred articles.”

While there surely was a certain level of discrepancy among the panellists, they also largely concurred that the overall accuracy and impartiality of daytime programmes are at a lower level than those of flagship evening news, that general-programming and cable TV channels are distinctively falling short of journalistic standards when it compares to terrestrial channels, or that the sensationalism of online newspapers is leading to markedly more cases of inaccuracy which would not usually be tolerated in print newspapers.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.5

4.3 The media cover the full spectrum of events, issues and cultures, including business/economics, cultural, local and investigative stories.

The panel pointed out a series of insufficiencies in many areas.

It was highlighted that news stories tend to be constructed from and for a mainstream viewpoint—middle class and above—without offering sufficient coverage on the underprivileged or the marginalized. The panellists also noted that the mainstream media seldom adopt key agenda of women’s issues raised by women’s groups and even the stories run on women’s issues, for the most part, tend to be sensationalized. As for in-depth investigative reporting, there were critical voices concerning the tendency of recklessly and doggedly injecting the values of the journalist or their employer into a certain subject, avoiding the principles of integrity. It was added that there was an inclination to general knowledge rather than to in-depth stories focusing on specialized areas leading to lack of expertise to cover multiple topics in depth.¹⁰ Additionally, the panellists commented that news stories may become increasingly limited to elitist perspectives and ideas as the media industry becomes more inhabited and dominated by people with middle to upper class backgrounds. They also pointed out that stories readers do not necessarily have to know are being indiscreetly and excessively reported for advertising purposes.

“...news stories may become increasingly limited to elitist perspectives...”

“...news stories tend to be constructed from and for a mainstream viewpoint... without offering sufficient coverage on the underprivileged or the marginalized.”

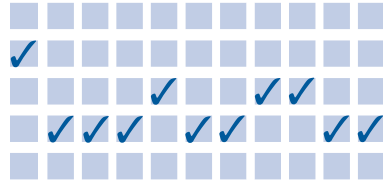
In spite of the shortcomings from various aspects, the majority of the panellists seemed to be of the opinion that it is reasonable to say that diversity is in place to a certain extent in the overall of the South Korean media.

¹⁰ Other panellists also raised the question on whether it is necessary for a journalist to focus on specialist knowledge comparable to scholars and other experts.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.5

4.4. Equal opportunities, regardless of race, social group, gender/sex, religion, disabilities and age are promoted in media houses.

The first point that stroke a note among the panellists was that employment issues related to gender or disabilities are to be the key agenda in South Korea.

One panellist pointed out the recent tendency of the proportion of female journalists recruited to media houses has been markedly growing. Female applicants' test results in the industry-wide recruitment process are so high that they could take more than 70% of the job posts for the rookie journalists under current recruitment structure as such. Thus the recruiters balance the male/female ratio not solely dependent on the test marks, which may trigger a controversy over gender-discriminating recruitment processes. On the other hand, another panellist commented that though it is important to see whether equal and just process is guaranteed in employment and job promotion, it is more important to see whether the gender factor is influencing on one's appointment to a particular job post. On this note, it was underscored that even to this day, there are only a small number of women

"...a small number of women working in key positions such as editor-in-chief, political editor, economic editor, social editor, etc..."

working in key positions such as editor-in-chief, political editor, economic editor, social editor, etc., while most of senior women journalists are predominantly working or desking in such soft news areas as culture, life style and foreign news.

On disabilities, the panellists commented it was difficult to say that current structure of journalist employment does not guarantee an opportunity

"...the environment is not mature enough to employ the disabled."

"...the recent tendency of the proportion of female journalists recruited to media houses has been markedly growing."

for a disabled person to be hired as a journalist; there are journalists with disabilities, of course, but they became disabled while already working as a journalist. Some media outlets including the public broadcaster, KBS did recruit people with disabilities based on a special scheme, the panel agreed in general that the environment is not mature enough to employ the disabled.

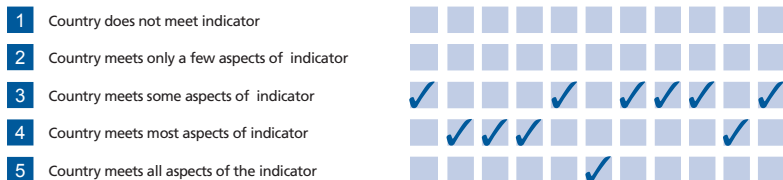
On social group related issues, the focus of the discussion was on alumni network and regional connections. The members of the panel mostly agreed that regional ties are not a major issue in employment as it is not notably considered in the recruiting process of media houses. Many also commented that university backgrounds of

those hired have become more diverse (as a result of recent introduction of a recruiting process that keeps school information hidden from the résumé) and that alumni connection now has much less influence on employment.

Equal opportunities for the ethnic or racial minorities were indicated as an issue that has not fully surfaced but is likely to become increasingly important. With rapid growth of multicultural households, the panellists concurred on the need to show consideration for racial minority or mixed ethnicity through policy measures. They also suggested that South Korean media should make endeavours to prepare for the future challenges in this regard.

Scores:

Individual scores:



Average score 2013:

3.5

4.5 Journalists and editors do not practice self-censorship.

There was a broad understanding amongst the panellists that, even if the evaluation on this indicator would be different according to one's position or working experiences inside or outside the media, self-censorship is or would be being practiced among the reporters and editors.

A panellist suggested as an example the defamation lawsuit filed by the Lee Myung-bak administration in 2008 against MBC's investigative programme, *PD Notebook* on its report which cast suspicion on the government regarding their handling of mad cow disease. While the producers were found not guilty, the negative actions taken in the course of the lawsuit such as detention of the producers and search and seizure of emails for seven months inevitably had much negative impact on media activities thereafter. Also referring to the ongoing criminal suit against Joo Jin-woo, a journalist of a current affairs magazine *Sisain*, is was sued for his article on relatives of President Park Geun-hye, the panellist insisted that such excessive legal actions by government authorities provide sufficient grounds for journalists to subject themselves to self-censorship.

"...excessive legal actions by government authorities provide sufficient grounds for journalists to subject themselves to self-censorship."

One of the panellists shared a second hand experience which confirmed that while external pressure on political issues has relatively diminished, significant internal pressure at media houses exists. A newspaper journalist who wrote a story quoting an academic research on the wide ranging demonstrations staged against the Lee Myung-bak administration's policies, had to give up his story facing an objection from his desk, and eventually

internalised self-censorship after such experience.

Consequently, a panellist commented on the belief that journalists have no choice but to practice self-censorship. It was explained that there are, however, two sides to self-censorship of journalists: the positive side is that such practice helps prevent journalists from making mistakes, and the negative side is that certain level of chilling effect was unavoidable. Regarding the mechanism that triggers journalists to practice self-censorship, it was noted that unlike widespread speculation, there is actually little, if any, ostensible pressure from the politics that leads to self-censorship, and even when such pressure does exist, it would affect the desks rather than the individual journalists in the field. According to the panellist, more threatening is, in fact, the social pressure on religious or women's issues, which may induce journalists to practice self-censorship.

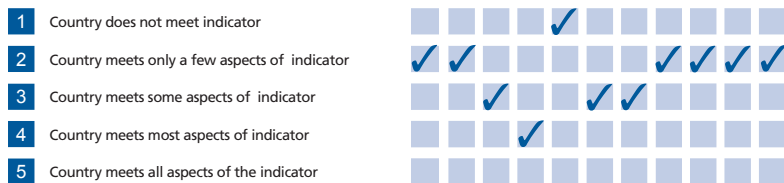
"...significant internal pressure at media houses exists."

Another observation was that self-censorship may differ between newspapers vs. broadcasters or mainstream media vs. non-mainstream media. For instance, journalists of a mainstream newspaper (that shares a similar political stance with the current government) practice self-censorship less prominently, whereas those working for non-mainstream broadcasters (shunned by the management due to their political conflicts with former/current government) are seemingly exercising

stronger self-censorship. The panel also discussed the structural conditions that facilitate self-censorship of journalists; for instance, the environment where large companies pay for most of the advertisements. On this note, a panellist insisted that influence of advertisers is a given. An advertiser that imposes pressure on an article well before it is published in the newspaper would clearly enforce journalists to practice self-censorship. The panellist added, however, that even under such circumstances, one should distinguish self-censorship practiced at a desk level from individual journalist level.

Scores:

Individual scores:



Average score 2013:

2.4

4.6 Owners of established mainstream private media do not interfere with editorial independence.

This indicator was approached with examples, such as the case of the *Dong-A Ilbo*, one of the major national dailies, where the owner's influence has grown stronger since the ban on advertising by the government and subsequent forced discharge of those journalists critical to the government in the 1970s. While the owner may not interfere in the news gathering process of an individual journalist, his guidance and intention is exercised in major political situations.

As for the *JoongAng Ilbo*, also one of the major national dailies, a media conglomerate supposedly in a special relation with Samsung, it was pointed out that the increase in the amount of coverage on presidential candidate Ahn Cheol-soo in comparison to reporting on other candidates during the 2012 presidential election and the recent appointment of Sohn Suk-hee as CEO of the news department at JTBC, an affiliate general-programming TV channel, are the explicit and implicit examples illustrating the influence of the owner. Sohn Suk-hee is a journalist and professor with a strong reputation as one of the most renowned presenter of debate programs on major television and radio stations in Korea. A majority of his supporters are the progressive audience but he is also trusted, to some extent, by the moderate and even some conservative groups. Reportedly, the determination of JTBC owner played a critical role in naming Sohn as CEO of the news department at JTBC. Recently, JTBC appointed Sohn as the anchor of

its primetime news, which competes directly with the news shows on terrestrial TV channels and adopts a differentiated format of in-depth news coverage and interviews. The decision of JTBC is deemed as part of the strategy to change its stance from a conservative stance to a moderate conservative or a moderate one. JTBC's such intentional positioning is noteworthy as it came at a time when other general-programming channels emphasize their conservative stance much overtly than their parent newspaper titles, and also considering the criticisms that terrestrial public broadcasters are programming government-friendly news.

"While the owner may not interfere in the news gathering process of an individual journalist, his guidance and intention is exercised in major political situations."

A member of the panel offered the example of another major national daily which recently went under financial crisis, the *Hankook Ilbo*—the conflict between former chairman Chang Jae-kook and the editorial department, which was presented as evidence of the practice of owner's interference on the editorial policy in privately-owned media houses. Without due consideration for journalists' opinions, the chairman pushed ahead the appointment of an editor-in-chief in his favour. In turn, having lost confidence in his managerial policy and capabilities, the journalists went on strike. The situation escalated further when the owner shut down the newsroom and continued to publish newspaper with a small number of senior members who were in

concurrence with the owner. It was claimed that the conflict was triggered and aggravated because the owner had attempted to influence the editorial direction by using his appointive power, which is a clear illustration of the current situation of "editorial independence" in private media.

However, this does not necessarily mean that owners are influencing the news gathering process in the field. There usually exists a cooperative relationship between the owner and the editor-in-chief, and viewpoint consistency is normally guaranteed without a direct intervention as the owner generally appoints editor-in-chief from those who have an editorial framework similar to him/her. Further, it was also argued that there would be no controversy over a violation of editorial independence where an owner takes the dual role of publisher and editor.

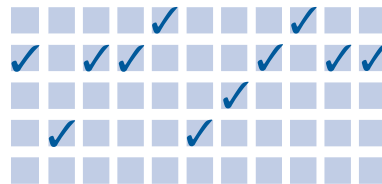
As such, there were somewhat contrasting opinions suggested on owners' interference in editorial independence. Some panellists acknowledged that owners do interfere with editorial independence by exercising their power of personnel management as discussed in aforementioned examples and circumstantial evidence, but others either did not view such cases as violation of editorial independence or tended to believe that owners are not very likely to interfere with all parts of the process.

Additionally, one panellist quoted the result of the Audience Survey published by the Korea Press Foundation in 2012, in which field journalists saw the owners as the second biggest inhibitor of the freedom of the press, next to the advertisers. Another member of the panel commented that there remains an unresolved question on the troubled relations between editorial independence and business management, and that we needed to consult the cases of other regions or countries like Scandinavia and U.S. in due consideration of cultural and institutional differences.

Scores:

Individual scores:

- | | |
|---|---|
| 1 | Country does not meet indicator |
| 2 | Country meets only a few aspects of indicator |
| 3 | Country meets some aspects of indicator |
| 4 | Country meets most aspects of indicator |
| 5 | Country meets all aspects of the indicator |



Average score 2013:

2.3

4.7 Journalists and media have integrity and are not corrupt.

During the discussion on this indicator, much criticism arose over the morality and integrity of journalists with particular attention to the chronic issue of journalists-turning-into-politicians: journalists and politicians promise to set up a standard on the matter when concerns and criticisms grow before/after major election, which turns out to be futile every time. The excessively close relationship between news sources and journalists (compared to other countries) as discussed earlier was also mentioned. A panellist specifically shared an example of the severe oil spill that occurred on the coast of Taean county in 2008 when a crane barge owned by a Samsung affiliate collided with a crude oil carrier; at the time, the *Hankyoreh* was the only newspaper that declined the free bed and board Samsung provided to journalists. Furthermore, a panel member quoted a foreign correspondent in South Korea on how Korean journalists demonstrate a high level of professional capability but fail to set or meet high ethical standards.

"...while the obvious problem of receiving monetary compliments, ...has decreased, the problem of close connections between journalists and their sources... remains to be resolved."

For example, it was alleged that there was too much ‘wining and dining’ provided for journalists in the past (which has become rather extra-ordinary today) and an instance of when Korean and foreign journalists were invited to a golf trip as part of news gathering process was mentioned. Another panelist heard that once Korean journalists enjoyed a free trip sponsored by the news source whereas the New York Times journalist decided to pay the expenses for themselves observing their code of ethics.

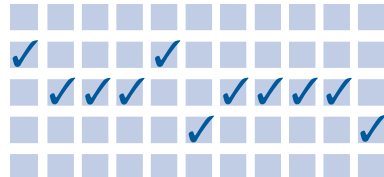
It was also mentioned that while the obvious problem of receiving monetary compliments, a symbol of immorality and corruption in the past —has decreased, the problem of close connections between journalists and their sources/beats accompanied by meals, drinks, golf and free business trips remains to be resolved.

In a counterargument, one panellists insisted that while such “old evils” did exist in the past (with some still remaining) significant changes have been made to this date. Even the panellists, who agreed on the excessively close relationship between some journalists and their news sources, argued that the gravity of such problem has been on the agenda and the pace of change is not that slow. Still, there continued to be negative opinions on the moral standards of journalists: social respect for media owners is not as high as social influence they have, and many number of regional media outlets tend to see their corruption and moral hazard as excusable in return for their economic difficulties. As a concluding remark, it was noted that similar to the pertaining negative image of the public authorities such as public prosecutors and the police, the social image of South Korean journalists in general is not so positive, and their image is further deteriorating due to the recent controversies over fairness and impartiality of media outlets.

Scores:

Individual scores:

- 1 Country does not meet indicator
- 2 Country meets only a few aspects of indicator
- 3 Country meets some aspects of indicator
- 4 Country meets most aspects of indicator
- 5 Country meets all aspects of the indicator



Average score 2013:

3.0

4.8 Salary levels and general working conditions for journalists and other media practitioners are adequate.

Regarding the adequacy of economic reward for media practitioners, a panellist suggested that the direction of the evaluation will depend on which position one takes on bipolarization of salary levels and working conditions between top vs. bottom media and full-time vs. part-time workers. A considerable number of journalists at regional media still do not receive monthly salaries and hence, take economic benefits offered in the course of news coverage (such as monetary compliments). It was also noted that a significant number of advertising sales personnel at media houses are demonstrating behaviours far from the work ethics one would expect from media practitioners. A comment, however, was made that employment stability and economic rewards are better at major newspaper and broadcasting companies even when compared to other occupations, and most of those media houses offer quality fringe benefits such as sabbatical leave.

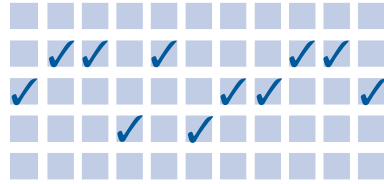
“...employment stability and economic rewards are better at major newspaper and broadcasting companies...”

For general reference, according to a recent survey on the welfare of media practitioners, the entry level of annual salaries for the university graduate reporters in major national dailies is set at around KRW 40 million (EUR 27,000), excluding incentives and other expenses, while those in minor national dailies earn KRW 20 - 30 million (EUR 17,000) and regional papers KRW 15 - 20 million (EUR 13,000 EUR) per year. In case of senior level journalists with 10+ years' work experiences, it is known that those in major national dailies are annually paid KRW 80 - 100 million (EUR 60,000). The salary level of terrestrial broadcasters is reported to be comparable to major national dailies, and cable broadcasters/channels to minor national dailies. Meanwhile, average annual salary of an urban worker is estimated to be KRW 27 million (EUR 18,000) in 2012. The level of minimum monthly cost of living in South Korea is estimated to be KRW 550,000 (EUR 375) for a 1-person household and KRW 1,200,000 (EUR 818) for a 3-person household as of 2012.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

2.7

4.9 Media professionals have access to training facilitates offering formal qualification programmes as well as opportunities to upgrade skills.

The panel confirmed that major newspaper and broadcasters offer sufficient amount of in-house training programs and outsourced training opportunities. That said, the discussion was focused on the media professionals training courses provided by Korea Press Foundation (KPF). A majority of the panellists reached consensus that journalist training is well conducted; and particularly notable

"...major newspaper and broadcasters offer sufficient amount of in-house training programs and outsourced training opportunities."

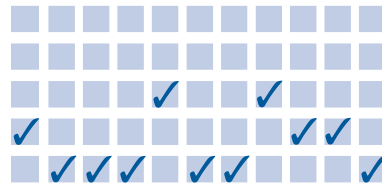
was that most newspaper companies, except for a few major ones, are taking advantages of the programmes offered by the KPF for junior reporter training. The panel also acknowledged the various forms of opportunities that the KPF provides such as vocational retraining and regional media journalist training. Someone commented that a bigger problem is that, in spite of such multiple offerings, journalists are too busy with their field work to attend the training programs. Likewise for regional newspapers, the consensus was that there are sufficient, or even too many training opportunities in place

since the enforcement of the Special Act on Supporting Local Press. Though this law does not stipulate journalist training as compulsory, it works as a legal ground to guarantee sufficient provision of opportunities for journalist to be educated and trained in accordance to personal or organizational needs.

Scores:

Individual scores:

- 1** Country does not meet indicator
- 2** Country meets only a few aspects of indicator
- 3** Country meets some aspects of indicator
- 4** Country meets most aspects of indicator
- 5** Country meets all aspects of the indicator



Average score 2013:

4.4

4.10 Journalists and other media practitioners are organized in trade unions and/or professional associations.

Most journalists are member of the Journalists' Association of Korea (JAK), and it is not uncommon for media practitioners to become members of the National Union of Media Workers, an industrial union representing media workers, and the labour union of their respective company. The Kwanhun Club, despite its limitation that its majority consists of elite journalists from major media houses, is the oldest media organization founded for networking and media study by leading media practitioners, and the Association of Korean Journalists is an organization for retired journalists. There are

other multiple types of unions and associations for media workers including the Korea Press Photographers Association and the Journalists' Federation of Korea as well as the Korea Broadcasting Journalist Association, the Korea Television Camera Journalist Association, the Korean Producers and Directors' Association, and the Korean TV & Radio Writers Association representing broadcasting media professionals.

All in all, the panel was in agreement that labour unions or associations are well organized in newspaper companies and other mainstream media houses located in the Seoul metropolitan area. The situation is not that different in regional newspapers: the Busan Ilbo has a very powerful workers' organization with a union-shop system and other

regional media are also deemed to have adequate level of organising capabilities.

"...labour unions or associations are well organized in newspaper companies and other mainstream media houses..."

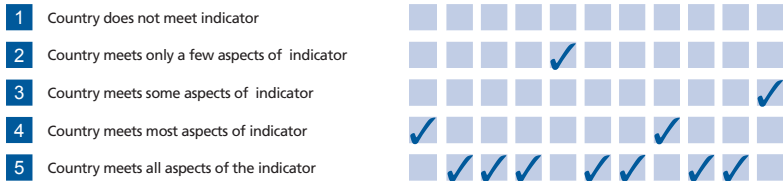
"...doubt on whether the industrial unions are effectively representing the interest of media workers."

It was noted that there is a requirement for regional newspaper companies to guarantee editorial independence to receive various forms of public subsidies, and such requirement has accelerated unionisation of media practitioners in small regional media.

While the level of organization of South Korean media practitioners was recognized positively, some panellists expressed doubt on whether the industrial unions are effectively representing the interest of media workers. For instance, criticism was raised that broadcasting labour unions in YTN and MBC had failed to effectively represent or protect the union members who were held liable for the strike and were fired after the lengthy strike of major broadcasting companies in 2012. The panel also discussed how the media practitioners' right to organize is perceived in the South Korean society. Some members of the panel voiced concerns that the society may have basic awareness of the right to organize that media workers have and can exercise, but the negative attitude and de-facto disrespect toward such right by the senior management of media houses have built up a sense of insecurity for media professionals.

Scores:

Individual scores:



Average score 2013: 4.4

Average score for Sector 4 2013: 3.2

OVERALL COUNTRY SCORE 2013: 3.1

The way forward

What were the main positive changes in the South Korean media landscape in the past two to three years?

1. Improvement of qualitative standards

Some members of the panel indicated as an important change “journalists’ voluntary improvement of attitude to prevent biased and false reports.” Overt discrimination and human rights violations have decreased significantly while efforts to observe fairness and accuracy are spreading and becoming standard at least formally and normatively, though practically there is still struggle. In spite of some controversy and difference in opinions, the panellists generally agreed that, at least, increased awareness of and consensus on the need for improvement of qualitative and ethical standards have partially improved.

2. Greater choice, diversity and competitiveness

A considerable number of panellists agreed that expansion of new media has resulted in more choices for the audiences and greater sense of responsibility for journalists in the traditional mass media. The introduction of social media has enabled coverage of news not represented or covered in the mainstream media, bringing changes that they can no longer ignore.

The panellists who spoke highly of the Constitutional Court’s ruling against the legal provisions that once made user identification system compulsory for certain kind of online news services and bulletins, insisted that the ruling is an encouraging achievement as it constitutionally confirms the argument that “the internet is a medium for mutual communication and holds democratic values.” In a similar context, comments followed that Newstapa, a new form of news service created by those journalists who were driven out of major broadcasting companies in retaliation for their activism, and the movement to establish Kukmin TV (People’s TV) are the trends strengthening the potential of alternative media facilitated by the growth of non-profit media outlets.

Coinciding with the positive developments in new media, the strengthening of global competitiveness of South Korean media contents, often coined as the “Korean Wave”, was noted as a meaningful change to which more attention may well be paid.

What were the main negative changes in the South Korean media landscape in the past two to three years?

Judging by the number of negative comments, it would be fair to conclude that a majority of the panellists believed the last two to three years were more negative than positive for the South Korean media environment.

1. Aggravation of ideological confrontation and external pressure

The panellists generally agreed on the following phenomena as most important negative changes: extreme ideological confrontations faced in the current socio-political conditions and intensified polarisation of the media. In short, democracy in South Korea operates in a manner that clearly accentuates the disadvantages of majoritarian democracy rather than its advantages. The panel broadly reached a consensus that due to this trend, the level of tolerance on differing views has declined and ideological confrontations have led to polarisation of information and unbalanced consumption of information. Based on their political affiliation, people tend to consume only those media which offer the content they want to hear.

The said problem was acknowledged to be a greater concern as it has accelerated depoliticization, cynicism, and softening of news. Furthermore, the panel noted that the tendency of intolerance towards other people's opinions has intensified the pressure on the media from multiple fronts, particularly from interest and pressure groups. Most of the panellists deemed such phenomenon to be alarming as it implies that the democratic function of South Korean media is structurally compromised to a wide extent.

2. Excessive bias and sensationalism

A panellist asserted that ideological confrontation and media polarization has led to excessive bias and reckless sensationalism. Some members of the panel argued that such problems have been largely driven by general-programming TV channels approved in 2011. They have overtly set forth their ideological bias and sought after low-cost production and programming far below the standards conventionally expected for broadcasters. Such tendency has deteriorated the quality of the broadcasting culture, according to the panellists. On top of that, it was claimed that these channels triggered excessive competition in the broadcasting market, rapidly aggravating financial conditions in the market as a whole and causing all broadcasters to come under greater influence from the advertisers with a large capital.

On the other hand, many panellists broadly agreed that increased sensationalism is prevalent not only in general-programming channels but also in other media outlets. However, the panel did not seem to be in a unanimous agreement with

the argumentation that more contents are objectifying women in general or female bodies in particular, and that social problems resulting from side effects of sensationalism and violence, particularly accentuated in the online media, have become more prevalent. What was clear was that there was no specific objection against the overall tendency of increased sensationalism. Instead, there was a voice that opposed the attack on the bias and sensationalism of general-programming channels: the current polarization of media cannot be resolved simply by finding fault with these channels and that it may actually even be desirable to approve multiple types and forms of “biased” media representing the political voice of the excluded.

3. Increase of economic pressure

The majority of the panellists reached a consensus that the Korean media overall is faced with a growing financial threat. According to some panellists, for the South Korean media today, economic pressure has become more problematic than political pressure, which is a structural issue of a universal and global (rather than periodical and local) nature not confined to South Korea. A panellist claimed that the increasingly dominant proportion of advertising revenue in their financial portfolios is a prevalent problem in all types of the country media, which may result in excessive expansion of advertisers’ influence on media houses. The situation is even worse for regional media whose financial condition has been very unstable for a long time, and thus the panel raised strong concerns that intensified competition in the small and limited advertising market would deal a critical blow to regional media outlets.

4. Governance matters of media houses

As discussed extensively under Sector 3 and Sector 4, the majority of the panellists agreed that despotism of certain media owners still persists in private media houses, and above all, independence of public broadcasters has weakened while ties with political power has grown stronger. Given earlier discussions, the panel members could have disagreed on the gravity and specific imputability of such problems, but no major objection was raised against the diagnosis that the quality of governance has deteriorated at both private and public media houses, undermining the freedom and independence of them.

5. Suppression of new media

Many comments were made on suppression by, or negative intervention of, the government on online and social media which has intensified with the growth and greater social significance of such media.

The panel suggested the negative aspect of this problem is that the suppression or intervention is imposed mostly through an improper content regulation system and subsequent inadequate regulatory actions against new media. Under the current system of the KCSC, all types of issues relating to communications

content are to be handled by them, resulting in excessive and sometimes even unnecessary regulation. Such system has formed serious scepticism among (some) commissioners themselves over the legitimacy of their regulation.

Another argument presented was that the internet and social media have shrivelled considerably due to excessive intervention by the government imposed through various legal measures beyond the regulation system, and notably, inordinate intimidation and intervention of public authority against such media. More miserable is the reality that the state apparatus was actively engaged in the fabrication of public opinions and by doing so intervened in the election campaign by exploiting the internet and social media in a disguised manner for a specific political faction. Ironically enough, the state have been constraining citizens' internet use and suppressing social media's expressive potential. Against this backdrop, even though there were some of dissenting opinions on the specific issues, none of the panellists voiced an explicit opposition against the general diagnosis that this calls for serious attention.

Positive changes: who or what has been the main cause?

1. Improvement of public awareness

Most panellists were of the opinion that there has been considerable improvement of the media audience awareness and that (in spite of the social conflict and confrontation on the surface) public awareness has gradually changed to recognize diversity within the society.

2. Self-reflection and action of media practitioners

Let alone some of opposing opinions, it was argued that attitude change in the mainstream media as well as overall media houses has become evident, with key tasks of qualitative and ethical improvement and of political polarization. On a slightly different note, there was an opinion that the devoted professionalism and struggle of the journalists who were forcibly ousted from mainstream to non-mainstream positions or voluntarily took such a path should be highly praised, particularly in the context of introduction of alternative media.

What are the main obstacles for further positive change?

1. Lack of tolerance against differing thoughts

First and foremost the panel pointed out the lack of communication among and tolerance of different ideas, values, and opinions, and subsequent social conflicts in various forms. Such response indicates that increase in social tolerance (and consensus on such needs)—presented by some panellists as one of the “positive” changes or a factor not materialized at this point but gaining support from within—remains relatively insignificant when compared with conflicts, confrontations and intolerance that have thrown South Korean society into confusion.

2. Reckless intervention of public authority: Suppression or Exploitation

There was broad agreement that the government or public authority's reckless intervention on the media, particularly the realm of new media, has been a major obstacle to achieving positive improvements. Most notably, the overt discrimination by government agencies over the media favourable towards them (i.e. certain newspapers and broadcasters) vs. unfavourable media (i.e. social media and some new media) was indicated as an issue. In the recent case of extensive intervention of government agencies on social media, the panel expressed the opinion that the approach taken by public authority toward new media was focused on ultra-partisan style private exploitation of the media and the state apparatus.

3. So-called “Sunflower” media and journalists

The problem of so-called “Sunflower” media—the media that align their political viewpoints and keep step with the state, government, specific political power and faction in a servile manner—was prevalent in South Korea under the authoritarian regime in the past and thus was a target of social criticism. There is reservation that the pending issues in South Korea are not manifested exactly in the same way. As noted in the earlier discussion, journalists are seldom directly exposed to the pressure of public authority or political power, and the media intend to fancy themselves to be watchdogs and at least counterparts of the power rather than be subject to it as mere tools. The media were set free from the subordinate status since the democratization of South Korea and have considerably gained autonomous and independent capacities. Given the recent trend, however, the panellists generally agreed that there are some media and journalists that have voluntarily made a compromise with those in power in their own interests, advocated specific political power, and purposefully formed a political alliance. Regardless of the political right or left, the existence of such Sunflower media and journalists was deemed by the panellists to undermine the autonomy and independence of the media and leaves the credibility of the media to falter.

What kinds of activities are needed to improve the media situation over the next two to three years?

1. Improvement of diversity and fairness issues

Most of the panellists agreed that bias and sensationalism as well as polarization of the media in connection with such issues must be resolved to ensure improvement of the Korean media environment. There was a consensus among the panellists that to this end, the priority should be on overcoming the problems of asymmetric partisan representation in broadcasting regulators and the problematic governance of public broadcasters; the panellists agreed on the need for increased regional and vocational representation, exclusion of partisan candidates from the appointment process, and adoption of a decision-making structure that encourages related parties to reach an agreement (i.e. qualified majority system requiring 2/3 or more consent from the participants when making decision on special agenda potentially controversial such as appointment of CEO). The panel members, however, proposed differing detailed methodologies on how to improve diversity and fairness issues.

On the one side, a few panellists argued for the necessity of segmented media that represent varying opinions. Their focus was on the need for media policies that tolerate bias to a certain extent, reserving the idea of fairness as an untenable ideal. According to one panellist, stronger enforcement of regulations to attain fairness would, in fact, probably limit the freedom of expression and is not likely to have efficacy in the reality of the polarized South Korean society. Thus it was argued that it would be more reasonable to lower the entry barrier through deregulation such as by converting the current permission system of general-programming channels into a registration system as is the case for most other non-terrestrial TV channels.

On the other hand, there were more panellists who claimed that the focus should rather be set on overall depoliticization of media in general. According to them, in order to correct the partisan bias particularly in the broadcasting sector, we have to pay attention to the institutional assurance and practical efficacy to secure the independence of public broadcasters from political power and enhance the overall autonomy of producers. Also, the point that the original function of public broadcasters is to promote plurality should be reemphasized and only in the course of fulfilling this prerequisite measures to bring financial stability to public broadcasters such as raising the licence fee could be taken into consideration. In this regard, these panellists were against the proposal of lowering the entry barrier and the subsequent diversification of partisan broadcast channels including aforementioned "registration system for general-programming channels". It was more desirable to at least temporarily strengthen the criteria of approval and renewal of the general-programming TV stations in the interest of the public (such as for de-monopolization of media influences on the public opinion and

enhanced diversity). While the panellists did not completely deny the advantage of ensuring external pluralism to facilitate diverse political opinions to be voiced through multiple media outlets, they asserted that the priority for the time being, at least, should be on ensuring the efficacy of existing structures and institutional system, if not possible to adopt a fundamentally new structure under current conditions.

2. Representation of the voice of the marginalized

The panellists reached consensus on the necessity of institutional support for the minority media such as regional media. More specifically, they called for an amendment of legislation to convert the Local Press Support Fund ending in 2016 into a permanent scheme. For the future, a more realistic funding system would be possible by implementing new criteria of beneficiary selection with a corresponding enforcement decree.

Secondly, the panel pointed out the need to make voluntary efforts to strike a balance between the over- and under-represented voices from specific regions, gender and social classes. Furthermore, a closer attention should be paid purposefully to the groups doubly alienated even among those underrepresented, as there is clearly a gap between minority groups that inspire public sympathy vs. those not. It would be desirable to encourage mainstream media to approach such minority groups in a more active way, and to provide institutional support from the government and public organizations. However, the ultimate goal is to take measures enabling the minority groups to stand on their own feet, and institutional support would need to move to this direction.

3. Guiding a voluntary improvement of media environment

The panel noted that facilitating the willingness for improvement within the various media sectors and civil society would be significant apart from the institutional reform via the state and statutory measures. In this regard, detailed tasks were proposed as follows:

- i) Voluntary efforts by the media to reduce sensationalism and violence and to raise ethical standards;
- ii) Positive promotion based on incentives instead of negative regulations dependent on disincentives: for instance, foundation of the Korean Pulitzer Prizes to reward respectable journalists and to give massive incentive to the best practices;
- iii) Propagation of an affirmative stance on international human rights standards;
- iv) Promotion of reading culture and enhancement of communications skills training between and within generation(s).

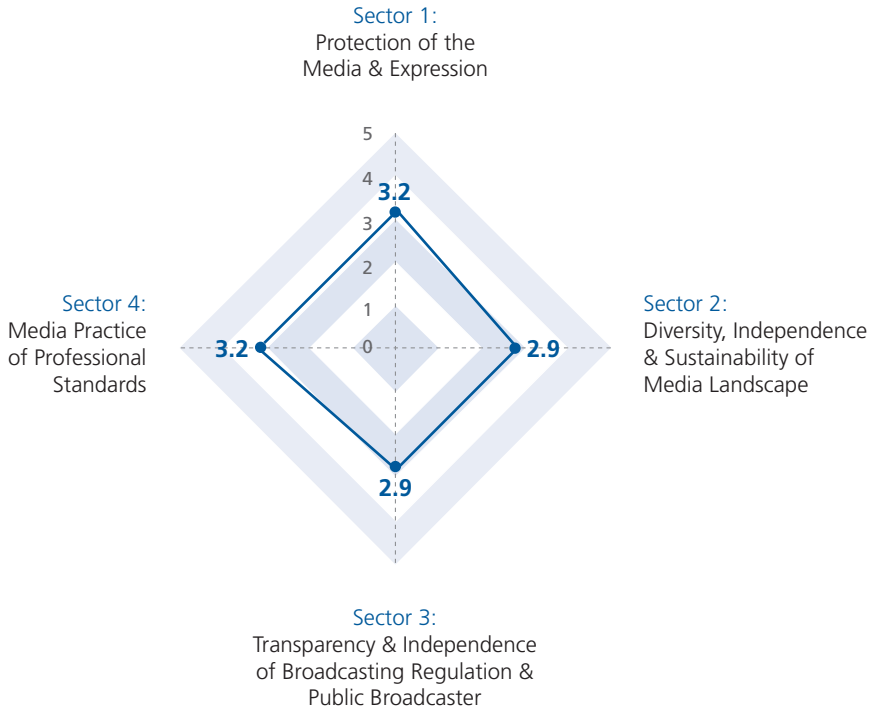
4. Others

Last but not the least, prospecting the future media landscape in South Korea, two additional proposals were made based on a forward-looking viewpoint.

One of the proposals was named “public control of big data.” The panellist who presented this opinion said that in this rapidly changing media environment, there is a high risk of the government monopolizing and exploiting enormous amount of information. This issue holds a greater significance in that during the presidential election in 2012, various kinds of the “privately misappropriated” state intelligence agencies including the National Intelligence Service had intervened in the social media sector to manipulate the public opinions in favour of a certain political faction. This incident has been disclosed thanks to various mistakes and internal dissonance in the power bloc; if the state comes to possess and appropriate big data exclusively, however, the state might undertake political manoeuvring in an even more organized and stealthy manner by exploiting far greater amount of improved information. Hence, the panellist argued that conscious efforts should be made from now on to enhance public control of big data in order to shape future media landscape in accordance with the cause of media freedom, and to ensure the democratic function of the media and the public nature of information.

The second proposal was directly linked to this report. As illustrated below, an idea was proposed to visualise the evaluation result of South Korean media environment, in which each average score of each sector is changed into a radar chart. As one of the ways to help understanding of the result of this media barometer, we could easily visualise the current situation and the time-series changes in the media landscape of South Korea: expansion or shrinkage of the diamond’s size would imply either improvement or regression of media freedom, and the overall pattern of each vertex of the diamond would help see whether the factors of media freedom are presented evenly or unevenly.

ANMB South Korea 2013



The panel meeting took place at Lotte Hotel, Jeju, Republic of Korea, 22- 24 November 2013.

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APPENDIX ONE

Act on the Establishment and Operation of Korea Communications Commission

Article 3 (Establishment of Commission)

(1) The Korea Communications Commission (hereinafter referred to as the "Commission") shall be established under the control of the President, so as to perform duties concerning broadcasting and communications.

(2) The Commission shall be deemed a central administrative agency under Article 2 of the Government Organization Act, and the provisions of Article 16 of the Government Organization Act shall not apply to the following matters:

1. Matters under Article 12 (1) 1 to 15 (excluding matters concerning the basic plan of communication regulations), Article 12 (1) 17 to 21 and Article 12 (1) 25;
2. Other matters necessary for guaranteeing the independence of broadcasting, prescribed by Presidential Decree.

Article 4 (Organization of Commission)

(1) The Commission shall be made up of five standing members including a Chairman (hereinafter referred to as the "Chairman") and a Vice Chairman.

(2) Members (hereinafter referred to as "members") of the Commission shall be appointed to the posts of public officials in political service.

(3) Members shall become government delegates, notwithstanding the provisions of Article 10 of the Government Organization Act.

Article 5 (Appointment)

(1) The Chairman and members shall be appointed by the President, from among persons falling under any of the following subparagraphs, in consideration of their expertise in the areas of broadcasting or information and communications. In such cases, the Chairman shall go through personnel hearing processes of the National Assembly:

1. Any person who is or has been at the position of, or higher than an associate professor in a college or a certified research institute, or who holds or has held a position equivalent thereto for not less than 15 years, from among persons who have majored in broadcasting, journalism, electronic engineering, telecommunication engineering, science of law, economics, business administration, political science and other areas related to broadcasting, journalism and information and communications;

2. Any person who holds or has held the position of a judge, a public prosecutor or an attorney-at-law for not less than 15 years;

3. Any person who is in Grade II or higher, with experiences in the areas of broadcasting, journalism, information and communications or other related areas, or who is or has been a public official equivalent thereto or who holds or has held a position belonging to the senior civil service;

4. Any person who holds or has held the position of the representative, executive or employee of an organization or institution related to broadcasting, journalism or information and communications for not less than 15 years;

5. Any person who has experiences of working for the protection of users in the areas of broadcasting, journalism or information and communications for not less than 15 years.

(2) Two members, including the Chairman, from among five members, shall be nominated by the President, and three members shall be nominated under paragraph (1) upon the recommendation of the National Assembly. In such cases, the negotiation body of a political party, to which the President belongs or belonged, shall recommend one member and other negotiation bodies shall recommend two members, when the National Assembly recommends members.

(3) The Vice Chairman shall be elected among members.

Chapter V Korea Communications Standards Commission

Article 5 (Establishment of Korea Communications Standards Commission)

(1) The Korea Communications Standards Commission (hereinafter referred to as the "Korea Communications Standards Commission") shall be established to perform its duties independently, with the purposes of guaranteeing the public nature and fairness of broadcasting content, creating a sound culture in the areas of information and communications and creating an environment where information and communications are used in an appropriate manner.

(2) The Korea Communications Standards Commission shall be made up of nine members. In such cases, three members, including the Chairperson (hereinafter referred to as "Chairperson") of the Korea Communications Standards Commission and a Vice Chairperson, shall be full-time.

(3) Members of the Korea Communications Standards Commission (hereinafter referred to as "deliberators") shall be appointed by the President. In such cases, three members shall be recommended by the Speaker of the National Assembly, in consultation with the floor leader of each negotiation group of the National Assembly, and three members shall be recommended by the competent standing committee of the National Assembly.

(4) Three standing commissioners, including a Chairperson and a Vice Chairperson, shall be appointed, and necessary matters concerning treatment, including remuneration, shall be prescribed by regulations of the Korea Communications Standards Commission.

(5) The terms of office of deliberators shall be three years, and consecutive appointment is permitted only once: Provided that when a vacancy occurs in any position of a deliberator due to an accident, the term of office of a supplementary member shall be the remainder of his/her predecessor's term of office.

(6) When the Chairperson is unable to perform his/her duties due to unavoidable grounds, deliberators shall act as the Chairperson on his/her behalf, in order determined by the Vice Chairperson and the Korea Communications Standards Commission in advance. (7) Necessary matters concerning the composition and operation of the Korea Communications Standards Commission shall be prescribed by Presidential Decree.

APPENDIX TWO

Broadcasting Act

Chapter IV Korean Broadcasting System

Article 44 (Public Responsibility of System)

- (1) The System shall bring into reality the objectives and public responsibility of broadcasting, and the impartiality and public interest nature of broadcasting.
- (2) The System shall endeavor to offer the broadcast services of superior quality to the people having no concern with the region and circumstances.
- (3) The System shall research and develop the new broadcast programs, broadcast services and broadcast technologies which may contribute to the public interest of the viewers.
- (4) The System shall develop the broadcast programs, and broadcast them, which may promote the national culture and ensure homogeneity of the nation, with the objects home and abroad.

Article 46 (Establishment and Operation of Board of Directors)

- (1) In order to guarantee the independence and public nature of the System, the System shall have a board of directors as the highest deliberative organ for decision making with regard to the management of the System.
- (2) The board of directors shall be composed of eleven directors, including the chairman of the board of directors.
- (3) The directors shall be recommended by the Korea Communications Commission in consideration of their typicality of different fields, and appointed by the President.

Article 50 (Executive Organs)

- (1) The System shall have, as its executive organ, one president less than two vice presidents, less than eight managing directors, and one auditor.
- (2) The president shall be appointed by the President upon a proposal by the board of directors.

Korea Educational Broadcasting System Act

Article 9 (Executives)

- (1) The System shall have, as its executives, one president, one vice president, and one auditor.
- (2) The president shall be appointed by the Chairman of the Korea Communications Commission upon the receipt of consent from the Commission.

Article 13 (Establishment and Operation of Board of Directors)

- (1) In order to guarantee the independence and public nature of educational broadcasting, the System shall have a board of directors for decision making on important matters with regard to the management of the System.

- (2) The board of directors shall be composed of nine non-standing directors appointed by the Korea Communications Commission.
- (3) The board of directors shall include one director recommended by the Minister of Education and one director recommended by an education-related organization prescribed by the Presidential Decree.

Foundation for Broadcast Culture Act

Article 6 (Executives)

- (1) The Foundation shall have, as its executives, nine directors including one chairman, and one auditor. The terms of office of the executives shall be three years, provided that the term of office of an executive elected to fill a vacancy is the remainder of the term of office of his predecessor.
- (2) An executive whose term is expired shall perform his or her duties until the appointment of his or her successor.
- (3) The chairman shall be elected by the board of directors.
- (4) The directors shall be appointed by the Korea Communications Commission in consideration of their broadcast expertise and typicality of different fields in society.

APPENDIX THREE

ASIAN MEDIA BAROMETER (ANMB) PUBLICATIONS

Asian Media Barometer: The first home-grown analysis of the media landscape in Asia. INDIA 2013 / publ. by: FES - New Delhi, *fesmedia Asia*, 2014.
<http://library.fes.de/pdf-files/bueros/asia-media/10577.pdf>

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<http://library.fes.de/pdf-files/bueros/asia-media/07479.pdf>

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