

Report of the National Human Rights Commission of Korea
Submitted to the UN CEDAW Pre-sessional Working Group
On the List of Issues in relation to the 8th Review of the Republic of Korea

Contents

- Introduction
- Issue 1: The absence of an anti-discrimination law
- Issue 2: Women’s representation, the lowest among OECD nations
- Issue 3: Women’s employment and women irregular workers
- Issue 4: Gender wage gap.....
- Issue 5: Domestic violence
- Issue 6: Sexual harassment in the workplace
- Issue 7: Sexual harassment in schools
- Issue 8: Misogyny
- Issue 9: Online sexual violence
- Issue 10: Prostitution
- Issue 11: Abortion

Introduction

1. The National Human Rights Commission of Korea (“NHRCK”) hereby submits this report to the Pre-sessional Working Group prior to the 8th Review of the periodic report of the Republic of Korea by the Committee on the Elimination of Discrimination against Women (“CEDAW”).

2. As an independent human rights institution, and by presenting these 11 issues, the NHRCK wishes to provide the Working Group with impartial opinion and information for reference in preparing the List of Issues.

Issue 1: The absence of an anti-discrimination law

Current situation

3. The NHRCK recommended the Government to enact an anti-discrimination law on 7. 24. 2006, however, the Government proposal was not adopted at the end of the 18th session of the National Assembly. The bill was brought before the National Assembly on motions by several members of the National Assembly, but it never passed while no Government proposal was made. The NHRCK has again recommended the Government to enact a comprehensive anti-discrimination law when the Commission made a recommendation on the third National Action Plan for the Promotion and Protection of Human Rights (“NAP”, 2017~2021) in July 2016. In addition, the Human Rights Committee expressed concern and made recommendations as follows after the review of the fourth periodic report by of the Republic of Korea in November 2015.

- a. “While noting the existence of a number of individual laws prohibiting specific forms of discrimination, the Committee is concerned that comprehensive anti-discrimination legislation is lacking. It is particularly concerned about the current lack of legislation defining and prohibiting racial discrimination and discrimination on the grounds of sexual orientation or gender identity.” (para. 12)
- b. “The State party should adopt comprehensive anti-discrimination legislation, explicitly addressing all spheres of life and defining and prohibiting discrimination on any ground, including race, sexual orientation and gender identity. The legislation should impose appropriate penalties for direct and indirect discrimination committed by both public and

private entities, and should provide for effective remedies.” (para. 13)

Question

4. Please provide the Government’s position and plans with regard to the NHRCK’s recommendation on the third NAP to enact a comprehensive anti-discrimination law.

Issue 2: The lowest women’s representation among OECD countries

Current situation

5. The Republic of Korea comes in the 116th place out of 144 countries according to the Global Gender Gap Report 2016 published by the World Economic Forum. The Economist’s Glass-Ceiling Index, evaluating overall scores including women’s higher education, women in managerial positions, and the number of female members of parliament, also shows that the Republic of Korea comes at the lowest among 29 OECD countries scoring 25 points out of 100.

6. While women actively participate in many aspects of society, women’s representation in the public sector still remains low. The Republic of Korea comes in the 106th place in the “Women in Parliament” index by the Inter-Parliamentary Union with 17 percent representation of women in the National Assembly in 2016, although the number is higher than that of 15.7% in 2012. In August 2016, the women’s representation in the National Assembly was lower than the global average, 22.8 per cent, by more than 5 per cent and in need of continuous efforts. The issue of women’s low representation is even worse in local elections, and the number of women elected in the 2014 nationwide local elections was only 8.2 per cent. However, in the municipal council elections, the number of women elected was 274 out of total 1,152 in 2010 representing 10.9 per cent, and continued to increase to up to 14.6 % in the 2014 local elections; nevertheless, the representation is still below the proportion of women in the National Assembly (Election Statistics System, National Election Commission).

7. According to the Statistical Yearbook (2016) of the Ministry of Personnel Management, the proportion of female public officials accounts for almost half, 49.4 per cent, however, the proportions of female officials in influential positions remain very low. The figures of female officials in Level 4 or higher positions were 11.3%, in Senior Executive Services 3.4 per cent, and in political services 7.1

per cent, nine out of 126 positions, respectively. The proportion of female officials in local public offices was 12.1 percent with a very low representation in the higher positions.

8. While the NHRCK recommended the chief of the National Police Agency to increase the number of female students (September 2014), pointing out that the maximum 12 per cent quota for female students was an excessive restraint, the National Police Agency has taken no measure to address the issue. The Agency also restricted the number of female freshmen to 12 per cent in 2017, and the Police Statistical Yearbook 2015 showed that female police officers were concentrated in the junior ranks, representing 81 per cent, including the positions of sergeant, corporal, and constable.

9. In the education sector, where women's participation has traditionally been higher than other sectors, the rate of female teachers in elementary, middle and high schools reached 66.7 per cent (Education Statistical Service, 2016); however, the glass ceiling is still thick for women with the rates of women principals of elementary schools stand at 28.7 per cent, that of middle schools at 23.2 per cent, and that of high schools at only 9.5 per cent (Ministry of Gender Equality and Family, 2016). The gender gap becomes even greater at universities, and the proportion of female professors remained only at 14.2 per cent at public/national universities (Ministry of Strategy and Finance, 2015).

Questions

10. What are the Government's detailed goals and plans with respect to the very low proportions of female public officials in Grade 4 or higher and in Senior Executive Services to address the gender imbalance in the public sector despite the introduction of the 'Quota System for Female Managers at Public Organizations'? Please also provide the details statistics including the proportions and numbers of female chiefs of section and directors in each public organization.

11. While the Republic of Korea is considered an advanced country in terms of its economy, women's social status does not correspond with its economic scale as the glass ceiling prevents Korean women from actively participating in all aspects of society. Please provide data on whether the Government has established gender-balanced policy based on women in leadership positions and women managers in the public sector including public organizations.

Issue 3: Employment of women and women irregular workers

Current situation

12. The last administration set up the ‘Employment Rate 70% Roadmap’ and carried out various policies including ‘Lifecycle Career Management Support Plan for Female Workers’ as a major government project with an aim of increasing women’s employment rate by ten per cent point. However, the result was proven insufficient. The rate of increase in women’s employment has remained only at 2.3 per cent point in 2016 and it has been much lower than the rate of increase in men’s employment at approximately 20 per cent point since 2013. The employment rate for women came in the 29th place out of 35 OECD member countries in 2015.

<Table 1> Employment rates by gender (Ages 15~64) since 2011

(Unit: %)

Gender/Year	2011	2012	2013	2014	2015	2016. 11.
Men	74.5	74.9	74.9	75.7	75.7	75.8
Women	53.1	53.5	53.9	54.9	55.7	56.2

(Source: Economically Active Population Survey, National Statistical Office, 2016)

13. The rates of employment between the ages 20 and 29 for both men and women are similar at around 59 per cent; however, the gender imbalance becomes greater at an alarming rate after the age 30. This is believed to be due to women’s career break for the childbirth and child care reasons. The rate of employment for men in the 30s increases rapidly to 90 per cent. On the contrary, the rate of employment for women in the 30s decreases, and then increases again in the 40s displaying the M shape. However, the jobs for women in the 40s are mostly irregular positions and low-quality jobs compared to the jobs they had in the 20s or jobs for men.

14. Particularly, the low economic participation of highly-educated women raises a serious problem. The college entrance rate among women was higher (74.6 per cent) than men (67.6 per cent) in 2015, and more women than men entered both two-year junior colleges and four-year universities. According to the ‘Statistical Yearbook of Education’ (2016) by the Korean Educational Development Institute, the rate of women’s tertiary education (higher education from junior college and above) is the highest among the OECD member countries. Although the employment rate of highly-educated women changed from the L shape in 2011 to the M shape in 2015, their return-to-work rates are lower

than that of women with high school education, and the time of their return is also different. Women with university education return to work in their late 30s or early 40s, quicker than women with high school education, and the employment rates after the age 40 are similar among the two groups. However, the employment rate in their 20s and 30s of women with university degrees are lower than that of those with high school degrees.

15. The ‘Economic Survey of Korea’ (2016) published by OECD diagnosed the issues of women’s employment and made recommendations as below.

- a. “The labor market is segmented into regular and non-regular workers, who earn only 62% as much per hour as regular workers, boosting inequality and relative poverty. Women account for a disproportionate share of non-regular workers, thus discouraging female employment.” (p.12)
- b. “The employment of women is constrained by the limited take-up of maternity and parental leave and the availability of high-quality childcare. Career breaks for women widen the gender wage gap, which is the largest in the OECD.” Thus, it’s recommended to “Increase the take-up of maternity and parental leave systems by enforcing compliance and raising the benefit level for parental leave. Enhance childcare quality by making accreditation mandatory and strengthening competition.” (p.13)

16. The analysis of the rates of irregular workers as an indicator to judge the quality of work in the society at large shows that the gender gap among irregular workers has narrowed since 2011, but widened again in the first half of 2016 to the rates similar to those of 2012.

<Table 3> Rates of irregular workers by gender

(Unit: % p)

Gender/Year	2011	2012	2013	2014	2015	2016.6.
Total	34.2	33.3	32.6	32.4	32.5	32.8
Men	27.8	27.2	26.5	26.6	26.5	26.4
Women	42.8	41.5	40.6	39.9	40.2	41.0
Gender gap	15.0	14.3	14.1	13.3	13.7	14.6

(Source: Additional Survey by Work Types, Economically Active Population Survey, National Statistical Office, August 2016)

17. The rate of women irregular workers is decreasing. Nevertheless, among women workers, the rates of those receiving below minimum wages or short-time workers with less than 15 working hours per week have not changed in the past ten years. In 2015, the rates of women irregular workers and women workers receiving below minimum wages decreased over the previous year, but the rate of women workers working less than 15 hours per week has increased. In 2015, out of 100 women workers, 40.2 of them held irregular positions while 11.8 of them receiving below minimum wages and 4.9 of them engaged in short-time work positions.

Question

18. Despite the various policy efforts to increase women's employment rate, many indicators prove that the efforts had minimal effect. As fundamental review is needed with regard to the policy on women's employment, please provide in detail the Government's position, assessment and future finance plans on this.

Issue 4: Gender wage gap and women's low payment

Current situation

19. While Korean women experience a wide range of discrimination in the labor market, the most problematic issue is gender wage gap. The OECD presented in 2016 that the Republic of Korea was one of the countries with the worst gender wage gap in 2014. Since 2000, where the OECD has started presenting relevant statistical information, the Republic of Korea has been placed in the first place with the biggest gender wage gap. The average gender wage gap among OECD nations, calculated based on the median wage among full-time male workers, was 15 per cent in 2014 while the figure was 37 per cent for the Republic of Korea. The rate has decreased by 3 per cent point from 40 per cent in 2004. However, countries with less gender wage gap than Korea such as the U.K., Switzerland, Belgium, and Iceland have shown decrease in the gap by 6 per cent point for the past ten years. Japan, with the third highest gender wage gap among OECD nations, also showed decrease by 5 per cent point from 2004.

20. The Republic of Korea has the highest rate of low-wage women workers among OECD nations. In 2014, the rate of Korean women workers who received two thirds of median wage was

21.8 per cent, and it was the highest rate out of 22 countries. While the rate of low-wage workers has decreased by 4.54 per cent point during the past ten years, the rate is still one of the highest among other nations.

22. Korea's gender wage gap reflects the hierarchical structure in the labor market where more women are concentrated in low-wage positions than their male counterparts. According to an article 'Scale and Current Situation of Irregular Workers: Additional Survey in the Economically Active Population Survey' by the National Statistical Office (March 2016), in 2016, monthly wage for women was 1,760,000 won and for men was 2,920,000 won while monthly wage for irregular workers was 1,510,000 won and regular workers was 3,110,000 won. Supposing that male regular worker's monthly wage 3,500,000 won as 100, male irregular workers received only 52.6 per cent (1,840,000 won), female regular workers 68 per cent (2,380,000 won), and female irregular workers 35.4 per cent (1,240,000 won), showing wide disparity according to the employment type.

23. In terms of hourly wage by gender and employment type, in March 2016, male workers received 16,055 won per hour while female workers received 10,512 won, regular workers receiving 16,985 won, and irregular workers receiving 9,291 won. Supposing that male regular workers receive 100, male irregular workers received its 55.5 per cent, female regular workers 69.5 per cent, and female irregular workers 43.2 per cent respectively.

Questions

24. Please provide the reasons behind the continuous gender wage gap while the institutional tools are in place including the prohibition of gender discrimination in employment and the rule of 'Equal Pay for Equal Work' stipulated in the Equal Employment Opportunity and Work Family Balance Assistance Act.

25. Please provide in detail what measures are in place by the Government to address the worst gender wage gap among OECD nations and what alternatives and efforts should be made by private corporations. Particularly, please provide the Government's position and concrete measures to achieve the 'Gender Equality Wage Public Announcement System' demanded by women's groups.

Issue 5: Needs to strengthen penalty for domestic violence

Current situation

26. The last administration defined domestic violence as one of the four social evils and made pledges to create a safe society by providing a comprehensive countermeasures. However, home protection cases have risen by 376.9 per cent during the past ten years (2006~2015) according to the ‘White Paper on Crime’ published by the Institute of Justice in 2016.

27. While it is analyzed that the increase in domestic protection cases is the result of active reaction by investigative agency, when looking at the outcome of proceedings, it is hard to hold confidence whether domestic violence is considered as crime and dealt with accordingly. The same data reveals that out of 16,868 home protection cases, 7,319 cases (43.4 per cent) were subject to non-punishment in 2015 showing a big increase from 31.8 per cent in 2006. The high rate of non-punishment brings into question whether the victims receive *de facto* protection given that 84.4 per cent of all cases are the charges of injury or assault.

28. The Government’s lax attitude on the crimes of domestic violence affects the victims to less likely to ask for help from police. The ‘2016 Fact-finding Survey on Domestic Violence’ announced by the Ministry of Gender Equality and Family shows that only 2.8 per cent of the female victims of domestic violence reported the case to the police.

29. The reason behind these female victims not resorting to the official support system could be attributed to their judgment that the support for victims or outcomes of proceedings does not guarantee *de facto* assistance or protection for them, not because their damages are not severe enough to be reported. According to the data from the Ministry of Justice and others, in 2016, indictment rates for domestic violence stands only at 8.5 per cent and arrest rates only at 0.9 per cent.

30. Three major causes could be attributed to the tendency of non-punishment of crimes of domestic violence. First of all, domestic violence cases are forwarded as home protection cases based on the object clause in the ‘Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence’ (38.2 per cent in 2016). Secondly, the introduction and enforcement of the ‘Suspension of Indictment on Condition of Counseling’ system allows the assailants to be exempted from obligation. Thirdly, Article 9 of the ‘Act on Special Cases Concerning the Punishment, etc. of

Crimes of Domestic Violence’ defines ‘the Crime not prosecuted against Objection of the Victim’ and this shifts all the responsibility of decision making on punishment or non-punishment of assailants onto the victims under the name of respecting the victims’ wishes.

Questions

31. Please provide evidentiary materials and the rationality of the system how maintaining the object clause in the ‘Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence’ and the introduction and enforcement of the ‘Suspension of Indictment on Condition of Counseling’ system contributes to the decrease, prevention and eradication of crimes of domestic violence.

32. Please provide policy alternatives by the Government on domestic violence and measures to address its root causes and to improve the current situation.

Issue 6: Sexual harassment in the workplace and military

Current situation

33. According to the NHRCK, 38 cases received *de facto* remedy out of total 173 complaint cases on sexual harassment.

<Table 6> Outcomes of sexual harassment cases received and investigated by the National Human Rights Commission of Korea in 2016

Total	Remedy (Citation and Settlement)							Non-citation				
	Subtotal	Recommendation	Recommendation of disciplinary action	Mediation	Request for investigation	Accusation	Termination of case upon agreement	Settlement during investigation	Subtotal	Dismissal	Transfer	Rejection

							ment					
17 3	38	16	3	4	1	1	4	9	135	114	2	19

34. Sexual harassment, mostly perpetrated by one’s employers or superiors at work by abusing the power relationship, is widely known to cause severe psychological and economic damages to the victims including having to receiving psychiatric treatment and/or leaving the work place involuntarily as a consequence. In one case, the NHRCK has gave a comprehensive consideration that included the location, time, subject of conversations and the adverse effect to the work environment (the victim resigned) and ruled it as a sexual harassment case where sexually derogatory expressions were made on the online instant messenger within the workplace (2016).

35. According to the fact-finding survey conducted by the NHRCK in 2012, a considerable number of servicewomen experienced direct sexual harassment in the past year (11.9 per cent, 102 persons), recognized sexual harassment damages being perpetrated against fellow servicewomen (41.3 per cent, 355 persons), or acknowledged the occurrence of sexual harassment (17. 2 per cent, 148 persons), all of which proved that sexual harassment still took place in the military. The seriousness of sexual harassment in the military is attributed to the facts that sexual violence and harassment can take place anywhere and any moment, not in particular places or settings, and that the military organization emphasizes on the hierarchy by ranks in addition to the closed-nature of the organization.

36. In the above-mentioned survey, 34 per cent of servicewomen who experienced discrimination stated that they would choose to suffer and tolerate the problems since there would be no change in sight even after raising the issue. Also, 38.2 per cent of 338 servicewomen who experienced unwanted sexual remarks responded that they did not react at all on the scene or raise the issue afterwards. Only 5.2 per cent of these servicewomen reported the instances to the Sexual Harassment Trouble Counselor or Human Rights Counselor. These servicewomen believed that the confidentiality would not be guaranteed if they had chosen to report the cases, and there was clear limitation as to the counseling and settlement of the issues since these systems were under the influence of military chain of command, resulting in the servicewomen’s little expectation in the official countermeasures in the military.

Question

37. Due to the closed-nature of the military organization, many servicewomen are skeptical about taking the problems to outside the military and finding solutions, including filing complaints or gathering signatures. However, it is deemed necessary to take an open approach to cooperate with external agencies and organizations in order to find an effective solution. Please provide the Government's detailed plans on sexual harassment and violence in the military against servicewomen.

Issue 7: Sexual harassment in elementary, middle and high schools

Current situation

38. According to the fact-finding mission by the NHRCK presented during the forum on the sexual harassment in schools and counter measures in 2015 (2015:33-50), the rate of sexual violence cases that took place within elementary, middle and high schools was 47 per cent, and among those cases, 25 per cent of the cases were the sexual harassment cases perpetrated by teachers against students. More cases took place in middle and high schools than elementary schools. One of the main characteristics of the complaint cases was the relatively low number of cases filed with the NHRCK; in other words, student victims had trouble in fighting for the protection of their rights as they had to file complaints against their teachers and continue to engage in the investigative processes. In addition, most cases were filed by a third party, which showed the student victims' needs for external support. The types of harassment varied from verbal harassment to indecent act by force as stipulated in the Criminal Code; moreover, it was also proved that the structural power relationship in schools was one of the reasons behind the many sexual harassment cases as the perpetrators included teachers at the managerial levels such as principals, vice-principals, and chiefs of teachers. It was also exposed that many cases of sexual harassment took place in the processes and/or forms of student guidance or disciplinary actions, and measures against the perpetrators were minimal.

39. Sexual assault or harassment by teachers against students may exhibit different aspect than that of other cases of sexual assault or harassment against child or adolescents. In the study by et. al (2001), 18.3 per cent of all student respondents said that they had experiences sexual harassment, and among those cases, 7.8 per cent of them were perpetrated by teaching staff. In the study by Yeon-

Suk Song (2002), 68 per cent of respondents have experienced sexual harassment and 12.7 per cent of the all perpetrators were teachers.

Question

40. Sexual harassment cases in schools have a higher chance to be concealed and covered up within the school, as the handling process relies on decisions by the heads of the school. While the student victim needs to be able to easily receive counseling and report the case to tackle the harassment, in reality, these reactions are difficult based on the fear of their names being leaked or unfair treatment in the school. Sexual harassment by teachers is also school violence, however, processes for the sexual harassment cases and school violence cases are conducted separately on two tracks, making it difficult to handle the problem. Please provide the Government's measures to address sexual harassment in schools and ways to prevent "secondary damage" against the student victims.

Issue 8: Misogyny

Current situation

41. The issue of hate crimes including misogyny became a national issue after the killing of a woman near Gangnam Station in May 2016. Following this incident, the NHRCK conducted a 'Fact-Finding on Hate Speech and Countermeasures' in 2016 and the National Assembly also made legislative efforts, although no legislation has been enacted. Currently, the only law that regulates hate speech is the 「Act on the Prohibition of Discrimination against Persons with Disabilities, Remedy against Infringement of their Rights, etc.」 (Article 32 (Prevention of Harassment)).

42. According to the above-mentioned fact-finding survey by the NHRCK, all respondents including women, persons in sexual minority groups, disabled persons and migrants felt fear of misogyny, feared that they might be the target of hate crime, and even concealed their identity in some cases, and over half of the respondents said that they did not know how to deal with both online and offline misogyny/hate crimes.

<Table 7> Fear of Misogyny

(Unit: %)

Groups / Levels of fear	Not at all	Not much	To a certain degree	Very much
Women	16.8	19.2	49.0	14.9
Sexual minority groups	4.7	10.5	52.2	32.5
Disabled persons	8.0	21.5	45.5	25.0
Migrants	27.0	20.6	33.3	19.0

Question

43. Please provide the analysis of current situation by the Government and any measures to address the serious misogyny/hate crime issue in the Korean society.

Issue 9: Online sexual violence

Current situation

44. The Republic of Korea is no exception when it comes to the sexual harassment or assault on the Internet including Social Network Sites that are being reported worldwide. In the cases of online sexual assault, it is difficult to directly confirm the damage as the assaults are perpetrated secretly in many cases. Countermeasures are needed since the current law does not allow legal punishment.

45. According to the 「2016 Crime Analysis」 by the Supreme Prosecutor's Office, the online sexual assaults such as the 'Crime of Obscenity Using Telecommunication Medium' and 'Crime of Taking Photos Using Cameras (known as "hidden camera crimes")' have significantly increased in the past ten years while the rates of rapes and indecent acts by force have not had notable changes in numbers. Particularly, the 'Crime of Taking Photos Using Cameras' have increased most dramatically from 3.6 per cent of all sexual violence cases in 2006 to 23.9 per cent in 2015, showing a sevenfold increase in the past ten years.

46. Despite the high rate of crimes, the ‘Crime Statistics’ by the National Police revealed that the arrest rate of the ‘Crime of Taking Photos Using Cameras’ was 97.6 per cent (7,430 cases) in 2015, but the rate of indictment was only 31.2 per cent indicating that not all perpetrators were properly brought to justice. The number of cases of these “hidden camera crimes” increased by three times in the past two years, but the indictment rate decreased year by year; 53.6 per cent in 2013, 43.7 per cent in 2014 and 31.2 percent in 2015, dropping by more than half from 72.6 per cent in 2010.

47. The analysis of victims in the cases of the ‘Crimes of Taking Photos Using Cameras’ revealed that the 98.3 percent of victims was female, according to the ‘Amendment to the Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes by analysis of cases of Crimes of Taking Photos Using Cameras’ by the Korean Women Lawyers Association (2016). The relationships between the victims and perpetrators were 89.01 per cent of the cases strangers and 10.99 percent of the cases acquaintances. The crimes occurred in subways (54.73 per cent), on the street (10.80 per cent), inside the buses or taxis (4.64 per cent), in home or other accommodation (3.29 per cent), and in public toilets (2.81 per cent); this showed that women were not safe in public spaces. This could also be interpreted that women could be the victim of hidden cameras anywhere anytime. However, the examinations of the “hidden camera crimes” were as follows in the first trials; monetary penalty (71.97 per cent), probation (14.67 per cent), suspended sentence (7.46 per cent), and prison sentence (5.32 per cent).

48. The issue of “revenge pornography” and dissemination of pornography by individuals remains grave after the closure of ‘Soronet’, an Internet site that was the hub of pornographic materials in Korea. The offenders are committing crimes abusing the personal information they possess of their former girlfriends after filming intimate videos, against the women’s will or after obtaining consent. It is retaliation after the couples break up and the offenders disseminate the videos to specific persons including the victims’ husbands, new boy friends or family members, or to unspecified individuals on the Internet. The number of pornographic materials deleted by the Korea Communication Standards Commission, after receiving complaints, increased more than five times from 1,404 cases in 2014 to 7,325 cases in 2016. The number of complaint cases submitted to the Commission with respect to the delete requests of pornographic materials containing individuals’ sexual acts was 3,397 cases, and 1,166 cases were submitted and dealt with in 2013 showing a sharply rising curve.

49. While the victims could report the case and request the videos to be deleted by the

Commission, in reality, it takes a long time to be finished. As such, most victims personally resort to the private service by “digital undertakers” to destroy the videos online. It costs from 500,000 won to 3,000,000 won causing economic damage to the victims with no end in sight. The official statistical information on these services is not available while the number of the private business is increasing with a huge demand of requests by the victims.

Questions

50. The recent statistics revealed that the number of crimes taking photos using cameras is not decreasing and women victims are severely damaged from the dissemination of videos. Preventive measures are especially crucial in the cases of sexual violence considering the nature of online sphere that transcends space and time which enables rapid spread of those videos. Please provide measures to prevent online sexual violence including public awareness campaign and education for ordinary citizens.

51. The “hidden camera crime” victims fear that their videos are easily available on the Internet and request the Korea Communication Standards Commission to delete the videos including revenge pornography. However, the long process makes the victims to rely on private services. Please provide details on measures by the Government to assist the victims.

Issue 10: Decriminalization of women in the prostitution industry

Current situation

52. The fact-finding results of youth prostitution in the 「2016 Fact-finding Survey on Prostitution」 published by the Ministry of Gender Equality and Family in May 2017 revealed that the seven out of ten teenagers (74.8 per cent) who experienced the so-called “conditional dating” met the potential sex buyers through ‘chatting applications’ (37.4 per cent), ‘random chatting applications’ (23.4 per cent), or online chatting sites (14 per cent). Only 15.7 per cent of the total 108 websites that promote prostitution requested for the age authentication to prove that the users were not minors. As for the mobile applications, 278 applications that facilitate prostitution out of total 317 (87.7 per cent) were accessible without identity or device authentication, and the highest number of applications (210

apps, 66.2 per cent) had the age limit of 17 years.

* “Chatting applications” offer 1:1 conversation services and video conversation services.

“Random chatting applications” offer conversation or messaging services with unspecified individuals.

53. In the 「2016 Fact-finding Survey on Prostitution」, 107 adolescents under 19 years of age who experienced prostitution and ran away from home (61.8 per cent) responded that they had experienced the “conditional dating” out of total 173 respondents. Among these, 70.7 per cent of adolescents went to the “conditional dating” after they had ran away from home, and 51.4 per cent of them experienced it while still enrolled in schools. The most common reason for the “conditional dating” was to find a place to go and sleep (29 per cent), and the “condition” was money (87.9 per cent) in most cases. The adolescents who went on the “conditional dating” experienced both physical and psychological damages (65.4 per cent), which include (multiple responses allowed); buyers paying less money than promised (72.9 per cent), buyers’ refusal to use condoms (62.9 per cent), and unwanted pregnancies or having sexually transmitted diseases (48.6 per cent). Half of the respondents (48.6 per cent) did not seek support due to various reasons, which include; the fear of other people finding out about the “conditional dating” and of potential punishment against themselves. These adolescents also responded that stronger punishment (49.1 per cent) and tough investigation and punishment of illegal ‘random chatting applications’ (12.7 per cent) were needed in order to combat “conditional dating” with youth.

54. In the above-mentioned survey, the number of prostituted women in 42 concentrated places of prostitution was 4,402 and among those, 75.6 per cent of women were aged 30 or older. Among the 174 prostituted women who responded in the survey, 47.7 per cent of them first entered into the sex industry in their 20s, however, 21.8 per cent of them started when they were teenagers. Ten of these prostitution victims, in the in-depth interviews, responded that they started prostitution due to economic difficulties and that they were currently suffering mental health problems including depression and forced to take various injections and weight loss pills.

Question

55. The “Nordic Model” from Northern European countries such as Sweden argues that the

demands for prostitution facilitate human trafficking for sexual purposes, and supports prostituted women to leave the sex industry and be decriminalized while sex buyers are criminally punished. Please provide the Government's position when many women's organizations argue that the Government should change the policy to that of the "Nordic Model".

Issue 11: Abortion (Women's reproductive rights)

Current situation

56. According to the latest fact-finding survey conducted by the Government, the number of artificial abortion cases among women aged from 15 to 44 was 168,738 in 2010 (all the numbers are estimates as the Criminal Code prohibits abortion). The most common reason for abortion was 'unwanted pregnancy' (50.7 per cent). It was revealed that adequate sex education and implementation was urgently needed seeing from the answers by the respondents; 43.9 per cent of those who underwent abortion stated that they used 'menstrual cycle method' and 42.2 per cent of them used 'coitus interruptus,' also known as 'pull-out method,' both of which are not considered as proper contraception options. In addition, the reasons for not using contraceptives included, "I did not think I would get pregnant" (52.8 per cent) and "I knew about the options but my thoughts did not reach for the actual use" (19.7 per cent). Meanwhile, the survey showed that the majority of the respondents underwent abortion within the 12 weeks of gestation (94 per cent).

57. Two thirds of OECD member countries, 23 nations, allow artificial abortion at the request of a pregnant woman, however, the Republic of Korea does not allow abortions for the societal and economic reasons. The fact-finding survey in 2010 showed that 26.4 per cent of women with experience of abortion stated that they did so because they were unmarried, and 19.9 per cent of them stated that their economic situation was the primary reason (unstable employment status and low wages). As of June 2017, only seven nations out of 35 OECD member countries do not allow artificial abortion for the societal and economic reasons, and the Republic of Korea is one of them.

58. The number of indictment of illegal abortion is from ten to 20 cases per year. This number includes both the women and also medical practitioners who performed the procedures.

59. From 2006 to 2009, most cases ended in probation or suspended sentence, however, since

2010, some illegal abortion cases have received imprisonment sentences for a limited term and the number of monetary penalties has increased.

60. Although the number was small, cases of male partners or his family members reporting the women for illegal abortion have emerged since 2010. According to the Korean Women Link, ten counseling cases on abortion out of twelve were about the threats of reporting in 2013. In one case, during the course of termination of common law marriage, the man wrote his consent for abortion for woman, and days later sent contents-certified mail reversed his decision. Subsequently, the woman filed a lawsuit against the man's father to pay off the borrowed money, and the man brought charges against the woman in retaliation. The woman was sentenced to monetary penalty for illegal abortion (Uijeongbu District Court, 9.17.2014. Sentence *2013 NO 1827* ruling).

Question

61. The fact-finding survey revealed that approximately 170,000 cases of abortion are reported every year, and most of them are performed in the first 12 weeks of gestation, despite the crimes of abortion being classified in the Criminal Code. Articles 269 and 270 of the Criminal Code prohibiting abortion on any grounds and punishing those involved infringe upon women's right to self-determination and rather, become a threat to women's health by preventing women from receiving proper procedures in a safe manner. Please provide measures that have been reviewed by the Government given recent demonstrations on abolition of the crimes of abortion.