



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 on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the eighth periodic report of the Republic of Korea, at the Committee's sixty-ninth session, held in February 2018. At the end of that session, the Committee's concluding observations (CEDAW/C/KOR/CO/8) were transmitted to your Permanent Mission. You may recall that in paragraph 52 on follow-up on the concluding observations, the Committee requested The Republic of Korea to provide, within two years, written information on the steps taken to implement the recommendations contained in 13, 23 (b) and (d) and 25 (b) of the concluding observations.

The Committee welcomes the follow-up report received on time in March 2020 (CEDAW/C/KOR/FCO/8) under the CEDAW follow-up procedure. At its seventy-sixth session, held remotely due to COVID-19 pandemic in July 2020, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 13** of the concluding observations, urging the State party to “**adopt a comprehensive anti-discrimination law that prohibits discrimination against women, including direct, indirect and intersecting forms of discrimination affecting disadvantaged groups of women, such as women living in poverty, women belonging to ethnic, racial, religious and sexual minority groups, women with disabilities, women refugees and asylum seekers, stateless and migrant women, rural women, single women, adolescents and older women, as defined in article 1 of the Convention and in line with the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention**”:

The Committee takes note of the information that the State party has been conducting research to draft an anti-discrimination law and included the development of the legislative framework for anti-discrimination in its third National Action Plan for the Promotion and Protection of Human Rights (2018-2022). The Committee considers that the State party is endeavouring towards implementation of the recommendation. Nonetheless, the outcome remains, therefore, it considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

Her Excellency  
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The Committee recommends that, in relation to **paragraph 13** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

**Expedite the development and adoption of a comprehensive anti-discrimination law that prohibits discrimination against women, including direct, indirect and intersecting forms of discrimination affecting disadvantaged groups of women, such as women living in poverty, women belonging to ethnic, racial, religious and sexual minority groups, women with disabilities, women refugees and asylum seekers, stateless and migrant women, rural women, single women, adolescents and older women, as defined in article 1 of the Convention and in line with the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.**

In relation to the recommendation made in **paragraph 23 (b)** of the concluding observations, urging the State party to “**amend the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence, to ensure that the safety of the victims and their families becomes its primary purpose, by, among other things, extending its applicability to same-sex couples or families and all women, regardless of their sexual orientation or gender identity; abolish the system of suspending charges in home protection cases on condition of undergoing counselling or training on domestic violence, and prohibit the use of reconciliation and mediation in such cases; ensure that perpetrators are criminally punished under statutory sanctions; and adopt a policy of mandatory arrest for crimes of domestic violence in cases in which restraining orders are breached**”:

The Committee welcomes that the State party introduced a bill to amend the Act on Special Cases concerning the Punishment etc. of Crimes of Domestic Violence to the National Assembly in November 2019. It also notes that the bill includes provisions of an additional emergency measure to immediately separate the victim from the perpetrator, the punishment of the perpetrator for violation of restraining order, and other ad hoc measures. Nevertheless, the Committee is concerned about the lack of information on whether the amendment of the Act adopted in March 2020 included these provisions. The Committee also regrets the absence of information on its applicability to same-sex couples or families and whether the State party took measures to: (a) abolish the system of suspending charges on domestic violence on condition of undergoing counselling or training; and (b) prohibit the use of reconciliation and meditation in cases of domestic violence. The Committee considers that the State party took some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

Regarding the recommendation made in **paragraph 23 (d)** of the concluding observations, urging the State party to “**strengthen preventive measures against online sexual violence, including by enacting legislation that explicitly criminalizes such new forms of sexual violence against women, consider penalizing with considerable financial sanctions providers of online platforms and online distributors that fail to delete or block criminal content from their platforms and swiftly implement the plans to have the Korea Communications Standards Commission delete and block such criminal content, including upon the request of victims**”:

The Committee welcomes legislative measures taken by the State party to criminalize online sexual violence against women, including the revisions of: (a) the Act on the Establishment and Operation of Korea Communications Commission, in December 2019, which allows deliberations on urgent cases with photographs and duplicates falling under Article 14 of the Act on Special Cases concerning the Punishment etc. of Sexual Crimes; and (b) the Act on

Special Cases concerning the Punishment etc. of Sexual Crimes, in December 2018 and March 2020, which increases penalties for taking and disseminating illicit sexual photographs and films, and punishes perpetrators of acts of editing and disseminating photographs and films of victim's figure without their consents. It further notes with appreciation the amendment of the Telecommunications Business Act, imposing considerable financial sanctions or corrective orders on telecommunication business operators that fail to remove and disable illicit content from their network. Furthermore, the Committee welcomes the establishment of a Digital Sex Crime Response Team in the Korea Communications Standards Commission in April 2018, which strengthened swift responses against illegal content upon the request of victims, as well as the revision of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. requiring the Korea Communications Standards Commission to delete or block illegal content upon the request of the head of an investigation agency. The Committee considers that the State party took significant steps to implement the recommendation. It considers that the recommendation **has been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds directly to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 23** of the concluding observations, the State party:

**1. Clarify, in its next periodic report, the status of the bill to amend the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence, which includes provisions of an additional emergency measure to immediately separate the victim from the perpetrator and the punishment of the perpetrator for violation of restraining order and other ad hoc measures; and if the amended Act extends its applicability to same-sex couples or families and all women, regardless of their sexual orientation or gender identity;**

**2. Provide information, in its next periodic report, on measures taken to abolish the system of suspending charges in home protection cases on condition of undergoing counselling or training on domestic violence, and prohibit the use of reconciliation and mediation in such cases.**

Regarding the recommendation made in **paragraph 25 (b)** of the concluding observations, urging the State party to “**revise the current E-6-2 visa regime and strengthen the monitoring of entertainment companies that recruit foreign women, including through in situ visits to establishments where women are working under that regime, take measures to ensure that the G-1 visa regime is applied to all female victims of trafficking, regardless of their willingness or ability to cooperate with the prosecutorial authorities, and design and implement policies on the basis of research into their living conditions that address the structural causes of women “defectors” from the Democratic People’s Republic of Korea being forced into prostitution**”:

The Committee takes note of the information provided by the State party that the State intensified the monitoring of entertainment establishments, including through joint inspections by relevant ministries and local governments on the human rights violation and the situation of E-6-2 visa issuance in June and October 2019 respectively. It also notes that the State party has been supporting women defectors from the Democratic People’s Republic of Korea through vocational training and career counselling and providing them emergency livelihood allowance. However, the Committee regrets the lack of information on the measures taken by the State party to: revise the current E-6-2 visa regime; ensure the implementation of Article 25-3 of the Immigration Act to grant G-1 visa for all female victims of trafficking; and design and implement policies addressing the structural causes of women defectors being forced into prostitution, in addition to the measures to support them. The Committee considers that the State party took some steps to



implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee notes that the information provided by the State party is thorough and extensive, but it fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

The Committee recommends that, in relation to **paragraph 25 (b)** of the concluding observations, the State party provide, **in its next periodic report**, information on actions taken to:

**Revise the current E-6-2 visa regime, ensure the implementation of Article 25-3 of the Immigration Act to grant G-1 visa for that all female victims of trafficking, regardless of their willingness or ability to cooperate with the prosecutorial authorities, and design and implement policies, in addition to support provided to women “defectors” from the Democratic People’s Republic of Korea, based on research into their living conditions that address the structural causes of them being forced into prostitution.**

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

Lia Nadaraia  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women