



EXECUTIVE SUMMARY

South Korea*



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Introduction

Over the past four decades South Korea has achieved incredible growth to become a high-tech industrialised economy¹ ranked 14th out of 194 countries in the world, based on GDP.² Economic growth has been accompanied by strong urbanization and a significant rise in the number of foreign workers (mostly from poorer Asian countries such as Thailand, Philippines, Cambodia, etc.).

South Korea is reported to still lag far behind in terms of the realization of women's rights³ and to have the lowest level of social welfare spending on children of all Organisation for Economic Co-operation and Development (OECD) countries.⁴ Moreover, public calls to address the issue of increasing numbers of Korean men participating in the overseas sex trade have periodically surfaced in the political arena.⁵ Although the prevalence of sexual violence against children in South Korea is not well known, according to the National Police Agency, the number of cases has increased between 2006 and 2009.⁶

Research conducted over the last few years show that **child prostitution** is a problem in South Korea. According to a 2010 study by the Department of Women and Family, the average age of children and youth involved in prostitution was 16.5 years.⁷ A new form of prostitution termed "compensated dating" ('wonjo gyoje' in Korean language) is reportedly practiced in the country at an alarming rate. It involves male clients compensating young women and girls with gifts in exchange for sex.⁸ The contributing factors to this phenomenon include childhood experiences of sexual violence, poverty, lack of support from family, pressure from schools and greater fixation on luxury items.⁹ It is reported that in South

Korea, the majority of compensated dating is arranged through the Internet.¹⁰

South Korea is increasingly recognised as a source, destination and transit country for **sexual trafficking of women and children**.¹¹ South Korean women are forced into prostitution domestically or are trafficked to the United States, Canada, Japan and Australia.¹² According to 2009 statistics, it is reported that over 5,000 women and children have been trafficked to South Korea from the Philippines, Russia and Eastern Europe and forced into prostitution in bars, many of which serve the U.S. military.¹³

South Korea remains one of the world's most significant contributors to **child pornography**. In 2009, the Canadian Centre for Child Protection ranked South Korea 5th among the top 5 countries hosting websites with child abuse images.¹⁴ Sexual exploitation over the Internet is also a major problem. The South Korean government has noted that around 85% of underage prostitution originates from chat rooms, concluding that the growing access of young people to the Internet has made South Korean children increasingly susceptible to grooming for sexual purposes.¹⁵

In terms of **child sex tourism**, men from South Korea are a source of demand for sexual exploitation of children in tourism in Southeast Asia and the Pacific Islands.¹⁶ Korean nationals travel to Southeast Asian countries to engage in the sexual exploitation of children.¹⁷ Countries of destination include, inter alia, the Pacific Island nation of Kiribati,¹⁸ Cambodia¹⁹ and the Philippines.²⁰

National Plan of Action (NPA)

South Korea has in place several national plans of action that are relevant to the commercial sexual exploitation of children.

The Comprehensive Plan for Preventing Sex Trafficking (first adopted in 2004²¹ and updated in 2007) contains policies on prevention, protection and prosecution relating to CSEC and instructs governmental bodies on how to proceed in addressing these phenomena.²² The Comprehensive Plan for Child Protection and Development endorsed in 2002 aims at ensuring social services to children while the Five-Year Basic Plans on Child and Youth Policies incorporate strategies conducive to

providing an environment for each child to realise the rights provided by the CRC to the fullest extent. The Fourth Basic Plan on Youth Policies (valid until 2012) envisages a number of actions, including active measures against harmful environments such as Internet game addiction and sex crimes.²³

Though these plans do exhibit concern on the part of the Korean government to formulate a systematic policy response to CSEC issues, there is still an unfortunate lack of a comprehensive national plan to address all CSEC issues.

Coordination and Cooperation

Although the South Korean government has established departments for the development of child policies, it has been criticised for poor cooperation and coordination as responsibility relating to children's rights is scattered throughout different ministries. The Child Policy Coordination Committee, established in 2004 to cooperate among relevant government ministries has indeed not functioned since 2008. In 2010, policies relating to children and youth were divided between the Ministry of Health and Welfare for Children and the Ministry of Gender Equality and Family.²⁴

In 2006, the government established the Korea Monitoring Center for Children's Rights,²⁵ (KMCCR) and appointed a group to accompany the Children's Rights Ombudspersons to advise on state policies and monitor the implementation of the Convention on the Rights of the Child.²⁶ Although this body ensures child participation,²⁷ the CRC Committee has recently identified a number of problems, including the lack of mandate to actively monitor or investigate child rights violations and receive complaints.²⁸

In the area of CSEC, South Korea has established an inter-ministerial team to address the problem of child sex tourism, although this initiative has not yet been systematised within institutions,²⁹ and has also promoted coordination efforts focused on the issue of trafficking (including the Conference of Government agencies for anti-human trafficking³⁰ and the inter-ministerial committee to coordinate and monitor the implementation of sex trafficking-related policies which are active at national level, and the Regional Council and Committee on Sex Trafficking Prevention created at local level).³¹

At the international level, South Korea has sought to strengthen joint international investigations into CSEC crimes through extradition treaties, as well as bilateral and mutual legal assistance agreements to protect children from trafficking for sexual purposes. South Korea has also participated in international workshops and meetings on human trafficking which covered prevention, prosecution and victim protection.³²

The Korean government has made significant efforts to educate and train citizens on CSEC, placing particular emphasis on reaching out to children and young people. The government implemented the 'Youth Keeper' program to encourage children to notify police when Internet sites are used to arrange child prostitution.³³ Furthermore, in December 2010, the Ministry of Gender Equality and Family distributed training materials on sex trafficking of juveniles to school public officials and continued its campaign to raise awareness among vulnerable populations.³⁴

Educational materials addressing CSEC are integrated within the school curriculum, with the government initiating measures to encourage sex education and prevent sexual abuse.³⁵ Sex crime education is also being conducted in schools, as a growing number of sex offenders are teens who may not appreciate the gravity of their crimes.³⁶

As part of the ECPAT and The Body Shop 'Stop Sex Trafficking of Children and Young People' campaign,³⁷ many activities were undertaken, including presenting the campaign petition to the Chairwoman of the National

Assembly, Ms. Young Hee Choi.³⁸

In terms of demand reduction and deterrence measures, South Korea has developed an educational seminar for men convicted of frequenting prostitutes known as "John's School".³⁹ However, the CRC Committee has raised a concern that participants have been granted exemptions from criminal sanctions, thus weakening the deterrence effect of the law.⁴⁰

The government has also taken action to prevent child sex tourism by providing training to travel agency employees⁴¹ and warning travelers that soliciting prostitution overseas is subject to punishment under Korean law.⁴² In the area of child pornography, recent preventive initiatives that are considered particularly effective include new technology invented by Microsoft and a South Korean University which automatically detects and deletes any items of child pornography⁴³ as well as filtering of Korean-language pornography. Since 2011, the identities of child sex offenders on the Internet have been made accessible to all adults above the age of 20 on a government website.⁴⁴

South Korea is party to all the main international treaties protecting children from sexual exploitation, except the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women* which was only signed. With regard to national law, the Child Welfare Act and several supplementing special acts constitute the main pieces of legislation that protect children from child abuse and sexual exploitation. However, the definition of "child" adopted in these different acts varies,⁴⁵ thus creating uncertainty as to how the various laws will be applied.

South Korean law against **child pornography** is in line with international legal standards and is even more protective than the OPSC as it criminalises mere possession as well as acting as an agent for the production of child abuse images.⁴⁶ South Korea has also adopted the Act

on the Punishment of Grooming (2008), which provides for the punishment of any person soliciting a child or youth for sexual purposes, and has introduced legal responsibility for online service providers to find obscene materials using children/juveniles on their information networks or to delete/block the transmission of such materials.⁴⁷

Several Korean laws address **child prostitution**, punishing those who engage in sexual activities with children, as well as those who facilitate child prostitution, while ensuring that child victims are not treated as offenders. However, the various laws dealing with child prostitution are not consistent. In addition to differences in definitions and scope of application, discrepancies exist among the penalties for child prostitution offences in each of the different acts.

Since South Korea has not yet ratified the UN Trafficking Protocol, the standard of protection from human trafficking offered to children is lower than that provided under this treaty. Indeed, under the 2004 Act, even where the victim of trafficking is a child, the harboring, receiving, recruiting, transporting or transferring of that child will not be deemed trafficking unless force or a deceptive scheme is used.⁴⁸ The 2004 Act also provides for protection and assistance for victims of trafficking but measures foreseen⁴⁹ are limited to only women, thus leaving boys unprotected.

South Korean law provides for **extraterritorial jurisdiction** which allows South Korea to prosecute South Korean citizens who, while travelling abroad, sexually exploit children.⁵⁰ However, despite evidence suggesting that South Korean nationals are active in travelling abroad to engage in child sex tourism,⁵¹ as of June 2009, it has not been possible to confirm if a South Korean citizen has been prosecuted for child sex tourism.⁵²

The government has introduced child-friendly case administration procedures by operating a dedicated team of prosecutors and police officers who receive specialized **training**.⁵³ Unfortunately, these officials are often rotated to other departments, creating barriers to

maintaining a strong team of specialised personnel.⁵⁴ South Korea has additionally adopted **child-sensitive measures during trials** by allowing child victim under 16 to give video testimony. However, courts often question the validity of the video with the result that child victims are often brought in for cross-examination and forced to confront their offender.⁵⁵

In terms of **care and assistance**, a variety of shelters in operation in South Korea provide support to child survivors of sexual exploitation, such as national youth shelters, help centres for victims of sex-trafficking and youth counselling centres.⁵⁶ Most facilities are run by NGOs either partially or fully funded by the government; however, between 2008 and 2009, the government decreased its funding.⁵⁷ The government operates two 24-hour hotlines, which receive reports on child abuse, conduct site visits, and provide other services that support local community networks to prevent child abuse and treat victims of child abuse.⁵⁸ The government also supports victims of overseas prostitution who return to South Korea by providing protection and self-reliance training networks,⁵⁹ and may allow foreign victims of sexual trafficking who face adversity in their country of origin to apply for work in Korea.⁶⁰

Child and Youth Participation

A number of legislative acts adopted by South Korea stress the importance of respecting children's views and promoting the participation of children and young people in decision-making processes on matters affecting them.⁶¹ In an effort to realize these rights, the government introduced the Fourth Basic Plan on Youth Policies (2008 – 2012)⁶² which has led to the creation of a committee composed of youth and young professionals from 16 cities and provinces.⁶³ Other structures that have been created to ensure meaningful involvement

of children and young people include the Presidential Youth Congress at the central government level, the Youth Participation Committee and juvenile steering committees at the local level,⁶⁴ and the Korean General Assembly on Children.⁶⁵ Despite instances of youth involvement in CSEC initiatives, according to the Ministry of Gender and Equality, youth community participation in Korea remains limited compared to other countries (such as the U.S. and Switzerland).⁶⁶

National Plan of Action

South Korea should ensure that the current national plans of action (or one future consolidated plan) cover all CSEC issues and receive adequate human, technical, and financial resources to achieve full implementation and are continually updated through consultations with civil society and children.

Cooperation and Coordination

South Korea should cooperate more actively in international efforts to combat sex trafficking and child sex tourism, including by establishing police liaison within key countries in South East Asia/Asia-Pacific where South Korean nationals are known to engage in child sex tourism. Furthermore, it should ensure better coordination and cooperation among South Korean governmental departments responsible for providing relevant services and create a responsible authority for collecting data on CSEC issues.

Prevention

South Korea should engage the private sector in the prevention of CSEC and expand

community-based awareness raising while also promoting specific campaigns to reduce the demand for sex services involving children, both in South Korea and abroad.

Protection

South Korea should amend the current laws on child prostitution to eliminate variances and inconsistencies across the current acts. It should also reform legal provisions to clarify that consent is irrelevant in the case of child trafficking offences and should enact legislation to prohibit and punish knowingly accessing and viewing child pornography. More efforts should be made to provide comprehensive services to victims of CSEC, including increased funding to protect child victims of commercial sexual exploitation.

Child and Youth Participation

The government should encourage the participation of children and young people in policy making as well as in initiatives to prevent and combat CSEC.

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