



Right of the People, Duty of the State

Freedom of Peaceful Assembly
in South Korea

AMNESTY
INTERNATIONAL



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Subway security personnel stand using wheelchair boarding ramps as shields at a Seoul Metro station. 14 January, 2025. © Amnesty International.



EXECUTIVE SUMMARY

This briefing examines the barriers to the right to freedom of peaceful assembly in the Republic of Korea (South Korea), focusing on key provisions in domestic laws and policing practices that run counter to the government's duty to guarantee this fundamental right to its people.

This briefing primarily focuses on related developments and analysis in South Korea between 2022 and 2025, falling within former President Yoon Seok-yeol's term. His sudden declaration of martial law and subsequent proclamation of a military directive on 3 December, 2024 exposed the vulnerability and swiftness with which fundamental rights can be suspended, even in a country long esteemed for its respect for human rights and rule of law.

At the same time, this political crisis serves as a telling reminder of the power of protests and the state's duty to protect the right to peaceful assembly to allow people to express their views in a free, open and peaceful manner. Between December 2024 and April 2025, millions of people took to the streets, with most demanding the impeachment of President Yoon, while a sizeable minority took part in counter-protests in support of the President. The protests culminated with the impeachment of the President by the Constitutional Court on 4 April, 2025 for constitutional infringement.

Throughout South Korea's modern history, peaceful protests have demonstrated the resilience of citizens especially in times of social and political crisis, ushering in reforms in the late 1980s and a vibrant civic space since. However, South Korea's legal framework governing assemblies—primarily the Assembly and Demonstration Act (ADA)—contains provisions that are incompatible with international human rights standards, including those set out in the International Covenant on Civil and Political Rights (ICCPR), to which South Korea is a State Party.

The findings presented in this briefing are based on analysis and information from multiple sources, including: interviews conducted in 2024 and 2025 with activists, legal and policing experts, civil society organizations and representatives of Seoul Metro; information received from the Korean National Police Agency (KNPA) in response to two freedom of information requests and further communications; and an extensive review of publications from Amnesty International and the United Nations, media reports, relevant domestic and international laws, and court rulings.

Amnesty International's findings raise concerns related to pre-emptive bans on assemblies on the

basis of the ADA. The ADA makes the protection of an assembly conditional on the “lawfulness” of the assembly, while also granting the authorities broad discretion to issue pre-emptive bans on assemblies on grounds such as traffic disruption (Article 12), or proximity to certain buildings, including key government institutions (Article 11). Amnesty International believes that these restrictions are either vaguely formulated (Article 12) or constitute blanket bans in specific locations (Article 11), which are at odds with international human rights law and standards. Protests deemed by the authorities to have breached the conditions of the law, as well as spontaneous protests, are often dispersed by police; organizers and participants have been threatened or charged with criminal offences under national law.

While prior notification of assemblies is consistent with international human rights law and standards, the purpose of such notification must be to facilitate peaceful assembly and enable the authorities to take measures to protect public safety and order or the rights of others. Such notification regimes should be transparent and not unduly bureaucratic. In contrast, the notification regime in South Korea presents challenges whereby the police enjoy wide discretion in pre-emptively banning public assemblies and does not foresee any exception for spontaneous gatherings or for small public assemblies that would not require preparation on the part of the authorities to facilitate them.

In analyzing how the authorities invoked ADA provisions to restrict assemblies in the capital Seoul where the majority of the protests take place in South Korea, Amnesty International obtained data from freedom of information request to the KNPA. The data showed the number of notifications for assemblies received by Jongno, Namdaemun and Yongsan precincts (police precincts with the highest frequencies of assembly notifications in Seoul as of 2023), number of assemblies reported from 1 January, 2022 to 30 June, 2024, the number banned, and the grounds for the ban. Amnesty International has found that these three police precincts banned assemblies on the basis of article 11 and 12, as well as articles 5 and 8, which relate to restrictions based on threat to public peace and order, and conflict of time and location with other assemblies, respectively.

Furthermore, many of the bans were issued within a narrow time frame. For example, since the amendment to the enforcement decree of article 12 was enforced in October 2023, new roads nearby the newly relocated presidential office in Yongsan were added to the list of “major roads” in “major cities,” which, among other things, allowed the authorities to ban protests in proximity to the presidential office. This has had the effect of making the presidential office a de facto protest-free zone, making it difficult for people to convey their messages in sight and sound of their intended audience.

Amnesty International and UN bodies, including the Human Rights Committee and the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, have repeatedly called for the reform or repeal of provisions that undermine the government’s positive duty to

facilitate peaceful protests. However, successive governments have failed to take meaningful legislative action to date.

In addition to these legal shortcomings, the enforcement of the ADA has often involved policing responses that fall short of international human rights law and standards. Peaceful protestors have been subjected to excessive use of force, unnecessary dispersal and criminal prosecution, for the “illegality” of the protests under domestic law. Combined with a tendency of key government and enforcement personnel to take an intolerant attitude towards peaceful protestors, including stigmatizing some protests as “unlawful”— particularly those that have been critical of the government—the authorities have failed to act as a facilitator of peaceful assemblies. This trend is particularly detrimental to marginalized individuals and groups, including disability rights activists.

Punitive approach to peaceful assembly: The Case of Solidarity Against Disability Discrimination (SADD)

One such group is Solidarity Against Disability Discrimination (SADD), a disability rights organization that has led peaceful protests in Seoul Metro platforms since 2021 to demand accessible public transportation and implementation of disability rights legislation. Their protests have been met with disproportionate force and dispersals by Seoul Metro staff and the police, along with multiple criminal charges being brought against the activists, based on domestic law, including the Railroad Safety Act, and to a lesser extent, the ADA. The authorities’ treatment of SADD underscores broader concerns about discrimination, accessibility of public transport, and the unequal enjoyment of human rights by persons with disabilities.

Since December 2021, SADD and its supporters have staged regular protests at 8:00 every weekday morning in Seoul Metro stations. On 14 and 22 January, and 13 February, 2025, representatives from Amnesty International Korea monitored protests by SADD at Hyeonhwa Station¹, where SADD holds daily morning protests. On 22 January, and 13 February, Amnesty International Korea did not observe the authorities intervene to disperse the protests, which lasted peacefully for approximately one hour, although they made repeated broadcasts warning that the protestors were breaking the law. In contrast, on 14 January, Amnesty International Korea witnessed the police physically remove at least a dozen protestors who were taking part in a silent protest on the platform. The protestors indicated that they would leave voluntarily. However, Seoul Metro security personnel and police officers surrounded them and started immediately removing them from the platform one by one, by grabbing their arms and legs, or in the case of those in wheelchairs, physically manipulating their wheelchairs.

Based on Amnesty International’s observations of SADD’s protests on 14 January, 2025, it believes that the city authorities and the police did not adhere to the principles of necessity and

1 See Annex.

proportionality in responding to the protests. While the authorities did not intervene to disperse the protests observed on 22 January, and 13 February, concerns regarding dispersal and use of force in the context of future protests remain in the absence of a human rights-centered approach from the authorities.

Amnesty International's calls to the South Korean authorities

Amnesty International concludes that the legal and institutional framework regulating assemblies in South Korea systematically enables undue state interference with the exercise of the right to freedom of peaceful assembly. The South Korean government should immediately initiate legislative reform of the ADA to bring it into full compliance with international standards. Authorities must also ensure that policing of assemblies prioritizes the facilitation of peaceful protest, refrains from criminalizing dissent, and incorporates robust accountability mechanisms for human rights violations.

The right to freedom of peaceful assembly is not a privilege granted by the state but a core human right protected under international law. South Korea must take urgent and concrete steps to ensure that all individuals—regardless of their identity, cause, or political position—can freely and safely exercise this right without fear of repression, discrimination, or retaliation.

As the new President enters office on 4 June, 2025, Amnesty International takes this opportunity to reiterate its call to the government to respect, protect and fulfil the right to freedom of peaceful assembly.

BACKGROUND

During the night of 3-4 December, 2024, fundamental rights in South Korea hung in the balance after President Yoon Seok-yeol declared martial law — the first such declaration in more than 40 years — to “defend the free Republic of Korea from the threats posed by North Korean communist forces” and “eradicate anti-state forces”.² Following President Yoon’s late-night televised address on 3 December, armed soldiers stormed the National Assembly—the country’s legislative building—in the capital Seoul, and the National Election Commission, and attempted to arrest and detain politicians.³ The Army Chief of Staff issued a military directive, whereby all forms of political activity were prohibited, including a blanket ban on rallies and demonstrations, with the media also placed under martial law control.⁴ However, this extraordinary measure was short-lived, as legislators convened urgently at the National Assembly to vote on the withdrawal of martial law and as citizens gathered outside the gates to protest the President’s emergency decree.⁵

Mass protests calling for the impeachment of President Yoon, and counter protests by his supporters continued in Seoul and across the country for four months until 4 April, 2025, when the Constitutional Court ruled unanimously to dismiss him from office for multiple acts of constitutional infringement surrounding the events of the martial law declaration.⁶ During this period, the authorities restricted certain assemblies, for example on the basis of location and to ensure smooth traffic flow, using powers provided for in domestic law.⁷ As this briefing sets out, these powers have long represented a shortcoming on the government’s duty to facilitate all peaceful protests.

Throughout South Korea’s modern history, peaceful protests have demonstrated the resilience of citizens especially in times of social and political crisis, ushering in a democratic transition in the late 1980s and a more vibrant civic space since. The series of peaceful assemblies that took place in the immediate aftermath of President Yoon’s martial law declaration also illustrate the extent to

2 The Korea Herald, “Full text of South Korean President Yoon Suk Yeol’s emergency martial law declaration”, 3 December, 2024, <https://www.koreaherald.com/article/10012293>

3 BBC, “S Korea President ordered arrest of own party leader,” 6 December, 2024, <https://www.bbc.com/news/articles/cy8y7ggm89lo>

4 Martial Law Commander Army Chief Park Ahn-soo, Martial Law Declaration (1), 3 December, 2024, translation taken from Reuters 3 December, 2024, reuters.com/world/asia-pacific/full-text-south-koreas-martial-law-decree-2024-12-03/

5 BBC, “How the Last 24 hours unfolded”, 4 December, 2024, <https://www.bbc.co.uk/news/live/cn38321180et>

6 South Korea, Constitutional Court, 4 April, 2025. 2024 Heon-na8.

7 Strait Times, “Seoul police to seal off Constitutional Court ahead of Yoon verdict on 4 April”, 2 April, 2025, <https://www.straitstimes.com/asia/east-asia/seoul-police-to-seal-off-constitutional-court-ahead-of-april-4-yoon-verdict>

which this right has become an integral part of people's civic space.

Yet, the right to peaceful assembly in South Korea is far from fully guaranteed.⁸ Although protected under the Constitution and international treaties to which South Korea is a State Party, the legal framework governing assemblies remains restrictive, notably under the Assembly and Demonstration Act (ADA) and, in practice there are significant barriers to the exercise of peaceful assembly in the country. The ADA was enacted in 1962 during a period of military dictatorship and has been in effect since 1963, with multiple amendments made since then.

Amnesty International and others, including the UN Human Rights Committee and the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, have long highlighted the way in which provisions under the ADA fall short of international human rights standards. Concerns include provisions that require advance notification of assemblies, and provisions allowing them to be banned on grounds including timing, venue and potential disruption to traffic, and that therefore undermine the right to peaceful assembly.⁹ Concerns have also been raised about the policing of protests, including the use of unlawful force and the arbitrary arrest and prosecution of peaceful protesters.¹⁰

The South Korean authorities have frequently applied the ADA provisions to prevent people from fully exercising their right to peaceful assembly. Contrary to repeated recommendations by UN treaty bodies and others to lift restrictions on the right to freedom of assembly, successive South Korean administrations have failed to repeal or amend the ADA. Rather, the authorities have introduced various measures to tighten restrictions on peaceful assemblies, for example, by expanding the scope of restrictions on locations.¹¹ This resulted in multiple protests being prevented from taking place on vague grounds and peaceful protesters facing threats of arrest and criminal prosecution - even prior to the declaration of martial law in December 2024.

8 An "assembly" is generally understood as a gathering of two or more people for a specific purpose in a public, private or online space (or a combination of these, whether indoors or outdoors). Assemblies can take many different forms (including processions, occupations and encampments) and may also be long-term. They can serve many different purposes (including entertainment, education, culture, sport and commerce). While many assemblies seek to express a message to an external audience, having such an expressive purpose is not a necessary element of an assembly. For the purpose of this report, the term "assembly" will be used to cover the full range of gatherings. See Amnesty International, Guidelines on the right to freedom of peaceful assembly November 2024 Index Number: ACT 30/8426/2024 <https://www.amnesty.org/en/documents/act30/8426/2024/en/>

9 Amnesty International, Freedom of Peaceful Assembly in South Korea and International Human Rights Standards (Index: ASA 25/5099/2016), 8 November, 2016, <https://www.amnesty.org/en/documents/asa25/5099/2016/en/>; UN Human Rights Committee (HRC), Concluding Observations: Republic of Korea, 24 November 2023, UN Doc. CCPR/C/KOR/CO/5, paras 55-56; UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Report: Visit to the Republic of Korea, 17 November, 2016, UN Doc. A/HRC/32/36/Add.2, paras 19-30.

10 Amnesty International, Mission failed: Policing assemblies in South Korea (Index: ASA 25/7119/2017), 21 September, 2017, <https://www.amnesty.org/en/documents/asa25/7119/2017/en/>; UN Human Rights Committee (HRC), Concluding Observations: Republic of Korea, 24 November, 2023, UN Doc. CCPR/C/KOR/CO/5, paras 55-56.

11 On 17 October, 2023, the government enforced the amended enforcement decree of ADA Article 12 which stipulates the list of major roads in major cities which are subject to restrictions for protests based on the smooth flow of traffic. Enforcement Decree of the Assembly and Demonstration Act, amended by Enforcement Decree No. 33811, 17 October, 2023.

Disability rights activists have faced particular challenges in exercising their right to freedom of assembly. Since their beginning in late 2021, regular protests in Seoul subway stations by the disability rights group Solidarity Against Disability Discrimination (SADD) to demand better access to public transport and increased government budget for people with disabilities have been met with legal action and unnecessary dispersal by Seoul Metro and the police. Individual protesters have faced criminal charges.

Building on previous reports by Amnesty International, this research briefing sets out current concerns relating to legal and other restrictions on the right to freedom of peaceful assembly in South Korea and the policing of assemblies, and makes recommendations on measures needed to ensure that this right is fully respected in compliance with international standards.

METHODOLOGY

The information and analysis contained in this briefing are based on:

- A literature review, including publications from Amnesty International and the United Nations, media reports, relevant domestic and international laws, and court rulings.
- Responses to two freedom of information (FoI) requests made by Amnesty International to the Korean National Police Agency (KNPA) relating to:
 - Information about the number of notifications for assemblies received by three police precincts in Seoul, from 1 January, 2022 to 30 June, 2024, the number of these assemblies that were prohibited, and the grounds for prohibition. FoI request submitted on 25 July, 2024, response received on 22 August, 2024.¹²
 - Police operating manual on the use of less lethal weapons. (FoI request submitted on 23 January, 2025, response received on 14 February, 2025).
- Response to a letter from Amnesty International to the KNPA requesting information about:
- Police guidelines on the policing of assemblies.
 - Police guidelines on policing protests organized by SADD on the Seoul metro system, including the legal basis for the forcible removal of SADD activists from subway platforms (letter submitted on 2 January, 2025, response received on 16 January, 2025).
 - Response to a letter to Seoul Metro requesting the legal basis for dispersing SADD activists and criteria for determining whether to implement such a measure (letter sent on 12 February, 2025, response received on 14 February, 2025).
- Interviews conducted in April and May 2024 by a research agency on behalf of Amnesty International, with 12 experts on the legal and social context relating to freedom of assembly in South Korea, seven of whom had experience of participating in protests. The 12 included two university professors, one parliamentarian, four human rights activists, and a serving police officer with expertise in the legal framework for policing assemblies. All 12 provided insights in their personal capacity. Amnesty International directly communicated with all

¹² The three precincts were Jongno, Namdaemun and Yongsan, selected because of the high frequency of assemblies in the area. See section 5.2 for further details.

individuals to confirm their consent for the use of information and quotes in this briefing.

- Interviews conducted by Amnesty International with two disability rights activists associated with SADD in November and December 2024, both of whom had participated in protests at subway stations in Seoul and who experienced or witnessed the forcible removal of protesters.
- A meeting on 20 December, 2024 between Amnesty International and three Seoul Metro employees in supervisory and field positions associated with the Sales Operation Planning Department who were directly involved in the company's response to assemblies held by SADD in subway platforms.
- Observation of 20 separate protests by Amnesty International including: 17 protests calling for President Yoon's impeachment in multiple locations in Seoul from 4 December, 2024 to 4 April, 2025, and three protests organized by SADD in Hyeonhwa Station on the 14 and 22 January and 13 February, 2025. Amnesty International decided to only observe protests calling for President Yoon's impeachment, but not those in support of the president, following risk assessments and the related need to prioritize the safety of staff.¹³

¹³ Amnesty International observed the protests in groups of at least two staff. Staff were equipped with GoPro cameras to record key developments on-site, while at least one person managed note-taking for evidence collection purposes. All staff wore yellow Amnesty International vests to publicly convey their capacity as staff of a human rights organization.

THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 21 of the International Covenant on Civil and Political Rights (ICCPR) (1966)

(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 licensing of assembly and association shall not be recognized. [...]

Article 21 of the Constitution of the Republic of Korea (1987)

The right to freedom of peaceful assembly is universally recognized in international human rights treaties and standards, including the ICCPR, which South Korea ratified in 1990.¹⁴ As a State Party to the ICCPR, the South Korean state is obliged to respect and ensure, without discrimination, the exercise of the right to freedom of peaceful assembly. This obligation includes the duty to:

- **respect the right to freedom of peaceful assembly and abstain from doing anything that infringes on it.** Hence, the authorities should not prevent, hinder or restrict people's rights except where such restrictions are provided by law and are necessary and proportionate to protect national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.
- **take all necessary measures to protect the exercise of the right to freedom of peaceful assembly against interference** by other individuals or groups, which requires, for example,

¹⁴ Article 6(1) of the Constitution of South Korea provides that "Treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea." Thus, international human rights treaties that South Korea has ratified, such as ICCPR as well as other international human rights norms which have attained the status of customary international law, to be part of the domestic law and therefore to be directly applicable.

law enforcement officials to protect protesters from violent attacks from counter-protesters.

- fulfil the right to freedom of peaceful assembly **by creating an environment in which people can exercise and enjoy the right to freedom of peaceful assembly in practice** to facilitate the exercise of the right enabling participants to achieve their objectives. This includes ensuring that all individuals—especially those from marginalized groups—can exercise this right without discrimination.¹⁵

In its 2020 General Comment on Article 21 of the ICCPR, the UN Human Rights Committee underscored the way that peaceful assembly enables individuals to express themselves collectively and to participate in shaping their societies. It noted that peaceful assembly both protects the ability of people to exercise individual autonomy in solidarity with others and constitutes the very foundation of a system of participatory governance based human rights, the rule of law, and pluralism.¹⁶ It further emphasized the particular importance of the right of freedom of assembly to marginalized individuals and groups, noting that failure to respect and ensure this right “is typically a marker of repression.”¹⁷

Although peaceful assemblies often cause little or no disruption, their scale or nature can cause temporary disruption to traffic, pedestrians, economic and other activities. However, as the Human Rights Committee has stressed, a certain level of disturbance of public life, including free flow of traffic, is inherent to the right to freedom of peaceful assembly, must be tolerated and cannot justify restrictions—let alone a prohibition of an assembly. Such consequences, whether intended or unintended, do not call into question the protection such assemblies enjoy.¹⁸

The term ‘peaceful’ includes conduct that may annoy or give offence to individuals or groups opposed to the ideas or claims that the assembly is seeking to promote. It also includes conduct that temporarily hinders, impedes or obstructs the activities of third parties, for example by temporarily blocking traffic. As such, an assembly can be entirely ‘peaceful’ even if it is ‘unlawful’ under domestic law.¹⁹

As noted above, the ICCPR does allow for some restrictions on the right to freedom of peaceful

15 Amnesty International, Guidelines on the Right to Freedom of Peaceful Assembly (Index: ACT 30/8426/2024), 27 November 2024, <https://www.amnesty.org/en/documents/act30/8426/2024/en/>; UN Human Rights Committee (HRC), UN General comment no. 37 (2020) on the right of peaceful assembly (article 21), 17 September, 2020, UN Doc. CCPR/C/GC/37, para 25.

16 UN Human Rights Committee (HRC), General Comment 37: Right of Peaceful Assembly (Art. 12), 21 September, 2020, UN Doc. CCPR/C/GC/37, para. 1.

17 HRC, General Comment 37 (previously cited), para. 2.

18 HRC, General Comment 37 (previously cited), para. 7.

19 European Commission for Democracy Through Law (Venice Commission) & Office for Democratic Institutions and Human Rights (OSCE/ODIHR), Guidelines on Freedom of Assembly, (3rd edition), 15 July, 2020.

assembly, for example in the interests of national security, public safety and public order.²⁰ However, these should be considered an exception. Moreover, the burden of justifying any restrictions lies with the state, which must demonstrate that the measure pursues a legitimate aim, be provided by law, **necessary and proportionate, and non-discriminatory.**²¹ **There must be a presumption in favour of holding assemblies with the prohibition of an assembly a last resort,** considered only if no other measure can achieve the legitimate objective.²²

20 International Covenant on Civil and Political Rights (ICCPR), article 21.

21 HRC, General Comment 37 (previously cited), paras 36 and 46.

22 HRC, General Comment 37 (previously cited), para. 37.

RESTRICTIONS UNDER THE ASSEMBLY AND DEMONSTRATION ACT

Although the right to freedom of peaceful assembly is enshrined in the Constitution of the Republic of Korea and guaranteed under the ICCPR, the law regulating assemblies, the ADA does not fully conform to international law and standards.

The ADA generally guarantees freedom of assembly in a broad sense, but in practice imposes various disproportionate restrictions on its exercise, many of which fall outside the grounds permitted under the ICCPR.²³

Several provisions of the ADA raise particular concern: notably, the mandatory notification regime (article 6) and three articles which provide grounds for banning assemblies based on: the time at which they take place (article 10) which generally prohibits assemblies before sunrise or after sunset; their location (article 11) which generally prohibits assemblies within a 100-meter radius of key government and other official buildings; and potential obstruction to traffic caused by assemblies (article 12).

Furthermore, as Amnesty International has previously pointed out, the way in which the ADA is drafted is problematic because it makes the protection of a peaceful assembly conditional on the “lawfulness” of the assembly. For example, spontaneous protests or protests otherwise deemed by the authorities to have breached the ADA are often declared “illegal” and organizers and participants are threatened or charged with criminal offenses. This reflects the authorities’ overall approach in which the right to freedom of peaceful assembly is turned into a privilege that can be restricted at their discretion.²⁴ Organizers and participants of peaceful assemblies can be subject to criminal sanctions for violating ADA provisions. Under article 22(2) of the ADA, individuals found to be in breach of the ADA can be punished with a term of imprisonment of up to two years or a fine of up to 2 million South Korean won (around 1,470 US dollars).²⁵

23 ICCPR (previously cited), article 21.

24 Amnesty International, Freedom of Peaceful Assembly in South Korea and International Human Rights Standards (Index: ASA 25/5099/2016), 8 November, 2016 (previously cited), p. 6.

25 Calculation based on an exchange rate of 1 US dollar to 1,364 South Korean won on 9 June, 2025, XE currency converter.

In 2016, following a visit to South Korea, the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association criticized the use of these provisions for affording broad discretion to the authorities to restrict the holding of assemblies— warning they leave no room for spontaneous assemblies.²⁶ He also raised concern about the charging of assembly participants with criminal offenses and the way in which this effectively criminalizes people simply for exercising their right to peaceful assembly.²⁷ At the time, the Special Rapporteur recommended that the ADA should be amended to ensure that prior notification does not amount to a disproportionate restriction on the right to peaceful assembly and that blanket bans on times and locations of assembly are scrapped; he further called for assemblies to be presumed to be lawful in accordance with international human rights law standards.²⁸

More recently, the UN Human Rights Committee also raised concerns about the ADA in its 2023 review of South Korea's implementation of the ICCPR. Its concerns focused particularly on the banning of a significant number of rallies under ADA articles 11 and 12 (related to location and obstruction to traffic) and about the application of criminal law to arrest, prosecute and fine protest organizers and participants. The Committee questioned the proportionality and necessity of such measures, and the chilling effect on the exercise of the right to freedom of assembly which, in its words, “appear to reflect the authorities’ low tolerance for disruption.”²⁹

The Human Rights Committee recommended that articles 11 and 12 of the ADA be repealed or amended. It further recommended that the authorities should foster an enabling environment for the exercise of the right to peaceful assembly and ensure any limitations on that right are in strict compliance with article 21 of the ICCPR Covenant and the principles of proportionality and necessity.³⁰

Previous governments have failed to address these recommendations, in effect applying the ADA on a spontaneous and arbitrary basis to restrict the right to freedom of assembly. Amnesty International calls on the new South Korean government to amend the ADA to bring it in line with the country's obligations under international human rights law and fulfill its role as a facilitator of peaceful assembly.

26 UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Visit to the Republic of Korea (previously cited), para. 19 and 26.

27 UN Special Rapporteur on the Rights to Freedom of Peaceful assembly and of Association, Visit to the Republic of Korea (previously cited), para. 42.

28 UN Special Rapporteur on the Rights to Freedom of Peaceful assembly and of Association, Visit to the Republic of Korea (previously cited), para. 96.

29 HRC, Concluding Observations: Republic of Korea, 2023 (previously cited), para 55.

30 HRC, Concluding Observations: Republic of Korea, 2023 (previously cited), para 56.

5.1. The mandatory notification system: a barrier to spontaneous assemblies

South Korea's Constitution prohibits prior authorization of peaceful assemblies.³¹ The country's Constitutional Court ruled in 2009 that "a permit system that leaves the decision of whether to permit an assembly to the sole discretion of the executive branch is tantamount to censorship of assembly."³² Nonetheless, advance notification of all assemblies continues to be used to disproportionately restrict the right to peaceful assembly.

ADA article 6 requires "any person who intends to organize an outdoor assembly or demonstration" to submit a notification within 720 hours (30 days) and no later than 48 hours before the start of the assembly. The notification must include information about the intended purpose, date, time, and place of the assembly, as well as the name, address, occupation and contact details of the organizer(s), and the number of persons expected to participate.³³ Based on this information, the chief of the relevant police precinct may issue a prohibition notice if the assembly is considered to violate the ADA, including articles 5 (if an assembly poses a direct threat to public peace and order or if it aims to achieve the objectives of a political party that has been dissolved by the Constitutional Court), 8 (if two or more notifications coincide in assembly time and location, or if their objectives are mutually contradictory, and cannot be deemed to be held peacefully without hindering one another), 10 (ban based on the timing), 11 (ban based on location) and 12 (ban based on obstruction to traffic). Furthermore, Article 20(2) gives the police discretion to disperse an unreported or banned assembly.³⁴ Article 20 also empowers the police to disperse assemblies if the assembly has not been reported under Article 6 (1), or has "clearly threatened the maintenance of order, such as obstructing the smooth flow of traffic."³⁵

On his 2016 visit to South Korea, the Special Rapporteur on freedom of assembly and association pointed out that the notification regime in South Korea gives the police wide discretion for the police to issue bans on assemblies, in effect making the notification system burdensome on the organizers and leaving no room for spontaneous assemblies.³⁶

Under international law, States may require prior notice of assemblies, but the purpose of such notification must be to facilitate peaceful assembly and enable the authorities to take measures to protect public safety and order or the rights of others. Such notification regimes should be transparent and not unduly bureaucratic.³⁷

31 South Korea, Constitution of the Republic of Korea, Article 21(2).

32 South Korea, Constitutional Court, 24 September, 2009, 2008 Heon-ga25.

33 South Korea, Assembly and Demonstration Act, Law 17689 (as amended on 1 January, 2021).

34 South Korea, Assembly and Demonstration Act, Law 17689 (previously cited).

35 South Korea, Assembly and Demonstration Act, Law 17689 (previously cited).

36 UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association, Visit to the Republic of Korea (previously cited), para. 26.

37 HRC, General Comment 37 (previously cited), paras 70-71.

In practice, the notification system in South Korea is accompanied by broad grounds on the basis of which the police can pre-emptively ban public assemblies and fails to provide any exception for spontaneous gatherings or for small public assemblies that would not require preparation on the part of the authorities to facilitate them. Moreover, non-violent public assemblies that do not cause serious or sustained disruptions are often dispersed by police because the ban imposed made them “unlawful” under domestic law, in violation of the principle that dispersal should be a measure of last resort — for example, when police are unable to contain violence through targeted arrests.

5.2. Unnecessary and disproportionate pre-emptive bans on assemblies

The total number of assemblies denied permission following notification is not publicly available because, although the police publish annual figures on the number of notifications of assemblies received, they do not publish data on the number that are denied permission. As a result, the total number of assemblies in Seoul and elsewhere that are pre-emptively banned can only be obtained via freedom of information (FoI) requests submitted to police authorities.

Previous research by Amnesty found that a total of 662 assemblies were banned in Seoul from 2013 to the end of 2016.³⁸ Based on analysis of information submitted by KNPA in response to Amnesty International’s freedom of information request, a similar concern emerges from the period January 2022 to June 2024, in which the police applied various articles of the ADA to prevent assemblies from taking place.³⁹

From the KNPA’s response to Amnesty International, it is possible to identify the numbers of notifications submitted, the number of bans and the relevant articles of the ADA stated as the reasons for the ban from three key police precincts in Seoul: Jongno, Namdaemun, and Yongsan. These three precincts, all located in central Seoul, are home to Gwanghwamun Square, Seoul City Hall and Jongno Boulevard where demonstrations, rallies, protests, and other forms of assembly are frequently held.⁴⁰ The Yongsan police precinct also encompasses the Presidential Office.

Disaggregated by precinct, the figures were as follows:⁴¹

38 Amnesty International, *Mission failed: Policing assemblies in South Korea* (previously cited), p. 8.

39 Amnesty International made the freedom of information request to KNPA covering the period January 2022 to June 2024, to cover the length of President Yoon’s term in better analyzing the relevant trends.

40 According to media reporting, these three police precincts represented the highest frequencies of assembly notifications in 2023. Money Today, “[Exclusive] Protests on the sharp rise in Yongsan... “Skyrocketing number of assemblies” make it the prime area for assemblies,” [[단독]용산으로 우르르...“집회·시위 폭증” 집시 1번지 됐다], 28 February, 2024, <https://news.nate.com/view/20240228n28645>.

41 KNPA, freedom of information response to Amnesty International, 22 August, 2024.

Table 1: Data on assembly notifications and bans in three Seoul police precincts from January 2022 - June 2024

Police Precinct	Notifications received	Total banned	Ban rate	Article 11	Article 12	Other articles
Jongno	11,187	190	1.7%	33	72	40 (article 5) 45 (article 8)
Namdaemun	7,266	384	5.28%	9	114	5 (article 5) 256 (article 8)
Yongsan	13,062	457	3.5%	79	145	6 (article 5) 227 (article 8)
TOTAL	31,515	1,031	3.27%	121	331	579

Note that Article 5 relates to bans on assemblies “that clearly pose a direct threat to public peace and order by inciting collective violence, threats, destruction [and] arson,” while Article 8 relates to bans on assemblies due to conflict of time and location with other assemblies, or if their objectives are mutually contradictory. No bans were issued under article 10 (see 5.2.1 below). With regard to Article 8, Amnesty International notes that authorities must accommodate simultaneous assemblies as much as possible. Where such an arrangement is not possible, for example, due to a lack of space, authorities must be non-discriminatory and transparent regarding any prioritization. In other words, groups should not be prioritized based on their nature or purpose (such as government-friendly assemblies).⁴²

While the overall rate of bans across the three police precincts during the above period appears relatively low, many bans were concentrated within a narrow time frame. For example, in Yongsan, the police issued 83 bans during the 2-month period from November to December 2022 on the basis of article 12, accounting for over half of the total bans issued by Yongsan police precinct under this article during the entire period of analysis.⁴³ This pattern of police-imposed bans infringes upon the exercise of the right to freedom of peaceful assembly and negates the authorities’ obligations to facilitate this right.

5.2.1. Restrictions on the timing of assemblies

Under Article 10 of the ADA, outdoor gatherings before sunrise or after sunset are prohibited, with certain exceptions⁴⁴ left to police discretion. However, in 2014 the Constitutional Court

42 HRC, Joint report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary or arbitrary executions on the proper management of assemblies - Note by the Secretariat, 4 February, 2016, UN Doc, A/HRC/31/66, para. 24.

43 The amendment to Article 12 of the ADA came to force in 17 October, 2023, whereby new roads were designated as “major roads” including those adjacent to the presidential office in Yongsan, as per the enforcement decree.

44 Article 10 allows for exceptions to the above restrictions given that “the organizer reports the holding of such assembly in advance with moderators assigned for such occasion as far as the nature of such event makes it inevitable to hold the event during such hours.” South Korea, Assembly and Demonstration Act, Law 17689, (as amended on 1 January, 2021).

ruled that a blanket ban on gatherings from sunset to midnight is unconstitutional.⁴⁵ Despite the Court's decision, the authorities have at times attempted to re-introduce time-based restrictions on assembly without success. Thus, although the content of article 10 remains unchanged in the ADA, its conditional unconstitutionality continues to be valid and generally respected. By way of example, no restrictions on assemblies issued by the Seoul Metropolitan Police Agency from the period requested (January 2022 to June 2024) were under article 10 according to FOI data obtained from the police.

Any blanket ban on gatherings, even with exceptions, based on timing is inconsistent with South Korea's obligations under the ICCPR. In its 2020 General Comment 37, the UN Human Rights Committee noted the "timing, duration or frequency" of an assembly may be "central to the achievement of its objectives."⁴⁶ It recommends that, rather than imposing blanket bans on late night assemblies, the impact should be weighed on a case-by-case basis against the principle of proportionality; only in the case of specific assemblies that are significantly likely to cause sustained and cumulative, particularly in terms of their impact on residents in the case of overnight gatherings in residential neighbourhoods.⁴⁷

5.2.2. Restrictions on locations

Article 11 of the ADA restricts assemblies from taking place in specific locations— within 100 meters of the National Assembly, all courts, the residence of the President, the Prime Minister and other Senior Officials, and Diplomatic Missions.

After a series of Constitutional Court decisions ruled that prohibition on assemblies close to several key administrative sites were unconstitutional,⁴⁸ the National Assembly passed an amendment to the ADA in May 2020.⁴⁹ However, the amendment retained the ban on gatherings near locations as a principle, while providing for exceptions in cases where the functioning and well-being of these institutions is not threatened, and where there is no risk of the assembly escalating into a large-scale rally or demonstration. This undermines the principle that restrictions on the right to freedom of expression should be exceptional and assessed on a case-by-case basis. Moreover, the vaguely defined and overly restrictive grounds for exceptions leaves room for the authorities to prevent legitimate peaceful assemblies from taking place as they deem appropriate.

The National Assembly has also failed to act on the Constitutional Court order to amend the ADA

45 South Korea, Constitutional Court, 27 March, 2014. 2010 Heon-ga2

46 HRC, General Comment 37 (previously cited), para. 54.

47 HRC, General Comment 37 (previously cited), para. 53.

48 South Korea's Constitutional Court ruled that blanket bans on assemblies near the following venues were unconstitutional: National Assembly (31 May, 2018), Prime Minister's Office (28 June, 2018), courts of all levels (26 July, 2018), President's Office (22 December, 2022), Speaker's Office (23 March, 2023).

49 South Korea, Assembly and Demonstration Act, Law 17393, (as amended on 9 June, 2020).

by 31 May, 2024, which had ruled that the ban on gatherings near the presidential residence and the official residence of the Speaker of the National Assembly are unconstitutional because they violate the principle of proportionality and the principle of necessity.⁵⁰

Shortly after the inauguration of President Yoon on 10 May, 2022, the police began banning an increasing number of assemblies from taking place close to the new Presidential Office which was moved to the Defence Ministry compound in Yongsan District.⁵¹ Although the presidential residence is among the locations listed in ADA article 11 where assemblies are prohibited within a 100-meter radius, the presidential office is not. Nevertheless, the police have banned assemblies from taking place near the new presidential office on multiple occasions.

Among the assemblies that have been reported as pre-emptively banned by the police was a protest by the People's Solidarity for Participatory Democracy and Disarmament Centre planned for 21 May, 2022;⁵² a rally by the Candlelight Movement for Victory and Transformation (Candlelight Movement) which was planned for 28 May, 2022;⁵³ and a rally by the Public Power Monitoring Response Team (Gonggamdae) planned for 10 May, 2023.⁵⁴ The police prohibited these rallies, citing ADA article 11 as the reason.

The information submitted by KNPA in response to Amnesty International's freedom of information request, similarly reflects bans on assemblies by Yongsan police precinct based on ADA articles 6, 8, 11 and 12 starting in June 2022, a month after the Presidential Office was moved to Yongsan district.⁵⁵ These bans create barriers to peaceful protests within sight and sound of the Presidential Office, challenged only through a cycle of court appeals and injunction orders. The organizers of the Candlelight Movement and People's Solidarity for Participatory Democracy rallies both filed administrative lawsuits against the prohibitions. In the former, the courts of first and second instance overturned the police ban. In reporting on the ruling, media quoted from the judgment that, "the presidential office cannot be interpreted as a presidential residence under the ADA, and therefore, the location of the rally in this case is not a place prohibited by the ADA for gathering."⁵⁶ The Supreme Court upheld the decision, ruling that the police had arbitrarily interpreted the

50 South Korea, Constitutional Court, 22 December, 2022. 2018 Heon-ba48; Constitutional Court 23 March, 2023, 2021 Heon-ga1.

51 See Annex.

52 Public Interest Law Center, "[Victory] People Power Wins Final Victory in Lawsuit to Cancel Ban on Rally in Front of Yongsan Presidential Office," [[승소] 참여연대, 용산 대통령실 앞 집회 금지 처분 취소소송에서 최종 승소], 28 June, 2024, <https://www.peoplepower21.org/publiclaw/1970035?cat=175&paged=0&ckattempt=1>

53 Yonhap News Agency, "'Yongsan Presidential Office is not official residence... Rally allowed' Supreme Court ruling confirmed," ["용산 대통령 집무실은 관저 아냐...집회 허용" 대법 판결확정], 12 April, 2024, <https://www.yna.co.kr/view/AKR20240412140600004>

54 Yonhap News Agency, "'Yongsan Presidential Office is not official residence... Rally allowed' Supreme Court ruling confirmed," ["용산 대통령 집무실은 관저 아냐...집회 허용" 대법 판결확정], 12 April, 2024, (previously cited).

55 KNPA, freedom of information response to Amnesty International, 22 August, 2024.

56 Yonhap News Agency, "'Yongsan Presidential Office is not official residence... Rally allowed' Supreme Court ruling confirmed," ["용산 대통령 집무실은 관저 아냐...집회 허용" 대법 판결확정] (previously cited).

presidential office as the official residence and thereby banning the rally. In the case brought by People's Solidarity for Participatory Democracy, the courts of first and second instance likewise found on 12 January, 2023 and 24 January, 2024 respectively, that the presidential residence and office are distinct entities, a ruling that was again upheld by the Supreme Court on 27 June, 2024 when it dismissed an appeal by the police on this case without substantive review.⁵⁷

The organizers of the Public Power Monitoring and Response Team's rally – which was intended to be an assembly of 30 people at the main entrance to the Presidential Office – appealed against the ban directly to the Seoul Metropolitan Police Agency. The police dismissed the appeal, but the group nevertheless held a small rally close to the Presidential Office on the planned date of 10 May, 2023, to protest the prohibition of peaceful assemblies at this location. According to media reports, the police ordered protesters to disperse and threatened them with criminal charges under the ADA if they failed to comply.⁵⁸

In an interview for this briefing in April 2024, an official from the Korea Confederation of Democratic Trade Unions (KCTU) explained his perception that restrictions of rallies within the vicinity of the Presidential Office having tightened since it was moved to Yongsan.

“[Previously], we were free to rally as long as it was within 100 meters of the Blue House. Candlelight impeachment rallies [in 2016-2017], mad cow disease rallies [in 2008], they were all possible. Even though the official residence and office were in the same place, we were able to express our opinions. But under Yongsan, we are no longer allowed to move further from Samgakji station [the nearest subway station from the president's office approximately 200 meters away],⁵⁹ and even the press conferences have been reduced.”⁶⁰

Despite multiple court rulings reaffirming the right to freedom of assembly within sight and sound of the authorities, the government has made little effort to bring its unaccommodating approach in line with the international standards. The National Assembly - South Korea's legislative branch - has also largely failed to respond to the court rulings and calls for reform of the ADA in this regard. More generally, no location (such as in the proximity of government buildings, parliaments or other public institutions) should be completely excluded for holding assemblies,⁶¹ nor should assemblies be limited to specifically designated areas. Holding an assembly within sight and sound of the intended target audience is an essential element of the right to freedom of peaceful assembly and

57 Public Interest Law Center, “[Victory] People Power Wins Final Victory in Lawsuit to Cancel Ban on Rally in Front of Yongsan Presidential Office,” [[승소] 참여연대, 용산 대통령실 앞 집회 금지 처분 취소소송에서 최종 승소] (previously cited).

58 True World, “Police repeated bans on rallies defy court rulings are ‘harassment’”, [법원 판단 거스른 경찰의 반복적 집회 금지는 ‘괴롭힘’], 10 May, 2023, <https://www.newscham.net/news/view.php?board=news&nid=107177>

59 See Annex.

60 Interview in person with an affiliate of the KCTU, 29 April, 2024, Seoul.

61 HRC, Joint report SR, A/HRC/31/66, para. 30 and HRC, General Comment 37 (previously cited), paras 55 - 56

requiring that an assembly takes place at a location that is not within sight and sound of its target is incompatible with the right to freedom of peaceful assembly — unless the restriction can be justified as necessary and proportionate in the particular circumstances.⁶²

5.2.3. Restrictions to ensure the smooth flow of traffic

Article 12 of the ADA allows the police to prohibit an assembly on a major road in a major city (as designated by enforcement decree) to ensure the smooth flow of traffic.⁶³ In Yongsan police precinct alone, the police pre-emptively banned 145 assemblies from May 2022 (when the Presidential office was relocated to this district) to June 2024 under article 12, accounting for 31% of the total of 457 assemblies banned during this period.

While the police do not publicize details on the individual protests banned under the relevant article(s) of the ADA, Amnesty International was able to obtain information on some of the assemblies banned or partially banned under article 12:

- A main rally and follow-up march across Jongno (central Seoul) organized by LGBTI solidarity group, Rainbow Action, from 17:00 to 23:00 on 17 May, 2023 to mark the International Day Against Homophobia, Biphobia and Transphobia. The organizer told Amnesty International the police issued a partial restriction, authorizing the march to take place but not during 17:00-20:00 to avoid disruption to rush hour traffic, although the organizer had informed the police that the group was only planning to march from 19:00-20:30, after the main rally ended.⁶⁴
- More recently, a road parade organized by a farmer's organization, Jeonnong, from Namtaeryung⁶⁵ (southern link to Seoul) consisting of 20 tractors and 50 trucks to Gwanghwamun Square in central Seoul on 25 March, 2025 to call for the impeachment of President Yoon. The police banned the planned parade, citing disturbance to traffic flow and risk of clashing with opposing protesters. Jeonnong appealed against the police order, with the court allowing 20 of the 50 trucks to enter Seoul, while retaining the ban on the entry of all 20 tractors.⁶⁶

62 HRC, SR Report, Freedom of Assembly & Association, A/HRC/20/27, para. 40 and HRC, General Comment 37 (previously cited), paras 55 and 56.

63 South Korea, Law on Assemblies and Demonstrations, Act, Law 17689, 22 December, 2020, as amended.

64 Park Han-hee, lawyer, email to Amnesty International, 1 August, 2024.

65 See Annex.

66 Chosun.com, "'Court bans tractors at farmers' rally...' Only 20 trucks allowed", [법원, 전농 상경집회서 트랙터 불허...'트럭만 20대 허용'], 24 March, 2025, https://www.chosun.com/national/court_law/2025/03/24/TVRYMTNG7ZF3DN4V7OJ7GTMEVQ/

In October 2023, at the request of the police,⁶⁷ the designation of major roads was changed by an enforcement decree amending the existing ADA enforcement decree.⁶⁸ The most notable change under the amended decree was the designation of new roads (Baekbeom-ro, Itaewon-ro, Dasan-ro, and Seobingo-ro) around the Presidential Office in Yongsan as “major” and therefore subject to Article 12.⁶⁹

This development raises concerns because it provided new grounds on which the police can ban assemblies in the vicinity of the Presidential Office. In so doing, it runs counter to the concerns of the UN Human Rights Committee made less than one year earlier, about the banning of a significant number of rallies to ensure the smooth flow of traffic, particularly in the vicinity of the President’s office, and its recommendation that ADA article 12 should be repealed or amended.⁷⁰ Furthermore, enforcement decrees can be amended by the President without the need for legislative approval, which can result in further disproportionate restrictions on the right to freedom of peaceful assembly without them being subject to parliamentary debates and procedures.

5.2.4. Stigmatization of protesters

As noted above, while the freedom of peaceful assembly as a right is solidly enshrined in South Korea’s constitution and international human rights standards, its exercise has been subject to various disproportionate restrictions. Spontaneous protests or protests otherwise deemed by the authorities to be in breach of the ADA are declared “illegal” and organizers and participants are threatened or charged with criminal offences. President Yoon, other senior political leaders and the police have shown intolerant attitudes towards peaceful protests, with particular emphasis on groups that have historically been critical of the government (such as the KCTU and progressive civil society groups).

The authorities took a particularly hardline approach after the KCTU organized an overnight rally in Seoul from 16-17 May, 2023. The rally, which took place in Cheonggye Square in the centre of Seoul,⁷¹ was attended by around 25,000 members of the construction union affiliated with the KCTU, where protesters criticized the government’s anti-union policies and called for the president’s resignation. According to media reports, the rally was peaceful, with typical noise and disruptions to traffic.

67 In February, 2023, the National Police Commission, approved a proposal to amend the ADA Enforcement Decree to strengthen the conditions for gatherings, including by “revising the scope of major roads subject to Article 12 of the ADA.” See, National Police Commission, “Results of the 508th Session of the National Police Commission,” 6 February, 2023.

68 Enforcement of the Law on Assembly and Demonstration, Enforcement Decree 34550, 4 June, 2024, as amended. The decree entered into force on 8 June, 2024.

69 See Annex.

70 HRC, Concluding Observations: Republic of Korea, 2023 (previously cited), paras 55-56.

71 See Annex.

In the following days, a series of public statements were made by the President, while the People Power Party (ruling party during President Yoon's term) and the police chief denounced the KCTU rally as "illegal" and called for stronger measures to respond to future assemblies.⁷²

In a Cabinet meeting on 23 May, 2023, President Yoon condemned the KCTU rally, stating that the government "will not ignore, turn a blind eye to, or tolerate any illegal activities," and urged authorities to "strictly enforce the law."⁷³

On 26 May, 2023, during a national police command video conference, the National Police Commissioner Yoon Hee-geun criticized the noise and traffic congestion caused by the rally and stated the police would "actively consider measures to disperse illegal gatherings and conduct swift and decisive investigations."⁷⁴

Ahead of another KCTU rally, scheduled for 31 May, 2023, Commissioner Yoon ordered a strict response by the police and warned that they should be prepared to use capsaicin spray to disperse "illegal gatherings".⁷⁵ Commissioner Yoon also suggested that water cannons—last used against protesters in South Korea in 2021— could be deployed.⁷⁶ In response, Amnesty International Korea issued a statement where it reminded the authorities of their positive duty to facilitate peaceful protests, as opposed to crackdown on protests.⁷⁷

Over the following months, the President and the police leadership proposed additional measures to further restrict assemblies. In July, the President's Office recommended that the KNPA consider strengthening enforcement and penalties for disrupting public transportation during rush hour, occupying major roads, loudspeaker noise, late-night rallies, and illegal gatherings.⁷⁸ President Yoon justified the proposals on the results of a three-week online referendum in June and July, 2023 on "Strengthening Requirements and Sanctions for Assemblies". In the online referendum,

72 People Power Party, "Highlights of the Supreme Council [Press Release]," 22 May, 2023.

73 South Korea Policy Briefing, "Remarks by the President at the 21st State of the Nation Address," [제21회 국무회의 브리핑], 23 May, 2023, <https://www.korea.kr/briefing/stateCouncilView.do?newsId=148915485&pageIndex=&startDate=2022-07-11&endDate=2023-07-11&srchWord=>

74 KNPA, "National Police Command Video Conference Held to Establish Public Service Discipline and Protect Public Rights and Interests," [공직기강 확립 및 국민 권익 보호를 위한 전국 경찰 지휘부 화상회의 개최], 26 May, 2023, https://www.police.go.kr/component/file/ND_fileDownload.do?q_fileSn=155963&q_fileId=d7b11c19-041b-45ee-9443-fbb89e4006b2

75 KNPA, "Police, Strict Response Policy for 31 May (Wednesday) Democratic Union of Korea Rally," 30 May, 2023.

76 KBS News. "Police Chief: "'Capsaicin is also used, water cannons will be discussed later'... Special promotion notice for security guards", [경찰청장 "캡사이신도 사용, 살수차는 차차 얘기"...경비경찰 특진 공고도], 31 May, 2023, <https://news.kbs.co.kr/news/pc/view/view.do?ncd=7688155>

77 Amnesty International Korea, "[Statement] We are gravely concerned about the South Korean government's response to the rallies and protests", [[성명] 대한민국 정부의 집회·시위 대응에 대한 심각한 우려를 표한다], 5 June, 2023, <https://amnesty.or.kr/65789/press-release/%ec%84%b1%eb%aa%85-%eb%8c%80%ed%95%9c%eb%af%bc%ea%b5%ad-%ec%a0%95%eb%b6%80%ec%9d%98-%ec%a7%91%ed%9a%8c%2%b7%ec%8b%9c%ec%9c%84-%eb%8c%80%ec%9d%91%ec%97%90-%eb%8c%80%ed%95%9c-%ec%8b%ac%ea%b0%81/>

78 National Suggestion Review Committee, "Results of the public participatory discussion on assemblies and demonstrations," 26 July, 2023.

participants were asked for their views on whether they supported introducing restrictive elements to the ADA that targeted certain types of rallies, including those: which take place during rush hours; which take place during nighttime; which take place near residential areas or schools; which generate excessive noise through loudspeakers. According to the results announced by the presidential office, 71% were in favour of the proposal.⁷⁹

In September 2023, the police proposed an amendment to the ADA under “Measures for Improving the Culture of Rallies”.⁸⁰ Among the proposed measures was a blanket ban on late-night rallies from midnight to 06:00. Neither the police proposal nor that of the Presidential Office was ultimately taken forward, but both are illustrative of a tendency by the authorities to create a more restrictive environment for the right to freedom of assembly in Korea.



Police use of unlawful force against protesters

An incident in November 2024, during a protest in Seoul, held in support of labour rights and criticism of President Yoon, highlighted the inadequacy of the authorities in protecting the rights to freedom of assembly and the policing of protests.

The National Workers’ Rally took place for two hours from 16:00-18:00 on 9 November on Sejong-daero, a key boulevard in Seoul that runs past Seoul City Hall and major government complexes.⁸¹ According to media reports, it was attended by an estimated 100,000 people and 20,000 police personnel, including riot police who were armed with shields and batons. Media reports suggest that the police started to cordon off the protesters when the number of participants started to swell and spilled beyond the six lanes of Sejong-daero as initially declared by the organizers. This resulted in pushing and shoving between participants and the police, with media reports of widespread injuries for both protesters and police.⁸² According to camera footage reviewed by Amnesty International, the police violently shoved protesters, pinning some down to the ground with their knees, while fully equipped with

79 Office of the President, “Let the People Have Their Say on ‘Strengthening Requirements and Sanctions for Gatherings,’” 13 June, 2023. In a related discussion run by the Office of the President, 82% of participants were in favor of the proposal.

80 Korean National Police Agency, “Promotion of ‘Improvement Plan for Culture at and Above Rallies’ to Protect People’s Rights and Establish Public Order,” 21 September, 2023.

81 See Annex.

82 Kyunghang, “Police use ‘law and order’ to disperse crowds of protesters... Growing danger amidst uncompromising confrontation,” [밀집 시위 인파에 ‘준법’ 앞세워 진압한 경찰... 타협 없는 대처 속 위험 커진다], 11 November, 2024, <https://www.khan.co.kr/article/202411111743001>

police gear.⁸³ Among those injured was a member of the National Assembly, Han Chang-min, a representative of the Social Democratic Party of Korea, who was reportedly grabbed by the neck and knocked to the ground by a police officer resulting in broken ribs and other serious injuries.⁸⁴

The police declared the rally unlawful, claiming that it had started occupying an area beyond the location specified in the notification, that participants had ignored three separate orders to disperse, and had assaulted police officers. The police arrested ten members of the labour union and one other protester, charging them on grounds of “Obstruction of Performance of Official Duties” (Article 136 of the Criminal Code).⁸⁵ The police transferred the case to the prosecutor’s office on 18 June, 2025 following an investigation of the 11 arrested personnel.⁸⁶

Amnesty International is concerned that the dispersal of this public assembly was not necessary, as the authorities failed to demonstrate that the protesters were causing serious and sustained disruption or that the assembly was no longer peaceful. Moreover, the police used excessive force against protesters, causing injuries, including some serious ones.

83 MBC News, available at: <https://imnews.imbc.com/replay/straight/666184728993.html>, 1 December, 2024.

84 Oh My News. “Police Throwing Lawmakers...’Overreacted to Stop Movement to End Regime Change’”, [국회의원 잡아던진 경찰...’정권퇴진운동 막으려 과잉진압”], 12 November, 2024, https://www.ohmynews.com/NWS_Web/View/at_pg.aspx?CNTN_CD=A0003079182

85 Oh My News. ““Even if you shouted, ‘Man fell down,’ police just pushed you back””, [“사람 쓰러졌다 외쳐도 경찰 막무가내로 밀어붙여”], 12 November, 2024, https://www.ohmynews.com/NWS_Web/View/at_pg.aspx?CNTN_CD=A0003078987&CMPT_CD=P0010&utm_source=naver&utm_medium=newsearch&utm_campaign=naver_news

86 KNPA, Response to Amnesty International’s Right of Reply, 30 June, 2025.

PUNITIVE APPROACH TO PEACEFUL ASSEMBLY: CASE OF SOLIDARITY AGAINST DISABILITY DISCRIMINATION (SADD)

“We started the subway propaganda [protest] on 3 December, 2021, and as of next Wednesday [29 May, 2024], it will be the 600th time [we have protested]. Right now, we are holding silent protests...but even if we are just doing this, [Seoul] Metro will ask us to leave between 8:10 and 8:12.”

Affiliate of SADD⁸⁷

Arbitrary restrictions on the right to freedom of assembly have characterized the response to an ongoing campaign by disability rights activists to improve access for people with disabilities to the public transport system and increase budgets to ensure disability rights.

The “Subway to Work” campaign by the disability rights group, SADD, started in December 2021. Disability rights activism in South Korea received momentum after an accident at Oido subway station 20 years prior in January 2001, in which an elderly couple with disabilities fell to their deaths following a failure of the lift they were in. Since December 2021, SADD and its supporters have staged regular protests at 8:00 every weekday morning, most notably in Hyehwa Station, the

87 Interview in person with SADD, 24 May, 2024, Seoul.

closest subway station to SADD's office.

The protests initially took the form of boarding and disembarking from subway trains, in groups of around 20 people, predominantly comprising of wheelchair users including older persons, while chanting slogans, and demanding improved services for persons with disabilities. In response to continued dispersal of peaceful protesters from subway platforms by Seoul Metro and the police, these protests took on the form of "silent protests" in which protesters stand silently on subway platforms carrying banners and posters with their demands.

Seoul Metropolitan Government-owned Seoul Metro, backed by the city authorities and the police, took a hardline against the protests, including by taking legal action against SADD, dispersing SADD protesters from subway platforms, and imposing criminal charges against them.

The response to these peaceful protests has often been disproportionate and in clear violation of South Korea's obligations under the ICCPR, as well as the UN Convention on the Rights of Persons with Disabilities (CRPD) as it pertains to a specific group of individuals. Although protecting public safety and the rights of others are legitimate aims to impose restrictions on peaceful assemblies, these restrictions must also be necessary and proportionate to the aim sought. In these specific instances, the SADD protests were peaceful and did not result in a serious and sustained disruption of the public transportation services. The restrictions imposed by the authorities, including the dispersal of the protesters, are thus disproportionate.

6.1.1. Seoul Metro's lawsuits against SADD

Since 2022, Seoul Metro has filed a number of lawsuits against SADD for damages caused to train operations. These include a lawsuit filed in November 2022 claiming 30 million South Korean won (about 22,000 US dollars)⁸⁸ in damages for disruption to subway operations caused by seven protests between 22 January, 2021 and 12 November, 2021, and another in January 2023 for over 600 million South Korean won (about 440,000 US dollars) in damages for similar disruptions.⁸⁹

The Seoul District Court issued two rounds of compulsory settlement proposals in one of the lawsuits which called for Seoul Metro to install elevators at stations lacking them by 2024, and for SADD to pay 5 million South Korean won (about 3,700 US dollars) to Seoul Metro whenever its protests delay trains for more than five minutes. Seoul Metro refused both settlement plans, issuing a public statement claiming that SADD "would continue with its protests that would cause

88 Calculation based on an exchange rate of 1 US dollar to 1,364 South Korean won on 9 June, 2025, XE currency converter.

89 Beminor, "Seoul Metro to sue SADD for 652.9 million won in damages over 'Demand for Civil Rights,'" [전장연 '시민권 요구'에 6억 5290만 원 손해배상 청구한 서울교통공사], 18 April, 2023, <https://www.beminor.com/news/articleView.html?idxno=24860>

inconvenience to passengers.”⁹⁰

6.1.2. Zero tolerance declared against SADD protests and forced dispersal of protesters

In January 2023, the Mayor of Seoul, Oh Se-hoon, declared a zero-tolerance policy towards the SADD protests and refused to accept the court’s December 2022 proposed mediation plan.⁹¹ Statements by the mayor and other political figures have called for strong responses to prevent SADD’s protests from disrupting subway operations. Such statements have often employed intimidating language, demonizing or otherwise casting SADD and other disability rights activists in a negative light, such as describing SADD as a “cartel”⁹² or its actions as “uncivilized”,⁹³ “gang law”,⁹⁴ “social terrorism”,⁹⁵ and holding the public “hostage”.⁹⁶

Since 2023, the response by Seoul Metro to preventing and dispersing SADD protests has become more forceful. In April 2023, three UN Special Rapporteurs wrote to the South Korean government expressing concern about Seoul Metro’s response to SADD’s subway protests. Among the concerns raised were reports of disproportionate force by the police towards protesters at Samgakji station on 2 January, 2023 and at Dongdaemun History and Culture Park and Seoul subway stations the following day, as well as the obstruction by hundreds of Seoul Metro employees and police of peaceful protesters from boarding trains and holding their peaceful protest at several stations on 20 January, 2023.⁹⁷ During the events at Samgakji station on 2 January, police were reported to have violently pushed and knocked over protesters, resulting in injuries to protesters, and damage

90 Seoul Metro, “Seoul Metro refuses to compulsorily settle civil lawsuit with SADD,” 2 January, 2023.

91 MoneyToday, “‘We will board within five minutes’ SADD launches its first New Year rush hour protests on line 4,” [“5분 안에 타겠다” 전장연, 새해 첫 출근길 4호선 시위], 2 January, 2023, <https://news.mt.co.kr/mtview.php?no=2023010207351699453>

92 Ha Tae-kyung, Speaking to press, 9 June, 2023, “We have identified three cartels of civil society organizations (including SADD).” [“(전장연을 포함한) 시민단체 3대 카르텔을 확인했다.”]

93 Lee Joon-seok, Facebook post, 26 January, 2023. “I am more annoyed by the peace-damaging SADD than Iran. People who use other people’s discomfort to get their way. How uncivilized.” [“나는 이란보다도 이 평화를 해치는 전장연이 제일 거슬린다. 자신들의 뜻을 관철시키겠다고 타인의 불편을 수단 삼는 사람들. 얼마나 비문명적인가.”]

94 Kwon Sung-dong, Facebook post, 12 December, 2022, “Only firm laws and principles can eradicate the ‘routinization of gang law’ and the ‘habitualization of illegality’.” [“오직 단호한 법과 원칙만이 ‘떼법의 일상화’와 ‘불법의 습관화’를 근절시킬 수 있다.”]

95 Oh Se-hoon, Facebook post, 20 December, 2023, “Blocking public transportation on the way to work is nothing less than ‘social terrorism’ that denies others the right to survive.” [“출근길 대중교통을 막는 행위는 타인의 생존권을 부정하는 ‘사회적 테러’나 다름없다.”]

96 Lee Joon-seok, Facebook post, 27 March, 2022, “The Seoul Metropolitan Police Agency and Seoul Metro should actively deploy safety personnel to ensure that millions of passengers on the Seoul Subway, whose punctuality is vital, are not held hostage by a particular group.” [“서울경찰청과 서울교통공사는 안전요원 등을 적극 투입해 정시성이 생명인 서울지하철의 수백만 승객이 특정단체의 인질이 되지 않도록 조치해야 한다.”]

97 Communication from the UN Special Rapporteur on the rights of freedom of peaceful assembly and of association; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Independent Expert on the enjoyment of all human rights by older persons, 26 April, 2023, https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28003&fbclid=IwAR2xIn5IvTEy-F-4bTfea-iZcY4V9_2DWJIQ7OCOq1sVL_KP7hPA4d7ceqU

to their wheelchairs.⁹⁸

In response, the South Korean government disputed allegations, including that “SADD is under investigation for its peaceful demonstrations”, and stated that it “criminalizes only violent and unlawful collective actions... including the obstruction of business and traffic.”⁹⁹ The government also noted that “the police are cooperating with Seoul Metro to enforce the law on the spot to prevent inconvenience to citizens due to SADD’s interference with subway operations.”¹⁰⁰ A disability rights activist, Moon Ae-lin, described the methods used to break up the protests and remove protesters from subway stations. According to Moon,

“They pull them right out [of the platform], first the non-disabled, then the disabled women, then the disabled men...”¹⁰¹

Another interviewee, Lee Hyung-sook, explained:

“The subway security guards tell the police on the platform that a person [disabled activist] wouldn’t go up, so they just grab his arms and legs and drag him out. It happens every day... They change the wheelchair operation mode and push it, and sometimes there are seven or eight security staff who lift the wheelchair and bring it to the elevator.”¹⁰²

An activist from the Public Power Monitoring and Response Team, a civil society organization, explained that failure by protesters to comply with dispersal orders can lead to arrest for violating the laws on obstruction of business, violent behaviour and other grounds. She also explained that in dispersing the protesters, the police

“grab arms and bodies and drag them out [of the station], sometimes causing people to fall in the process. Wheelchair users are also forcibly dragged away.”¹⁰³

In a meeting on 20 December, 2024, a Seoul Metro representative from the Sales Operation Planning Department told Amnesty International that Seoul Metro repeatedly broadcasts dispersal warnings to the activists, and that the protests constituted violations of Articles 48, 49, and 50

98 Communication from the UN Special Rapporteur on the rights of freedom of peaceful assembly and of association; the Special Rapporteur on the rights of persons with disabilities; the Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Independent Expert on the enjoyment of all human rights by older persons, (previously cited).

99 Permanent Mission of the Government of the Republic of Korea letter to Office of the High Commissioner for Human Rights, ref: KGV/11-/2023 23 June, 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37578>

100 Permanent Mission of the Government of the Republic of Korea letter to Office of the High Commissioner for Human Rights (previously cited).

101 Interview in person with Moon Ae-lin, 18 November, 2024, Seoul.

102 Interview in person with Lee Hyung-sook, 20 November, 2024, Seoul.

103 Rang Hee, activist, email to Amnesty International, 8 August, 2024.

of the Railway Safety Act. They also said the dispersal measures were being taken in general to prevent safety incidents, alleging that when trains stop at platforms, protesters often engage in dangerous behaviour, such as sticking their arms inside trains to prevent the doors from closing or trying to scuffle with the subway security guards.¹⁰⁴ On 14 and 22 January and 13 February, 2025, representatives from Amnesty International Korea monitored protests by SADD at Hyehwa Station, where SADD holds daily morning protests. On 14 January, Amnesty International Korea witnessed the police physically remove at least a dozen protesters who were taking part in a silent protest on the platform. As the protest began at 8:00, Seoul Metro started broadcasting repeated announcements over the public address system and loudspeakers warning that the protests were “illegal” and threatened “legal consequences” if participants did not leave the station. The protesters indicated that they would leave voluntarily.¹⁰⁵ However, Seoul Metro security personnel and police officers surrounded them and immediately removing them from the platform one by one, by grabbing their arms and legs, or in the case of those in wheelchairs, physically manipulating their wheelchairs.

Based on the observations on 14 January, Amnesty International believes that in this instance Seoul Metro and the police employed excessive force to disperse peaceful protesters, predominantly people with disabilities, most of whom were older persons, who posed no evident risk to public safety, or caused visible disruption to passenger traffic or subway train operation during the course of the protest. Indeed, these peaceful protesters should not have been dispersed in the first place.

Figure 1: Security personnel pin a SADD protestor to the ground (14 January, 2025)



Figure 2: Security personnel forcefully manipulate a SADD protestor’s wheelchair, dragging him from the elevator (14 January, 2025)



104 Amnesty International, meeting with Seoul Metro, 20 December, 2024, Seoul.

105 In response to Amnesty International’s analysis, Seoul Metro indicated in its response to the Right of Reply that the “protestors insisted on performing the ‘die-in’ protests and did not comply with the dispersal requests”. (Seoul Metro, Response to Amnesty International’s Right of Reply, 30 June, 2025.) However, Amnesty International observed that the ‘die-in protests’ cited by Seoul Metro actually occurred as a reaction to the forced dispersals initiated by Seoul Metro. This challenges the causal explanation presented by Seoul Metro and differs from Amnesty’s findings.

Two staff from Amnesty International Korea monitored the protests again on 22 January, 2025 at Hyeonhwa Station, where around 300 protesters attended, many more than usual because it was the anniversary of the Oido lift disaster in 2001. On this day, Seoul Metro security personnel used their shields to form a cordon, which was replaced with taped police lines after a legislator intervened. Both the police and Seoul Metro made repeated loudspeaker announcements stating that the protest was “illegal” and the protesters should leave the station. However, they did not intervene to disperse the protest which was permitted to continue peacefully for approximately one hour, after which the protesters dispersed on their own will.¹⁰⁶ The protest observed on 13 February, proceeded in a similar way, albeit in a much smaller scale compared to previous instances. Fewer than ten people took part in that day’s protest, in contrast with approximately 50 personnel from Seoul Metro and the police.¹⁰⁷

Amnesty International made two telephone calls to a staff member from the Business Strategy Department at Seoul Metro to inquire about the reasons for the more restrained response to the protests on 22 January. In response, the official explained that the existing guidelines remain in effect and that if the protesters’ behaviour is deemed to be in violation of the Railway Safety Act (on which the guidelines are based), they will still be subject to dispersal. However, the official said that Seoul Metro will lower its response level provided that these protests do not pose a danger or disrupt train operations.¹⁰⁸

Regarding the role of the police in supporting Seoul Metro’s management of SADD protests, the KNPA responded to Amnesty International Korea’s inquiry that it was “responding on the ground in accordance with the law and principles, in accordance with relevant laws and regulations, such as the Law on Assemblies and Demonstrations and the Law on the Execution of Police Officers’ Duties, with due regard for human rights and safety.”¹⁰⁹ However, the response did not elaborate on how the police decided to apply the abovementioned laws in the context of SADD protests, nor did it specify what measures the police have taken to ensure that human rights and safety of all persons were protected during the policing of the protests.

While Amnesty International notes that the police did not proceed to disperse the peaceful protest organized by the SADD on 22 January, concerns regarding dispersal and use of force in the context of future protests remain as it does not appear that the authorities have substantially amended their policies regarding public assemblies and the enjoyment of the right to peaceful assembly by marginalized groups, including people with disability.

106 Observations made by Amnesty International, 22 January, 2025.

107 Observations made by Amnesty International, 13 February, 2025.

108 Amnesty International, voice call with Seoul Metro, 21 and 23 January, 2025

109 Korean National Police Agency, “Response to Inquiry,” 16 January, 2025.

6.1.3. Criminalization of protesters

As of 1 May, 2025 the police have arrested at least 26 SADD activists from 20 November, 2023 to 31 December, 2024, for participating in the “Subway to Work” protests. Most of those are charged with clauses under the Railway Safety Act, while others have been charged with disruption and obstruction of official business.¹¹⁰ In its response to the OHCHR, the Government of the Republic of Korea noted: “The main charges of SADD under investigation are that they committed violent and illegal criminal acts clearly against the current legal order, including holding an unreported illegal assembly, multiple illegal road occupations outside the scope of a legal assembly and interference with subway operations, violence against public officials performing their public duties, and trespassing on public offices... The legal grounds for the above investigations and charges are the Criminal Act, the Assembly and Demonstration Act, and the Railroad Safety Act.”¹¹¹

Park Kyung-seok, SADD’s representative, was also subject to various criminal charges for his participation in a number of protests in subway platforms and bus stops. In March 2025, the Supreme Court upheld a conviction against Park for holding an “unreported illegal assembly” on 8 April, 2021, interrupting bus operation in the process.¹¹²

Among those arrested and facing criminal prosecution are Lee Hyung-sook, SADD’s co-representative and a wheelchair user, who regularly held a silent protest on a platform at Hyeehwa subway station. On 11 March, 2024, police arrested and subsequently detained Lee at a police station for “interference with business” under the criminal law (Article 314). According to an official from Seoul Metro who was present at the incident, Lee refused to comply with repeated requests to leave and, as she was being physically removed, she hit a female police officer in the face.¹¹³ In an interview with Amnesty International Korea, Lee explained that she had no intention of assaulting the officer, but as she was struggling to free her electric wheelchair from forceful manipulation, she accidentally struck one of the police officers. She told Amnesty International Korea that the police had used more force than was necessary to remove her and that she had suffered injuries as a result. In her words:

“... they kept grabbing my shoulders, completely on both sides, and if I tried to get them down, they’d bend my arm, so I had to call an ambulance to go to hospital.”¹¹⁴

The Hyeehwa Police Department applied for an arrest warrant against Lee, but the court denied

110 SADD, <https://sadd420.notion.site/84fb8e5fdd9d4183b84a892a5a058763>, accessed 1 April, 2025.

111 Permanent Mission of the Government of the Republic of Korea letter to Office of the High Commissioner for Human Rights, ref: KGV/11-/2023, 23 June, 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=37578>

112 Korean Legal News, “[Ruling] Park Kyung-seok of SADD convicted... ‘Highly dangerous and caused inconvenience to citizens’”, [[판결] 박경석 전장연 대표 유죄 확정... “위험성 높고 시민 불편 초래”], 18 March, 2025. <https://www.lawtimes.co.kr/news/206410>

113 Amnesty International, meeting with Seoul Metro, 20 December, 2024, Seoul.

114 Interview in person with Lee Hyung-sook, 20 November, 2024, Seoul.

the arrest warrant based on its assessment that it is unlikely the “defendant would flee or destroy evidence.”¹¹⁵

Amnesty International is concerned that Seoul Metro and the police often resort to unnecessary measures against SADD and its members, declaring their peaceful protests as illegal under domestic law, using excessive force to break them up, and arresting and prosecuting protesters under criminal law. Such actions by the authorities violate the rights to freedom of peaceful assembly and expression, as well as the principle of non-discrimination, which are stipulated in international human rights standards including the UN Convention on the Rights of Persons with Disabilities (CRPD) and the UN Convention on Civil and Political Rights (ICCPR), to which South Korea is a party to.¹¹⁶ Cumulatively, these hardline measures appear to be aimed at preventing SADD members and their supporters from exercising their right of freedom of assembly, including by the misuse of criminal law.

As the Human Rights Committee stressed, the right of freedom to assembly holds particular importance to marginalized individuals and groups.¹¹⁷ Given that people with disabilities in Korea continue to face social and economic barriers, it is important for the authorities — particularly Seoul Metro, Seoul Metropolitan Government, and the KNPA — to fulfil their roles to protect and facilitate peaceful protests for everyone, including people with disabilities.

115 KBS News, “Seoul Central District Court dismisses arrest warrant for a SADD activist on charged with ‘assaulting a police officer’”, [서울중앙지법 ‘경찰 폭행 혐의’ 전장연 활동가 구속영장 기각], 13 March, 2024. <https://news.kbs.co.kr/news/pc/view/view.do?ncd=7912921>

116 Convention on the Rights of Persons with Disabilities (CRPD), UN document number A/RES/61/106, 13 December, 2006. Article 21 specifically calls on States to “take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice.” In addition, ICCPR Article 26 stipulates that “the law shall prohibit an discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

117 HRC, General Comment 37 (previously cited), para. 2.

CONCLUSION

The right to freedom of peaceful assembly can only be restricted to achieve a legitimate aim, such as public safety or the protection of the rights and freedoms of others. Any such restriction must be prescribed by law and be both necessary and proportionate to achieve the aim sought. Moreover, these restrictions must respect the principle of non-discrimination. These principles are fundamental to the freedom of peaceful assembly and are firmly grounded in international human rights standards and apply to all States — of which South Korea is no exception.

Disproportionate restrictions on the right to freedom of peaceful assembly have become increasingly apparent since the inauguration of President Yoon in May 2022. The police have frequently issued prohibitions or disproportionate restrictions on peaceful assemblies, invoking key provisions of the ADA.

The Seoul Metropolitan Government, Seoul Metro, and the police have used force excessively on many occasions to disperse peaceful protesters who should have been allowed to exercise their right to freedom of expression and peaceful assembly in the first place. Police play a key role in facilitating peaceful protests and ensuring that protesters can exercise their rights. However, dispersing public assemblies should be a measure of last resort, which police make use of in instances where a public assembly is no longer peaceful, such as when violence is serious and widespread among protesters, or when it causes serious and sustained disruption.

Everyone should be able to enjoy the rights to freedom of expression and peaceful assembly and government authorities should take an active role in respecting, protecting and fulfilling these rights without discrimination. In particular, the police, who are responsible for enforcing the law on the ground, should take a human rights-compliant approach by recognizing that assemblies are not a nuisance that should be restricted or prohibited, but rather a means of exercising human rights.

RECOMMENDATIONS

Amnesty International reiterates the recommendations of its previous reports on freedom of assembly in South Korea, and recommends new changes to be implemented by the authorities in light of relevant developments in the country.

To South Korean government:

- Undertake a comprehensive revision of the ADA to bring it into line with South Korea's obligations under international human rights law, including:
 - Amend Articles 10, 11 and 12 of the ADA to remove the blanket prohibition on assemblies based on time, location, or impact on traffic. Ensure that assemblies are not pre-emptively banned solely because they may disrupt traffic or economic activities.
 - Amend Article 20 of the ADA to ensure that the dispersal of assemblies is strictly permitted only in clearly defined exceptional circumstances.
 - Amend Article 22 of the ADA to ensure that no assembly participants and organizer, including human rights defenders, older persons and persons with disabilities, are criminalized for peacefully exercising his/her rights to freedom of peaceful assembly, nor subjected to threats or use of violence, harassment, persecution, intimidation or reprisals.

- Specify the role of government authorities in promoting the right to peaceful assembly;

- Ensure the full enjoyment of the right to freedom of peaceful assembly, in particular by enshrining in law a presumption in favour of holding such gatherings;

- Allow for notification exceptions for spontaneous and urgent gatherings.

- Do not automatically declare an entire assembly unlawful if the organizers do not comply with notification requirements or if only some participants engage in violent acts, the latter of which should only warrant targeted arrests without dispersal of the whole assembly;

- Ensure that any use of physical force by the police during an assembly meets the necessity and proportionality requirements;

To Seoul Metro:

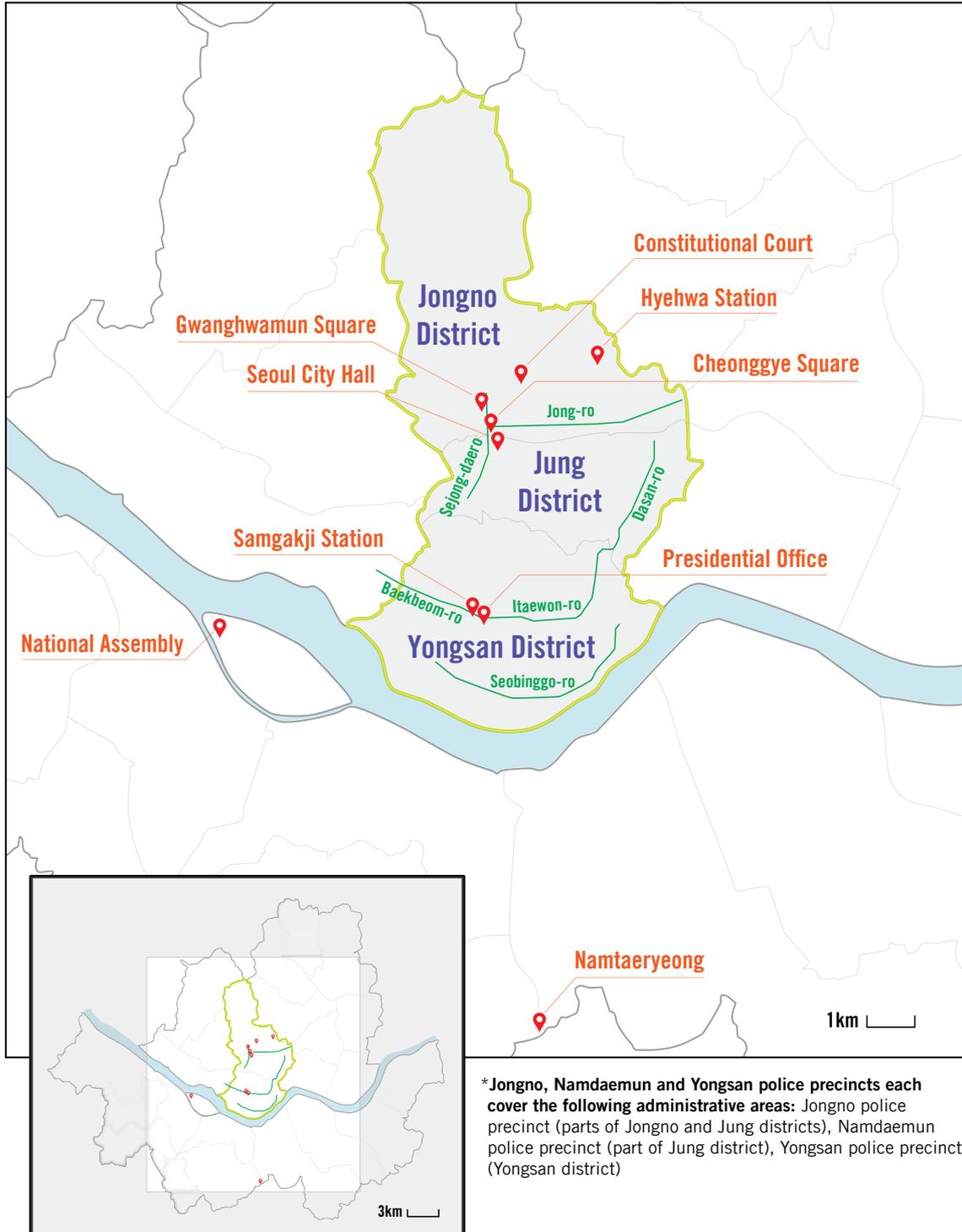
- Do not automatically declare an entire assembly held inside the platform unlawful and disperse it solely on the basis of domestic law, especially if the assembly is peaceful.
- Drop ongoing lawsuits against SADD and all organizers of peaceful assemblies.

To Seoul Metropolitan Government:

- Take proactive steps to ensure that Seoul Metro facilitates the right to peaceful assembly for SADD and all other personnel who have declared peaceful intent.

ANNEX

Key locations in Seoul



Right of the People, Duty of the State

Freedom of Peaceful Assembly in South Korea

This report reveals how South Korea's legal framework and policing practices fail to adequately protect the right to peaceful assembly in line with international human rights standards. From 2022 to 2024, authorities imposed sweeping bans and vague restrictions that limited assemblies solely based on their lawfulness under domestic law. Peaceful protests were dispersed or otherwise banned pre-emptively, and organizers faced criminal charges. Marginalized groups, including disability rights activists, were disproportionately at risk for raising their voices.

This report calls on the South Korean government to immediately undertake reforms in law and practice, align national laws with international human rights standards, and ensure that policing facilitates peaceful protests and enables people to freely exercise this right.

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