

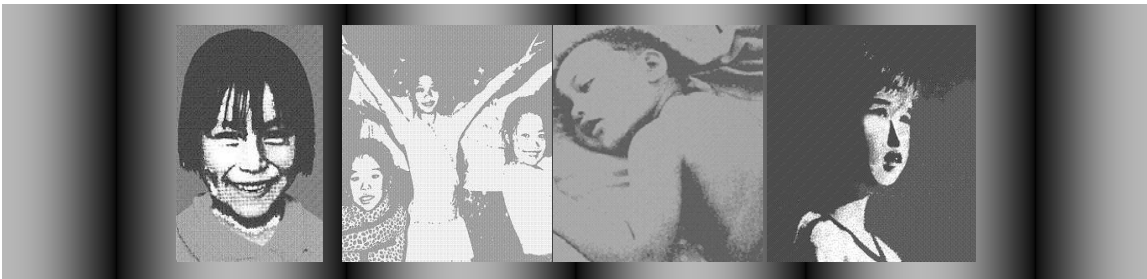


Post-Yokohama Mid-Term Review of the East Asia and the Pacific Regional Commitment and Action Plan Against Commercial Sexual Exploitation of Children (CSEC)

8–10 November 2004
Bangkok

REPUBLIC OF KOREA

Country Progress Report



Progress Report on the Status of Implementation of the East Asia-Pacific Regional Commitment and Action Plan against Commercial Sexual Exploitation of Children Republic of Korea

I. Background

The 2000 Act on Protection of Youth from Sexual Exploitation is a milestone in the efforts of the government of the Republic of Korea in combating sexual exploitation of children and youth, including commercial sexual exploitation of children (CSEC), aimed at punishing perpetrators of sexual exploitation of children, protecting victims thereof and preventing those crimes through public disclosure of perpetrators' personal information. When the Government of the Republic of Korea introduced the Act and the Public Disclosure System targeting sex offenders at the 2001 Second World Conference on Commercial Sexual Exploitation of Children, their implementation was in their initial stages. Since then, the Act and the disclosure system have firmly established themselves as key elements in the fight against CSEC. In particular, they have been successful in raising awareness that CSEC is illegal and punishable, and that the government is fully committed to eliminating such crimes.

II. Progress

A. Participation of children and youth

The Korean government is supporting various institutions and activities to promote the participation of children and youth in making policies for children and youth.

A.1. Youth Participation Committee and assistance for the participation of youth in policymaking

The Youth Participation Committee was established under the Commission on Youth Protection as one of its consultative bodies in 2001. Composed of ten children and youth, the committee holds monthly sessions and advises the Commission on ways of increasing youth participation and in developing policies to accommodate the various needs of children and youth. It also makes suggestions on policies addressing issues related to children and youth such as the rights and welfare of children and youth, peer violence, violence against children and youth, suicide and CSEC.

In addition to its advisory role, it has also organized forums in which children and youth participated and presented their opinions on youth related issues. A "Youth Discussion Day" was held in 2002, and a "Festival on the Rights of Youth" in 2003, at which surveys on violations of the rights of children and youth, exemplary school rules to protect the rights of children and youth, and a Student Rights Declaration were presented.

Under the auspices of the Commission on Youth Protection, a youth organization, the Voice of Youth, has been in operation since 2001. It aims to collect opinions from youth and to create a better cyber culture for children and youth, and has more than 1200 active members. Its activities are based mainly on the Internet,

and its website, www.youthdream.go.kr, provides online channels for discussing and proposing suggestions on youth related policies and for surveying children and youth.

A.2. Supporting youth participation programs for preventing CSEC

The government is also supporting youth participation programs initiated by NGOs to prevent CSEC. For example, the Commission on Youth Protection is promoting NGOs' activities, mainly educational programs and campaigns, for establishing healthy attitudes among youth on sexual activities with active participation of and creative input from youth. Such programs and campaigns include sex education and performances dealing with sexual themes.

A.3. Youth Forum

The government is implementing the third Basic plan for Youth Rearing (2003-2007), whose two main tasks are "to promote the rights of youth and to create a social infrastructure conducive to the participation of youth."

Through its amendment in December 2003, the Youth Act provides that the government shall organize annual Youth Forums with participation of youth and experts on youth issues in order to develop, implement, and monitor the task of youth rearing. Accordingly, the Youth Forum Planning Team was organized in July 2004, composed of youth, parliamentarians, ministers in charge of youth related issues, and representatives of youth organizations. It also takes charge of the preparatory process for the Youth Forum, such as carrying out various workshops and regional forums. The first Youth Forum will take place in December 2004, featuring a "Youth Achievement Festival", seminars, a plenary meeting, and a "Youth Culture Festival".

B. Coordination and cooperation

B.1. National action plan to protect children from sexual exploitation

B.1.a. Comprehensive Plan for Youth Protection

To tackle crimes against children, including CSEC, and to protect children from harmful environments, the government has developed and implemented a Comprehensive Plan for Youth Protection, through inter-ministerial consultations chaired by the prime minister. The plan includes measures to support and promote relevant activities of civil society to protect youth; to enhance legislation and institutions supporting children and youth protection; to monitor and regulate the Internet, checking for sites harmful to children; to prevent sexual crimes and violence against youth; to curb youth drug abuse and peer violence; and to remove other dangers to children.

In addition, the Commission on Youth Protection is running the Central Inspection Office under the Office of the Prime Minister to supervise the enforcement of the Comprehensive Plan for Youth Protection, to evaluate local governments' youth protection programs, and to regulate environments harmful to children and youth. The staff of the office is dispatched from various governmental agencies related to youth issues such as the Commission on Youth Protection, the Supreme Public Prosecutor's Office, the National Police Agency, and the Ministry of

Education and Human Resources. For the purpose of eliminating CSEC, in particular, the office has conducted intensive inspections of hotbeds of youth prostitution, and operated reporting centres and hotlines for immediate aid and rescue for abused youth since 2003. With the recent amendment of the Act on Protection of Youth, printing and distributing advertisements presumably promoting prostitution are also under control. The media has also played a role in awareness-raising on preventive and protective measures for victims of CSEC through reporting the activities of the Central Inspection Office.

B.1.b. Prevention of prostitution

With the understanding that prostitution usually involves use of violence, coercion, or fraud against women, the government has made efforts to put an end to the exploitation of women through prostitution. The Task Force for the Elimination of Prostitution, comprised of the Ministry of Gender Equality, the Commission on Youth Protection, the Ministry of Justice, the National Police Agency, and the Ministry of Labor, and relevant NGOs, was set up under the Office of the Prime Minister in June 2003, and a Comprehensive Action Plan to Prevent Prostitution was drawn up by the task force.

The plan covers programs for public awareness-raising on the harm and illegality of prostitution, enactment of relevant legislation, and measures to protect the human rights of victims of forced prostitution. It also features measures to tackle, through various routes, arrangement of prostitution, such as the Internet and mobile phones, and specific measures to prevent prostitution by youth and women, including foreign women.

With detailed strategies for implementing the action plan, the Task Force for the Elimination of Prostitution is monitoring its implementation.

B.2. Cooperation with the civil society to prevent and eradicate CSEC

The government of the Republic of Korea maintains a close cooperative relationship with the civil society to prevent and eradicate CSEC. NGOs and civilian experts have proposed policies for protecting children and youth and made contributions to legislating the Act on Protection of Youth from Sexual Exploitation and other relevant laws. Representatives of youth related NGOs and experts join various advisory committees, including the Committee on Combating the Sexual Exploitation of Children under the Commission on Youth Protection. Furthermore, the government is funding NGOs' campaigns and educational programs for public awareness-raising on CSEC. Many awareness-raising campaigns and programs for rehabilitation and reintegration of victims of CSEC are also organized through joint efforts by the government and the civil society.

C. Prevention

To prevent CSEC, the Korean government is actively conducting educational programs and public awareness-raising campaigns and implementing welfare policies for disadvantaged children and youth.

C.1. Compulsory education

The compulsory education in the Republic of Korea includes six years of primary school and three years of middle school education.

C.2. Welfare policies for disadvantaged children and youth

To protect children and youth, who may be vulnerable to sexual exploitation, due to family dysfunction and economic hardship, the government has developed and implemented welfare policies for disadvantaged children and youth. For instance, the government provides needy children with support for living costs, school and job training fees, and medical expenses. Children without proper parental care necessary for their development can be taken in at childcare facilities or placed in foster homes. In particular, victims of child abuse can receive protective, medical and counselling service through the Centres on the Prevention of Child Abuse.

Furthermore, based on the recognition that lack of proper support, which jeopardizes the survival and development of children, constitutes violation of children's rights, the government developed a strategy for cutting off the cycle of poverty inheritance. Emphasizing support for disadvantaged children as social investment to ensure that every child has fair opportunities, the strategy introduces an innovative approach to welfare policies beyond existing social security measures focusing on providing basic sustenance support to the poor. It also features measures for improving health service for children to ensure their development, providing fair opportunities in education, assisting career development and protecting children and youth from an abuse and sexual exploitation.

The National Coordination Committee on Children's Policies, chaired by the prime minister and in charge of developing and monitoring of implementation of policies for children and youth, has a subcommittee on disadvantaged children and youth for developing relevant policies programs.

C.3. Education and public awareness-raising to prevent CSEC

C.3.a. Sex education

Sex education, which covers sexual violence, is being offered to school children, and the Ministry of Education and Human Resources is operating a website on sex education (www.edugender.or.kr). The website provides educational materials appropriate for different stages of children's development.

C.3.b. Educational programs and awareness-raising campaigns

The government has actively organized awareness-raising campaigns to prevent CSEC, involving advertisements, program broadcasts, Internet activities, and educational booklets for adults and youth. Reference materials for parents, teachers and other people working for and with children and youth have been produced and distributed.

In addition to its own activities, the government has supported educational programs and awareness-raising campaigns initiated by NGOs. The support for the campaign to nurture healthy attitudes among youth on sexual activities, mentioned in II.A.2., is an example.

Since 2002, the government has been running a course for training experts on the protection of youth from sexual exploitation, on topics such as counselling and reintegration services for victims of CSEC, in which people working for and with children and youth in relevant facilities and organizations participate. The government has also funded training programmes and workshops for sex education instructors and staff of youth protection facilities.

D. Protection

D.1. International instruments

The Republic of Korea ratified the Optional Protocol to the Convention on the Rights of the Child on Child Sales, Child Prostitution and Child Pornography on 24 September 2004.

D.2. Act on Protecting Youth from Sexual Exploitation and the Public Disclosure System of Sex Offenders' against Youth

The Act on Protecting Youth from Sexual Exploitation, enacted in 2000, is the main legislation tackling the problem of CSEC. It stipulates severe punishment for offenders of sexual crimes against children and youth including CSEC, while providing protective measures for children and youth victims. Under the Act, the System of Public Disclosure of Personal Information of Sex Offenders against Youth has been put in operation. On the whole, the Act and the disclosure system have played a vital role in combating CSEC and in public awareness-raising on the gravity of CSEC.

D.2.a. Public Disclosure System of Sex Offenders against Youth

The aim of the Public Disclosure System is to protect youth from sexual exploitation by publicly disclosing the identities of sex offenders who have committed sexual crimes against youth, including CSEC related crimes.

Any person who purchases or arranges the purchase of sexual services from youth, or produces or distributes child pornography may be subject to the system in addition to any punishment imposed by the court. Since 2001, approximately three thousand people have been subject to the system's provisions in six rounds. Personal information of the offenders, including names, ages, professions, addresses and crimes committed was posted on the website of the Commission on Youth Protection for six months and the notice board of the main governmental buildings. The list was published in the Official Gazette as well.

Status of public disclosures

	Date	Number of people considered	Number of people whose personal information was disclosed
1 st	Aug. 2001	300	169
2 nd	Mar. 2002	824	443
3 rd	Sep. 2002	1,244	670
4 th	April 2003	1,221	643
5 th	Dec. 2003	1,225	545
6 th	July 2004	1,165	553
Total		5,979	3,023

D.2.b. Introducing educational programs for sex offenders against youth

In 2003, educational programs for sex offenders against youth were introduced as a means of preventing recidivism. Experts from various related fields – such as psychology, law, and social welfare - were consulted in the course of developing those programs. Good examples of foreign educational programs were also discussed.

The education programs for sex traders include lectures by legal experts, psychiatrists, and former victims of underage prostitution, showing video materials, and group discussions. The programs for low risk offenders include lectures by experts, interviews and assessments with a psychiatrist, cognitive-behaviour treatments, and setting plans for preventing second offences.

These education programs have been deemed effective in achieving its goal of preventing recidivism. The offenders who participated in these programs showed positive changes, especially in understanding the plights of the victims of their and others' sexual crimes.

D.2.c. The performance of the public disclosure system

The Disclosure System is seen as playing an important role in enhancing public consciousness on the issue of sexual abuse against children and youth. Although there was criticism that public release of personal information infringed on the offenders' human rights and may not be remarkably effective in decreasing the rate of sexual crimes against children and youth, public opinion polls conducted by government agencies and NGOs showed that nearly 90% of the respondents support the system.

In addition, this system has brought public attention to the issue of sexual crimes against children and youth: the reporting rate of underage prostitution has increased since its implementation, the public prosecutor and police have dealt with prostitution and sexual assault against children and youth proactively. Furthermore, the Constitutional Court ruled in 2003 that the Public Disclosure System does not violate the Constitution, and stated in its decision that the system had the intended effect and was a suitable method of preventing the sexual exploitation of children and youth as well. According to the survey based on responses from the sex offenders who participated in educational programs

for the low-risk offenders, 91.3% of the respondents answered that they think the disclosure system is effective in preventing sexual crimes against youth and reducing recidivism.

D.2.d. Efforts for strengthening the Public Disclosure System to eradicate the sexual exploitation of children

At present, the Commission on Youth Protection is planning to strengthen the Public Disclosure System. For low-risk offenders, the Commission plans to provide rehabilitation programs. As for high-risk sex offenders, the Commission may disclose more detailed information about them so that parents and communities can protect their children from becoming victims of sex crimes. The scope of personal information of those committed sexual crimes against children more than twice, disclosed according to the Public Disclosure System, will include even their photos.

Sex offenders who are subject to the Public Disclosure System must register themselves to the Commission. Those who do not carry out their punitive and correctional obligations will have their information released on the web site of the Commission. The registered information will be available to public, giving the public the access to information on sex offenders in their local community. However, photocopying and disseminating the list are forbidden.

Public opinion polls taken by the Commission on Youth Protection, and the Government Information Agency, and NGOs, show that almost 90% of the respondents support the reform plan of the Public Disclosure System.

D.3. The reform of the Youth Protection Act

In 2004, the Youth Protection Act was revised to reinforce the efforts for the eradication of CSEC. The scope of places regulated by the Act has been expanded to cover places potentially harmful to youth and children and youth cannot enter these places even when accompanying their parents. The Commission on Youth Protection may regulate newspapers and other media materials to censor information that may be harmful to youth such as contents related to prostitution. Regulations on harmful media content publishers were strengthened through provisions to impose a higher level of fines. Publishing and distributing advertisements, which facilitate the purchase of any sexual services involving youth, are also prohibited.

The revised Act also deals with so-called 'Ticket Coffee Shops', which have caused serious social problems due to their involvement in CSEC, by prohibiting youth from delivering teas and coffees to customers outside coffee shops. The Act invalidates debts of youth victims to the employers who hired youth to perform sexual services.

D.4. Legislation on prostitution

In the Republic of Korea, prostitution is now widely recognized as a crime which generally involves use of force or coercion by a third party who arranges and reaps illegal financial gains. In this context, measures are being taken to identify and penalize acts of violence against women related to prostitution. In

addition to the establishment of the Task Force for the Elimination of Prostitution and the development of the Comprehensive Action Plan to Prevent Prostitution, there have also been important developments in the legislature, namely the enactment of the Act on the Elimination of Prostitution and Protection of Victims Thereof and the Act on the Prohibition of Arrangement of Prostitution and Etc. These laws lay down heavier penalties for forced prostitution and trafficking for the purpose of sexual exploitation, stipulate confiscation of profits from these crimes, and provide for the protection of and assistance to victims of forced prostitution and/or trafficking for sexual exploitation.

D.5. Youth Center for supporting child protection activities

With the legislation of the Act on the Elimination of Prostitution and Protection of Victims Thereof, and the Act on the Prohibition of Arrangement of Prostitution and etc., major steps were taken toward the elimination of prostitution and trafficking in women for sexual exploitation. The provisions of the two acts impose heavier penalties – including confiscation of profits obtained through illegal activities - for forced prostitution and trafficking for the purpose of sexual exploitation. The victims of forced prostitution and/or trafficking for sexual exploitation can be provided with protection and assistance from the government or facilities supported by the government.

The Commission on Youth Protection, in 2003, opened the Youth Center for the purpose of providing integrated one-stop service to help youth in crisis. The center is working on various measures to create an integrated service network among private and public facilities related to youth protection. The center also provides education and treatment programs for low-risk sex offenders, and specialized programs for children and youth victims of sexual exploitation as well. It provides aides to those who are considered at risk of becoming victims of domestic abuse, school violence, sexual crimes and other forms of violence. For the purposes of helping children and youth victims of sexual crimes, the Center provides emergency rescue services when urgent help is requested. Eventually, the Center helps them to return to their families and back to society. the center also holds workshops for local governments, police and NGOs to coordinate their efforts and create an effective service network amongst themselves.

In 2004, the Youth Center opened a Drop-In Center to provide emergency rescue and temporary protection for runaway youth or those rescued from sexual exploitation. Its services for protecting youth will be expanded through establishment of local Youth Centers with systematic protection services.

D.6. Responding to the newly emerging environment of CSEC

The Republic of Korea is facing challenges with new means and methods of perpetrating CSEC, such as the use of the Internet and mobile phones, and new forms of illegal employment agencies luring children and youth into sexual exploitation. The government is making efforts to deal with such challenges, by coordinating relevant ministries and agencies. Monitoring websites and conducting campaigns promoting a positive cyber-culture for children and youth (the “E-clean Korea” campaign) are examples of such efforts.

E. Recovery and reintegration

In addition to existing measures for rehabilitating and reintegrating victims of CSEC, the new Act for the Elimination of Prostitution and Protection of Victims Thereof provides that the government shall establish facilities to aid children and youth victims of sexual exploitation. These facilities are expected to provide shelters and school enrolment assistance for up to one year and the duration of assistance can be extended until the beneficiary turns 19.

Their mandates are as follows:

to provide shelters for certain period of time

to provide counselling and treatment to help psychological recovery and social reintegration

to provide medical services

to accompany victims of sexual exploitation to investigations and court examinations

to coordinate assistance and cooperation from legal aid agencies

to provide self-reliance and self-support programs, education services and assistance in enrolment in regular schools, job training and job placement information

to assist in receiving social welfare services and living allowances according to the relevant laws

To ensure the protection of the rights of children and youth victims of sexual exploitation and violence during investigations and court trials, taken their special needs, the government introduced relevant measures in 2003: video recording was adopted for the testimonies of children victims of sexual exploitation and violence under 13 years of age, sparing them the agony of repeated testimonies during investigation and trial procedures; and regulations on protecting human rights during the criminal procedure, which recognizes children and youth as a vulnerable group to be specially protected, were also put in place.

The draft amendment of The Act on the Protection of Youth from Sexual Exploitation requires speedy investigation procedures to be taken for children and youth involved prostitution.

Since 2003, a legal aid service has been provided for victims of CSEC, through a voluntary organization of lawyers organized by the Commission on Youth Protection. In addition to its role in protecting the rights of victims of CSEC, this legal service is also playing an important role in preventing CSEC by contributing to enhancing public awareness on the rights of victims of CSEC and the seriousness and harm of CSEC, through issuing press release on the process of lawsuits by victims of CSEC, organizing press conferences for victims, and holding various workshops to promote legal aid to victims.

The government is also operating or supporting programmes for rehabilitation and reintegration of victims of CSEC to ensure that they will not fall victim to CSEC again. Furthermore, the government is supporting various programs of NGOs for children and youth victims of sexual exploitation. One of such programs, called the Vaccine Program, provides mentor-training courses for victims of sexual exploitation, so that they can be reintegrated into society with

more ease while at the same time participating in the program by offering peer counselling to and sharing their experiences with other victims.

III. Monitoring: Institutional developments and tasks for eradication of sexual exploitation of children after the Yokohama Conference

After the Yokohama International Conference, the Republic of Korea has been devoted to strengthening efforts to combat CSEC. Legislation to promote the welfare and rights of children and youth and to prevent sexual exploitation has been enacted. The promotion of the rights of children has been one of the top priorities in governmental tasks, with a comprehensive plan for implementation. The confirmation of the constitutionality of the Public Disclosure System made in 2003 marked the end of controversy over the procedure and provided a momentum to strengthen it. In all these efforts, the government and civil society have been actively cooperating. As a result, the institutional framework for preventing CSEC has been established and the public awareness in this regard has been enhanced.

Nevertheless, there remains much to be done for the effective implementation of measures to combat CSEC. In particular, the new means and methods of perpetrating CSEC using information technologies such as the Internet and mobile phones have emerged as a strong challenge in efforts to fight CSEC. To secure public awareness on the harm of CSEC at the highest level and obtain public support for the efforts of government in this regard is another challenge to be faced. The issue of transnational CSEC also requires further cooperation with other countries.