



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the seventh report of the Republic of Korea at the Committee's forty-ninth session, held in July 2011. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/KOR/CO/7). You may recall that in the concluding observations, the Committee requested the Republic of Korea to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 15 and 21 of the concluding observations.

The Committee welcomes the follow-up report received in November 2013 (CEDAW/C/KOR/CO/7/Add.1), although it was received with a four-month delay, under the CEDAW follow-up procedure. At its fifty-eighth session, held in July 2014 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 15** of the concluding observations that the State party “take urgent steps towards the adoption of a comprehensive Anti-Discrimination Act, in line with articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 (2010), that includes a clear prohibition of all forms of discrimination, both direct and indirect, and takes into account article 2 (4) of the National Human Rights Commission Act (Korea, 2005), which prohibits discrimination on the grounds of sexual orientation”: The State party indicated that, since its inauguration in February 2013, the new Park Geun-hye administration has been working towards legislation of anti-discrimination law and made it top priority on its policy agenda. The State party added that the task force for the enactment of anti-discrimination act, established in May 2013, is in the process of considering a wide range of issues from grounds, types, areas of, and exceptions to discriminations to remedies. It further indicated that the government planned to finalize a draft of the comprehensive anti-discrimination act which was expected to be submitted to the National Assembly by the end of 2013. The Committee considers that the State party took steps towards the adoption of the Anti-Discrimination Act and that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 15 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to expedite the adoption of a comprehensive Anti-Discrimination Act, in line with articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 (2010), that

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includes a clear prohibition of all forms of discrimination, both direct and indirect, and takes into account article 2 (4) of the National Human Rights Commission Act (Korea, 2005), which prohibits discrimination on the grounds of sexual orientation.

Regarding the recommendation made in **paragraph 21** of the concluding observations that the State party “take the necessary measures to encourage the reporting of domestic and sexual violence cases, including by ensuring that education professionals, health-care providers and social workers are fully familiar with relevant legal provisions and are sensitized to all forms of violence against women and are capable of complying with their obligation to report cases”: The State party indicated that the government plans to add smart features to 112 crime report call centres in the second half of 2013 in order to guarantee immediate responses to sexual violence crimes. It added that audio files of reporters on sexual violence cases will be transferred to the smart phones of police officers in real time and information on sex offenders will be shared. The Committee considers that, by taking measures to improve the crime report call centre, the State party took initial steps towards encouraging the reporting of domestic and sexual violence, although it failed to indicate specific measures taken to encourage reporting. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “review and amend the Criminal Code and other relevant legislation to remove provisions that require adult victims of sexual violence to file a complaint in order to have their cases prosecuted”: The State party indicated that relevant legislations such as the Criminal Act, the Act on Special Cases for the Punishment of Sex Crimes, and the Act on Protection of Children and Juveniles from Sexual Abuse were amended in December 2012 to abrogate the provisions requiring adult victims of sex crimes to file a complaint for the prosecution of their cases. It added that the amendments came into force on 19 June 2013. The Committee considers that the recommendation **has been implemented**.

Regarding the recommendation that the State party “take measures to increase the number of women police officers and steps to enhance their capacity to deal with cases of violence against women in a gender-sensitive manner”: The State party indicated that, while the ratio of women officers is 7.6 percent, women accounted for 20 percent of newly recruited police officers during the past three years. The State party also mentioned the education programmes provided to investigators of sexual violence since July 2011. The Committee notes the training provided to the police officers dealing with women victims of domestic violence. The Committee also notes that, whilst the State party mentioned that gender sensitive education to all police officers is provided, it failed to mention specific programmes. Furthermore, while noting the increase in the number of women police officers recruited, the Committee considers that the State party failed to take sufficient measures to significantly increase this number. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “conduct awareness-raising campaigns for women, including foreign women, to make them aware of their rights and avenues of redress, including available measures for protection against and prevention of domestic violence”: The State party indicated that the “written notice of rights related with domestic violence” was published in 2013 and was provided by the police to victims of domestic violence on the spot to specifically inform them of their rights and supporting measures. The State party added that newly added information shall include the victims’ right to “refuse counselling with the spouse”. The State party also mentioned the advertisements of the hotline for domestic violence and the hotline for violence against migrant women since 2013; the provision of counselling services in 12 languages; and the release in 2012 of the handbook for victims of domestic violence. While noting that the State party needs to continue its efforts to conduct awareness-raising campaigns for women to make them aware of their rights and avenues of redress, the Committee considers that, for the period under consideration, the recommendation **has been implemented**.

Regarding the recommendation that the State party “take all legislative measures necessary to criminalize marital rape, defined on the basis of lack of consent of the wife”: The State party indicated that the Supreme Court reaffirmed on 19 June 2013 that “any sexual intercourse forced by violence or threat will be subject to criminal punishment even though it occurred between spouses under an effective marriage relationship”. The State party added that, since the stance of the Judiciary has been reaffirmed by this Supreme Court judgment, additional legislative measures are not considered to be needed. While there is still a need to adopt legal provisions explicitly criminalizing marital rape, the Committee considers that the existence of the Supreme Court Judgement is an initial step in this direction. The Committee considers that the recommendation **has been partially implemented**.

Regarding the recommendation that the State party “collect data and conduct research on the prevalence, causes and consequences of all forms of violence against women, including violence in the domestic sphere, in line with the Committee’s general recommendation No. 19 (1992), and use such data as the basis for further comprehensive measures and targeted interventions”: The State party indicated that the Korean Statistical Society (KSS) was commissioned to develop measures to improve the quality of the survey conducted every three years on violence against women. The Committee considers that the State party took an initial step by developing measures to improve the quality of the survey on violence against women. The Committee notes, however, that a survey does not replace a comprehensive data collection. It considers that the recommendation **has been partially implemented**.

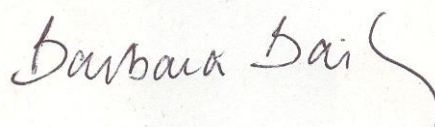
The Committee recommends that, in relation to paragraph 21 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1) Encourage the reporting of domestic and sexual violence cases, by ensuring that education professionals, health-care providers and social workers are fully familiar with relevant legal provisions, are sensitized to all forms of violence against women and are capable of complying with their obligation to report cases;
- 2) Take specific measures to increase the number of women police officers;
- 3) Adopt legal provisions explicitly criminalizing marital rape, defined on the basis of lack of consent of the wife; and
- 4) In the development of measures to improve the quality of the survey on violence against women, ensure that the survey includes indicators such as the prevalence, causes and consequences of all forms of violence against women, including violence in the domestic sphere; take measures towards the collection of comprehensive data on all forms of violence against women; and use such data as the basis for further comprehensive measures and targeted interventions.

The Committee looks forward to pursuing its constructive dialogue with the authorities of the Republic of Korea on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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Committee on the Elimination of Discrimination against Women