

2017 Seoul Debates

Resource Book

Lessons Learnt on Addressing Gender-based Violence (GBV) From Korea and Around the World

20-21 April, 2017
Hotel President, Seoul, Republic of Korea

Donor partner:

This meeting has been possible because of the generous support of the Ministry of Foreign Affairs, Republic of Korea, to the UNDP Seoul Policy Centre.

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Foreword

Since 2013, the Seoul Debates has been a flagship biennial event organized by the UNDP Seoul Policy Centre, as a means to fulfill its mandate to share Korea's experiences with partner countries on strategic development issues. We selected Gender-Based Violence (GBV) as the theme of the 2017 Seoul Debates given the overarching importance of eliminating GBV to achieve an inclusive society and to attain the Sustainable Development Goals (SDGs).

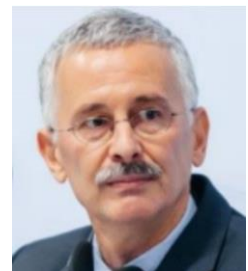
The meeting agenda covers multiple aspects of Korea's experience of addressing GBV, including: legislation and policy work; enhancement of handling GBV cases by the judiciary and the police; mechanisms to support victims of GBV, including the Sunflower Center; civil society movement and advocacy; as well as prevention efforts through capacity-building and public awareness-raising. Through dedicated sessions, the Seoul Debates also highlights the special importance of fighting GBV against children and persons with disabilities as well as GBV in the context of forced migration and sex trafficking.

The presentations and discussions at the Seoul Debates are designed to act as an incubator for the UNDP Seoul Policy Centre's new Development Solutions Partnerships (DSPs) on GBV that will seek to identify and package Korea's experience and lessons learnt, facilitate dynamic exchange of lessons learnt, and support the application of that knowledge in our partner countries.

As the Director of the Centre, I am extremely pleased and grateful that we have many highly distinguished participants who have and will share their life-long efforts, expertise, and insights.

This publication has been produced to facilitate the exchange of views and serve as a reference for further knowledge sharing. We hope that the experiences and lessons shared at the Seoul Debates will provide an inspiration and a launching pad for innovative actions for fighting the scourge of GBV around the world. While there is no such thing as a "magic bullet" in solving such a complex and deep-rooted problem as GBV, I believe in the power and value of knowledge sharing and partnerships in addressing this issue.

I would like to thank all the contributors, and appreciate our institutional partners at the Korean Ministry of Foreign Affairs and the Ministry of Gender Equality and Family. Last but not least, I would like to acknowledge those who made tireless efforts for the production of this book, including Hye-Jin Park, Ahjung Lee, Sonheong Jang, Melissa Nipakasem, Soohyun Lee, Amine Ammor, Julie Adiwai, Haejo Kang, and Artemy Izmetiev.



Balázs Horváth

Balázs Horváth

Director, UNDP Seoul Policy Centre

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Concept Note & Programme



Concept Note

Executive Summary

The Seoul Debates is a flagship bi-annual international conference organized by the UNDP Seoul Policy Centre (USPC) on selected topics. The Seoul Debates seek to respond to the existing interest of UNDP Country Offices and partner countries with regards to sharing Korea's experiences; and to capitalize on the UNDP's comparative advantage and its policy and research capacity. The 2017 Seoul Debates will focus on the topic of gender-based violence (GBV), which is one of the 'accelerators' for achieving the 2030 Agenda for Sustainable Development.

The 2017 Seoul Debates will convene on 20-21 April 2017 in Seoul, Republic of Korea. The meeting will be organized with support from the Korean Ministry of Foreign Affairs, in partnership with the Ministry of Gender Equality and Family and leading Korean institutions, including the government, research and civil society organizations, as well as with the UNDP gender teams at Headquarters and the Bangkok Regional Hub for the Asia-Pacific region.

The meeting will organize an intensive dialogue among some 100 participants, including Korean experts as well as about 30 international participants from around 10 countries, consisting of UNDP programme managers, civil society experts, and government officials.

As in the previous Seoul Debates, the 2017 meeting is designed to act as an "incubator" for USPC's Development Solutions Partnership (DSP), which is the Centre's channel of conveying Korea's development experience through UNDP's global network, leading to concrete initiatives at the country level through UNDP country offices and their partners.

I. Institutional Background

United Nations Development Programme (UNDP)

UNDP works in some 170 countries and territories, helping to achieve the eradication of poverty, and the reduction of inequalities and exclusion. We help countries develop policies, leadership skills, partnering abilities, institutional capabilities and resilience necessary for sustainable development. Under the overall framework of the 2030 Agenda for Sustainable Development, UNDP focuses on helping countries develop and share solutions in three main areas:

- Sustainable development
- Democratic governance and peacebuilding
- Climate and disaster resilience

UNDP Seoul Policy Centre

For more than 40 years (1963-2009), UNDP has supported the people and the Government of the Republic of Korea (hereafter Korea), delivering 270 projects in 20 areas mirroring Korea's development path. UNDP closed its Country Office in 2009, as Korea joined the OECD Development Assistance Committee (DAC), affirming its status as a significant contributor of development aid. In this context, the UNDP Seoul Policy Centre (USPC) was established in 2011, with the objective of brokering new partnerships between Korea and the developing world through the UNDP network.

As one of the six UNDP Global Policy Centres, USPC is tasked with:

- representing UNDP in Korea
- working with Korea on international issues
- sharing Korea's development experiences with other countries
- pursuing pragmatic policy-oriented research

II. The Seoul Debates

The Seoul Debates is a flagship event organized by UNDP's Seoul Policy Center that has acquired a brand recognition and gained acceptance in policy circles. The Seoul Debates is closely linked to USPC's Development Solutions Partnership, which is a key means to fulfill USPC's mandate of sharing Korea's experiences. It is a programmatic approach of USPC to connect Korea with the wider UNDP network and enhance the Korea-UNDP partnership on strategic development issues globally. DSPs create and deepen a triangular cooperation among Korea (e.g. Seoul Metropolitan Government, or the Anti-Corruption and Civil Rights Commission of Korea), UNDP (USPC together with UNDP's relevant global/regional teams), and partners in developing countries (consisting of UNDP country offices and their partner Government institutions). They package Korea's experience and knowledge, facilitate dynamic exchange of lessons learnt and peer-to-peer mentoring, along with supporting the national adaptation of the tools at the country level, by channeling seed funding and technical support to the partner countries through existing project facilities of UNDP country offices. Currently, USPC has two DSPs: one for effective anti-corruption assessment and another for transparent public construction management. DSP initiatives utilize UNDP's convening power and the national implementation modality of UNDP projects which maximize the partner government's ownership and integration of key initiatives into the government's institutional mechanisms. Together with country offices with strategic opportunities, USPC also seeks to support the expansion of successful DSPs into larger, multi-year projects.

As in the case of the 2015 Seoul Debates on anti-corruption which led to the development of two DSP projects, this year's meeting is designed to act as an "incubator" for a new DSP, fulfilling USPC's mandate to convey Korea's development experience to other countries through UNDP's global network. Discussions in the Seoul Debates aim to lay out specific characteristics of the Korean experience in areas that contributed substantially to reaching critical development goals, and to adapt them as needed to make that experience suited for application in developing countries today.

III. Rationale: Why share Korea's experience in fighting GBV?

Gender-based Violence (GBV) is one of the most pervasive human rights violations in the world. According to the World Health Organization, approximately 35 percent of all women worldwide will experience some form of violence perpetrated by an intimate partner or non-partner in their lifetime. National studies reveal up to 70 percent of women have experienced physical and/or sexual violence in their lifetime, and in some local settings the prevalence rates are even higher.

The Sustainable Development Goals (SDGs) now include a set of specific GBV-related targets such as ending violence against women, preventing practices such as trafficking of individuals, violence and torture against children, sexual violence in conflict, and other such harmful practices. Other targets delineate the enabling environment necessary for reducing GBV including: gender equality, human rights, the rule of law, access to justice and strong institutions, peacebuilding and a reduction of generalized violence, equal access to health services, education, and productive assets. Reducing GBV is a catalytic driver (i.e. an “accelerator”) for achieving the SDGs, and is fundamental for the achievement of peace, economic productivity, human rights, justice, and social cohesion. Reduced GBV means less suffering, as well as reduced risks of HIV, mental illness, substance abuse and crime, among a host of other benefits. As reducing GBV and related forms of violence can trigger multiple social development gains, broad-based and multi-sectorial approaches must be employed to address it.

In this context, the 2017 Seoul Debates seek to share the rich experiences of Korea in addressing GBV, including, but not limited to, the issues of domestic violence, sexual crimes, and sex trafficking. In recognition of the fact that GBV is a complex phenomenon embedded in social, cultural and economic contexts, the 2017 Seoul Debates will also seek to present experiences that encompass not only legislation, policy and prosecution aspects, but are also related to efforts such as socio-cultural education, civil society advocacy and partnership, institution-building, as well as socio-economic measures to prevent GBV and support the survivors of GBV.

In Korea, GBV used to be a widespread phenomenon yet ignored due to entrenched socio-cultural norms and lack of legal, policy and institutional instruments necessary for addressing the issue. However, since the 1980s, Korean Civil Society has made concerted efforts, which have led to the enactment of key laws (including those on domestic violence, sexual violence and sex trafficking), the establishment of required institutions, and fundamental changes in underlying social norms over the last few decades.

In recent decades, the Korean Government has also taken increasingly strong legal and institutional measures and has supported coordination and collaborative approaches among relevant actors in fighting GBV. For instance, the Government has established and financed multi-stakeholder/inter-institutional cooperation mechanisms (i.e. through the Sunflower Centres) to provide a one-stop service centre to victims including counseling, medical treatment, legal assistance, and police investigation.

In recognition of the particular vulnerabilities of the disabled women and girls against GBV, the Government also passed a dedicated law in 2010 and established specialized assistance centres for the disabled women. Civil Society Organizations played a crucial role in achieving this. Together with civil society, the Korean Government continues its work in toughening punishment of GBV crimes, expanding rehabilitation programmes, and introducing targeted measures for enhanced protection of victims.

There remains a significant amount of work that needs to be done in order to fully eliminate GBV from Korean society. However, there are many valuable lessons that can be drawn from Korea's experiences with reducing GBV and they can be adapted and utilized by interested countries.

The 2017 Seoul Debates therefore seek to present these experiences with the ultimate objective of identifying (i.e. "incubating") one or two specific topics to be further shared in depth with selected developing countries through its Development Solutions Partnership programme.

Annotated Agenda

Day 1 (April 20, 2017)—Schubert Hall at Hotel President

Opening		
8:45 – 09:20	Registration	
9:20 – 09:25	Welcoming Speech	Mr. Balázs Horváth , Director, UNDP Seoul Policy Centre
9:25 – 09:30	Congratulatory Speech	H.E. Choi, Jong-moon , Deputy Minister for Multilateral and Global Affairs, Ministry of Foreign Affairs
9:30 – 09:40	Keynote Speech	H.E. Kang, Eun-hee , Minister of Gender Equality and Family
9:40 – 9:50	Photo Session	
Session 1		
Policy Dialogue:		
Importance of Addressing GBV in the Context of the Agenda 2030		
9:50-11:00	<p><Objectives></p> <ul style="list-style-type: none"> • Recap the discussions on GBV at the United Nations, particularly the SDG dedicated targets on GBV and how reducing GBV is catalytic for achieving the SDGs overall • Discuss the implications of “leaving no one behind”: reaching out to the most vulnerable groups • Discuss GBV in humanitarian and post-crisis settings • Discuss effective ways of ensuring adequate financing for addressing and preventing GBV • Compare experiences and extract policy lessons learnt in tackling GBV <p><Panelists></p> <ul style="list-style-type: none"> • H.E. Oh, Youngju, Ambassador and Deputy Permanent Representative of the Republic of Korea to the United Nations in New York • Dr. Diani Sadiawati, Senior Advisor to the Minister of National Development Planning on Institutional Relations, National Development Planning Agency (BAPPENAS), Indonesia • Ms. Randi Davis, Director, Gender Team, Bureau for Policy and Programme Support (BPPS), UNDP New York • Mr. Md Aynul Kabir, Joint Secretary, Ministry of Women and Children Affairs, Bangladesh • Mr. J.P.S. Jayasinghe, Director (Planning & Monitoring), Ministry of Women and Child Affairs, Sri Lanka <p><Moderator></p> <ul style="list-style-type: none"> • Dr. Shin, Heisoo, Member, UN Committee on Economic, Social and Cultural Rights (CESCR); Representative, Korea Center for United Nations 	

	<p>Human Rights Policy (KOCUN); Visiting Prof., Graduate School of International Studies (GSIS), Ewha Womans University</p> <p><Rapporteurs></p> <ul style="list-style-type: none"> • Mr. Artemy Izmestiev, Policy Specialist, UNDP Seoul Policy Centre • Mr. Diego Antoni, Policy Specialist on Gender, Governance and Crisis Response, Bureau for Policy and Programme Support (BPPS), UNDP New York
11:00 – 11:15	Coffee Break
<p>Session 2</p> <p>Legislative Developments and Policies in Conceptualizing and Fighting GBV: Current Status and Future Directions</p>	
11:15-12:15	<p><Objectives></p> <ul style="list-style-type: none"> • Review exemplary laws and lessons learnt, including progress and challenges, in implementing legal instruments to combat GBV • Review the evolution of the legal definitions of various types of GBV • Evaluate the legal framework to provide victims of GBV access to justice, protection, and remedy; • Identify effective approaches to prosecution, punishment and rehabilitation of perpetrators • Discuss remaining key challenges in the effective implementation and financing of laws to address GBV • Showcase innovative and holistic local government policies to enhance women’s safety and prevent GBV <p><Panelists></p> <ul style="list-style-type: none"> • Dr. Shin, Heisoo, Member, UN Committee on Economic, Social and Cultural Rights (CESCR); Representative, Korea Center for United Nations Human Rights Policy (KOCUN); Visiting Prof., Graduate School of International Studies (GSIS), Ewha Womans University • Dr. Lee, Mijeong, Director, Research Center for Women's Human Rights, Korean Women’s Development Institute (KWDI) • Dr. Um, Kyusook, Assistant Mayor, Women & Family Policy Affairs, Seoul Metropolitan Government <p><Moderator></p> <ul style="list-style-type: none"> • Ms. Allison Hope Moore, Gender Focal and Programme Specialist on Civil Society and Media, UNDP Myanmar <p><Rapporteur></p> <ul style="list-style-type: none"> • Ms. Sonheong Jang, Consultant, UNDP Seoul Policy Centre
12:15 – 13:15	Lunch

Session 3 Korean Women's Movement against GBV: Achievements and Challenges	
13:15 – 14:30	<p><Objectives></p> <ul style="list-style-type: none"> • Reflect on historical experiences of Korean civil society organizations (CSOs) in advancing the national movement to fight GBV, particularly in relation to public awareness-raising, advocacy, as well as monitoring of national policies and laws • Identify key factors for successes as well as remaining challenges in the civil society movement to fight GBV • Extract lessons learnt and propose strategies for strengthening the civil society movement and nurturing effective partnerships with civil society <p><Panelists></p> <ul style="list-style-type: none"> • Dr. Lee, Mi Kyoung, Director of the Korean Sexual Violence Relief Center (KSVRC) • Ms. Song, Ranhee, General Secretary of Korea Women's Hotline (KWHL) • Ms. Jung, Mi Rye, Representative, National Solidarity against Sexual Exploitation of Women <p><Moderator></p> <ul style="list-style-type: none"> • Mr. Balázs Horváth, Director, UNDP Seoul Policy Centre <p><Rapporteurs></p> <ul style="list-style-type: none"> • Ms. Maria Carolina Melo, Gender Officer, UNDP Colombia
14:30 – 14:45	Coffee Break
Session 4 Strengthening Access to Justice for GBV	
14:45 -16:00	<p><Objectives></p> <ul style="list-style-type: none"> • Discuss effective approaches to enhance access to justice for victims of GBV, including the role of the police, judiciary, civil society, and the UN <p><Panelists></p> <ul style="list-style-type: none"> • Ms. Park, Hyunju, Vice Chief Public Prosecutor, Busan District Prosecutor's Office • Mr. Im, Won Hyuk, Head, Center for International Police Training and Research (CIPTR), Korean National Police University • Ms. Nway Ywet Wah Soe, Programme Officer, Legal Clinic Myanmar and Ms. Allison Hope Moore, Gender Focal and Programme Specialist on Civil Society and Media, UNDP Myanmar • Ms. Awa Tounkara, Executive Secretary of Women Jurist Association, Senegal & Ms. Mariama Dieng, Sociologist, Ministry of Women, Family and Children, Senegal

	<ul style="list-style-type: none"> Ms. Aiman Umarova, Attorney at Law, Regional Bar Association; Co-founder, PF “Human Rights Lawyers”, Kazakhstan <p><Moderator></p> <ul style="list-style-type: none"> Mr. Hakki Onur Ariner, Cluster Lead, Human Rights and Rule of Law, UNDP Turkey <p><Rapporteur></p> <ul style="list-style-type: none"> Ms. Bui Phuong Tra, Programme Analyst, Gender Focal Team and the UN Gender Joint Programming Group, UNDP Vietnam
<p>Session 5</p> <p>How to Build an Effective Support System for Victims/Survivors of GBV: Korea’s One-Stop Mechanism (Sunflower Centre) and International Practices</p>	
16:00 -17:45	<p><Objectives></p> <ul style="list-style-type: none"> Share Korea’s experience of providing an integrative support system for victims/survivors of sexual violence through the Sunflower Centre, including a discussion of its rationale, key features, success factors and lessons learnt Present similar mechanisms undertaken in other countries with a comparative perspective, and share differences and lessons learnt Facilitate interactive and practical sharing of professional experiences in relevant fields, such as investigation, counseling, medical support, and rehabilitation Propose key principles, as well as effective approaches and strategies to be undertaken for establishing a holistic, integrated, and victim-oriented support system <p><Presentation></p> <ul style="list-style-type: none"> Dr. Yoon, Sun Young, President, Korea Support Center for Women and Children Victims of Violence, Women’s Human Rights Institute of Korea <p><Discussion 1 with Korean practitioners></p> <ul style="list-style-type: none"> Ms. Park, Ji-Eun, Forensic Nurse, Gangwon Sunflower Centre Ms. Kang, In Sook, Counseling Team Leader, Daegu Sunflower Centre Ms. Chang, Yun Jeong, Leader of Investigation Team, Gyeonggi Bukdongbu Sunflower Center; Inspector, Gyeonggi Bukbu Provincial Police Agency Women and Juvenile Affairs Division <p><Discussion 2 with International Practitioners></p> <ul style="list-style-type: none"> Ms. Shafiga Murebwayire, National Coordinator Isange One Stop Center, Rwanda National Police Ms. Nhora Alvarez, CEO, Circulo de Estudios Foundation, Colombia & Ms. Maria Carolina Melo, Gender Officer, UNDP Colombia

	<ul style="list-style-type: none"> Ms. Savithri Wijesekera, Executive Director, Women in Need, Sri Lanka & Ms. Bimali Ameresekere, Technical Coordinator – Gender and Women’s Empowerment, UNDP Sri Lanka Ms. Sujata Tuladhar, Technical Specialist on Gender-based Violence, United Nations Population Fund (UNFPA), Asia-Pacific Regional Office & Ms. Melissa Alvarado, Ending Violence against Women Programme Manager, UN Women Asia-Pacific Regional Office <p><Moderator></p> <ul style="list-style-type: none"> Ms. Ahjung Lee, Policy Specialist, UNDP Seoul Policy Centre <p><Rapporteurs></p> <ul style="list-style-type: none"> Ms. Koh Miyaoi, Gender Team Leader, UNDP Bangkok Regional Hub Mr. Diego Antoni, Policy Specialist on Gender, Governance and Crisis Response, Bureau for Policy and Programme Support (BPPS), UNDP New York
Group Debrief & Suggestions for Day 2	
17:45 – 18:00	Participants will pair up & debrief with one another on key points from Day 1, and write on sticky notes (provided on the table) one critical question/issue they would like to discuss further in Day 2. Participants will then put their sticky notes on the wall upon leaving the venue. Key questions/issues will be then selected by organizers and handed out for the focused group discussion in Session 11 on Day 2.

Day 2 (April 21, 2017)—Mozart Hall at Hotel President

Session 6	
Lessons Learnt for Programming on GBV	
9:00 – 9:30	<p><Objectives></p> <ul style="list-style-type: none"> Share UNDP’s global experience and lessons learnt in successful programming on GBV both through dedicated interventions and through integrating GBV into wider sectorial approaches. <p><Panelists></p> <ul style="list-style-type: none"> Mr. Diego Antoni, Policy Specialist on Gender, Governance and Crisis Response, BPPS, UNDP New York Ms. Koh Miyaoi, Asia-Pacific Gender Team Leader, UNDP Bangkok Regional Hub

Session 7 Raising Public Awareness and Building Capacities to Address GBV	
9:30 – 11:00	<p><Objectives></p> <ul style="list-style-type: none"> • Showcase successful public awareness-raising campaigns and education programmes to fight GBV • Showcase successful interventions in shifting behaviors at the individual and community levels, including the work with perpetrators, the engagement of men and boys to prevent GBV, and the empowerment of women and girls to prevent GBV • Discuss effective strategies for building the personal and institutional capacities of those working in the field, including gender-sensitive training of medical and law-enforcement personnel • Discuss strategies of changing the traditional division of labor and power imbalances between genders in the household, in order to address domestic violence <p><Panelists></p> <ul style="list-style-type: none"> • Ms. Byun, Hyun Ju, Director General, Domestic Violence Prevention Headquarters, Women’s Human Rights Institute of Korea • Mr. Fidele Rutayisire, President, Rwanda Men’s Resource Center • Dr. Choi, In Sook, Director, Prevention Education of Violence Department, Korean Institute for Gender Equality Promotion and Education • Dr. Robert Rudolf, Associate Professor, Korea University • Ms. Sujata Tuladhar, Technical Specialist on Gender-based Violence, United Nations Population Fund (UNFPA), Asia Pacific Regional Office <p><Moderator></p> <ul style="list-style-type: none"> • Ms. Francine Pickup, Deputy Country Director, UNDP Indonesia <p><Rapporteurs></p> <ul style="list-style-type: none"> • Ms. Mendy Marsh, Gender-based Violence in Emergencies Specialist, UNICEF
11:00 – 11:15	Coffee Break
Session 8 GBV against Children and Persons with Disabilities	
11:15 – 12:45	<p><Objectives></p> <ul style="list-style-type: none"> • Identify common forms and root causes of GBV against children and persons with disabilities • Discuss mechanisms to protect children from GBV and prevent the manifestation of negative impact in their adult lives

	<ul style="list-style-type: none"> • Evaluate existing legal framework and support mechanisms for children and persons with disabilities in Korea and other countries • Review and evaluate various initiatives to address GBV against children and persons with disabilities, and extract lessons for more effective and victim-oriented approaches <p><Panelists></p> <ul style="list-style-type: none"> • Dr. Yoon, Deuk-Kyoung, Research Fellow, Korean Women’s Development Institute (KWDI) • Ms. Mendy Marsh, Gender-based Violence in Emergencies Specialist, UNICEF • Ms. Lee, Hyeonsook, Executive Director, ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) Korea Tacteen • Ms. Kim, Mi Yeon, President, Women with Disabilities Arts and Cultural Network <p><Moderator></p> <ul style="list-style-type: none"> • Dr. Lee, Jeong-shim, Director General, Women’s Rights Promotion Bureau, Ministry of Gender Equality and Family <p><Rapporteur></p> <ul style="list-style-type: none"> • Ms. Entela Lako, Programme Specialist, Gender and Social Inclusion, UNDP Albania
12:45 – 13:45	LUNCH
Session 9 GBV in the Context of Forced Migration and Sex Trafficking	
13:45 – 14:45	<p><Objectives></p> <ul style="list-style-type: none"> • Identify key causal factors and dynamics of sex trafficking and forced migration • Discuss effective strategies and exemplary practices for prosecution of sex traffickers • Discuss holistic approaches to prevent sex trafficking • Showcase examples of effective support mechanisms for victims of GBV in relation to sex trafficking and forced migration • Discuss the dynamics of sex trafficking and sexual violence in conflict situations: how to prevent and support the survivors and their communities • Discuss the dynamics of GBV in refugee crisis situation, and propose strategies and policies required to address GBV in this context <p><Panelists></p>

	<ul style="list-style-type: none"> • Mr. Sebastian Boll, Regional Research Specialist, United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT) /UNDP • Dr. Nguyen Thi Phuong Hoa, Deputy Director, Center for Legal Research on Human and Citizen Rights, Ho Chi Minh City University of Law, Vietnam & Ms. Bui Phuong Tra, Programme Analyst, Gender Focal Team and the UN Gender Joint Programming Group, UNDP Vietnam • Mr. Hakki Onur Ariner, Cluster Lead, Human Rights and Rule of Law, UNDP Turkey <p><Moderator></p> <ul style="list-style-type: none"> • Mr. Artemy Izmetiev, Policy Specialist, UNDP Seoul Policy Centre <p><Rapporteur></p> <ul style="list-style-type: none"> • Ms. Sarwat Chowdhury, Policy Specialist, UNDP Seoul Policy Centre
14:45 – 15:00	Coffee Break
Session 10 Community Empowerment to Fight GBV	
15:00-16:00	<p><Objectives></p> <ul style="list-style-type: none"> • Showcase successful examples of community-based approaches to tackling GBV • Share lessons learnt in various community empowerment initiatives, identifying key elements of successes and challenges • Extract policy, programming, and partnership implications: how to support, complement, and scale-up community-based work to fight GBV <p><Panelists></p> <ul style="list-style-type: none"> • Ms. Dwi Rubiyanti Kholifah, Country Representative, Asian Muslim Action Network (AMAN), Indonesia • Ms. Fabiola Laco Egro, Executive Director, Community Development Centre “Today for the Future” (CDC-TFF), Albania & Ms. Entela Lako, Programme Specialist, Gender and Social Inclusion, UNDP Albania • Ms. Anna Minj, Director, Community Empowerment Programme (CEP) Bangladesh Rural Advancement Committee (BRAC), Bangladesh <p><Moderator></p> <ul style="list-style-type: none"> • Ms. Nadine Umutoni Rugwe, Team Leader – Democratic Governance and Peace Consolidation, UNDP Rwanda <p><Rapporteur></p> <ul style="list-style-type: none"> • Ms. Bimali Ameresekere, Technical Coordinator – Gender and Women’s Empowerment, UNDP Sri Lanka

Session 11	
Focus Group Discussions: Peer-to-Peer Dialogue & Partnership Development	
16:00 – 16:45	<p>Participants will be grouped and will reflect on the learning points from previous sessions. Participants will share their experiences, give peer-to-peer advice, and discuss the correlation between different types of GBV. They will also brainstorm partnership strategies to facilitate the implementation of the lessons learnt and good practices shared in this meeting.</p> <p><Facilitators></p> <ul style="list-style-type: none"> • Mr. Balázs Horvath, Director, UNDP Seoul Policy Centre • Ms. Ahjung Lee, Policy Specialist, UNDP Seoul Policy Centre • Mr. Artemy Izmistiev, Policy Specialist, UNDP Seoul Policy Centre • Ms. Koh Miyaoi, Asia-Pacific Gender Team Leader, UNDP Bangkok Regional Hub • Mr. Diego Antoni, Policy Specialist on Gender, Governance and Crisis Response, BPPS, UNDP New York • Dr. Chang, Eun Ha, Director, Centre for International Development and Cooperation, Korean Women’s Development Institute; and Ms. Hye-Jin Park, Communications Analyst, UNDP Seoul Policy Centre
Presentation of Discussion Results	
16:45 – 17:30	<p>Rapporteurs will report the results of their group discussions and provide suggestions for addressing specific challenges faced by each focus group. Lastly, participants will be invited to highlight particularly promising Korean practices that could be applied or benchmarked in other countries, including through USPC’s Development Solutions Partnership (DSPs).</p> <p><Moderator></p> <ul style="list-style-type: none"> • Ms. Ahjung Lee, Policy Specialist, UNDP Seoul Policy Centre
Conclusion & Closing Remarks	
17:30 – 18:00	<ul style="list-style-type: none"> • Mr. Jeong, Jinkyu, Director-General for Development Cooperation, Ministry of Foreign Affairs, Republic of Korea • Ms. Randi Davis, Director, Gender Team, BPPS, UNDP New York • Mr. Balázs Horváth, Director, UNDP Seoul Policy Centre
18:00-20:00	<p>Farewell Dinner (for overseas participants and domestic speakers) <i>*Hosted by the Ministry of Foreign Affairs, Republic of Korea</i> <i>*Venue: Brahms Hall, Hotel President</i></p>

프로그램

1일차 (2017년 4월 20일) — 프레지던트 호텔, 슈베르트 홀

개회		
8:45 – 9:20	등록	
9:20 – 9:25	환영사	발라즈 호르바트(Balázs Horváth) UNDP 서울정책센터 소장
9:25 – 9:30	축사	최종문 외교부 다자외교조정관
9:30 – 9:40	기조연설	강은희 여성가족부 장관
9:40 – 9:50	사진 촬영	
제 1세션		
정책 담화: “2030 의제”, 그리고 젠더기반폭력 근절의 중요성		
9:50 – 11:00	<p><주요 논점></p> <ul style="list-style-type: none"> • 유엔 차원에서의 젠더기반폭력 관련 논의 정리, 특히 지속가능개발(SDG) 세부목표(Targets) 및 SDG 달성을 촉진하기 위한 젠더기반폭력 근절의 중요성 • ‘누구도 소외되지 않는 세상(leaving no one behind)’의 개념과 그 함의: 사회 취약계층에 대한 지원 • 분쟁 등 인도주의적 위기 상황 하에서의 젠더기반폭력 • 젠더기반폭력 근절 및 예방을 위한 효과적 자원 마련 방안 • 젠더기반폭력 근절 노력 및 경험 비교적 고찰 및 정책 시사점 도출 <p><패널위원></p> <ul style="list-style-type: none"> • 주 유엔 대한민국대표부 오영주 차석대사 • 인도네시아 국가발전기획처 (BAPPENAS) 디아니 사디아와티 (Diani Sadiawati) 대외관계 담당 장관상임고문(Senior Advisor) • UNDP 뉴욕 정책 및 프로그램 지원국(BPPS) 젠더팀 랜디 데이비스(Randi Davis) 본부장 	

	<ul style="list-style-type: none"> • 방글라데시 여성아동부 무하마드 아이누 카비(Md Aynul Kabi) 국장 • 스리랑카 여성아동부 J.P.S. 자야싱헤(J.P.S. Jayasinghe) 기획·감독부장 <p><좌장></p> <ul style="list-style-type: none"> • UN 경제·사회·문화적 권리위원회(CESCR) 위원; UN 인권정책센터(KOKUN) 상임대표; 이화여자대학교 국제대학원 신혜수 교수 <p><서기></p> <ul style="list-style-type: none"> • UNDP 서울정책센터 아데미 이즈메스티에브(Artemy Izmistiev) 정책관 • UNDP 뉴욕 정책 및 프로그램 지원국(BPPS) 젠더·거버넌스·위기대응팀 디에고 안토니(Diego Antoni) 정책관
11:00 – 11:15	휴식
<p>제 2세션</p> <p>젠더기반폭력 개념 정립 및 근절을 위한 입법 및 정책: 현황 및 앞으로 나아가야 할 방향 고찰</p>	
11:15-12:15	<p><주요 논점></p> <ul style="list-style-type: none"> • 젠더기반폭력 근절을 위한 모범적 입법 경험 및 법적 방안의 발전 및 애로사항 검토 • 다양한 젠더기반폭력 형태와 그 법적 정의의 변천 • 젠더기반폭력 피해자들에게 사법 정의 실현(access to justice), 보호, 구제 등을 제공할 수 있는 법적 기반의 평가 • 가해자 기소, 처벌, 재교육 등에 효과적인 접근법 논의 • 젠더기반폭력 관련법의 효과적 실행 및 재원 • 여성의 안전 제고와 젠더기반폭력 예방을 위한 혁신적이고 포괄적인 지방정부 정책 <p><패널위원></p>

	<ul style="list-style-type: none"> • UN 경제·사회·문화적 권리위원회(CESCR) 위원; UN 인권정책센터(KOKUN) 상임대표; 이화여자대학교 국제대학원 신혜수 교수 • 한국여성정책연구원(KWDI) 여성권익연구센터 이미정 센터장 • 서울시 여성가족정책실 엄규숙 실장 <p><좌장></p> <ul style="list-style-type: none"> • UNDP 미얀마 국가사무소 알리슨 호프 무어(Allison Hope Moore) 젠더 프로그램 담당관 <p><서기></p> <ul style="list-style-type: none"> • UNDP 서울정책센터 장선형 연구원
12:15 – 13:15	환영 오찬
제 3세션 한국 반여성폭력 운동의 성과와 과제	
13:15 – 14:30	<p><주요 논점></p> <ul style="list-style-type: none"> • 공공 인식 제고, 옹호(advocacy) 및 관련 정책·법률에 대한 모니터링 등 범국민적 젠더기반폭력 근절 운동과 관련한 한국 시민단체의 역사적 경험 • 시민사회의 젠더기반폭력 근절 운동: 성패 원인과 향후 과제 • 시민사회 운동의 강화와 효과적인 파트너십을 위한 경험 및 발전 전략 <p><패널위원></p> <ul style="list-style-type: none"> • 한국성폭력상담소(KSVRC) 이미경 소장 • 한국여성의전화(KWHL) 송란희 사무처장 • '성매매 문제해결을 위한 전국연대' 정미례 공동대표 <p><좌장></p> <ul style="list-style-type: none"> • UNDP 서울정책센터 발라즈 호르바트(Balázs Horváth) 소장 <p><서기></p> <ul style="list-style-type: none"> • UNDP 콜롬비아 국가사무소 마리아 카롤리나 밀로(Maria Carolina Melo) 젠더 담당관

14:30 – 14:45	휴식
제 4세션 젠더기반폭력 피해자의 사법 정의 실현(Access to Justice)	
14:45 – 16:00	<p><주요 논점></p> <ul style="list-style-type: none"> • 경찰, 사법부, 시민단체 및 유엔의 역할 등 젠더기반폭력 피해자의 사법 정의 실현(access to justice) 제고를 위한 효과적 방안 <p><패널위원></p> <ul style="list-style-type: none"> • 부산지방검찰청 박현주 부부장검사 • 경찰대학교 국제협력과(CIPTR) 임원혁 센터장 • 미얀마 법률 연구 상담소(Legal Clinic Myanmar) 느웨이 이웻 와 소(Nway Ywet Wah Soe) 프로그램 담당관 & UNDP 미얀마 국가사무소 알리슨 호프 무어(Allison Hope Moore) 젠더 프로그램 담당관 • 세네갈 여성법조인협회(WJA: Women Jurist Association, Senegal) 아와 툰카라(Awa Tounkara) 대표 & 세네갈 여성·아동·가족부 마리아마 디엥(Mariama Dieng) 사회학 고문 • 카자흐스탄 지역변호사협회 멤버; “인권변호사들의 모임(Human Rights Lawyers)” 아이만 우마로바(Aiman Umarova) 공동창립자 <p><좌장></p> <ul style="list-style-type: none"> • UNDP 터키 국가사무소 인권-법치 프로그램 하키 오누 아리너(Hakki Onur Ariner) 과장 <p><서기></p> <ul style="list-style-type: none"> • UNDP 베트남 국가사무소 젠더 포컬 포인트 부이 푸옹 짜(Bui Phuong Tra) 프로그램 분석관

제 5세션

효과적인 피해자/생존자 지원 시스템 구축에 대한 고찰: 한국의 원스톱 메커니즘 (해바라기센터) 및 외국 사례

16:00 – 17:45

<주요 논점>

- 해바라기센터의 소개를 통해 성범죄 피해자/생존자를 위한 통합적 지원 경험을 공유: 지원 메커니즘 구축 배경, 주요 특징, 성공요인 및 시사점
- 외국의 유사한 지원시스템 소개: 비교분석 및 경험 공유
- 수사, 상담, 의료 지원, 재활 등 관련 종사자들간의 활발한 실무 경험 공유
- 포괄적이고 통합적인 피해자 중심의 통합 지원 체계 구축을 위한 핵심 원칙 및 효과적 방안과 전략

<발표>

- 한국 여성인권진흥원 여성·아동폭력피해 윤선영 중앙지원단장

<토론 1- 한국 실무자>

- 강원서부 해바라기센터 박지은 간호팀장 겸 법의간호사
- 대구 해바라기센터 강인숙 상담팀장
- 경기북동부 해바라기센터 장윤정 수사팀장
(경기북부지방경찰청 여성청소년과 소속)

<토론 2- 해외 실무자>

- 르완다 경찰청 “이싼제(Isange)” 원스톱센터 샤피가 무레브웨이레(Shafiga Murebwayire) 조정관(Coordinator)
- 콜롬비아 시르쿨로 데 에스뚜디오스(Circulo de Estudios) 재단 노라 알바레스(Nohra Alvarez) 회장 & UNDP 콜롬비아 국가사무소 마리아 카롤리나 밀로(Maria Carolina Melo) 젠더 담당관
- 위민-인-니드(WIN: Women in Need) 서비스리 위제세케라(Savithri Wijesekera) 스리랑카 대표 & UNDP

	<p>스리랑카 국가사무소 비말리 아메레세케레(Bimali Ameresekere) 젠더 및 여권신장 담당관(Technical Coordinator)</p> <ul style="list-style-type: none"> • 유엔인구기금(UNFPA) 아시아-태평양 지역사무소 젠더기반폭력 분야 전문가(Technical Specialist) 수자타 투라드하르(Sujata Tuladhar) 담당관 & 유엔여성기구(UN Women) 아시아-태평양 지역사무소 멜리사 알바라도(Melissa Alvarado) 여성 폭력 근절 프로그램 담당관 <p><좌장></p> <ul style="list-style-type: none"> • UNDP 서울정책센터 이아정 정책관 <p><서기></p> <ul style="list-style-type: none"> • UNDP 방콕 아시아태평양 지역사무소 코 미야오이(Koh Miyaoi) 젠더 팀장 • UNDP 본부 정책 및 프로그램 지원국(BPPS) 젠더·거버넌스·위기대응팀 디에고 안토니(Diego Antoni) 정책관
<p>조별 정리 및 2일차 논의 제안</p>	
<p>17:45 – 18:00</p>	<p>같은 테이블에 착석한 참가자들 간 1일차 논의 쟁점을 공유하고, 각자 배포된 포스트잇에 2일차 회의에서 추가적으로 다뤄야 할 중요한 질문이나 이슈를 적습니다. 그리고 각 참가자는 회의장을 나가면서 포스트잇을 지정된 벽에 붙입니다. 가장 관련성이 높고 중요한 질문 및 이슈는 회의 주최측이 선정하여, 2일차 있을 제 11세션 그룹토론을 위해 전달드릴 예정입니다.</p>

2일차 (2017년 4월 21일) — 프레지던트 호텔, 모짜르트 홀

제 6세션 젠더기반폭력 근절 프로그램을 위한 경험 및 지식 공유	
9:00 – 9:30	<p><주요 논점></p> <ul style="list-style-type: none"> • 1일차 세션들의 논점과 교훈 등을 정리 • UNDP 글로벌 프로그램 개발의 성공적 경험 및 교훈 공유: 각종 젠더기반폭력 근절 프로그램을 통한 직접적 조치, 그리고 보다 포괄적인 분야별 접근 방식 <p><패널위원></p> <ul style="list-style-type: none"> • UNDP 뉴욕 정책 및 프로그램 지원국(BPPS) 젠더·거버넌스·위기대응팀 디에고 안토니(Diego Antoni) 정책관 • UNDP 방콕 아시아태평양 지역사무소 코 미야오이(Koh Miyaoi) 젠더 팀장
제 7세션 젠더기반폭력 근절 및 예방을 위한 효과적인 인식제고와 유관기관 역량 제고	
9:30 – 11:00	<p><주요 논점></p> <ul style="list-style-type: none"> • 젠더기반폭력 근절을 위한 성공적인 대중 인식 제고 캠페인 및 교육 프로그램 소개 • 개인 및 공동체의 젠더기반폭력에 대한 태도 변화 성공 사례: 가해자 재교육 프로그램, 남성들의 젠더기반폭력 예방 프로그램 참여와 여권신장을 통한 예방조치 • 효과적 성 감수성 훈련 등 개인 및 유관기관(의료 종사자, 경·검찰 등)을 대상으로 한 개인과 기관 역량 제고 방안 • 고정된 성 관념에 따른 가사노동책임과 힘의 불균형 및 가정폭력 문제를 해결하기 위한 방안 논의 <p><패널위원></p> <ul style="list-style-type: none"> • 한국여성인권진흥원(WHRCK) 변현주 가정폭력방지본부장

	<ul style="list-style-type: none"> • 르완다 남성자원센터(Rwanda Men's Resource Center) 피델레 루타이시레(Fidele Rutayisire) 대표 • 한국양성평등교육진흥원(KIGEPE) 최인숙 폭력예방교육부장 • 고려대학교 로버트 루돌프(Robert Rudolf) 부교수 • 유엔인구기금(UNFPA) 아시아-태평양 지역사무소 젠더기반폭력 분야 전문가(Technical Specialist) 수자타 투라드하르(Sujata Tuladhar) 담당관 <p><좌장></p> <ul style="list-style-type: none"> • UNDP 인도네시아 국가사무소 프랜신 피킵(Francine Pickup) 부소장 <p><서기></p> <ul style="list-style-type: none"> • 유엔여성기구(UN Women) 아시아-태평양 지역사무소 멜리사 알바라도(Melissa Alvarado) 여성 폭력 근절 프로그램 담당관 • 유엔아동기금(UNICEF) 긴급상황 젠더기반폭력 전문가 맨디 마쉬(Mendy Marsh) 담당관
11:00 – 11:15	휴식
제 8세션 아동·청소년 및 장애인을 대상으로 한 젠더기반폭력	
11:15 – 12:45	<p><주요 논점></p> <ul style="list-style-type: none"> • 아동·청소년 및 장애인을 대상으로 한 젠더기반폭력의 형태와 발생 원인 • 젠더기반폭력으로부터 아동·청소년을 보호하고 피해 아동·청소년이 향후 성인이 되었을 때의 폭력성 발현을 방지할 수 있는 체계 구축 • 아동·청소년 및 장애인 피해자 지원책 및 국내외 법적근거 고찰 • 아동·청소년 및 장애인 피해자 발생 근절 및 예방을 위한 다양한 제도 검토와 보다 효과적인 피해자 중심적 접근 <p><패널위원></p> <ul style="list-style-type: none"> • 한국여성정책연구원(KWDI) 윤덕경 연구위원

	<ul style="list-style-type: none"> • 유엔아동기금(UNICEF) 긴급상황 젠더기반폭력 전문가 맨디 마쉬(Mendy Marsh) 담당관 • 탁틴내일(아동·청소년의 성매매·포르노그래피·인신매매 종식을 위한 국제네트워크 한국지부) 이현숙 상임대표 • 장애여성문화공동체 김미연 대표 <p><좌장></p> <ul style="list-style-type: none"> • 대한민국 여성가족부 권익증진국 이정심 국장 <p><서기></p> <ul style="list-style-type: none"> • UNDP 알바니아 국가사무소 안텔라 라코(Entela Lako) 젠더 및 사회적 포용 프로그램 담당관
12:45 – 13:45	오찬
제 9세션 강제이주 및 성착취·인신매매 관점에서의 젠더기반폭력	
13:45 – 14:45	<p><주요 논점></p> <ul style="list-style-type: none"> • 강제이주와 성착취·인신매매의 주요 동원 및 역학 관계 • 성착취 범죄자에 대한 효과적인 기소 전략 및 모범사례 • 성착취·인신매매 예방을 위한 포괄적 접근법 • 성착취·인신매매 및 강제이주로 발생한 젠더기반폭력 피해자에 대한 효과적인 지원 체계 사례 • 분쟁 상황에서의 성착취·인신매매와 성폭력: 생존자와 소속 공동체 지원 및 예방책 • 난민위기 상황에서의 젠더기반폭력 역학관계: 젠더기반폭력 근절에 필수적인 전략 및 정책 방안 <p><패널위원></p> <ul style="list-style-type: none"> • 반(反)인신매매 협력을 위한 유엔행동계획(UN Action for Cooperation Against Trafficking in Persons; UNDP 소속) 세바스찬 볼(Sebastian Boll) 지역연구전문가

	<ul style="list-style-type: none"> • 베트남 호치민 법학대학교 법률연구 및 인권·시민권 센터 응구옌 티 푸옹 호아(Nguyen Thi Phuong Hoa) 부소장 & UNDP 베트남 국가사무소 젠더 포컬 포인트 부이 푸옹 짜(Bui Phuong Tra) 프로그램 분석관 • UNDP 터키 국가사무소 인권-법치 프로그램 하키 오누 아리너(Hakki Onur Ariner) 과장 <p><좌장></p> <ul style="list-style-type: none"> • UNDP 서울정책센터 아데미 이즈메스티에브(Artemy Izmetiev) 정책관 <p><서기></p> <ul style="list-style-type: none"> • UNDP 서울정책센터 사왓 초드허리(Sarwat Chowdhury) 정책관
14:45 – 15:00	휴식
<p>제 10세션</p> <p>젠더기반폭력 근절을 위한</p> <p>커뮤니티 엠파워먼트(Community Empowerment)</p>	
15:00 – 16:00	<p><주요 논점></p> <ul style="list-style-type: none"> • 젠더기반폭력 문제를 해결하기 위한 커뮤니티 기반 접근 방식의 성공적 사례 소개 • 커뮤니티 엠파워먼트(community empowerment)를 위한 다양한 노력 경험을 공유하고 시사점과 주요 성과 및 과제 분석 • 정책, 프로그래밍, 파트너십 구축을 위한 시사점을 도출: 젠더기반폭력 근절을 위한 공동체 권리 신장 지원, 보완, 확대를 위한 방안 <p><패널위원></p> <ul style="list-style-type: none"> • 아시아 이슬람 행동 네트워크(AMAN) 드위 루비안티 칼리파(Dwi Rubiyanti Kholifah) 인도네시아 대표

	<ul style="list-style-type: none"> • 알바니아 CDC-TFF(지역발전공동체 미래를 위한 오늘 "Today for the future") 파비올라 라코 이그로(Fabiola Laco Egro) 대표 & UNDP 알바니아 국가사무소 안텔라 라코(Entela Lako) 젠더 및 사회적 포용 프로그램 담당관 • 방글라데시 BRAC 안나 민즈(Anna Minj) 지역공동체신장 프로그램(CEP: Community Empowerment Program) 디렉터 <p><좌장></p> <ul style="list-style-type: none"> • UNDP 르완다 국가사무소 나딘 우무토니 루그웨(Nadine Umutooni Rugwe) 민주적 거버넌스·평화구축 팀장 <p><서기></p> <ul style="list-style-type: none"> • UNDP 스리랑카 국가사무소 비말리 아메레세케레(Bimali Ameresekere) 젠더 및 여권신장 담당관(Technical Coordinator)
<p>제 11세션</p> <p>그룹 토론:</p> <p>분야별 전문가 담화 및 파트너십 구축 논의</p>	
16:00 – 16:45	<p>참가자들을 여러 조로 나누어, 이전 세션의 내용을 토대로 시사점을 도출합니다. 조별 토론에서 참가자들은 각자 경험을 공유하고 이에 대한 상호 평가 및 조언, 여러 형태의 젠더기반폭력 간의 상관성에 대한 논의를 할 예정입니다. 또한 회의에서 공유된 경험 지식과 모범사례 등을 통해 젠더기반폭력을 근절할 구체적인 파트너십 전략을 강구합니다.</p> <p><그룹 토론 진행자></p> <ul style="list-style-type: none"> • UNDP 서울정책센터 발라즈 호르바트(Balázs Horváth) 소장 • UNDP 서울정책센터 이아정 정책관 • UNDP 서울정책센터 아테미 이즈메스티에브(Artemy Izmetiev) 정책관 • UNDP 방콕 아시아태평양 지역사무소 코 미야오이(Koh Miyaoi) 젠더 팀장

	<ul style="list-style-type: none"> • UNDP 뉴욕 정책 및 프로그램 지원국(BPPS) 젠더·거버넌스·위기대응팀 디에고 안토니(Diego Antoni) 정책관 • 한국여성정책연구원(KWDI) 국제개발협력센터 장은하 센터장 및 UNDP 서울정책센터 박혜진 공보관
그룹 토론 결과 발표 및 전체 토론	
16:45 – 17:30	<p>각 그룹 토론의 주요 내용을 토론진행자와 서기가 요약하여 발표하고, 젠더기반폭력 근절을 위한 방안에 대하여 최종적으로 정리합니다. 아울러 UNDP 서울정책센터의 개발경험 공유 파트너십 프로그램을 통한 한국과의 향후 파트너십 구축과 협력 방안을 구상합니다.</p> <p><진행자> UNDP 서울정책센터 이아정 정책관</p>
결론 & 폐회사	
17:30 – 18:00	<ul style="list-style-type: none"> • 대한민국 외교부 개발협력국 정진규 국장 • UNDP 뉴욕 정책 및 프로그램 지원국(BPPS) 젠더팀 랜디 데이비스(Randi Davis) 본부장 • UNDP 서울정책센터 발라즈 호르바트(Balázs Horváth) 소장

Participant List

Overseas Participants

1. Dr. Diani Sadiawati, Senior Advisor to the Minister of National Development Planning on Institutional Relations, National Development Planning Agency (BAPPENAS), Indonesia
2. Mr. Md Aynul Kabir, Joint Secretary, Ministry of Women and Children Affairs, Bangladesh
3. Mr. J. P. S. Jayasinghe, Director (Planning & Monitoring), Ministry of Women and Child Affairs, Sri Lanka
4. Gen. Joseph Kallas, Inspector General of the Internal Security Forces, Lebanon
5. Dr. Nguyen Thi Phuong Hoa, Deputy Director, Center for Legal Research on Human and Citizen Rights, Ho Chi Minh City University of Law, Vietnam
6. Ms. Fabiola Laco-Egro, Executive Director, Community Development Center “Today for the Future” (CDC-TFF)
7. Ms. Nhora Alvarez, CEO, Circulo de Estudios Foundation, Colombia
8. Ms. Mariama Dieng, Sociologist, Ministry of Women, Family and Children, Senegal
9. Ms. Awa Tounkara, Executive Secretary, Women Jurist Association, Senegal
10. Ms. Anna Minj, Director, Community Empowerment Programme (CEP), Bangladesh Rural Advancement Committee (BRAC), Bangladesh
11. Ms. Ruby Kholifah, Country Representative, The Asian Muslim Action Network (AMAN), Indonesia
12. Ms. Savithri Wijesekera, Executive Director, Women in Need, Sri Lanka
13. Ms. Shafiga Murebwayire, National Coordinator Isange One Stop Center, Rwanda National Police
14. Mr. Fidele Rutayisire, President, Rwanda Men’s Resource Center (RWAMREC)
15. Ms. Nway Ywet Wah Soe, Programme Officer, Legal Clinic Myanmar
16. Ms. Aiman Umarova, Attorney at Law, Regional Bar Association; Co-founder, PF “Human Rights Lawyers”, Kazakhstan
17. Ms. Francine Pickup, Deputy Country Director, UNDP Indonesia
18. Ms. Randi Davis, Director, Gender Team, Bureau for Policy and Programme Support (BPPS), UNDP New York
19. Ms. Seynabou Diaw Ba, Governance Team Leader, UNDP Senegal
20. Ms. Nadine Umutoni Rugwe, Team Leader, Democratic Governance and Peace Consolidation, UNDP Rwanda
21. Ms. Bui Phuong Tra, Programme Analyst, Gender Focal Team and the UN Gender Joint Programming Group, UNDP Vietnam
22. Ms. Maria Carolina Melo, Gender Officer, UNDP Colombia
23. Mr. Ashekur Rahman, Urban Programme Specialist, UNDP Bangladesh
24. Ms. Entela Lako, Programme Specialist, Gender and Social Inclusion, UNDP Albania
25. Mr. Diego Antoni, Policy Specialist on Gender, Governance and Crisis Response, Bureau for Policy and Programme Support (BPPS), UNDP New York
26. Ms. Koh Miyaoi, Asia-Pacific Gender Team Leader, UNDP Bangkok Regional Hub

27. Ms. Bimali Ameresekere, Technical Coordinator – Gender & Women's Empowerment, UNDP Sri Lanka
28. Ms. Allison Hope Moore, Gender Focal and Programme Specialist on Civil Society and Media, UNDP Myanmar
29. Mr. Hakki Onur Ariner, Cluster Lead, Human Rights and Rule of Law, UNDP Turkey
30. Ms. Melissa Alvarado, Ending Violence against Women Programme Manager, UN Women Asia-Pacific Regional Office
31. Ms. Sujata Tuladhar, Technical Specialist on Gender-Based Violence, UNFPA Asia-Pacific Regional Office
32. Ms. Mendy Marsh, Gender-based Violence in Emergencies Specialist, UNICEF
33. Mr. Sebastian Boll, Regional Research Specialist, United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT)/UNDP

Participants from Korea

34. H.E. Kang, Eun-hee, Minister of Gender Equality and Family, Republic of Korea
35. H.E. Choi, Jong-moon, Deputy Minister for Multilateral and Global Affairs, Ministry of Foreign Affairs, Republic of Korea
36. H.E. Oh, Youngju, Ambassador and Deputy Permanent Representative of the Republic of Korea to the United Nations in New York
37. Mr. Jeong, Jinkyu, Director-General for Development Cooperation, Ministry of Foreign Affairs, Republic of Korea
38. Dr. Lee, Jeong-shim, Director-General, Women's Rights Promotion Bureau, Ministry of Gender Equality and Family, Republic of Korea
39. Dr. Um, Kyusook, Assistant Mayor, Women & Family Policy Affairs, Seoul Metropolitan Government
40. Mr. Balázs Horváth, Director, UNDP Seoul Policy Centre
41. Dr. Lee, Myung-Sun, President, Korean Women's Development Institute (KWDI)
42. Dr. Shin, Heisoo, Member, UN Committee on Economic, Social and Cultural Rights (CESCR); Representative, Korea Center for United Nations Human Rights Policy (KOCUN); Visiting Prof., Graduate School of International Studies (GSIS), Ewha Womans University
43. Ms. Byun, Hyun Ju, Director General, Domestic Violence Prevention Headquarters, Women's Human Rights Institute of Korea
44. Dr. Yoon, Sun Young, President, Korea Support Center for Women and Children Victims of Violence, Women's Human Rights Institute of Korea
45. Mr. Im, Won Hyuk, Head, Center for International Police Training and Research (CIPTR), Korean National Police University
46. Dr. Lee, Mijeong, Director, Research Center for Women's Human Rights, Korean Women's Development Institute (KWDI)
47. Dr. Lee, Mi Kyoung, Director, Korean Sexual Violence Relief Center (KSVRC)
48. Ms. Song, Ranhee, General Secretary, Korea Women's Hotline (KWHL)
49. Ms. Jung, Mi Rye, Representative, National Solidarity against Sexual Exploitation of Women

50. Ms. Kang, Insook, Counselling Team Leader, Daegu Sunflower Center
51. Ms. Park, Ji-Eun, Forensic Nurse, Gangwon Sunflower Centre
52. Ms. Chang, Yun Jeong, Leader of Investigation Team, Gyeonggi Bukdongbu Sunflower Center; Inspector, Gyeonggi Bukbu Provincial Police Agency Women and Juvenile Affairs Division
53. Ms. Park, Hyunju, Vice Chief Public Prosecutor, Busan District Prosecutor's Office
54. Dr. Choi, In Sook, Director, Prevention Education of Violence Department, Korean Institute for Gender Equality Promotion and Education
55. Dr. Yoon, Deuk-Kyoung, Research Fellow, Korean Women's Development Institute (KWDI)
56. Ms. Lee, Hyeonsook, Executive Director, ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) Korea Tacteen
57. Ms. Kim, Mi Yeon, President, Women with Disabilities Arts and Cultural Network
58. Dr. Robert Rudolf, Professor, Associate Professor, Korea University
59. Ms. Jeong, Eun, Deputy Director, International Cooperation Division, Ministry of Gender Equality and Family
60. Ms. Huh, Yoonjeong, Second Secretary, Development Cooperation Bureau: Multilateral Development Cooperation and Humanitarian Assistance Division, Ministry of Foreign Affairs
61. Mr. Choi, Yong-Shik, Director, International Cooperation Division, Ministry of Gender Equality and Family
62. Mr. Choi, Changhaeng, Director, Women's & Youth Rights Policy Division, Ministry of Gender Equality and Family
63. Ms. Lee, YoonAh, Officer, Women's & Youth Rights Policy Division, Ministry of Gender Equality and Family
64. Mr. Chun, Sang Hyuk, Team Leader, Women's Rights Support Division, Ministry of Gender Equality and Family
65. Ms. Kim, Sung-eun, Policy Officer, Women's Rights Policy Division, Ministry of Gender Equality and Family
66. Ms. Chung, Bohee, Officer, Women's Welfare Support Division, Ministry of Gender Equality and Family
67. Mr. Lee, Seungwook, Assistant to the Minister, Ministry of Gender Equality and Family
68. Ms. Oh, Moon Hee, Administrative Officer, Women's Welfare Support Division, Ministry of Gender Equality and Family
69. Ms. Kim, Ji-eun, English Editor, Ministry of Gender Equality and Family
70. Ms. Chang, Eun Ha, Director, Centre for International Development and Cooperation, Korean Women's Development Institute (KWDI)
71. Ms. Bae, Hyun Sook, Director, Women's Policy Division, Seoul Metropolitan Government
72. Mr. Kim, Chang Hyun, Team Leader, Women's Policy Division, Seoul Metropolitan Government
73. Ms. Kim, Yeon Ju, Team Leader, Women & Family Policy Affairs, Seoul Metropolitan Government
74. Ms. Kang, Hee-young, Team Leader, Gender Equality Team, Seoul Metropolitan Government
75. Mr. Nam Cheongsoo, Gender Specialist, Korea International Cooperation Agency (KOICA)
76. Dr. Kang, Sun Mi, Director, Harang Gender Training Centre
77. Ms. Kim, Shin Ah, Researcher, Korean Women's Development Institute (KWDI)

78. Ms. Kim, Jung-soo, Researcher, Korean Women's Development Institute (KWDI)
79. Ms. Kim, Sujeong, Activist, Korea Women's Hotline (KWHL)
80. Ms. Choi, Yuyeon, PR Team Director, Korea Women's Hotline (KWHL)
81. Ms. Shin, Yujin, Activist, Korea Women's Hotline (KWHL)
82. Ms. Kim, Eunchong, Activist, Korea Women's Hotline (KWHL)
83. Dr. Shin, Chang-Kyu, Head of Daegu Medical Center; Psychiatrist, Daegu Sunflower Center
84. Ms Kang, Hyunsook, Korea Support Center for Women and Children Victims of Violence
85. Ms.Jang, Mijeong, Korea Support Center for Women and Children Victims of Violence
86. Ms.Byun Juyun, Korea Support Center for Women and Children Victims of Violence
87. Ms. Choi, Sunhwa, Korea Support Center for Women and Children Victims of Violence
88. Ms. Lee, Hyangshim, Korea Support Center for Women and Children Victims of Violence
89. Ms. Kim, Heejoo, Korea Support Center for Women and Children Victims of Violence
90. Ms. Kim, Hyejung, Vice Director, Korean Sexual Violence Relief Center (KSVRC)
91. Mr. Cho, Yoo Joon, Student, Korean National Police University
92. Ms. Andrea Bergstroem, Student, Korean National Police University
93. Mr. Hong Kyu-ho, Student, Korean National Police University
94. Dr. Jung, Hyewon, Researcher, Gyeonggido Family & Women's Research Institute
95. Ms. Mun, Kihyun, Manager, Seoul Foundation of Women and Family
96. Ms. Baik, Young-Ju, Researcher, Office of International Cooperation, Korea Legislation Research Institute (KLRI)
97. Mr. Park, Kwang-Dong, Director, Office of International Cooperation, Korea Legislation Research Institute (KLRI)
98. Ms. Lim, Heesun, Researcher, Office of International Cooperation, Korea Legislation Research Institute (KLRI)
99. Mr. Choi, Hwan-Yong, Director General, Research Planning Department, Korea Legislation Research Institute (KLRI)
100. Mr. Artemy Izmetstiev, Policy Specialist, UNDP Seoul Policy Centre
101. Ms. Ahjung Lee, Policy Specialist, UNDP Seoul Policy Centre
102. Ms. Sarwat Chowdhury, Policy Specialist, UNDP Seoul Policy Centre
103. Ms. Hye-Jin Park, Communications Specialist, UNDP Seoul Policy Centre
104. Ms. Kim, Soohyun, Head, UNICEF Seoul Office
105. Mr. Naveed Hussain, Representative, UNHCR Korea
106. Ms. Lee, Jiye, Intern, UN Project Office on Governance (UNPOG)
107. Ms. Kim, Jeong A, Intern, UN Project Office on Governance (UNPOG)
108. Mr. Yoon, Do-hyun, Liaison Officer, International Organization for Migration (IOM)
109. Ms. Lee, Seonyoung, Project Coordinator, International Organization for Migration (IOM)
110. Ms.Yoo, Hyejeong, Researcher, International Organization for Migration (IOM)
111. Ms. Aicha Busatti, Humanitarian Assistance, International Organization for Migration (IOM)
112. Ms. Lee, Dasom, Consultant, International Organization for Migration (IOM)
113. Ms. Kim, Eun-Young, Program Coordinator, Korea YWCA
114. Ms. Mimi Han, Vice President, World YWCA
115. Dr. Lim, Eun Mie, Professor, Ewha Womans University
116. Ms. Oh, Sooyoung, Reporter, Arirang TV

117. Ms. Anne Katherine Cortez, Student, Ewha Womans University
118. Ms. Tumenbayar Uugansaikhan, Student, Ewha Womans University
119. Ms. Sue Lee, Student, Ewha Womans University
120. Ms. Kim, Jinkyoungh, Student, Ewha Womans University
121. Ms. Isabela Maria Katondo, Student, Ewha Womans University
122. Ms. Melisa Apriliyani, Student, Ewha Womans University
123. Ms. Patricia Zindaba Mtenje, Student, Ewha Womanss University
124. Ms. Christina Socci, Student, Ewha Womans University
125. Ms. Xiong Huijie, Student, Ewha Womans University
126. Ms. Han Songhee, Student, Ewha Womans University
127. Ms. Francisca de Sousa, Student, Ewha Womans University
128. Ms. Myet Chai Nu Aung, Student, Ewha Womans University
129. Ms. Mayanne Flores, Student, Ewha Womans University
130. Ms. Glenys Gonzalez, Student, Ewha Womans University
131. Ms. Sasmanova Begimai, Student, Ewha Womans University

Overview of UNDP's Work on GBV around the World



Overview of UNDP's Work on GBV around the World

I. Background

Addressing gender equality and women's empowerment has long been central to the core vision of UNDP. As a UN agency with primary responsibility for sustainable human development working in over 170 countries, UNDP's mandate is to strengthen national and international efforts to eradicate poverty and reduce political and economic inequalities and social exclusion. UNDP's Strategic Plan (2014-2017) contains a dedicated outcome on GBV and its Gender Equality Strategy (2014-2017) details strategic entry points for supporting national partners' efforts to combat GBV. Specifically, output 4.2 of the Strategic Plan calls for *measures in place and implemented across sectors to prevent and respond to sexual and gender-based violence. UNDP will support national partners' efforts to develop and implement the required legal and policy framework to combat sexual and gender-based violence.*

II. UNDP's work to date: priorities and programming issues

1. UNDP GBV areas of work

UNDP has GBV projects in more than 60 countries, covering all regions. An online survey carried out as part of a 2015 review of UNDP's GBV work found that Country Office respondents gave the highest priority for UNDP work on GBV to legislative and policy development, as well as institutional and governance systems strengthening, followed by supporting GBV survivors, awareness-raising and public campaigning (see below).

Answer Choices	Responses
Legal Frameworks for GBV	47.17% 25
Security sector, particularly police services in preventing and addressing GBV	32.08% 17
Legal Aid and justice services in preventing and addressing GBV	41.51% 22
Health and HIV services in preventing and addressing GBV	18.87% 10
Economic and employment assistance services	26.42% 14
Any other new and strengthened services to prevent and address GBV	22.64% 12
Involving men and boys in preventing and addressing GBV	15.09% 8
None	15.09% 8
Other (please specify) Responses	11.32% 6
Total Respondents: 53	

2. Overview of findings from ongoing UNDP's GBV initiatives

1. Legal policy and national strategic frameworks

An important part of UNDP's GBV programming has focused on legal and policy frameworks particularly in the area of legislative reform to address different forms of GBV as a public policy matter, often for the first time in respective countries' legal histories (see Sri Lanka case example). In a number of countries, UNDP support has been instrumental in reforming existing legislation to address a broader range of GBV. Often working together with other UN agencies, UNDP has played an important role in strengthening the development and implementation of national strategies and action plans on GBV (see Papua New Guinea case example), as well as supporting better integration of GBV issues into national strategies on gender equality (see Albania case example).

- In *Albania*, UNDP participated in the UN Joint Programme "Support to the Implementation of the National Strategy for Gender Equality and Domestic Violence (NSGE-DV) – Advancing Democratic Governance in Albania", significantly contributing to the adoption of the Gender Equality Law in 2008 which has led to a doubling of the number of women elected as members of Parliament and a significant increase in the number of reported cases of domestic violence. UNDP also supported the drafting of the new NSGE-GBV-DV 2016–2020 which was approved by the Council of Ministers in 2016.
- In *Egypt*, UNDP's anti-FGM programme directly addressed gender inequalities through advocating for parliamentary amendments to the 2008 anti-FGM Law, building the capacities of district attorneys, judges and forensic medical doctors in handling FGM cases, supporting law enforcement mechanisms, and raising public awareness about the implications of FGM.
- In *Sri Lanka*, UNDP supported the Ministry of Women and Child Affairs to improve national efforts to address SGBV through the finalisation of the National Framework and Action Plan to Address SGBV through multi-sectoral responses which engages key ministries of nine sectors and involves a three pronged approach: Prevention, Intervention and Policy Advocacy. Strategies for intervention include service delivery to survivors, legal aid and addressing survivors' long term needs. District SGBV referral systems have now been put in place and UNDP is providing technical and management support to operationalising Sri Lanka's first ever piece of legislation on Victim and Witness Protection.

Lessons learned from legislative and policy reform initiatives to address GBV:

- UNDP's comparative advantage as an 'honest broker' and its power to convene diverse stakeholders in developing proposals and maintaining pressure for legislative and policy reform.
- Regional and international conventions have been used by UNDP to inspire and leverage action at the national level including drawing on regional good practice models.

2. Institutional and governance systems strengthening

Research from many countries suggests that GBV survivors continue to face major obstacles in obtaining justice, and that a culture of impunity continues to prevail. In response to these institutional obstacles to justice, UNDP has done extensive work on reforming of police institutions and policing practices in a number of countries (see Rwanda case example). UNDP programming has also improved the capacity of the judiciary and court systems to respond to GBV cases (see Morocco case example) and has supported initiatives to expand the number and enhance the capacity of female paralegals, lawyers and judges (See Indonesia case example). Recognising that in many countries, GBV survivors prefer to use alternative or informal justice mechanisms, UNDP is working with such mechanisms to improve their response to the rights and needs of GBV survivors (see Bangladesh case example).

- In *Rwanda*, recognising the link between the number of women in security organs and GBV reporting, UNDP partnered with the government in 2016 to bring 250 women from security agencies from 36 African countries for a regional conference on the role of security organs in combatting violence against women and girls, including the key role played by female security officers.
- In *Bangladesh*, the UNDP-supported Activating Village Courts in Bangladesh Project works with the Local Government Division to set up, support and strengthen village courts in 350 Union Parishads (smallest government unit in Bangladesh) across the country to improve access to justice for the disadvantaged and marginalised, especially the rural poor and women, and enhance human rights systems and processes in Bangladesh.

UNDP has strengthened information systems for data collection and information management, including the creation or strengthening of local and national Violence Observatories, victimisation and perception surveys, and thematic reports to identify the causes and impacts of GBV to better inform policy. UNDP's work has also included strengthening GBV case management systems (see Albania case example) and establish and/or strengthen monitoring and accountability mechanisms for law enforcement and judicial authorities.

- In *Albania*, with UNDP support, an online tracking system of domestic violence cases was established and installed at central and local level as a cornerstone in monitoring and ensuring that legislation is implemented and cases are adjudicated.
- *Indonesia's* National Human Rights Institution received support from UNDP to ensure indigenous women's voices and cases were heard, investigated, monitored and analysed in the national inquiry on indigenous people's land rights.
- In *Rwanda*, the National Commission for Human Rights was supported by UNDP to provide information on SGBV of minors to develop a robust evidence base to inform interventions. The analysis revealed that while SGBV is a challenge faced by both girls and boys, girls suffer disproportionately (97.5% female victims and 2.5% male victims).

UNDP has done extensive work in post-conflict and crisis-affected settings to strengthen rule of law institutions, especially with regard to injustices and human rights abuses experienced by women

through its Global Programme to Strengthen the Rule of Law in Crisis-Affected and Fragile Contexts and through joint initiatives with UN Women and the Global Focal Point arrangement where there is now a greater emphasis on improving women's access to justice in post-conflict or countries emerging from conflict. Innovative approaches such as the use of mobile courts have helped provide justice services and dispute resolution for women, displaced communities and communities in remote or conflict-affected areas (see DRC case example). As a partner in the UN Team of Experts on the Rule of Law/Sexual Violence in Conflict, created by Security Council Resolution 1888, UNDP has supported governments in conflict and post-conflict situations by strengthening their capacity to address impunity for sexual violence. UNDP has also played an important role in supporting efforts to secure justice and redress for historical crimes of GBV as a component of transitional justice processes in Croatia, Colombia, Guatemala and Sri Lanka (see Croatia and Colombia case examples).

- In the *DRC*, UNDP has provided logistical, administrative and technical support to nine mobile courts, where 70 percent of cases were related to sexual violence. For the first time, mobile courts, which also encompassed garrison military courts, were used to charge high-ranking officers for crimes against humanity on the basis of rape, imprisonment and other inhuman and degrading treatment. UNDP has provided training and financial support to improve the investigation and prosecution of GBV cases, and has supported the Military Prosecutor's Office in criminal investigations of several alleged mass rapes.
- In *Croatia*, UNDP supported the Government with evidence and legal analysis to draft the law, which entered into force in June 2015, on the rights of victims of sexual violence during the conflict of the 1990s, the first in the region that provides civilian victims of sexual violence in armed conflict with a comprehensive set of reparation measures.
- In *Colombia*, UNDP promoted the participation of women, including young, Afro-descendants and indigenous women, in the peace negotiations in La Havana and contributed to a draft peace agreement chapter on transitional justice that recognises victims, specifically of sexual and gender-based violence.

Lessons learned from initiatives on institutional and governance systems strengthening to address GBV:

- Institutional reform initiatives cannot rely on training programmes alone to change policy and practices. This is especially true in the justice and security sector, where often entrenched patriarchal organisational cultures and practices militate against the protection and promotion of women's human rights. Emphasis should be on strengthening internal oversight and accountability mechanisms to enforce change and strengthen the role external organisations that can play as 'watchdogs'.
- Sector-wide approaches are required if GBV survivors are to gain reliable access to justice. The evidence highlighting the obstacles to justice that women face at each stage of the justice 'chain', from initial reporting of GBV to eventual prosecution of offenders, makes clear the need for institutional reform programming that works across the justice sector as a whole.
- The Women, Peace and Security agenda and regional agendas, such as Citizen Security in Latin America, have been effectively used by UNDP as broader references to frame the rationale for and

emphasis on GBV work. Making the case that progress on these broader agendas requires institutional reform to better address GBV issues has proven effective in highlighting their importance.

- Justice and security sector reform to improve women's access to justice is more effective when based on an intersectional analysis of the specific barriers facing particularly marginalised women and when programming seeks to organise such women to demand reform.

3. Supporting GBV survivors

In many countries, programming to support GBV survivors, and in particular their access to justice, has been a major focus of UNDP's work on GBV. A significant component of such programming has been expanding and enhancing legal aid services for women. In a number of countries (e.g. Haiti, Iraq, Kyrgyz Republic, Montenegro, Nepal, Rwanda, and Sri Lanka), UNDP programming has focused on strengthening legal aid services for GBV survivors, often as one component of a broader range of civil and criminal matters (e.g. inheritance, land rights). Programming has also focused on improving protection services for GBV survivors, through training support to domestic violence shelters (see Iraq case example), the provision of telephone hotlines and expediting protection orders from the courts (see Argentina case example). In some settings, these survivor support initiatives have been linked with child protection systems, as in Namibia, where UNDP has helped support Woman and Child Protection Units. In a number of countries, UNDP programmes have strengthened integrated services for GBV survivors, providing medical, psychosocial and legal assistance (see DRC case example).

- In *Argentina*, UNDP provided support for the implementation of the Domestic Violence Bureau of the Supreme Court of Justice of the Nation whose offices act as a "one-stop shop" for survivors of violence. One of the clearest results included increased protection for survivors, by reducing the time needed to obtain "restrictive protective measures" from 3 months to less than 48 hours.
- In the *DRC*, UNDP supported the establishment of multipurpose community centres in the Kivus, where GBV survivors are provided with legal assistance, and prepared for a sustainable economic and social reintegration into their community, after receiving medical and psycho-social treatment. These centres are characterised by democratic processes which help build women's agency and leadership.

Lessons learned from initiatives on GBV support include the following:

- It is important that survivor support programming is responsive to the range of GBV that women and girls experience.
- Disaggregating the category of "women" is also critical, as there are many aspects of women's lives that may affect their vulnerability to and experience of violence, and their willingness and ability to seek support services. Survivor support services need to be responsive to the complex and differing experiences of violence and marginalisation faced by women.
- International best practice emphasises the importance of linking survivor response interventions with GBV prevention programming in order to be mutually reinforcing. GBV prevention work also needs to work closely with men and boys to challenge the patriarchal conditions that fuel violence.

4. Addressing the links between health and GBV

In its support to improving access to justice for GBV survivors, UNDP programming has often responded to survivors' health related needs. UNDP has also addressed the nexus of GBV and health sector issues more broadly, and has pioneered work in several countries on the links between HIV/AIDS and GBV (see Kenya case study). UNDP supported a four-country (Bangladesh, India, Nepal and Pakistan) study on laws and legal gaps that protect women from violations of their rights at healthcare settings in South Asia. The process provided momentum to pass the *Sindh HIV and AIDS Control Treatment and Protection Act 2013* in Pakistan which will go a long way to protect HIV-affected women and girls from violence, including in healthcare settings. UNDP carried out a legal scan on "Protecting the Rights of HIV-Affected Women in Healthcare Settings" in Cambodia, Indonesia, Thailand and Viet Nam to inform interventions aimed at strengthening the inclusion of HIV in national gender plans and the development of enabling legal environments.

- In *Kenya*, UNDP conducted an audit of laws and policies that address GBV in the context of HIV - the findings of which informed the development of guidelines on integrating GBV in HIV programmes. The findings from a baseline study on the forms of GBV experienced by women living with HIV and their access to services resulted in the inclusion of GBV issues within the current Kenya AIDS Strategic Framework.
- UNDP has also pioneered the development and strengthening of the HIV & AIDS Equity Tribunal (the only one of its kind in the world) in Kenya which is tasked with enhancing awareness on HIV-related rights violations and access to justice, especially for women and girls. Capacity development activities with the Kenya Women Judges Association has created a pool of judges equipped to address the nexus of HIV-GBV issues in the lives of women and girls.

Lessons learned from initiatives on GBV and health include the following:

- Addressing the links between HIV and GBV has opened up space to consider the violence experienced by people on the basis of their non-conforming gender or sexual identity.
- Connecting with long histories of HIV activism and organising among HIV-affected communities has also highlighted the importance of such social mobilisation approaches in work with communities with high rates of GBV.

5. Economic empowerment and inclusive development

There is a growing recognition that economic growth, and its links to urbanisation, industrialisation and population migration, is increasing women's exposure to many forms of violence, whether in the workplace, public space, or in relation to economic migration. Infrastructure development projects and the growth of extractive industries in a number of countries have also been linked with increased vulnerability of women and girls to GBV and sexual exploitation. In a number of countries (e.g. Azerbaijan, El Salvador, Liberia, Libya, Kyrgyzstan, Montenegro, Myanmar and Zambia), UNDP is addressing the relationship between GBV, economic trends and women's economic empowerment by using economic empowerment programming to reduce women's vulnerability to GBV (see Nepal case

example). Livelihoods work with female survivors of GBV has also been used to aid their economic and social reintegration (see DRC case example).

- In the *DRC*, extensive work has been done to integrate GBV and access to justice work with livelihoods programming. Through its project "Safety, Empowerment and Socio-Economic Reintegration of Victims of Violence Women Gender Based", UNDP is strengthening the economic status of women and ensuring their access to livelihoods, supporting the social reintegration of victims of sexual violence and their acceptance in communities and improving local governance by strengthening prevention systems, protection as well as increased support for victims.
- In *Nepal*, through its Livelihood Recovery for Peace Project, UNDP supported efforts to integrate GBV issues into local peacebuilding and livelihood strengthening activities through the formation of Women Rights Forums at the Village Development Committee level, which have led campaigns against GBV and supported survivors in accessing formal and alternative justice systems.

Lessons learned from initiatives on integrating GBV and economic empowerment include the following:

- Given the extent of UNDP's engagement with sustainable livelihoods programming and resilience-building initiatives in the context of environmental change, natural disasters and civil unrest, UNDP offers an important entry point to scale up GBV work into its economic empowerment programming.
- Apart from some HIV-related programming and work on human trafficking with justice and security sectors in a few countries, more work is necessary to change the dynamics of sex industries and their impact on GBV.

6. Political participation and democratic governance

The relationship between GBV and women's political disenfranchisement has long been highlighted by women's groups. There is growing recognition of the increased violence many women face when they seek to participate in the formal political domain. In Bangladesh, the Upazila Governance Project supported by UNDP is strengthening women's involvement in local government and in this way improving the local response to GBV. Work with women parliamentarians in Guatemala and Rwanda has helped elevate the political priority of GBV issues on the national agenda (see Guatemala case example). UNDP has also supported the participation of women in peacebuilding processes and is well-placed to implement actions outlined in the women, peace and security set of Security Council resolutions that relate to women's protection and participation.

- In *Albania*, a research study on the decision-making power of women in local government identified the threat of violence as an impediment to their political influence. The findings from a survey on "Gender and Corruption in Public Administration" enabled UNDP to raise issues of corruption and gender discrimination with national government stakeholders, with a view to address the barriers to women's advancement in the civil service.

- In *Guatemala*, UNDP supported the civil society network, *Breaking the Silence Alliance*, to gather and present evidence in the *Sepur Zarco* trial against military perpetrators of sexual and gender-based violence during the internal armed conflict, which in early 2016, resulted in a breakthrough with the arrest of two of the perpetrators, who received sentences totalling 360 years imprisonment.
- At the regional level, UNDP established the *Arab Women's Peace, and Security Network* among 12 Arab countries (*Egypt, Jordan, Palestine, Iraq, Syria, Lebanon, Morocco, Yemen, Somalia, Libya, Sudan and Iraq*) to develop strategies and indicators across the women peace and security pillars, including women's security.

Lessons learned from initiatives on political participation and GBV include the following:

- The need to do more to link women's struggles for political visibility and voice with programming on GBV, in part by working more closely and frequently with women's caucuses within political parties to advance policies that address these links.
- Use the women, peace and security agenda as a platform to advocate for and strengthen the organised participation of women in peacemaking and peacebuilding processes which can serve as an entry point for women to participate more actively in the political life of their communities and societies.

7. Social change for GBV prevention

There is a growing consensus that greater emphasis must be given to policies and programmes directed at changing the social, economic and political conditions that fuel such violence. UNDP has some promising initiatives and approaches in the area of GBV such as at the sub-regional level in Central America where significant effort has been made to create awareness of the gender dimensions of citizen security, including the development GBV indicators and capacity development for data institutions in Guatemala, Honduras, El Salvador and the Dominican Republic. National consultative groups made up of police, justice, women's machineries, security institutions and civil society have been set up to initiate research and political dialogue on how violence against women impacts security policy and how best to integrate these issues into policies, procedures, capacities and practices of relevant institutions. UNDP has also supported evidence-based approaches to promote more gender equitable social norms through community-level dialogues (see Somalia as case example). UNDP has linked community-level work to legal and policy change at the national level which has proven effective, as evidenced by UNDP's successful work on FGM abandonment in Egypt (see case example above). Addressing a key driver of GBV, UNDP has recently embarked on a new policy initiative to address GBV in fragile contexts by exploring the linkages between gender equality, masculinity and fragility.

- In *Somalia*, a UNDP project has trained representatives from six NGOs, women politicians, local government officials, religious leaders and local community representatives on Community Conversations methodology with the goal to strengthen capacity for deeper community engagement and advocacy on topics often perceived as 'difficult' social issues. The CCE-CC

approach is now being implemented nationwide with monthly discussions on GBV and FGM prevention.

- In *Nepal*, as part of its Community Security Project, UNDP supported a study on Nepalese masculinity, which found that “*prevalent patriarchal norms pose a challenge to achieve gender equality and social inclusion in the project*”. In response, the project has developed a GBV prevention peer education manual targeted at men and boys, as well as innovative educational tools such as an online video quiz aimed at boys and young men to help them reflect on gender roles and norms.
- In *Sri Lanka*, with UNDP support, the increasing number of trained women CSOs and young women leaders is gradually expanding their capacity and leadership functions in local decision making forums. Young women have taken the role of acting as community mobilisers, raising awareness on issues of critical importance such as GBV and have also been able to inform local planning through community consultations mandated by the District Development Planning Process.
- In *Albania*, UNDP support to civil society for strategic litigation for women's rights contributed to a greater use of available legal remedies by women and to greater involvement of public oversight mechanisms in protecting women's rights and gender equality. Civil society organisations reviewed 655 court decisions from a gender equality perspective and lobbied justice actors to improve practices, eliminate gender bias and address the barriers in accessing justice for women.

Lessons learned from initiatives on social change for GBV prevention include the following:

- The evidence base suggests that more comprehensive programming that works across different levels of change (individual, family, community and policy) in order to re-shape social norms is needed if GBV prevention work is to be effective. (UNDP’s work on FGM abandonment in Egypt has been highlighted as a best practice in this regard)
- In expanding programming on working with men and boys, it is important to draw on the evidence base that suggests that such work is most effective when it links awareness-raising to more intensive group-based methodologies, with an emphasis on skills-building and attitudinal change. Connecting this work closely with women’s empowerment initiatives has also been identified as critical.

Opening Session



Welcoming Speech

Mr. Balázs Horváth
Director, UNDP Seoul Policy Centre

H.E. Kang, Eun-hee, Minister of Gender Equality and Family, Republic of Korea

H.E. Choi, Jong-moon, Deputy Minister for Multilateral and Global Affairs, Ministry of Foreign Affairs,

H.E. Oh, Youngju, Ambassador and Deputy Permanent Representative of the Republic of Korea to the United Nations in New York

Ms. Lee, Myung-Sun, President of Korean Women's Development Institute

Ms. Randi Davis, Director of Gender Team, Bureau for Policy and Programme Support, UNDP NY

Distinguished guests and colleagues, Ladies and gentlemen,

Good morning to you all. It is a great pleasure for me to welcome our guests and partners to the 2017 Seoul Debates.

The meeting is organized with support from the Korean Ministry of Foreign Affairs, in partnership with the Ministry of Gender Equality and Family. I would like to thank Minister Kang, Eun-hee and Deputy Minister Choi for their institutional support to the Seoul Debates. My special thanks also go to Ambassador Oh, Youngju who has long been a long supporter to our Centre; and to Randi Davis from UNDP New York for working with our team on the global outreach.

Today's meeting is attended by leading Korean institutions, including the government, research and civil society organizations, as well as other UN agencies and the UNDP gender teams at Headquarters and the Bangkok Regional Hub for the Asia-Pacific region. In addition, representatives from 12 participating countries, consisting of UNDP managers and their national partners, have gathered to share their country's experience in fighting GBV.

Now, please allow me to explain the institutional context of our Centre organizing this meeting today, and the objectives we have in mind.

For 46 years from 1963, UNDP delivered 270 projects in 20 areas to support Korea, mirroring Korea's development path. UNDP closed its Country Office in 2009, when Korea joined the OECD Development

Assistance Committee as an official donor country. The Seoul Policy Centre was established in 2011 to help broker new partnerships between Korea and the developing world through UNDP networks.

The Seoul Debates is a flagship event organized by UNDP's Seoul Policy Center, as a means to fulfill its mandate to share Korea's experience with partner countries on strategic development issues. We selected Gender-Based Violence as the theme of the 2017 Seoul Debates given the overarching importance of eliminating GBV to achieve an inclusive society and to attain the Sustainable Development Goals.

In the next two days, we will share the experience of Korea in addressing GBV, alongside the experience of our participating countries and UN agencies. I am extremely pleased and grateful that we have many highly distinguished participants here who will share their life-long efforts, expertise, and insights.

From our Centre's point of view, the Seoul Debates is *not* meant to end as a one-off event. Presentations and discussions are designed to act as an "incubator" for USPC's Development Solutions Partnerships (DSPs).

DSPs identify and package Korea's experience and knowledge, facilitate dynamic exchange of lessons learnt & peer to-peer mentoring, and support the national adaptation of the tools at the country level, by channeling seed funding and technical support to the partner countries through existing project facilities of UNDP country offices. They are concrete initiatives at the country level that act as the Centre's channel for conveying Korea's development experience through selected UNDP country offices and their partners after the event.

As of now, USPC has two DSPs: one for effective anti-corruption assessment and another for transparent public construction management.

As in the case of our other DSPs, the new DSP on GBV that will be created out of the 2017 Seoul Debates will seek to create and deepen a triangular cooperation among Korean partners, UNDP country teams, and national partners in developing countries. I hope that discussions in the next two days will help lay out specific characteristics of Korea's successes, challenges and lessons learnt in addressing GBV with a comparative perspective, and help us find the most effective modality of taking all the knowledge we share in this meeting to concrete initiatives that can make a difference in developing countries.

While there is no such a thing as a "magic bullet" in solving such complex and deep-rooted problem as GBV, we believe in the power and value of knowledge sharing and partnerships in addressing this issue.

In closing, let me just say that the agenda looks very ambitious and tight—reflecting the richness of this meeting in terms of participants as well as the complexity of addressing gender-based violence. I trust that we will have deep, dynamic discussions and build networks that can lead to effective future partnerships.

I would like to once again thank all our Korean partners, particularly the Ministry of Foreign Affairs and the Ministry of Gender Equality and Family; as well as all our civil society partners who have helped us shape the content, as well as our UN and UNDP colleagues. And I would like to acknowledge and thank all my colleagues who have tirelessly worked to organize the Seoul Debates this year.

Congratulatory Speech

H.E. Mr. Choi, Jong-moon
Deputy Minister for Multilateral and Global Affairs
Ministry of Foreign Affairs, Republic of Korea

Her Excellency Kang, Eun-hee, Minister of Gender Equality and Family of the Republic of Korea,

Mr. Balazs Horvath, Director of the UNDP Seoul Policy Centre,

Distinguished guests, Ladies and Gentlemen,

It is a great pleasure for me to congratulate the opening of the “2017 Seoul Debates” for sharing lessons learned on addressing gender-based violence from Korea and around the world. On behalf of the Ministry of Foreign Affairs, I would like to express my sincere gratitude to the Korean Ministry of Gender Equality and Family and the UNDP for partnering with MOFA in organizing this important meeting in Seoul. *Thank you, Minister Kang and Mr. Horvath.*

I know that many of the speakers and participants in this room today have lifetime achievements in fighting gender-based violence. Taking this opportunity, I would like to pay my respect to all the strenuous efforts and contributions made by our guests, in order to improve our societies and people’s lives in their respective areas of work.

Ladies and Gentlemen,

Gender-based violence (GBV) is one of the most pervasive human rights violations in the world. An estimated one in three women will experience physical or sexual violence in their lifetime. Korea was no exception. To this day, we witness numerous cases of domestic violence, gender-based hate crimes and sexual harassment that ail Korean society. However, I would like to focus on the bright side of our own story in fighting gender-based violence. Korea has been making strenuous and increasing efforts to fight this violation both at home and abroad.

As Minister Kang may elaborate in her keynote speech, the Korean government — working together with the strong Korean civil society — has sought to introduce robust legal and institutional measures, combined with social education efforts, in fighting and preventing GBV in this country. Those efforts yielded tangible outcomes. For instance, the Korean government established multi-stakeholder, inter-institutional cooperation mechanisms, called “Sunflower Center”, to provide a one-stop service to

victims including counseling, medical treatment, legal assistance and police investigation. To be sure, there are rich lessons that have been learned out of Korea's own experience in dealing with this challenge. Nevertheless, there is much to be improved in "getting to zero" on GBV in Korean society.

Today, we are willing to share with the participants our success stories along with frustration that we face on this journey. I am very pleased to see that we have almost 100 participants gathered here to share the rich and diverse experience of Korea and 12 other countries on a comparative perspective.

Ladies and Gentlemen,

Korea welcomes and supports that the Sustainable Development Goals (SDGs) include a specific GBV-related targets. In line with its ODA policy, the Korean government actively supports developing countries to implement SDGs with its development cooperation projects.

In this regard, combating gender-based violence holds specific relevance to the Korean government's "Better Life for Girls Initiative" that was launched in 2015. This initiative pays targeted attention to girls' education, health and profession, with a gender-focused approach to empower girls in developing countries. Addressing gender-based violence will be critical to create an enabling environment for this initiative.

Moreover, Korea has special attention to women and girls in fragile and conflict-affected states, one of the most vulnerable groups in crisis. MOFA has been supporting the UNDP's work on gender and human rights since 2013. Korea is also planning to launch a new joint global project on GBV in the context of helping developing countries to achieve the relevant Sustainable Development Goals.

To conclude, I would like to express my sincere thanks to all of you for taking part in the 2017 Seoul Debates. I am sure that our discussions in the next two days will inspire its participants through mutual learning, and lead to meaningful partnerships that can make a real difference. Last but not least, I would like to congratulate the Centre for the successful organization of today's event. MOFA will continue its support to the Centre and look forward to seeing Seoul Debates as a signature event that stands for the Korea-UNDP partnership.

Let us not forget that our work matters greatly to our mothers, our sisters, our wives and our daughters, and for our societies. I wish you all a very productive meeting and a pleasant stay in Korea.

Thank you. /END/

Keynote Speech

H.E. Kang, Eun-hee

Minister of Gender Equality and Family, Republic of Korea

Honorable Director Balázs Horváth of the UNDP Seoul Policy Centre,

Deputy Minister for Multilateral and Global Affairs Choi Jong-moon of the Ministry of Foreign Affairs,

Ambassador Oh Youngju, the Deputy Permanent Representative of the Republic of Korea to the United Nations,

President Lee Myung-Sun of the Korean Women's Development Institute,

Director Randi Davis of the Gender Team under the Bureau for Policy and Programme Support at UNDP New York,

And distinguished representatives of the participating nations' UNDP country offices and governments as well as experts in various fields,

Firstly, I would like to first extend my words of gratitude to the UN and UNDP for the vast efforts made for strengthening the rights of women around the globe. It is a great pleasure for me to deliver a speech under the topic of "Addressing Gender-based Violence (GBV) : Lessons Learnt from Korea and Around the World."

The Seoul Debates, which began in 2013, is a program for effectively sharing Korea's development experience with partner countries. Addressing GBV is essential for the global community to successfully attain the Sustainable Development Goals (SDGs) by 2030.

GBV is violence perpetrated against the weak as a result of the normative role expectations associated with each gender, and in most cases, the vulnerable are women, children and the disabled group. Globally, the main targets of GBV including sexual violence, domestic violence and sex trafficking are women. In fact, an estimated one out of three women are found to have experienced physical or sexual abuse in her lifetime.

The seriousness of GBV and the overarching importance of addressing this matter are widely acknowledged throughout the world. During the 61st session of the Commission on the Status of Women (CSW), the UNDP and the Republic of Korea jointly hosted a GBV-themed side event.

In this regards, I expect that the interest in GBV we witness today will help promote awareness at the international level, contributing to finding solutions for GBV, and the Korean government will also make its utmost in this endeavor.

The Korean government has designated GBV including sexual violence and domestic violence as one of the “four major social evils” that must be eradicated in Korea. Not only the Ministry of Gender Equality and Family but also the Ministry of Justice and the National Police Agency are cooperating in this government-wide initiative, pooling together their policy capacities. As a means to sharpen social awareness of GBV, education on prevention of sexual violence, domestic violence, sexual harassment and sex trade is now mandated under law for public sector including government institutions and companies. Communities in remote areas and those with high rates of crime targeting women are now offered GBV preventive education and safety awareness programs in their own neighborhood through instructors visiting the communities. Such preventive education has been found to be useful in changing the public’s perception of GBV.

Punishment of sex crime perpetrators has been strengthened. Sex criminals are restricted from employment at children or youth related institutions. Their personal information is made public via the Internet and their neighbors are informed of their presence through written mail. All such measures have been implemented to prevent repeated crime. In the case of domestic violence, swift early intervention and stringent response under the recognition that ‘domestic violence is crime’ has led to a dramatic drop in the occurrence rate of sexual violence second offense rate as well as other domestic crimes.

Protection of violence victims’ rights in the legislative process and policy support measures to help victims’ recovery continue to be reinforced. A nationwide women’s emergency hotline <1366 Center> is in operation 24/7 to rescue and protect women in crisis situations; and the Sunflower Center, which is a one-stop support center for victims of sexual violence, provides services ranging from counseling to medical treatment, investigations, legal services, and psychotherapy.

Education for judges in charge of sexual violence cases take place in March every year to prevent secondary victimization during processing of the sexual violence cases or media reporting. A sex violence news reporting handbook which includes a news reporting guideline has been created and distributed to the media. Efforts have also been made in collaboration with relevant organizations such as the Association of Women Korean Medical Doctors and Korean Women Lawyers Association to prevent secondary victimization.

The fundamental cause of GBV is the lack of respect for fellow humans and limited understanding of gender equality. To resolve this, improving the social environment that against GBV and promoting a gender-equal culture in our daily lives is imperative.

The ROK government has been fostering experts for gender equality and preventive education on sexual harassment through the Korean Institute for Gender Equality Promotion and Education as a

means to strengthen gender sensitivity education for government officials and the general public and raise awareness for gender equality in Korea. The legal foundation to regulate distortion or negative portrayal of a particular gender in the mass media has been laid to ensure that the mass media does not trigger confrontation between the genders.

In addition, the Gender Equality Week (July 1 – 7) is designated to instill a sense of gender equality in all areas including the political, economic, social and cultural sectors and to further enhance the public's interest in gender equality. During the week, awards to those who contributed to promoting gender equality are given out by various central government agencies and local government bodies.

Greater female participation in the workforce facilitates changes in perception of women and helps build a gender-equal culture in the workplace. To increase women's participation in the public sector, a national plan for improving women's representation has been drawn up and thoroughly reviewed. As a result, women's participation in the policy decision-making process has made substantial progress, as witnessed in the rise of female participation in government committees and public sector managerial positions. In particular, after setting an aggressive 40% target for female members in government committees in accordance to the 2013 Framework Act on Gender Equality in 2013, the female committee member ratio has rapidly climbed up from 25.7% in 2012 to 37% in 2016.

Within the private sector, the female employment requirement under the affirmative action program for promoting gender parity in employment has been revised upward from the previous 60% to 70% level of the industry average to improve the effectiveness of the program. Also, names of companies with poor performance in hiring women that fails to show commitment for improvement are disclosed. In 2016, a work-life balance index which includes parental leave usage and flexible work program implementation statistics was utilized to induce greater female employment in private sector female employment and work-life balance. Such policy efforts led to the private sector female manager ratio exceeding 20% for the first time since the implementation of relevant policies.

Korea's policy experiences and expertise are an asset worth sharing with other countries including the developing nations of the world. Our GBV-related policy experience, in particular, should be shared with others.

The Ministry of Gender Equality and Family of Korea has been operating a project for the prevention of violence against women including sex trafficking and support for victims in Cambodia since 2013. KOICA is also using its MDG Trust Fund for women empowerment projects including those for addressing violence against women. Korea is supporting Bangladesh in its endeavors to build a National GBV database and case tracking system.

Eradication of GBV is an important challenge that the global community must achieve by 2030, and it is paramount for the international community to join hands to build societies where not only women but all individuals are respected.

I thank all the distinguished participants present here today who are working towards addressing GBV. The Republic of Korea pledges to continue efforts in implementing the SDGs for greater global prosperity and further strengthen our legal and institutional foundation for addressing GBV.

Session 1

Policy Dialogue:

**Importance of Addressing GBV in the
Context of the Agenda 2030**



Fight against GBV : In the Perspective of Access to Justice in Indonesia

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I. Background

Over the course of Indonesia's modern history, the GOI is guided by periodic national development plans which usually consist of the long and medium term development plans, and thereafter 'cascaded' into various implementing policies and regulations, both at the national and subnational level. The current long term development plan spans two decades, from year 2005 to 2025. It envisioned that by such year of 2025, Indonesia will generally be in the state of "Advanced Independent, Just and Prosperous" country. Meanwhile in support of that goal, the main development objective under the current Medium Term Development Plan for 2015-2019 is by law based on the vision, mission and program of the elected president from the 2014 General Elections: "A sovereign, independent and of character Indonesia based on Mutual Cooperation". In this regards, for the development period between 2015 and 2019, the current administration of the GOI will *prioritize* on developing reform activities which will contribute to (a) **quality law enforcement**; (b) **effective prevention and eradication of corruption**; and (c) **the respect, protection and fulfilment of human rights**.¹

The National Strategy on Access to Justice (NSA2J)

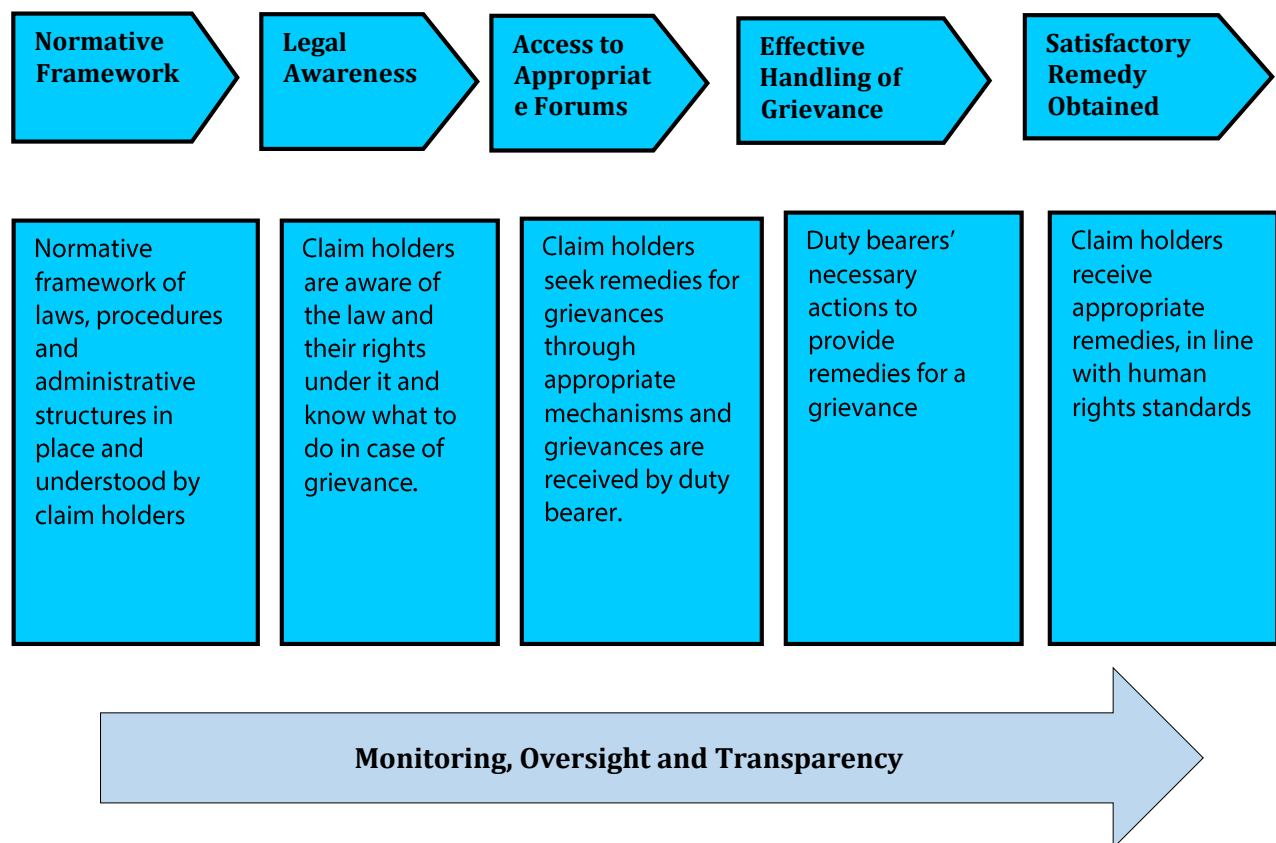
The GOI's main policy response for extending access to justice in Indonesia is through the development of two National Strategy on Access to Justice policy documents which were developed through the leadership of BAPPENAS and with the technical support of UNDP Indonesia. The first national strategy was officially launched in October 16 of 2009 and the second, was recently launched in May 10 of 2016.

Both policy documents contributed on two matters. First, on the existence of a common understanding among stakeholders to the definition and concept of 'Access to Justice' from the Indonesian perspective; and (b) on the existence of a common policy guideline for sustained reforms in the field of law, justice and human rights in Indonesia.

¹ Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional, "Lampiran Peraturan Presiden Republik Indonesia Nomor 2 Tahun 2015 tentang Rencana Pembangunan Jangka Menengah Nasional (RPJMN) 2015-2019 Indonesia yang Berdaulat, Mandiri, dan Berkepribadian berdasarkan Gotong Royong, Buku II: Agenda Pembangunan Bidang", 2014, p.7-31.

This concept paper follows the NSA2J definition and conceptual framework of ‘Access to Justice’. In this regards, ‘Access to Justice’ - from an Indonesian context - is “*a condition and process where the State guarantees the fulfilment of basic human rights as enshrined in the 1945 Constitution and the universal principles of human rights, and guarantees the access for all citizens the capacity to know, understand, be conscious about, and to exercise those basic rights through the formal or informal institutions, supported by a proper and responsive public complaints system, in order to obtain the optimum benefits to improve the quality of their lives*”.

Whereas such definition then guides the following conceptual framework for supporting Indonesia’s next agenda for access to justice reform. The summary of which is quoted from the first National Strategy on Access to Justice.²



² Access to Justice Working Group, “National Strategy on Access to Justice”, Ministry of National Development Planning/National Development Planning Agency (BAPPENAS), May 2009, p. 7.

Notes:

- **“Normative Framework:** The normative legal framework takes the form of a legal superstructure containing both rights and obligations, and reflecting people’s customs and social behavior. This includes state and customary law in three ways: (i) regulatory substance; (ii) regulatory processes and mechanisms for change; and (iii) actors and institutions involved in both substance and process.
- **Legal Awareness:** This includes laws, regulations, obligations, rights, and the various alternatives available for the resolution of disputes.
- **Access to Appropriate Forums:** These are access to institutions where the poor can interpret legal awareness and the real efforts that follow as stated in the World Development Report 2006, “people’s legal rights remain theoretical if the institutions charged with enforcing them are inaccessible”. A regulatory reform takes up the issue of poverty and the legal awareness of the poor increases, formal and informal legal institution must also be made accessible.
- **Effective Handling of Grievances:** The public should understand legal institutions as efficient, neutral, and professional. Legal institutions should apply their procedures consistently and impartially, so that they not only produce satisfactory results, but also increase trust in the institutional arrangements of the law.
- **Satisfactory Remedies Obtained:** Satisfactory remedies are impartial, timely, consistent with legal norms, free of corruption and political interventions, and consistent with universal human rights.
- Recognizing that the problems of the poor and marginalized are the problem of us all.
- **Monitoring, Oversight and Transparency:** To ensure that accountability remain in place for the six measures outlined above. “

The second NSA2J stated that for the current mission period of **2016-2019** will prioritize on supporting reform activities that will contribute to **(a)** The fulfilment of public access, especially for vulnerable or marginalized citizens to receive services and fulfilment of basic human rights that are non-discriminative, easily accessible and affordable; **(b)** The fulfilment of public access, especially for vulnerable or marginalized citizens to effective dispute and conflict resolution forums that also protects human rights; **(c)** The fulfilment of public access, especially for vulnerable or marginalized citizens to legal aid services that easily accessible, sustainable and trustworthy; and **(d)** The formation

of control, management and usage of land and natural resources which holds legal certainty and equitable for the society.³

The National Action Plan for Human Rights. The current national action plan is specifically regulated in Presidential Regulation No 75 of 2015, that defined such plan as a document containing the objectives, strategies, and focus of priority activities and be used for guiding ministries, agencies and local government in the course of respecting, protecting, fulfilling, enforcing and advancing of human rights in Indonesia.⁴

In principle this RANHAM is applicable for 2015-2019, both at the national and subnational level. The scope and main priorities of the RANHAM involve seeking to achieve both the general and specific objectives:

- **General Objectives:** To increase respecting, protecting, fulfilling, enforcing and advancing of human rights in Indonesia, especially by the government in consideration of religious values, morality, customs, cultural, security, public order, and the Indonesian interests based on Pancasila and the 1945 Constitution (as Amended).⁵
- **Specific Objectives:** (a) To increase awareness of human rights among state apparatus and the society; (b) to implement human rights instruments within government policies; (c) to increase Indonesia's participation in co-operations for respecting, protecting, fulfilling, enforcing and advancing of human rights in Indonesia; (d) to increase handlings of human rights violations; (e) to increase the accessibilities for the disabled and other vulnerable groups to participate in the field of civil, political, economic, social and culture.

Agenda 2030 Sustainable Development Goals and Gender Based Violence

The Sustainable Development Goals (SDGs) acknowledge the importance of inclusive, accountable and responsive institutions in achieving development that ensures no one is left behind. Goal 5 and Goal 16, entitled "Achieving Gender Equality" and "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels", establishes a pioneering global commitment, which Indonesia also needs to contribute and implement to achieve that particular goals. Recognizing that gender based violence exists through the countries, It is crucial to pushing the gender equality move forward in order to ensure women, particularly who are marginalized, have their rights.

³ Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional RI, "Strategi Nasional Akses Pada Keadilan 2016-2019", Mei 2016, p.7.

⁴ Art. 1 number 2, "Peraturan Presiden Republik Indonesia No 75 Tahun 2015 tentang Rencana Aksi Nasional Hak Asasi Manusia", p. 2.

⁵ Ibid., p. 6.

II. The Current State Of Access To Justice Initiatives: Indonesia Experiences

Indonesia is fully committed to implement the 2030 Agenda with the objective to promote efforts to end poverty, tackling inequality, encourage human rights and give attention to the linkages between social and economic progress and environmental protection. Under the leadership of the Ministry of National Development Planning (Bappenas) and with the close cooperation of various stakeholders, Indonesia has embarked on intensive efforts in integrating SDGs into national development plans and sub-national plans with the availability of budget allocation for sustainable development which is consistent with the local context. Localizing the SDGs is emphasized through three with focus: Mainstreaming, Accelerating the achievement of the SDGs and policy support - or Mainstreaming, Acceleration of SDGs Attainment and Policy Supports (MAPS) - which can be applied simultaneously. Related to the issue of gender-based violence (GBV), the Indonesian government has put it into one of main priority reflected in the support of the implementation of the SDGs Goal 5 (gender equality), and Goal 16 (democracy, justice and institutional strengthening).

One of the government's program which has been contributed to support the localizing SDGs is namely to strengthen access to justice. During the year 2012 to 2016, with the objective of continuing to strengthen access to justice to the citizens in protecting and ensuring the human rights for access to justice. Bappenas, in cooperation with UNDP Indonesia through the project Strengthening Access to Justice in Indonesia (SAJI project) has implemented various activities to encourage the implementation of the National Strategy on Access to Justice (NSA2J) last update has been conducted in 2016 and launched by the Minister of Bappenas on 10 May 2016.

Furthermore, NSA2J components are also integrated into the annual plan of government at the national and sub-national. At the national level, Bappenas and SAJI Project have supported the Ministry of Justice and Human Rights in generating President Regulations and Presidential Decree (Presidential Decree No. 75 in 2015 and the Presidential Human Rights Action No. 10 in 2015). These regulations have functioned as a base for other ministries and local governments to integrate NSA2J component to the annual work plan and budget. Bappenas has also prepared a transition strategy on access to justice in Indonesia through the incorporation NSA2J indicators in the Sustainable Development Goals and the 2030 agenda.

Strengthening Access to Justice in Indonesia (SAJI) Project

Strengthening Access to Justice in Indonesia (SAJI) project presents the continuation and expansion of the Legal Empowerment and Assistance for the Disadvantaged Project (LEAD) and the Aceh Justice Project (AJP). BAPPENAS and UNDP with the funding support from the governments of Norway from 2012 to present have helped to lay a strong foundation for increased access to justice in Indonesia. SAJI is geared towards improved access to justice for Indonesian citizens, contributing to the alleviation of poverty, good governance practices, and empowerment of disadvantaged, vulnerable, and marginalized people.

The Government of Indonesia and UNDP through SAJI project selected three pilot provinces, Aceh, Central Kalimantan and Central Sulawesi as a pilot region, where program cooperation was focused on efforts to mainstream the Strategy Access to Justice. The support in the fight against gender-based violence is supporting free legal aid program and the implementation of customary justice (customary justice) in the region.

Free legal aid program

Only 17 percent of Indonesia's poor have the ability to bring their cases to court, and in poorer areas such as East Nusa Tenggara (Nusa Tenggara Timur, NTT), that number is under ten percent, as poor people cannot afford the lawyer and court fees, as well as the transportation costs to attend proceedings.

With support from SAJI, the Government of Indonesia developed a new state sponsored legal aid system designed to address such problems. Law No. 16/2011, the new legal aid system was officially launched by the President in the State Palace on 26 July 2013. Under this new legal aid scheme, poor justice seekers can secure free legal representation as suspects, witnesses, complainants, or defendants from qualified local non-government organizations (NGOs). The management of state legal aid services has been made centralized under the National Law Development Agency (*Badan Pembinaan Hukum Nasional, BPHN*). Law No. 16/2011 on 'Legal Aid' promises to address the first issue (i.e. limited capital). The Law mandates the provision of free legal aid services to the poor, which has been rolled out by early January 2013 until present day. The free legal aid program nowadays become crucial approach for the poor and the marginalized including women who involved in cases to seek justice and overseeing mechanism law enforcement or justice institution. BPHN data revealed that most of cases covered by legal aid program is domestic violence which involved women.

Informal/Adat Justice

In traditional communities, various dispute resolution mechanisms exist, and these are often difficult to distinguish from local political structures and culture. When government justice services are unable to reach remote areas (whether due to geographic or cultural constraints) informal justice systems, including the customary court, becomes the sole legal reference for many people. According to assessments by UNDP (2007; 2008) and the World Bank (2009), most Indonesians resort to available customary/informal justice mechanisms in their communities for dispute resolution.

Over the last few years, the government has done a dramatic about face. The government is increasingly recognizing adat justice as a legitimate part of the justice system. For instance, in January 2014, Indonesia enacted Law No. 06/2014 on 'Villages'. Articles 97 and 103 of the law affirm the village's authority to implement adat in their geographical area as a 'peaceful means' for settling disputes. Similar to NSAJ, the law also requires adat justice mechanisms to operate in line with international human rights standards and national law.

The informal justice system, derived from local traditions and wisdom of the various ethnic groups in this vastly pluralistic nation, plays a critical role in facilitating access to justice, particularly for the poor and marginalized. However, there are some challenges to fully implement the informal justice system, such as: the absence of formal legal knowledge by informal justice leaders, the absence of guidelines and common standards, instances of discrimination against women and other vulnerable groups, ambiguous jurisdictional boundaries between the formal and informal justice systems, and insufficient accountability safeguards.

The strengthening Access to Justice in Indonesia (SAJI) project has addressed these issues and the project have built and helped to lay a strong foundation for increased access to justice in Indonesia on customary justice system in three target provinces in Aceh, Central Kalimantan, and Central Sulawesi.

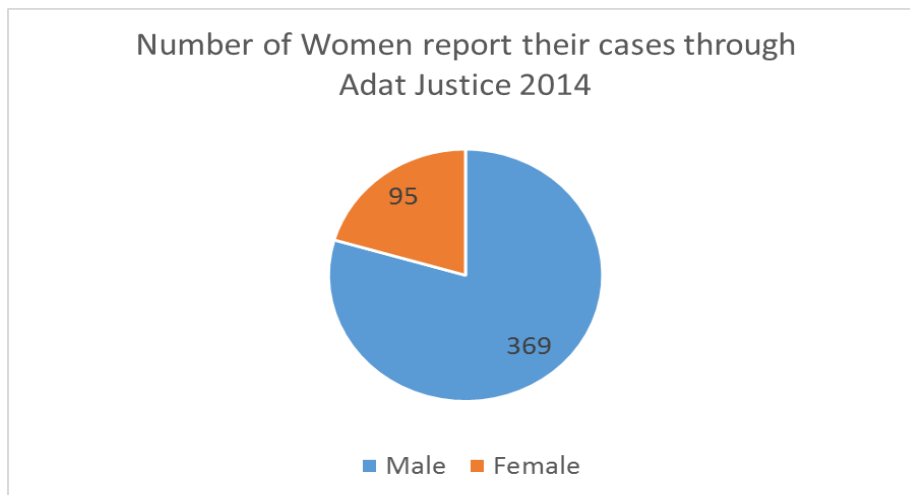
In Aceh Province

Bappenas and UNDP, in collaboration with the Aceh Adat Council (MAA) has developed Adat Justice in Aceh, supported by Aceh Governor Regulation No. 60 Year 2013 on the Implementation of cases/dispute resolution involved customary (adat) and joint decree between Governor of Aceh, Aceh Police Chief and Chairman of MAA on the Implementation of Adat Justice in Aceh. Under the Decree, the Provincial Government supports indigenous justice in Aceh by allocating funding on a regular basis each year to the province MAA. To increase the capacity of adat justice in Aceh, this program has also trained and disseminated information about the justice system in Aceh to 4,190 indigenous traditional leaders where 1,167 of them (28%) were women from 12 districts. In addition, SAJI also supports the establishment of Memorandum of Understanding / MoU with the Provincial Government and Regional Police are asking every small case to be handled not through the formal justice system, but through traditional justice mechanisms.

In 2015, as a continuation of support for indigenous women leaders in Aceh Province, through this SAJI projects, Bappenas together with MAA identified 24 women who had an important role and contribution in the settlement of disputes through traditional justice at the village level. This identification is followed by efforts to increase the capacity of the female traditional leaders of the indigenous justice and handling cases with the aim of preparing them to be a champion in the handling of cases involving women. Furthermore, with the increase in the capacity of the women, there will be pool of trainers who could transfer the knowledge and train other women traditional leaders.

With significant advances in Aceh province for Adat Justice, the Aceh has become a model for other provinces about how traditional justice mechanisms can complement the functions of the formal justice system in providing access to justice, especially for the poor, vulnerable and marginalized groups including women. Related cases handled by many indigenous justice in the province of Aceh for example the percentage of cases of violence against women including significant enough sebagaimana illustrated in the graph below.

1. Number of women who have reported their cases through adat justice⁶



⁶ MAA 2015 annual report

2. Types of Cases in Aceh which involved women⁷

No	Type of Case	Number of Case	Percentage
1	Threat	2	0.71
2	Sexual abuse	30	10.64
3	Land dispute	11	3.90
4	Harassment, hate speech and defamation	10	3.55
5	Forrest (burning)	0	0.00
6	Environment	0	0.00
7	Theft in the family	2	0.71
8	Small theft	15	5.32
9	Domesticated cattle theft	1	0.35
10	Mmild persecution	20	7.09
11	Local Dispute	65	23.05
12	Domestic Violence	80	28.37
13	Wealth dispute	6	2.13
14	property rights dispute	16	5.67
15	Adat disputes	5	1.77
16	Dispute on the sea	2	0.71
17	Dsipute in local market	0	0.00
18	The dispute between the family with regard to inheritance	17	6.03
	Total	282	100.00

In Aceh, despite women involvement in the informal justice process has been slightly increased, yet women judges in informal justice are limited in number. This has caused a difficulties for women to access the informal justice system. The champion of woman adat leader, Ibu Murni an adat leader from Blang Bintang sub-district in Aceh, spoke of her work with women, saying the personal nature of family issues meant many women would never go to the police if they had difficulties at home.

"I have seen women with problems but they don't know where to go and keep everything to themselves...They are afraid to say anything. They need to know there are women who they can trust," she said.

In the Province of Central Kalimantan

Customary justice system have a strong foundation, where the Dayak Customary Council (DAD) has had the support of the legal basis under the Regional Regulation No. 16 of 2008 on Dayak Customary

⁷ MAA 2015 annual report

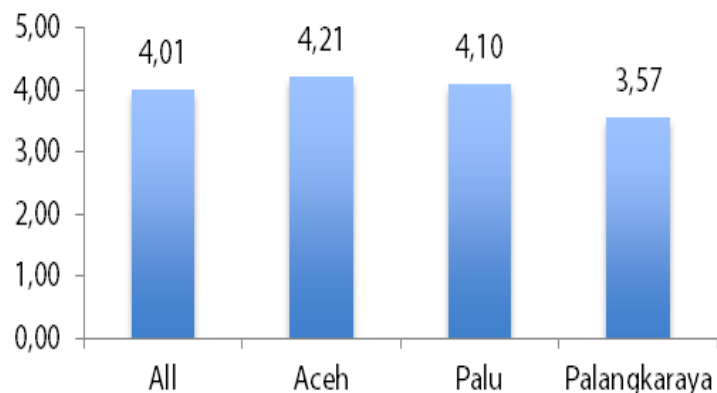
Council. However, to encourage Adat Justice with good case management and is able to provide equitable settlement for the people of the dispute, SAJI cooperate with Dayak Customary Council (DAD) in Central Kalimantan in developing Guidelines for Implementation of Adat Dayak Justice. The Manual has been confirmed by the Dayak Customary Council Regulation No. 1 Year 2015 on Guidelines for the Implementation of Justice Dayak in Central Kalimantan.

In the province of Central Sulawesi

In 2013, Bappenas and UNDP has facilitated Adat Justice Forum (FPA) Central Sulawesi to develop guidelines that replicates the traditional justice model of Aceh. The guidelines are then passed through the Governor Regulation No. 42 Year 2013 on Guidelines for Indigenous Justice in Central Sulawesi. In 2014, FOOD continuing support to the FPA to get recognition from the provincial government, until then issued Decree No. 180 /590/RO.HUK-6.ST/2014 on Indigenous Justice Forum (FPA) in Central Sulawesi. This support continues until 2015, where FPA Sulteng Bappenas and UNDP supported training for capacity building of Adat leaders in Central Sulawesi in terms of documentation and case management for this is still not in the running customary justice. Subsequently, in 2016, by imitating the model developed in the province of Aceh, the Forum Adat Justice (FPA) with the Provincial Government and the Central Sulawesi Police have endorsed and signed a memorandum of understanding in which the settlement of minor criminal cases (Tipiring) can be performed by traditional leaders in the province of Central Sulawesi.

To measure the satisfaction of the justice users in Aceh on customary justice, the survey was conducted in 2016 and resulted that 90 percent of customary justice users in the provinces expressed their satisfaction with the quality of its process and outcome. Another positive finding was also related to justice issue for women. The survey suggested that as an impact of UNDP's supports, women adat leaders are increasingly involved in cases settlement through adat justice, particularly in cases involving gender-based violence and discrimination.

**Level of satisfaction of customary justice implementation in three locations:
Aceh, Central Kalimantan and Central Sulawesi⁸**



III. Conclusion

Gender Mainstreaming is the key in legal aid and adat justice program

Unfavorable gender relations prevent women in particular from accessing justice. Poor women, like poor men, have difficulty accessing justice due to the financial costs associated with such processes. Unlike poor men, poor women face additional barriers due to cultural and political taboos which discourage women from challenging their husbands and disclosing family problems like gender violence and abuse in public. Poor women brave enough to seek legal recourse, regardless of the weight of public opinion, often turn to the informal justice system. Unfortunately, informal justice mechanisms are still predominantly male dominated and do not always offer fair and impartial justice outcomes for women.

Cooperation between Bappenas and UNDP, through SAJI project, recognizes the aforementioned problems, and addressed it through the following gender strategy: SAJI places women as a priority group and strives to advance gender equality and the empowerment of women in Indonesia as a cross-cutting priority of the project – be that legal aid, community-based justice, or public complaint and grievance handling. SAJI will also use sex disaggregated data within the project to gauge the impact of the project on women as a target group, develop gender mainstreaming monitoring and evaluation tools, and sensitize all its project staff and grantees to gender issues.

The NSA2]has put emphasis on providing and protecting women and children’s rights in each of Strategies detailed in the document. This is also translated in the Human Rights Annual Action Plan or

⁸ Independence survey on Adat Justice program 2016 in three provinces Aceh, Central Kalimantan and Central Sulawesi

RANHAM that put women and children as main beneficiaries, aside from marginalized and people with disability.

Also, the SAJI project targeted the poor, women and rural communities by design with its focus on remote communities where people did not ordinarily have the physical access or economic means to access lawyers. From a gender perspective, there is always a concern that traditional justice solutions, which seek to settle disputes rather than decide who is right or wrong, may go against women because the decisions are often made by men and do not want to upset the status quo. While this issue warrants further exploration, SAJI has worked with the customary justice systems in Aceh, central Kalimantan and Central Sulawesi to strengthen the quality of adat justice. In three target provinces, women and youth have been increasingly involved in adat justice provision. Between 2012 and 2015, 4.000 adat leaders were trained on informal justice, human rights and case management, of which 28% were women. These are expecting to give significant contribution on the fight against gender based violence in the country for today and near future, and the long run it will contribute to the 2030 Agenda.

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Ms. Randi Davis
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Good morning. It is my pleasure to be here today to co-host the 2017 Seoul Debates and to participate in this panel devoted to the issue of addressing gender-based violence in the context of Agenda 2030.

Before I begin, let me express my deep appreciation to the Government of the Republic of Korea for supporting our work around the world to prevent gender-based violence, and for supporting Member States to advance the Sustainable Development Goals overall.

This gathering represents not the first, but the second time that the Government of the Republic of Korea has provided a space for experts and practitioners from Korea and throughout the world to come together to discuss the persistent challenges and best practices for tackling gender-based violence. Last year, here in Seoul, the Government of Korea and UNDP together convened an expert consultation on gender-based violence and the Sustainable Development Goals that brought together more than 50 experts and practitioners, enabling us to think about the intersections of gender-based violence with major social development issues and to identify integrated approaches to preventing and reducing it.

In these Seoul Debates, we again have an opportunity to consider the best ways to tackle gender-based violence. We are particularly delighted to have here today such diverse representation from Korean professionals, government representatives, activists, and academics along with practitioners from around the world. We look forward to a fruitful exchange of experiences.

For those who are not familiar with the 2030 Agenda for Sustainable Development and its 17 Sustainable Development Goals – they were adopted in 2015 by all Member States of the United Nations to provide a common blueprint for achieving a ‘universal’ development agenda. I highlight this notion of universality because it means that all countries (rich, poor, north or south) share similar development challenges and aspirations. And as we come together to discuss gender-based violence, we know that this is also a universal challenge that cuts across all borders, regions and cultural contexts. Global estimates published by WHO indicate that about 1 in 3 women worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence in their lifetime.

The 2030 development agenda recognizes that the development of people, societies and nations is not just about economic growth and wealth creation. It is about ending poverty, fighting inequalities, tackling climate change, eliminating hunger, and ensuring that no one is left behind. This is why the Sustainable Development Goals include specific goals on promoting peaceful and inclusive societies (Goal 16), reducing inequalities within and among countries (Goal 10), taking urgent action to combat climate change (Goal 13) and ensuring healthy lives and promoting well being for all (Goal 3).

The 2030 agenda also recognizes that development goals are interconnected. For this reason, gender equality is not only the focus of a particular goal – Goal 5 - but is also integrated throughout the 17 goals as a driver of achievement across other development outcomes. Reducing gender inequalities is recognized as critical to poverty reduction, food security, healthy lives and natural resource

management. There are a total of 24 targets across the 17 sustainable development goals that relate explicitly to gender equality. These targets focus on work, agricultural productivity, hunger, health and nutrition, water and sanitation, energy and environment, political participation and sustainable cities and communities.

Our discussions here at the Seoul debates put the spotlight on ending the violence that leaves women and girls behind and constrains any efforts to close gender gaps and achieve the Sustainable Development Goals. Not one goal can be achieved if women face violence – whether in their homes or outside the private spheres.

For some goals, this connection is obvious. We will not achieve Goal 3 - which is about ensuring healthy lives and includes targets on reducing maternal and child deaths – as long as sexual violence, domestic violence, child marriage and harmful practices like female genital mutilation are allowed to persist. And we will not achieve Goal 5 – which is about reducing gender inequalities – if women and girls continue to have their rights violated by violence. Goal 5, in fact, establishes clear targets in this area – calling for the elimination of all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation, and the elimination of all harmful practices, such as a child, early and forced marriage and female genital mutilation.

But violence against women is also recognized as a factor that must be addressed to achieve Sustainable Development Goals where the connection may not be so clear. For example, the 2030 Agenda recognizes that building just and inclusive societies, the focus of Goal 16, is unattainable as long as women face violence at home or in the public space. The indicators of success for this goal include reductions in sexual violence and trafficking.

We also know there is a connection between achieving Goal 1 (ending poverty) and ending gender-based violence as violence takes a steep toll on women’s economic prospects in the form of missed work, lost wages, health costs and limitations on their ability to participate in civic life.

Gender-based violence also impedes achievement of economic growth (Goal 8) due to the societal cost of lost employment and productivity and the draining of resources from social services, the justice system, health-care agencies and employers. Annual costs of intimate partner violence were calculated at \$5.8 billion in the United States of America and \$1.16 billion in Canada.

Fortunately, with the 2030 Agenda for Sustainable Development, we are better poised than ever to tackle gender inequalities, including gender-based violence. Success in reducing gender-based violence is part of the measurement of overall progress toward achieving sustainable development. In other words, governments around the world will have to measure and report on progress and hopefully this will translate into more efforts and resources to reduce gender-based violence.

Given the clarity of the call to action and the breadth of the challenge, we hope to see greater investments in preventative efforts and in integrated approaches that tackle the challenges from multiple fronts and sectors at once. The scale and scope of gender-based violence and the responsibility for reducing it go beyond any one ministry or one sector.

This move toward holistic approaches is reflected in UNDP's support to partners to combat gender-based violence, which you will hear more about over the next two days. In short, we are prioritizing prevention - addressing social norms and gender stereotypes that perpetuate violence against women.

We are supporting governments to put in place laws and policies to address and combat gender-based violence, be it sexual or domestic violence, child marriage or harmful practices. These laws – often a government's first sign of commitment to tackle gender-based violence – play an extremely important role in changing social norms.

We also support partners to help police investigate gender-based violence, to train judges and lawyers and to ensure that women subjected to violence not only know their rights but have the services and support they need, including affordable legal assistance. Promoting women's participation in decision-making – from parliaments, to the judiciary and the security sector – is another important part of work to address gender-based violence as we know that having a critical mass of women in leadership is one of the best ways to ensure that issues of relevance to women's lives are addressed effectively.

One of the reasons we are so excited to be partnering with the Government of the Republic of Korea is that Korea has become a champion of holistic approaches to combatting gender-based violence, investing in a wide scope of interventions – from prevention to legal reform to victim assistance and support.

I look forward to hearing more about this work from all of you in what I am confident will be an engaging and fruitful discussion. Thank you.

Mr. Md Aynul Kabir
Joint Secretary
Ministry of Women and Children Affairs, Bangladesh

Distinguished Guests and Panelist of the Session,

Ladies and Gentlemen,

Good Morning!

I feel honored to be here and I thank the organizers for giving me the opportunity to speak up as one of the panelists. I hope I can make up some points briefly about the Bangladesh Government's activities and strategies related to Gender-based Violence (GBV).

The 7th Five Year Plan (2016-2020) of Bangladesh Government considers women's engagement in political and economic activities as a cross-cutting issue and one of main drivers of transformation. The Ministry of Women and Children Affairs is the designated ministry of the Government of Bangladesh to deal with the issue and implement related activities and programs nationwide for which we all are here today.

At the beginning, I take the opportunity to proudly share with you that perhaps Bangladesh is the only country where at present the Prime Minister, Leader of the Opposition and Speaker of the Parliament is a woman. The Ministry of Women and Children Affairs is also run by a woman state minister where I am working as a Joint Secretary.

1. As Bangladesh follows the Five Year Plan strategy for development planning and implementation, the 6th Five Year Plan (2011-2015) called for a two-pronged approach for empowering women and ending gender-based discrimination. The strategies adopted in the 7th Five Year Plan to improve women's empowerment and social participation consisted of:
 - a. Political and legal empowerment
 - b. Economic empowerment
 - c. Social empowerment
2. Considerable progress has been made in improving gender quality in a number of areas. Solid progress has also been made in reducing the large gap between male and female students at the tertiary level. The Government is committed to attain the Sustainable Development Goal (SDG) of gender equality and empowerment of women and girls as well as implanting the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Beijing Platform of Action.
3. In addition to the endorsement of all international conventions for the protection of women's rights, Bangladesh took many new legal and policy measures. Conducive rulings given by the High

Court included directives concerning women and children development. Some sectoral laws that were enacted to ensure protection and benefits of women include:

- a. Reformulation of the National Women Development Policy (NWDP) 2011
- b. The National Action Plan to implement the Policy
- c. Laws formulated include:
 - i. The Domestic Violence (Prevention and Protection) Act, 2010
 - ii. The Domestic Violence Prevention and Protection Rules 2013
 - iii. Prevention and Suppression of Human Trafficking (PSHT) Act 2012
 - iv. Hindu Marriage Registration Act 2012
 - v. National Children's Act 2013
 - vi. Women and Children Repression Prevention Act, 2000
 - vii. Legal Aid Services Act, 2000
 - viii. Acid Crime Prevention (Amended) Act, 2010
 - ix. Human Trafficking (Deference and Suppression) Act, 2012
 - x. Deoxyribonucleic Acid DNA) Act, 2014
4. Similarly, **some policies formulated addressed specific gender needs** that include, among others:
 - a. National Children Policy 2011
 - b. National Education Policy 2010
 - c. National Skill Development Policy 2011
 - d. National Women Development Policy 1997
 - e. National Child labor Elimination Policy 2010
 - f. National Action Plan for combating Human Trafficking 2015-2017
5. On the policy front, the most important step has been to ratify the National Women Development Policy (NWDP) in 2011. Its vision is to "create a society where men and women will have equal opportunities and will enjoy all fundamental rights on an equal basis".
6. In terms of results,
 - a. Progress has been most advanced in education and in the area of political empowerment. Rapid expansion of female education is changing social norms in urban and rural areas.
 - b. Regarding political empowerment, in the past 20 years, the percentage of female parliamentarians has increased from 12-13 percent in the 1980s to 20 percent now.

- c. 1/3 of the seats of Union Parishad, Municipality and City Corporations are reserved for women
7. Through the multitude of new laws noted above, the Government is trying hard to change the socio-cultural norms that may hinder women's status and empowerment within the society through adopting laws to ban child marriage, acid throwing, violence against women, eve teasing, dowry, etc.
 - a. The Domestic Violence (Prevention and Protection) Act of 2010 was passed in accordance to international commitments to enable women to file legal complaints against all form of domestic violence. The act provides a very wide definition of domestic violence which includes not only physical and sexual abuse, but also psychological (harassment, controlling behaviour and verbal abuse) as well as economic abuse (forceful deprivation of financial and economic resources).
 - b. Another project that has been executed to eliminate violence against women is the third phase of the Multi-Sectoral Programme on Violence against Women.
 - c. 8 One-Stop Crisis Centers established in Public Medical College Hospitals.
 - d. 40 One-Stop Crisis Cells at district general hospitals and 20 One-Stop Crisis Cells al Upazila Health Complex to provide services for women and children victims.
 - e. 8 victim support centers established in divisional headquarters
 - f. National Toll Free 24 hours Helpline 109 for women and children victims of violence.
 8. To portray the Government's sincere efforts and commitments to tackle GBV, I take this forum to share about a collaborative partnership between the Government of Bangladesh, UNDP and BRAC and supported by the Korean Government, which provided support to the Ministry of Women and Children Affairs (MoWCA) in operationalising and institutionalising SGBV victim response and referral services. On behalf of the Ministry, I am extremely thankful to KOICA for funding 'The Accelerating Efforts to Prevent and Respond to Sexual and Gender-based Violence (SGBV)' project that created the online VAW database from April 2015. The project was implemented in 432 unions in 8 divisions across Bangladesh.
 - a. This collaborative project was geared towards creating an effective grievance redress system between service providers (such as legal aid, shelter homes, medical services, counselling etc.) and claim holders.
 - b. The activities also focused on the existing legal framework for improving implementation procedures for all relevant actors and services to address GBV.
 9. Significant steps have also been taken to incorporate gender dimensions in the formal budgeting process of Bangladesh.
 - a. In 2005, the GoB introduced Gender Responsive Budgeting (GRB) in an effort to mainstream gender issues at all policies and decision-making levels.
 - b. In FY2016-17, 40 of the ministries were undergoing GRB.

- c. A set of guidelines has also been issued to ensure that development projects are prepared and reviewed in a gender sensitive way.
10. Gender equality and women's empowerment agenda for the 7th FYP(2016-2020) is aimed at changing social norms. Protecting women's rights is critical to integrate within the Plan, which pursues strategies and actions -
- a. to enhance women's capabilities and access to resources and opportunities
 - b. to address the control over resources and decision-making, reduce the barriers in structures and institutions

The Sustainable Development Goals adopted in September 2015 includes a target to end gender-based violence by 2030. It also includes targets on violence against women; trafficking, violence and torture against children; sexual violence in conflict and other harmful practices.

Bangladesh is well aware of the targets and the Government has all preparations to unitedly work to achieve the targets as it had worked to achieve the MDGs and set examples to many.

Thank you all for inviting me to such an important session to be able to explain the actions taken by the Government of Bangladesh for elimination gender-based violence.

Mr. J. P. S. Jayasinghe
Director (Planning & Monitoring)
Ministry of Women and Child Affairs, Sri Lanka

Excellencies, representatives from the UNDP Seoul Policy Centre, honoured guests and friends from Korea and around the world,

Ayubowan, Kalai Vanakam, Good morning,

The Ministry of Women and Child Affairs Sri Lanka is pleased to participate in the 2017 Seoul Debates - Lessons Learnt on Addressing Gender-based Violence (GBV) - From Korea and Around the World as part of the Development Solutions Partnership (DSP) programme of the UNDP Seoul Policy Centre (USPC).

Sri Lanka stands out among its South Asian neighbours for its high rank in the Human Development Index. However Sri Lanka is confronted just like several other countries with many common social problems such as poverty, urbanization, equitable distribution of basic resources and the grave problem of sexual and gender-based violence which affects many women and girls in Sri Lanka.

SGBV is recognized as being detrimental to the welfare of the 'individual' and 'the family'. Furthermore, at the community and national level, it is considered as a public health issue, a negative determinant of social development and a huge burden on the State due to the expenses incurred in providing medical services to survivors, legal costs and the loss of productive employment of the survivors due to SGBV.

Sri Lanka had made a strong policy response through Policy documents such as Women's Charter, Charter on Children's Rights, Sri Lanka Action Plan for the Protection and Promotion of Human Rights, Prevention of the Domestic Violence Act. State obligation to address SGBV is further validated through international conventions such as the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

In Sri Lanka, several ministries and State agencies as well as INGOs/ NGOs and CSOs are implementing many programmes to address SGBV.

In order to streamline these efforts, within the framework of Government Policy and to avoid repetition, the Ministry of Women and Child Affairs formulated a multi-sectoral umbrella plan, the **Policy Framework and National Plan of Action to address Sexual and Gender-based Violence (GBV) in Sri Lanka (2016-2020)** which was approved by the Cabinet on 7th June 2016.

This Plan has nine sectors and was developed in consultation with several lead Ministries/ Departments/ Institutions, INGOs/ NGOs and UN agencies and was supported by UNDP Sri Lanka. The vision that led to this policy formulation and development of a National Action Plan is “A violence-free life for women and children” and the underlying principle was “Zero Tolerance of Sexual and Gender-based Violence in Sri Lanka”. The entire process that led to the development of the national policy framework and the plan of action is “rights-based” in approach, and SGBV is accepted as a violation of human rights.

The Plan seeks to address SGBV through a framework involving three dimensions:

- **Prevention:** Aimed at addressing the background and root causes of SGBV
- **Intervention:** Includes responses to assist survivors of SGBV (such as setting help desks in hospitals, establishing telephone helplines, and providing temporary accommodation/ shelter and psycho-social counselling for the victims and their children) as well as responses to hold perpetrators to accountable
- **Advocacy and Policies:** This involves bringing about policies, laws, regulations and practices to address the issues of SGBV, while also advocating for their implementation.

The Ministry has commenced rolling out the plan through sectoral meetings led by the lead ministries, linking with CSOs and other development partners.

The Ministry of Women and Child Affairs has taken further measures at policy level to enhance gender equity and equality and address the situation of vulnerable women and children. These include:

On September 3rd, 2016, the Cabinet approved the **allocation of a minimum of 25% of ‘project investment’ on rural economic development for women**, in order to minimize vulnerabilities faced by rural women and their children and to also improve the rural economy. This means that, at least 25% of ‘Development Projects’ funds proposed to be implemented at the rural level should be allocated for women in the ministries identified under the said Cabinet Paper.

The proposal to formulate a “**National Plan for Women Headed Households**” was approved by **Cabinet**. The proposed plan covers six sectors: Health, including psychosocial services, Livelihoods, Support services, Security, Social protection and Policy engagement. 17 Ministries and Institutions have been identified to implement the Plan. UNFPA on behalf of the UN Gender Theme Group hopes to support the Ministry to develop the Action Plan in the months ahead.

The Ministry has also formulated **Guidelines for Shelters** to provide relief and recovery to victim survivors of SGBV

The Ministry will also be **mainstreaming gender through the appointment of gender focal points in different Ministries** through a redefined modality and will also seek to establish **committees to address sexual harassment in the workplace**.

Establishment of shelters and linking with CSOs to operationalize them is a new initiative that received the Cabinet's approval last month.

These are some of the key measures undertaken by the Ministry to address SGBV and empower women. Other initiatives include the helpline for women, district and divisional referral meetings, strengthening police women and child bureaus through equipment support as well as establishing new women and child police bureaus and programmes to sensitize police towards SGBV survivors.

I hope these two days and the related discussions will enhance our learning on best practices in addressing gender-based violence in Korea and other countries, and we will take back with us a deeper understanding and knowledge of 'lessons' from Korea and other countries present today, which we could seek to adopt given our common realities as relevant.

I wish you all a very fruitful discussion today and in the days ahead and a greater understanding of addressing GBV through 'the sharing' of lessons learnt from our countries. Thank you.

Session 2

Legislative Developments and Policies in Conceptualizing and Fighting GBV: Current Status and Future Directions



- Legislative Developments in Conceptualizing and Fighting GBV (Korea)
- Reviewing the Effectiveness of Approaches to Reduce Gender-based Violence in Korea
- Seoul Metropolitan Government Plan for “Safe City for Women 3.0”

Discussion Paper

Legislative Developments in Conceptualizing and Fighting GBV

Dr. Shin, Heisoo

Member, UN Committee on Economic, Social and Cultural Rights (CESCR)
Representative, Korea Center for United Nations Human Rights Policy (KOCUN)
Visiting Prof., Graduate School of International Studies, Ewha Womans Univ.

I. Introduction

During the last several decades, the Republic of Korea has gone through turbulent stages of development. In 1945 Korea has celebrated national liberation from the 35 years of the Japanese colonial rule, which was immediately followed by U.S. occupation for 3 years, then division of the country into North and South, destruction by a 3-year long war between the two Koreas, extreme poverty during the 50s, military coups and long dictatorships for almost three decades, and finally economic prosperity and democracy since the early 90s.

Throughout these social upheavals, women in South Korea have suffered in all areas of life: in civil, political, economic, social and cultural fields. Women grew up with discriminatory old sayings such as *“When the hen cries, the family goes bankrupt,”* and *“Women and dried pollacks should be beaten every three days.”* Under the successive military dictatorial rule in the 60s, 70s and 80s, the entire South Korean society became more violent, permitting violence against women in everyday lives. Korean women had to endure pervasive sexual assault and harassment, domestic violence and sexual exploitation.

The hard-won democracy officially began in 1993 with the inauguration of a civilian government, as the result of long struggles and much sacrifice of people. Women also actively participated in the democracy struggle, while at the same time also fighting against deeply-entrenched discriminatory laws and practices and gender-based violence (GBV). Women organized themselves and introduced innovative ways of combating various forms of GBV, providing support to the victims, initiating social movements for legal reforms and trying to change people’s mentality, which successfully resulted in new legislations and policies by the government. The Korean government, having been stimulated, pressured and supported by the women’s movement organizations, kept revising, redefining and enhancing laws and policies combating GBV during the last three decades, but of course not without challenges, both old and new.

This paper attempts to provide an analytical overview of the key legal and policy frameworks in Korea to recognize and prevent GBV, including the evolution of the legal definitions and concepts on various

forms of GBV. This evolution reflected the socio-cultural norms and practices underpinning GBV. This paper also intends to assess the achievements and challenges in the implementation of those frameworks on GBV in Korea. The Korean experience of fighting GBV will provide lessons for effective strategies to bring legal reforms, promote public awareness and education for addressing GBV, with implications especially for other developing countries.

II. Overview of Legal and Policy Frameworks Combating GBV in Korea

1. Development of Legal and Policy Frameworks Combating GBV

The major forms of GBV recognized in legal and policy frameworks in Korea are in the following three areas: sexual violence, such as rape and sexual assaults; domestic violence; and sexual traffic.⁹ The separate legal frameworks in each category of GBV, developed one after another over the past three decades, are provided in Table 1. In other countries, for example in the USA, a single legislation can encompass different forms of GBV.¹⁰

Table 1. Development of Major Legal Frameworks on GBV in Korea

Legislations on 3 Major Areas of Gender-Based Violence		Ministry	year
Sexual violence*	ACT ON PUNISHMENT OF SEXUAL CRIMES AND VICTIMS PROTECTION, ETC.	MoJ	1993
	SEXUAL VIOLENCE PREVENTION AND VICTIMS PROTECTION ACT	MoGEF	1993
Domestic violence	ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT, ETC. OF CRIMES OF DOMESTIC VIOLENCE	MoJ	1997
	ACT ON THE PREVENTION OF DOMESTIC VIOLENCE AND PROTECTION, ETC. OF VICTIMS	MoGEF	1997
Sexual traffic	ACT ON THE PUNISHMENT OF ACTS OF ARRANGING SEXUAL TRAFFIC	MoJ	2004
	ACT ON THE PREVENTION OF SEXUAL TRAFFIC AND PROTECTION, ETC. OF VICTIMS ¹¹	MoGEF	2004

⁹ Korea Women's Hot Line, established in 1983, which started the legislative movement, intended to enact a single legislation on GBV including both sexual and domestic violence. With no separate terminology on "gender" and hence no understanding of GBV in the Korean society, other organizations did not agree to include domestic violence, and the first legislation in 1993 was only on sexual violence. Korea Women's Hot Line had to start again on domestic violence.

¹⁰ The series of federal legislation of the US, known as Violence Against Women Act, deals with all three areas of GBV. The first Violent Crime Control and Law Enforcement Act of 1994 (VAWA) deals with sexual assault and domestic violence, followed by Victims of Trafficking and Violence Protection Act of 2000 (VAWA 2000). See the website of the Office on Violence Against Women under the U.S. Ministry of Justice, <https://www.justice.gov/ovw/legislation>.

¹¹ In the revised legislation of 2016, the English translation of the term "sexual traffic" was changed into "COMMERCIAL SEX ACTS", while the title in Korean remained the same. See the website of the National Law Information Center, Ministry of Government Legislation.

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=sexual+traffic&x=0&y=0#liBgcolor0>.

Note: * The current two legislations on sexual violence were initially enacted as a single legislation, “ACT ON PUNISHMENT OF SEXUAL CRIMES AND VICTIMS PROTECTION, ETC.” in 1993. In 2010, this was divided into two legislations as listed in the Table.

Women’s Movements: Engine of Change

One characteristic of this process of legislative development is the initiatives of the women’s movements. In all the three major areas of GBV, laws were enacted as the result of fierce efforts and nation-wide campaigns of the women’s rights movement organizations, prompted as self-defense but also as a social reform against the deeply-rooted patriarchal social system regarding women’s role, status and sexuality. The women’s movement was also a part of the broader social movement, often in conjunction with the democratization movement. More directly, however, the legislative movement on GBV was to secure safety for women themselves. Impetus for legislative movement rose whenever a serious case of violations against a woman (or women) occurred. The women’s movement organizations also utilized the presidential and general elections to raise the awareness of the candidates and the political parties.

Korean Legal Frameworks in 3 Major Areas of GBV

There are commonalities in the three legal frameworks. Each was **enacted as a special legislation**, since revision of the Criminal Code was considered to be impossible and hence not attempted. The sexual violence legislation turned out to be a complete betrayal, far from the one drafted by the women’s groups through many serious discussions and presented to the political parties. The result was mostly a collation of the provisions repeated or borrowed from the Criminal Code and other relevant laws. From this sour experience, the next legislative movement on domestic violence took a more cautious approach and strategy, with a 90% incorporation of the contents drafted by the women’s movement. Unlike the sexual violence legislation, there existed no legal framework on domestic violence in place, so the legislation was completely newly created, after the model of western legislation on domestic violence. The sexual traffic legislation was a transformation of the existing legislation on prostitution, with a new perspective and many new elements added.

All three legal frameworks include the three essential components, 3Ps, i.e. *punishment* of the perpetrator, *protection* of the victim and *prevention* of violence. In the case of sexual violence legislation, the 3Ps were included in a single legislation at the time of enactment, but the other two legislations on domestic violence and sexual traffic, two legislations were enacted separately, one on punishment and the other on prevention and protection. Eventually the 1993 legislation on sexual violence was also divided into two laws in 2010, in order to increase the “effectiveness” in dealing with the problem.

Under these legal frameworks, responsibility for punishment is assigned to the Ministry of Justice (MoJ), while the prevention and protection of the victims become the responsibilities of the national

institutions for women, which went through changes in status and name under different governments. At present it is the Ministry of Gender Equality and Family (MoGEF). Compared to MoJ, MoGEF is a very small ministry with limited human and financial resources as well as with much less power and influence. The police force, to which the victims of GBV first report on the crimes to be investigated, is under the control of another ministry, the Ministry of the Interior.

Sexual Violence in Focus

Over the years, the sexual crimes have been more visible, serious and often targeted at young girls. Hence the legal framework on sexual violence has been expanded and punishment also gradually strengthened.

Relevant laws dealing with various aspects of sexual violence are presented in Table 2. As in the table, children and juveniles are protected by an additional law against sexual abuse, including sexual exploitation and in the family. At the same time, efforts for restraining the repeated/dangerous sexual offenders from the potential victims resulted in a law which allows an electronic device (worn around ankle) to monitor the movement of the repeated sexual offender. In addition, with much social disputes, a new law has been operating since 2010, allowing medication and counselling to sexual perverts to control/normalize their excessive sexual urge.

Another area of sexual violence is sexual harassment, which is especially frequent and pervasive at the workplace. In Korea, sexual harassment is defined not as a criminal offense, and the sanction is only a fine. Education for prevention of sexual harassment is legally institutionalized. In the near future, MoGEF is planning to propose another bill on GBV, which is on stalking.

Table 2. Other Important Legislations regarding Sexual Violence

Areas of GBV	Legislation*	Ministry	Year**
Children and juveniles	ACT ON THE PROTECTION OF CHILDREN AND JUVENILES AGAINST SEXUAL ABUSE	MoGEF	2000
Victim protection	PROCEDURAL REGULATION ON INVESTIGATION, TRIAL AND VICTIM PROTECTION CONCERNING CASES OF SEXUAL CRIMES, ETC.***	Supreme Court	2004
Repeated sexual offenders	ACT ON TRACING BY ELECTRONIC DEVICE THE LOCATION OF REPEATED SEXUAL OFFENDERS ***	MoJ	2008
Sexual perverts	ACT ON TREATMENT TO SUPPRESS SEXUAL URGE***	MoJ	2010
Sexual harassment	EQUAL EMPLOYMENT OPPORTUNITY AND WORK-FAMILY BALANCE ASSISTANCE ACT	MoEL	1999
	NATIONAL HUMAN RIGHTS COMMISSION ACT, Art. 2.3(d)****	NHRC	2005

Notes:

* The title of the legislation is the current one, although each went through many revisions;

** The year refers to it was first promulgated;

*** The English translation of the legislation is not available from the National Law Information Center website; hence unofficial translation;

**** The National Human Rights Commission became entrusted to expand its mandate to include sexual harassment, which was transferred from the Ministry of Gender Equality and Family.

Protection of Vulnerable Groups

In the course of legal development, the protection of vulnerable minority groups against GBV was also gradually enhanced. The three groups that need special attention and care in Korea are children, persons with disabilities and marriage immigrants. The legal frameworks for protection of these three groups more vulnerable to GBV are presented in Table 3.

Regarding persons with disabilities, there is no separate legislation on GBV against persons with disabilities; instead, a heavier sentence for crimes of sexual violence, sexual traffic or sexual exploitation was imposed and strengthened, while the need for special assistance to the victim with disabilities was legally recognized and provided in the course of investigation and protection in all three major areas of GBV.

Marriage immigrants, whose number has continued to increase since 1990, also needed special attention due to the power imbalance and language barrier they face. The 2008 legislation on multicultural families was strengthened in 2011, with a provision to provide assistance to domestic violence victims from multicultural families in terms of counselling, shelters and language assistance. On children, 2014 legislation on child abuse crimes was newly enacted, which includes punishment of the crimes of sexual violence, domestic violence and sexual traffic and exploitation against children.

Table 3. Relevant Legislations on GBV regarding Vulnerable Groups

Groups	Legislation	year	Ministry
Persons with disabilities	Strengthening of existing legislations on sexual violence, domestic violence and sexual traffic		MoGEF MoHW
Marriage immigrants	SUPPORT FOR MULTICULTURAL FAMILIES ACT, Art. 8 (protection of and assistance to victims of domestic violence)	2008	MoGEF
Children	ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT, ETC. OF CHILD ABUSE CRIMES	2014	Moj

2. Critical Issues in GBV Legislations and Implementation

Several issues of critical importance were raised in the course of legislative movements. Fighting against GBV is fighting against the dominant patriarchal concepts, discriminatory social norms and behaviors, which are all reflected in the laws. Changing the legal frameworks on GBV, therefore, is to fight against these social concepts and norms that have been in place. Often times, the laws are based

on gendered social roles, defining women's role and sexuality as passive, obedient to men's authority and demands.

Purpose of the law

The essential components of any law on GBV are punishment of the perpetrators, protection of the victims and prevention of recurrence. This seemingly clear purpose of the law on GBV is not so clear sometimes. For example, the initial Korean legislations on punishment of domestic violence were intended to "restore the peace and stability of a family destroyed by the crimes of domestic violence". In such a case, the focus is not on the punishment or protection of the victims, but rather on protecting the institution of the family. This one-sided purpose was corrected by adding "maintain a healthy family environment and protect the human rights of victims and their family members". Likewise the prevention legislation on domestic violence was intended to protect the victim in order to "maintain a healthy family". This was later deleted in 2006.

Definition of crimes, whom to apply and how to apply

According to the purpose of the law, the first step is to define GBV as a crime. The crime of domestic violence or sexual exploitation should be legally defined as a criminal act. Sexual violence such as rape needs particular attention in its definition; otherwise domestic violence, if not perceived as a social crime, is often times not defined as a crime, but might be rather treated as a problem that needs third-party mediation. Consequently, how the crimes of GBV are defined is very important. The definition sets the boundary for what constitutes criminal acts and hence who would be designated as the perpetrator committing the crime as defined.

Sexual Violence

In Korea, the legal concept and definition of sexual violence has evolved through many stages. Before the legislative movement, the then-existed legal frame in the Criminal Act of 1953, reflecting the traditional perception on women's sexuality, was codified as "*crimes on chastity*." Thus, what the law wanted to protect was not women but women's chastity. This extremely discriminatory language of the criminal act was transplanted as it was into the 1993 new special legislation on sexual violence. This was partly rectified with the first major revision of the Criminal Act in 1995,¹² which was in accordance with the need to eliminate the "gap between the law and reality, caused by developments in all areas of political, economic and social life and changes in ethics". Thus the 1953 Criminal Act, Chapter 32 on "*Crimes on Chastity*" was changed into "*Crimes Concerning Rape and Infamous Conduct*". However, its Article 297(rape) remained the same as before, "*A person who, through violence or intimidation, has sexual intercourse with a female, shall be punished by limited imprisonment for not less*

¹² There was another revision in between, which was on "crimes of contempt of the State," introduced in 1975 during the dictatorial period but removed in 1988.

than three years.” In 2012, this provision on rape was revised to reflect the reality that the victim includes also males, thus “...sexual intercourse with a female...” was changed into “...sexual intercourse with another...”

The most problematic phrase is “through violence or intimidation”. In order to prove that a woman is a victim of rape, she needs to prove whether there was violence or intimidation. From the victim’s side reversely as an evidence of violence, this requires a sign of physical damage caused by resistance to rape. Thus the burden of proof lies on the victim.

In parallel with this serious limitation in the definition, the sexual violence legislation had a serious restriction for the victims in seeking justice. Only when the victim brought the case to the legal system, and within a limited period of time of one-year, the crime was to be investigated. Under the pretense of protection of the victim’s honor, rape was prescribed as an “offense subject to complaint.” This resulted in secondary victimization, due to the great pressure on the victim by the perpetrator to drop the charge. This was finally removed by a revision in 2012, which came into effect in June 2013.

Ultimately, women’s rights organizations demand that rape should be defined as a crime when the sexual act is “without the consent of the victim,” by which the burden of proof should be on the alleged rapist.

Domestic Violence

Domestic violence in Korean law means “actions inflicting physical or psychological harm or damage to the property of family members.” It did not include sexual harm, including marital rape, until 2012 as in the UN Declaration on the Elimination of Violence against Women (1993),¹³ nor economic harm yet included as the Council of Europe Convention on preventing and combating violence against women and domestic violence (2011).¹⁴

This exclusion of sexual violence in the family setting, such as rape or incest punishable only under the sexual violence legislation, made it impossible to bring the case of marital rape, which is often committed against the wife who is an immigrant, separated or in divorce proceedings. The rationale for not including marital rape in the sexual violence legislation is that the law applies to everyone including the wife. With the first convicted case in 2009, so far only a few cases of marital rape were

¹³ Article 1 of the Declaration reads, “For the purposes of this Declaration, the term “violence against women means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.”

¹⁴ In this Convention, known also as Istanbul Convention, domestic violence is defined in Article 3, b, as “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.”

brought to court. In 2012 sexual crimes against members of the family were also included in the domestic violence legislation.

In the domestic violence legislation, how to punish the perpetrator was very much debated from the beginning among the women's movements. Reflecting the wishes of the victims who did not want a divorce or a criminal record for their children's father, the "home protection case" was created as an alternative route, instead of the normal criminal procedure. Most women victims in the early 90s were economically dependent on their husbands, and a divorced woman had difficulty to support herself and children, added by strong social stigma.

The "home protection case" means a case subject to a protective order against the offender, requested by the prosecutor and a decision taken by the family court. Article 40 of the punishment legislation lists eight protective orders such as: restrictions on the offender's access to the victims or family, including through telecommunications, or parental authority over the victims; order for community service, a lecture or probation under the Probation Act; entrustment of the custody of offenders to protective facilities, treatment to medical institutions or counselling to the counselling centers.

Thus, the punishment side of domestic violence was already weak from the start, unless accompanied with effective implementation of the protective orders to correct the violent behaviors. To make this fundamental problem worse, a new provision was added in 2007, which allowed suspension of prosecution under the conditionality of receiving counselling.¹⁵

Under this punishment legislation providing two procedures dealing with the domestic violence offenders, only serious cases of domestic violence, such as homicide or cases of serious injuries, are prosecuted. Even when prosecuted, the punishment was mostly a fine. The majority of the cases, 60.4%, would not be prosecuted.¹⁶ The "home protection cases" comprise about one-fourth of the total cases of domestic violence. If a domestic violence case is dealt as a home protection case, the judge can decide one of the 8 different orders or any combination of those orders, including restriction of the offender's access to the victim, authorization of the offender in a detention facility or restriction of parental authority. However, in 2013 there was not a single case of sending the offender to a detention

¹⁵ "A prosecutor may suspend the indictment of a domestic violence offender on condition of counseling, where he/she deems it necessary to correct the personality and behavior of the offender after investigating a domestic violence case." In Art. 9.2, ACT ON SPECIAL CASES CONCERNING THE PUNISHMENT, ETC. OF CRIMES OF DOMESTIC VIOLENCE. Available in English from <http://www.law.go.kr>.

¹⁶ In 2013, the total number of domestic violence cases reported to the Public Prosecutors' Office was 19,561, an increase of more than three times from 6,227 cases in 2011. The majority of the cases, 60.4%, were not prosecuted, while the home protection cases were 24.1%, and the prosecuted ones comprised 15.1%. The majority of the prosecuted cases, 9.5% of the total, were summary trials with a fine imposed. *2014 Statistics on Women*, Ministry of Justice, p. 54, available from http://hr.go.kr/HP/COM/bbs_03/ListShowData.do. The Human Rights Bureau of the Ministry of Justice publishes relevant statistics on women bi-annually. The 2016 Statistics on Women was not yet published.

facility, or to restrict the parental authority. In fact, the offenders are mostly given an order for community service, counselling, lectures, or probation, or combination of these.¹⁷

The weaknesses in the punishment legislation need to be addressed, and the effectiveness of the “protective orders” needs to be closely examined and enhanced.

Sex trafficking

The legal framework on the regulation of sexual exploitation and the sex industry was the traditional legislation on prostitution, titled as PREVENTION OF PROSTITUTION, ETC. ACT, which was enacted in 1961 after the first military coup. Prostitution was described as “unethical fallen behavior” and only prostitutes were punished.

The “unethical fallen behavior,” used along with another word, “selling spring (meaning sex),” was replaced with a word “selling and buying spring” by the women’s movement in the 90s. In 1995, the legislation was revised to include customers as also punishable as counterparts of the “unethical fallen behavior.” In practice, the asymmetry remained.

The need for a completely new legal framework became evident in the late 90s, as the recurring fires in the brothels killed tens of women who were locked up and could not escape. The focus was how to block the brothel owners or entertainment establishments from exploiting the women, as well as to curb the demand for buying sex. This was reflected in the purpose of the new legislation as “to eradicate sexual traffic, acts of arranging sexual traffic, etc. as well as human traffic aimed at sexual traffic and to protect the human rights of victims of sexual traffic.” In Korean language, sexual traffic is “selling and buying sex”. It is thus a neutral terminology including customers.

The crimes of ‘sexual traffic’, ‘acts of arranging sexual traffic’ or ‘human traffic aimed at sexual traffic’ were broadly defined, including providing a place for sexual traffic or lending money in advance to trick people into the sex industry. Employing, recruiting or brokering or arranging jobs for sexual traffic as well as advertising a business are all prohibited, and confiscation of property or profit became possible. At the same time, protection and assistance to ‘victims of sexual traffic’ became available, although complete decriminalization of those selling sex, as in the Swedish model, was impossible in the Korean context.

With two excellent legislations targeting the business and enabling the punishment of male customers, the social controversy surrounding the punishment legislation has been high, due to organized opposition. The brothel owners mobilized, with threats of big fines, hundreds of women working

¹⁷ According to the Judicial Yearbook, out of a total 3,626 ‘home protection cases’ in 2013, protective orders were given in 2,253 cases (62.1%), the majority of which were counselling, community service/educational lecture or probation. The restriction on offender’s access to the victim was in 136 cases only, and the treatment for a meager 10 cases. *Ibid.*, p. 55.

under their influence to rallies, who demanded their “right to live.” Continuous and fierce resistance to the legislation were brought to the Constitutional Court by the owners of the buildings or entertainment establishments involved in sex trafficking. In 2012, there was a petition to the Constitutional Court by a woman selling sex, who argued that the law is against her “right to self-determination on sexuality, right to secrecy and liberty in private life and the right to choose a profession,” and that her right to equality was violated.¹⁸

The diversified and camouflaged businesses in new forms of sexual traffic, including through on-line arrangements, make it difficult to eradicate. There are often reports of police bribery, and buyers include men with social positions. At the same time, there are doubts about the effectiveness of the John School, which is meant to suppress the demand side by educating, instead of prosecuting, the first-time buyers of sex. Regarding protection and assistance provided to the women selling sex, limited funding makes it difficult for them to seek an alternative livelihood.

Sexual traffic is ultimately for sexual exploitation and in the Korean context, brokerage and arrangement by business establishments are more common than direct individual encounters. The tradition of connecting business deals with drinks and sexual service is decreasing, while deceptive on-line practices are increasingly targeting runaway teenagers who need money and shelter.

III. Lessons Learnt, Achievements and Remaining Challenges

1. Characteristics of the Korean Experiences

The Korean experience in legislative process, as explained before, was to a significant extent driven by self-defense from the women’s movement. Serious crimes of sexual violence, domestic violence and sex trafficking had happened continuously, often ended up with women and girls killed, or severely injured with serious impact on their physical and mental health. When a shocking incident happened, such as a raped woman killed the rapist after 19 years or a long-term battered wife ended up in prison for killing the violent husband, or 14 women locked up in a brothel were burnt to death, the women’s movement realized that without proper legislation, women’s lives were in danger.

Seizing the moment, launching nationwide campaigns and sustaining the legislative movements with energy and commitment until success in introducing new legislations were possible on two conditions—the development of democracy on one hand, and the continued funding from outside on

¹⁸ The petitioner filed a complaint, through a district court, on two issues: First was against ACT ON THE PUNISHMENT OF ACTS OF ARRANGING SEXUAL TRAFFIC, Article 21 (Penalty Provisions) (1) Any person who has engaged in the conduct of sexual traffic shall be punished by imprisonment with labor for not more than one year, by a fine not exceeding three million won, or by misdemeanor imprisonment, or by a minor fine; Second point was that only punishing those who sell sex to “unspecified person” was against her equal right. The Constitutional Court rejected the petition by majority, but there were also individual opinions.

The decision, 2013헌가2, is available at: <http://www.law.go.kr/detcInfoP.do?mode=1&detcSeq=49435>.

the other. The legislative movements and the accompanying challenges to the traditional concept on gender went along with the overthrow of dictatorial military government replaced by the civilian governments, and the leaders of the civil society went into politics and government policy-making positions. This cooperative relationship between the women's movements and the increasing number of lawmakers and policy makers in administration from these movements provided a conducive environment for legal reform and social change. At the same time, the sustained energy in the women's movements was possible partly with foreign funding, especially from Europe. Counselling centers and shelters were able to operate with funding from abroad, however small it was for each organization.

2. Achievements in Legal Frameworks and Implementation

There are many achievements in the course of fighting against GBV, especially those secured by legislations. Sometimes, innovative government policies were introduced by individual officials. For example, after the legislation on domestic violence was enacted and before its becoming effective, a national exam for all 70,000 police force was conducted to get them be familiarized with the new legislation. The main achievements, among many, can be pointed out as the following.

Clear responsibilities of the government at all levels

The legislations on prevention and protection in the three major areas of GBV all include a provision that it is the responsibility of the State and local governments to take measures to prevent the violence and provide protection and support for victims of violence. At the same time, the State and local governments are obliged to "take necessary budgetary measures to fulfil the responsibilities."¹⁹ In accordance with the responsibilities prescribed, investigations on the actual situations are conducted every three years in all three areas of GBV, the results of which are utilized to modify the policies and programs. There are also various educational programs for prevention designed for specific groups of people, such as government officials, teachers, counsellors, media, etc.

¹⁹ For example, in the prevention legislation on sexual violence, it is in Article 3 (Responsibilities of State, etc.) (1) The State and local governments shall take the following measures to prevent sexual violence and provide protection and support for victims of sexual violence (hereinafter referred to as "victims"):

1. Building and operation of a system for reporting sexual violence cases;
2. Investigation, research, education, and publicity to prevent sexual violence;
3. Establishment and operation of facilities for the protection and support of victims;
4. Support for the rehabilitation of victims, including residential assistance, occupational training, and legal aid;
5. Building and operation of cooperative systems between related agencies to facilitate the provision of protection and support for victims;
6. Improvement of harmful environment to prevent sexual violence;
7. Improvement of related statutes and the establishment, implementation, and evaluation of various policies to protect and support victims.

(2) The State and local governments shall take necessary budgetary measures to fulfill the responsibilities under paragraph (1).

Institutional infrastructure

The first nation-wide hotline for women in crisis, 1366, was established in 1998 by the Ministry of Health and Social Affairs, which was transferred to the Ministry of Gender Equality after its establishment in 2001. With the increase of marriage immigrants, language interpretation services were added later.

To carry out preventive educational programs, two public institutions were established, the Korean Institute for Gender Equality Promotion and Education (KIGEPE) in 2003 and the Women's Human Rights Institute of Korea in 2009. The latter was originally an initiative of the civil society in 2004 to combat sex trafficking, but eventually was absorbed into the government under the MoGEF and expanded to cover all three areas of GBV.

Still strong women's movements

The women's movement organizations were able to survive mostly because of their efforts and commitments, but also partly due to financial support from outside in the initial period of the 80s and mid-90s. After Korea joined the OECD in 1996, however, most of the funding from abroad was discontinued. The finance for running counselling centers and shelters as well as for their advocacy activities was maintained by various fund-raising activities, such as holding bazaars, one-day coffee shops or beer halls. This self-fund-raising is also supplemented by government funding in accordance with the laws. However, not all counselling centers or shelters are supported—there is also competition among organizations to meet the standards as prescribed by the regulations and at times by the whims of the officials. Overall, the continued commitment of the women's movement organizations has been the essential ingredient for the continued reforms in law and in practice in the struggle against GBV.

3. Remaining challenges in Laws and Implementation

Remaining legal obstacles

As explained before, the definition of rape is still based on “through violence and intimidation” and not on the basis of “without the consent of the victim” as a violation of one's right to self-determination. The victim of domestic violence who killed the husband is not recognized by the court as a self-defense but as a premeditated murder, and punished with a heavier sentence than the husband's “accidental killing” of his wife. The victims of sexual traffic, who cannot get out of the exploitative system, are still criminalized rather than getting supported fully.

Although there have been countless revisions of the major legislations over the last three decades, with strengthening of protection for the victims in general, still the laws reflect the patriarchal social norms.

Training of law enforcement officials

To establish a good legal framework is a different matter from its implementation. The police, prosecutors and judges need to understand the purposes of the law and enforce the law. The police training, which was done mostly by women's organizations in the early days of implementation, is far from satisfactory. The units within the police and the prosecutors' office dealing with GBV are small and lack expertise and keep changing. The court, as individual judges make decisions on different cases of GBV, often makes contradictory decisions. There is an urgency to provide a systematic and continued training and awareness-raising from a gender perspective.

Financing for implementation

Although the legislations prescribe secure funding for prevention and the protection of the victims, the current budget is far from satisfactory. Rather than a regular budget allocation for policy implementation and programs, the finance is by special budget, often from a fund which is not sustainable. There is no calculation of social costs for dealing with GBV after the violence occurs, which is generally far more than the cost for prevention.

Maintaining autonomy of the women's movements

The original initiatives and programs developed and operated by the women's movement organizations have been gradually replaced with services by experts and professionals, who are recognized by the legislation and hired by the government. At the same time, the activities of organizations for supporting victims and preventive programs, when funded by the government, were under the supervision and tight control of the government. For example, whether to transfer the personal data and information on the victims who used counselling and shelters to the government data management system is a hot issue. How to maintain the autonomy of the movement, with a healthy division of labor between the government and civil society is a continuing challenge.

Discussion Paper

Reviewing the Effectiveness of Approaches to Reduce Gender-based Violence in Korea

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I. Introduction of the Special Act on Sexual Violence

Sexual violence, including rape, has been regulated by the Criminal Act, but it has not been very effective. Section 32 of the Criminal Act contains the penalties for rape and sexual assault, but until 1995, these crimes were called "violations of sexual purity." This was criticized as looking at sexual offenses from a patriarchal male-centered view, the title of Article 32 of 1995 was changed to "the crime of rape and sexual assault."

In Korean society, where Confucian patriarchal tradition is strong, sexual purity has a very important influence on the social reputation of women. Victims tried to cover the reality of victimization because even though the "loss of sexual purity" was a crime, the victims could become targets of social criticism, and for this reason, potential perpetrators had no reason to be afraid of punishment.

In order to strengthen penalties for sexual crimes, to protect victims, and to establish measures for prevention, women's organizations demanded the establishment of a special law, which is reflected in the enactment of the Special Act on Sexual Violence in 1994. The purpose of the Special Act on Sexual Violence is to protect *the right to sexual self-determination*. The right to sexual self-determination is the right not to be forced against one's will to have sex and to become a sexual object.

In order for rape to be legally established, there must be an "assault or intimidation" that would make it impossible for the victim to resist. This has been criticized reflecting rape myths, and makes it impossible for the victim who does not resist until the end to be considered as raped (Lee, Ho-joon, 2007).

1. Revisions of Acts related to Sexual Crime

Since 2000, cruel sexual violence against children has been reported and there has been great demand to eradicate sex crimes. After this, there were many legal revisions and new policies introduced. The Amendment to Strengthen the Punishment of Sex Offenders and Protection of Victims consists of the followings:

In 1998, an article was introduced for heavy penalties on sex offenders of children under the age of 13, and under this law, such crimes also became not subject to the victim's complaint. In 1998, it became a crime to film with secret cameras. In 2003, the introduction of recording statements of child victims and the elimination of repeated statement in investigation/trial; it became obligatory for a trusted person to be able to sit together with a child under the age of 13 or a person with disabilities; and interrogation can be done by relay device such as video. In 2006, introduction of an article on "similar to rape" where if the victim is under 13 years old became punishable. ("Similar to rape" means is the act of inserting a penis or object into the mouth or anus). Also, there was a prohibition on the disclosure of the personal information of sexual assault victim, and recorded statements could be used for children up to the age of 16.

In 2010, the Ministry of Justice and the Ministry of Gender Equality jointly established the Offenses Act and the Protection Act in the Special Act on Sexual Violence. Since 2010, the statute of limitations for minors was enforced from the day the minors who were victimized by sexual violence become adults. Since 2011, the statute of limitations is no longer applied to cases of rape and semi-rape where the victim was a girl under the age of 13 or a disabled woman.

In 2012, the law on sexual violence was amended on a large scale. It would no longer be a crime subject to the victim's complaint; the gender of the rape victim was expanded from a woman to a person; a crime that is "similar to rape" was introduced. It became possible for lawyers to be appointed to give legal assistance to victims of sexual violence and for victims who have difficulty communicating and expressing their opinions to be given help by a statement assistant.

Under the pretext of protecting the private life and character of the victim, sexual crimes such as rape were prescribed as criminal offenses (Lee, Ho-joong, 2007). The offenders tried to get a cancellation of charges, and the victims suffered greatly.

Through a decision by the Supreme Court of Korea on May 16, 2013, spousal rape was recognized (Yoon, 2017). It was decided that it is not obligatory for spouses to endure forced sexual intercourse although they are living together.

In order to prevent recidivism, an electronic surveillance system for sex offenders was implemented in 2008. From 2011, pharmacological treatment for sex offenders under the age of 16 years was introduced, and from 2013, all sex offenders, regardless of the victim's age, have been targeted.

2. Efforts to eradicate sexual crime and protect victim

Government budgets are being input to support services for the protection of sexual violence victims based on the law to protect them. The number of sexual violence counseling centers increased from

105 in 2002 to 180 in 2017 (MOGEF, 2017). Of these, there are 24 centers for the disabled. The sexual violence counseling centers provide psychological counseling and case management for victims of sexual violence. The number of shelters and residential facilities to protect victims of sexual violence increased from 11 in 2002 to 30 in 2017. The Sunflower Center is a place for victims of gender violence, and since it was first installed in 2004, it has grown to 37 in 2016. To victims of gender violence, including sexual violence, the Sunflower Center provides support for medical expenses, counseling, support for treatment, and legal information all in one place. Except for the child/youth center, it operates 24 hours a day, 365 days a year with police presence. Although the sites are for all victims of gender violence, more victims of sexual violence seek them out than victims of domestic violence. Police are in residence at the Sunflower Center and victims of sexual violence are more easily able to file criminal charges and the Sunflower Center provides services to support them.

The government is also actively introducing policies to eradicate sexual violence. Government ministries are jointly participating to present a series of measures to prevent sexual violence. In June 2013, "Comprehensive Measures to Prevent Sexual Violence" was announced. According to the comprehensive measures, sexual violence prevention education is obligatory in primary and secondary schools, kindergartens, daycares, organizations of central and local government, and public organizations. In addition, the measures provide for the development and dissemination of textbooks on sexual rights, internal discipline for public officials who are sex offenders, the establishment of an investigation system for sexual violence, strengthening of the system to manage sex offenders, expansion of the Sunflower Center, expansion of sexual violence counseling centers and protective shelters for the disabled, strengthening of legal support for victims, and the establishment a crime prevention infrastructure such as the installation of CCTVs, and a campaign to prevent sexual violence. In 2014, the "2014 Plan for the Comprehensive Measures to Prevent Sexual Violence / Domestic Violence" was announced. The content of the plan make domestic violence prevention education obligatory at elementary and secondary schools, organizations of autonomous regions, national institutions, and public organizations, as well as strengthens support for the medical treatment of child victims of sexual violence from vulnerable groups, expands the investigation team dedicated to sexual violence. In 2015, the content of the "Policy to Eradicate of Sexual Violence by People Who Use Their Superior Position" included a strong response from people in the military, universities, civil servant society, and public institutions regarding the use of a superior or higher positions to commit sex crimes. It strengthened internal discipline for sex offenders who are educators, civil servants, and soldiers, and strengthened prevention education in their institutions.

II. Prevalence of Sexual Violence and related Crime Statistics

Crimes related to sexual violence are seldom reported to the police in Korea. The same is true for other countries. According to a 2007 United Kingdom government report, it was estimated that 75%-95% of rape cases were not reported to the police. In Korea, according to 2010 survey, only 2.3% of severe sexual assault and rape cases were reported (Lee, 2013). The reason for the low reporting rate is related

to the fact that many of the victims know the perpetrators. According to the 2010 Survey on Sexual Violence, 80.4% of sexual assault cases, 76.2% of attempted rape cases, and 81.2% of rapes are perpetrated by offenders who knew their victims. Prevalence and Crime Statistic of Sexual Violence are as follows.

Table 1. Prevalence of Sexual Violence

		Sexual violence with physical contact					Obscene messages sent by computer, cell phone, etc.	Secret camera	Stalking	Exhibitionist	Sexual harassment	Number of Cases Analyzed
		Sexual molestation (unaccompanied by physical violence or threat)	Sexual molestation (accompanied by physical violence or threat)	Attempted rape	Rape	Physical sexual violence						
2010	All	2.1	1.2	0.2	0.2	2.9	34.2	-	0.6	2.0	1.4	(2,200)
	Women	3.3	2.1	0.4	0.2	4.7	27.1	-	1.0	2.7	2.4	(1,583)
2013	All	1.4	0.2	0.03	0.1	1.5	27.8	-	0.2	1.7	0.9	(3,500)
	Women	2.4	0.4	0.1	0.1	2.7	26.4	-	0.5	3.0	1.9	(1,715)
2016	All	10.7	0.4	0.5	0.1	11.0	13.6	0.1	0.9	16.9	3.9	(7,200)
	Women	20.6	0.9	0.9	0.2	21.3	12.1	0.2	1.5	30.4	7.2	(5,400)

Sources: ①Ministry of Gender Equality and Family (2016), 2016 Nationwide Survey on Sexual Violence, ②Ministry of Gender Equality and Family (2013), 2013 Survey on Sexual Violence, ③Ministry of Gender Equality and Family (2010), 2010 Survey on Sexual Violence]

Notes: (1) In 2010 and 2013, the rate of occurrence is calculated using weighted values, while sexual violence with physical contact is considered to be anything that includes mild sexual molestation, serious sexual molestation, attempted rape, or rape; (2) In 2016, physical sexual violence is sexual molestation (unaccompanied by physical violence or threat), sexual molestation (accompanied by physical violence or threat), attempted rape, and rape

Table 2. Occurrences of Sexual Violence and Arrests

(Unit: Cases, People)

Year	Number of sexual violence cases	Number of arrest cases	Number of people arrested	Measure	
				Detained	Not Detained
2008	15,970	14,415	15,235	3,011	12,224
2009	17,242	15,954	16,479	2,681	13,798
2010	20,375	18,065	19,712	2,973	16,739
2011	21,912	18,499	20,189	2,614	17,575
2012	22,933	19,386	21,259	2,492	18,767
2013	28,786	25,591	24,835	2,650	22,185
2014	29,517	28,034	25,306	2,292	23,014
2015	30,651	29,539	27,166	2,159	25,007

Source: National Police Agency internal data

Table 3. Rate of Non-Arrest and Recidivism in Sexual Violence Cases

(Unit: Number, People)

Year	Number of sexual violence cases	Number of cases where there was an arrest	Rate of non-arrest	Number of people arrested	Number of second convictions of the same type	Recidivism rate
2012	22,933	19,386	15.5%	21,259	1,684	7.9%
2013	28,786	25,591	11.1%	24,835	1,599	6.4%
2014	29,517	28,034	5.0%	25,306	1,377	5.4%
2015	30,651	29,539	3.6%	27,166	1,357	5.0%

Source: National Police Agency internal data

Table 4. Occurrences of Sexual Violence Crimes and Court Dispositions

(Unit: Number, (%))

Year		2005	2009	2011	2013
Number of people who filed complaint against them	Total	8,664	14,329	18,880	21,553
Arrested	Total	3,631 (41.9)	6,115 (42.7)	8,574 (45.4)	11,214 (52.0)
	Criminal trial	2,176	3,404	4,150	7,614
	Summary order	1,455	2,711	4,424	3,600
Juvenile protection cases		272	624	826	561
Family protection cases		-	4	1	18
Not Arrested	Total	4,411 (50.9)	7,035 (49.1)	8,816 (46.7)	9,186 (42.6)
	Cleared of charges	964	1,697	2,215	3,255
	Indictment suspended	282	558	960	2,622
	Not a crime	10	17	18	25
	No authority file indictment	3,155	4,763	5,623	3,284
	Dismissal of indictment	-	-	-	-
Stay of prosecution		259	452	517	504
Witness dismissed		91	99	146	70

Source: Ministry of Justice, Statistics on Women

III. Introduction of Act to Regulate Domestic Violence

Under the tradition of Confucian patriarchy in Korea, domestic violence has been understood as a form of discipline of the wife and child. Society has taken a tolerant attitude toward violence. Laws to punish domestic violence offenders and protect victims have been enforced since 1998. This can be seen as a major change that allows public power to intervene in violence against wives, which has been tolerated under Confucian patriarchal tradition. In order to enhance the effectiveness of penalties and the protection of victims, these laws have been revised several times.

In related laws, domestic violence is defined as an act involving physical, mental, and property damage between family members. Family members include spouses, former spouses, and relatives such as parents, grandparents, children, and grandchildren (Kim et al., 2015). In addition to the Act on the Punishment of Domestic Violence, the Act on Domestic Violence Prevention was enacted in order to prevent domestic violence and protect victims.

Based on the Domestic Violence Prevention Act, a government budget was provided for domestic violence counselors and facilities for victim protection. In 2017, there were 202 domestic violence counselors, 67 domestic violence shelters, and 18 hotlines at the number "1366" (MOGEF, 2017). In addition, there was a hotline for migrant marriage women offered in 13 languages at the number "1577-1366" and 30 shelters for them. Domestic violence counseling centers offer victim counseling and legal information. The Ministry of Gender Equality and Family supports medical fees incurred by victims of domestic violence for their psychological/physical treatment. They also operate a treatment and recovery program for victims of domestic violence and a correctional/ treatment program for offenders (MOGEF, 2017).

In order to respond firmly to domestic violence, the government unveiled its "Comprehensive Measures to Prevent Domestic Violence," in June 2013 and this increased public interest. Various government ministries participated to strengthen the first response and penalties, as well as to expand the protection of families and prevention of domestic violence (MOGEF, 2013).

IV. Prevalence of Domestic Violence and Related Crime Statistics

It is important to look into the prevalence of domestic violence. Since 2004, the government has conducted a tri-annual survey of domestic violence. In 2016 survey, the overall percentage of spousal abuse is 14.1% compared to 45.5 of 2015. In case of physical abuse, it reduces to 3.7% of 2016 from 7.3% of 2013. The sharp decrease mainly due to the fact that controlling behavior is not counted in 2016.

Table 5. Annual Percentage of Spousal Abuse

(Unit: % as compared to all domestic violence)

Year	Percentage of spousal abuse	Physical abuse (mild and serious)	Emotional abuse	Economic abuse	Sexual abuse	Other
2016	14.1	3.7	12.5	2.5	2.2	-
2013	45.5	7.3	37.2	5.3	5.4	27.3
2010	53.8	16.3	42.8	10.1	10.4	30.5
2007	40.3	11.6	33.1	4.1	10.5	19.6
2004	44.6	15.7	42.1	0	7.1	-

Source: Ministry of Gender Equality (2014, 2016) Survey on Conditions of Domestic Violence

Criticisms have been raised about the effectiveness of the law with regard to the punishment of domestic abusers, and efforts have been made to improve it. Since 2013, domestic violence has become a target to be eradicated as one of the government's Four Major Social Ills, and active intervention by the police is becoming visible. The number of domestic violence arrests has soared in recent years, rising 91.6% from the previous year in 2013, and rising 132.4% in 2015. Although it has been pointed out that the use of victim protection measures, such as emergency measures or interim measures, during the period 1994-2006 was insufficient (Lee, H., 2008), there has been a surge in emergency measures and emergency interim measures since 2013 (Yoon et al., 2014). Since 2013, the rates of detention and the number of cases forwarded as family protection²⁰ cases have increased.

²⁰ "Family protection" does not involve criminal punishment, but rather aims to provide protection measures for the adjustment of the environment and the person's character in accordance with the Act on the Punishment of Domestic Violence. This may include restraining orders.

Table 6. Processing of Domestic Violence Cases by Type

Year	Number of Arrests	Number of People Arrested			Cases Referred as Family Protection
		Total	Detained	Not Detained	Number of Cases
2003	16,408	17,770	496	16,787	4,186
2004	13,770	15,208	329	13,969	2,587
2005	11,595	12,775	181	11,800	1,881
2006	11,471	12,837	113	12,011	1,722
2007	11,744	13,165	87	12,587	1,455
2008	11,461	13,143	77	12,748	940
2009	11,025	12,493	87	12,064	657
2010	7,359	7,992	60	7,719	425
2011	6,848	7,272	51	6,925	336
2012	8,762	9,345	73	9,272	451
2013 (compared to previous year)	16,785 (91.6% ↑)	18,000 (92.6% ↑)	262 (258.9% ↑)	17,738 (91.3% ↑)	1,520 (237.0% ↑)
2014 (compared to previous year)	17,557 (4.6% ↑)	18,666 (3.7% ↑)	250 (4.6% ↓)	18,416 (3.8% ↑)	2,819 (85.5% ↑)
2015 (compared to previous year)	40,822 (132.5% ↑)	47,549 (154.7% ↑)	606 (142.4% ↓)	46,943 (154.9% ↑)	15,710 (457.3% ↑)

Source: (1) 2003~2013 from the National Police Agency internal data; (2) 2014~2015 from the National Police Agency, 2016 National Police Agency White Paper

If we look at the prosecution's disposition results on domestic violence from 2011 to 2013, we can see the rate of family protection cases increasing, and the rate of non-indictments decreasing reflecting a recent tendency to actively intervene.

Table 7. Dispositions for Criminal Domestic Violence Cases

(Unit: Incidents, (%))

Year		2005	2009	2011	2013
Total Number of people who had complaints filed against them	Total	15,545	12,193	6,227	19,561
	Confine	91	61	-	-
	Not confined	15,454	12,132	-	-
Arrested	Total	2,161 (13.9)	1,262 (10.4)	1,103 (17.7)	2,959 (15.1)
	Criminal trial	361	266	221	1,108
	Summary order	1,800	996	882	1,851
Juvenile protection cases		36	17	5	14
Family protection cases		4,475 (28.9)	4,579 (37.7)	1,100 (17.7)	4,706 (24.1)
Not Arrested	Total	8,712 (56.2)	6,215 (51.1)	3,993 (64.1)	11,820 (60.4)
	Cleared of charges	277	213	153	450
	Indictment suspended	4,368	2,197	1,206	2,831
	Not a crime	12	19	19	30
	No authority to file indictment	4,006	3,745	2,615	8,499
	Dismissal of indictment	49	41	-	-
Stay of prosecution		79	55	23	55
Witness dismissed		11	3	3	7
Change venue		24	23	-	-
Total cases processed		15,498	12,154	6,227	19,561
Unfinished		47	39	-	-

Source: Ministry of Justice, Statistics on Women

Regarding the number of cases that the courts disposed of as family protection cases from 2007-2015: Since 2013, the number of disposals as protection increased significantly, but the rate of non-disposals increased in 2015. This may be related to a surge in the number of protection cases.

V. Criticisms on the Effectiveness of the Act on Domestic violence

The Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence, hereafter the "Act on the Punishment of Domestic Violence," has been enforced since July 1998. Perpetrators of domestic violence are subject to criminal punishment, measures to protect their families, or suspension of prosecution. When it is necessary to correct the perpetrator's character and conduct, the prosecutor hands down a conditional suspension of indictment. In a domestic violence case, the case is treated as a family protection case or a criminal case considering the nature, motivation, and result of the abuse, and the perpetrator's character and conduct (Kim, 2006; Yoo, 2008).

If the domestic violence is recurring, the prosecutor can make a motion to the court for temporary measures through an authority or police officer application, and if this is violated, the prosecutor can request the detention of the suspect in a detention center. Temporary measures are used if the judge deems them necessary for investigation or the protection of the victim (Yoo, 2008; Kim et al., 2015).

Penalties for domestic violence are generally criticized as being insignificant. There is a tendency to think of domestic violence as a mild form of violence, although serious levels of domestic violence have fatal consequences. Severe cases can lead to murder. Looking at crime analysis statistics from the Supreme Prosecutors' Office, of the murder cases in 2014, 27.8% were relatives living together (Supreme Prosecutor's Office, 2015). In domestic violence, there is chronic and continuous damage. If the exposure to violence is chronic, the victim suffers from depression, anxiety, and post-traumatic stress disorder. And if the victim shows an obedience through learned helplessness, the abusive relationship is maintained (Hyun Jin-hee, 2016).

The lukewarm response of the police, prosecution, and courts to domestic violence crimes has been pointed out as a problem (Lee, H., 2008), and it has been pointed out that one of the reasons for this is the insufficient awareness of the police, the prosecution, and the courts, who think that a criminal case cannot be handled from the victim's position (Yoo, 2007). Even though it is possible to refer cases for family protection, there is a tendency to release the suspect or to handle the case lightly, and police officers predominantly think that domestic violence is a family matter (Kim et al., 2015).

The weak punishment for domestic violence is related to the purpose of the relevant law. In Article 1 of the Act on the Punishment of Domestic Violence, it says that the purpose of the law is "to help restore the peace and stability of a family destroyed by criminal domestic violence, maintain a healthy family environment and protect the human rights of victims and their family members."

The purpose of these laws is related to high rates of indictment and disposal (Kim, 2006). In choosing criminal penalties and incidents for protection, the prosecutor tends to actively evade handing down criminal penalties by considering domestic violence as mild form of violence, taking into account the law's objective of family protection (Lee, H., 2008).

VI. Difficulties in Securing Victim Safety

The inspectors and the courts try to respect the wishes of the victim when determining prosecution and family protection cases (Article 9, Section 1, Article 12), which places a great burden on victims who are afraid of retaliation by their abusers (Lee, H., 2008). Following the wishes of the victim does not even guarantee their safety, and it is not suitable in the case of seriously victimized people who have suffered long-term, serious damage and who fear retaliation from the perpetrator. Due to "respecting the victim's wishes" in cases of domestic violence, the rate of non-prosecution and dismissal of cases is high, and the rate of criminal sentencing is low (Kim Eun-kyung, 2006; Jeong Chun-sook, 2013).

Due to light penalties for crimes of domestic violence, victim safety is a neglected blind spot, and penalties do not effectively prevent recurrences (Kim, Eun Kyung, 2006; Park, Soo Hyun, 2013). In 2007, through the enactment of Police Regulations to Protect Crime Victims, a procedure for the victim's right to notification was established, but the victims of processed cases did not have a weak position with regard to their own protection (Park, So-Hyun, 2013).

The process for taking temporary measures for smooth investigation or the protection of victims is complicated. Although the prosecutor file a complaint and then the court decides on a claim, it takes 7 to 10 days for the judge to make a decision from the time that the prosecutor makes a claim, and then the actual effectiveness of the action is lowered (Lee, H., 2008).

It takes a long time, an average of over 8 months to a year, from the time a domestic violence case erupts to when the court orders counseling, such as when the case is forwarded as a family protection case. In 2011, the average was 3.8 months. The case processing period needs to be shortened (Park, So-Hyun, 2013).

VII. Measures Adopted to Strengthen First Response by Police

Measures to respond to crisis situations at the scene and smooth victim protection at the police response stage have recently been introduced. Since October 2011, emergency interim measures that can be taken using the authority of the police have been implemented (Kim et al., 2015). If there is a risk of recurrence of domestic violence or it is confirmed that there is an emergency situation that requires it, the police can use their authority to compel the offender to be evicted, separated from the victim, restricted from going within 100 meters of the victim, or restricted in their usage of their mobile phone/email/electronic communications (Kim et al., 2015).

In recent years, despite the fact that the police have been given the right to take emergency interim measures, the following are problems: There is a lack of well-trained personnel; follow-up is not being done properly so its effectiveness has fallen; there is an absence of effective sanctions for violations of

emergency measures; and there is a lack of facilities for perpetrators who have been separated from victims (Kim et al., 2015).

When making decisions for emergency interim measures, a criterion is whether or not there is recidivism. The National Police Agency has developed a risk assessment chart for recidivism and is using it in the field. The severity of the case, the state of the victim, the force of the violence, and the personality and psychological characteristics of the offender constitute items on the evaluation (Kim Sang-woon, 2014).

There has been enacted since 2014 a system that allows police to enter the scene to investigate. This system enables police officers dispatched to the scene by a domestic violence crime report to forcibly enter the scene in order to investigate so as to protect the victim or the family members, regardless of the wishes of the perpetrator (Kim et al., 2015). Through this, the police investigate the case and the damage, and confirm whether or not the victims are safe.

VIII. Future Tasks

1. Future Tasks on Sexual Violence

Sexual violence is a crime that is not well reported. The recent number of sexual crimes that have been handled by police tend to be interpreted as an "increase in crime." At this stage, when considering the low reporting rates, it is necessary to recognize that sexual crimes have until now been hidden, and the increase is in the number of sexual crimes being reported to the police. This increase should be interpreted as a result of the various services and public support being offered by the government to protect victims, and therefore, any the hidden damage is now coming to the forefront. People criticize the increase of cases as a failure of policy, but in fact the opposite point must be publicized.

It takes a long time to reveal the damage done by sexual violence during childhood. Due to a lack of cognitive ability and the fear of the perpetrator, the victim's experiences tend to be exposed during adolescence and early adulthood (Lee et al., 2013). The suffering and long-term damage caused to a child victim of sexual violence is profound, so we must strive for early detection. The sexual violence prevention education that is recently being put into practice will help to improve the children's consciousness about sexual violence. Special attention is required for child victims who lack parental protection or the ability to communicate smoothly.

Due to strong support among citizens for the eradication of sexual violence, various systems for punishing sex offenders, including the electronic surveillance system for sex offenders, the statutory disclosure system, and pharmacological treatment have been introduced. Behind the introduction of this system, there is the premise that sex offenders are sexual deviants or sinister criminals. However, according to existing surveys, 80-90% of sexual violence crimes are committed by someone the victim

knows. Most sex offenders are far more likely to be ordinary people who are doing well in their daily lives rather than being sinister and scary sexual deviants (Lee et al., 2013). The possibility that they will be sex offenders is more likely if they have distorted sexual consciousness or fail to get consent when sexually communicating with their partner. We need to input greater effort into understanding and responding to these issues.

The laws related to the punishment of sex offenders are the "Criminal Law," the special act on "the Punishment of Sexual Violence," and "Legislation Related to Child/Juvenile Protection," but it has been pointed out that these various laws cause confusion. After the occurrence of a serious incident, following public demand, we have to modify the courts and the systematic nature of the law (Yoon, 2017).

Many of the sex offenders who are sentenced to imprisonment or probation are ordered to attend classes. The anti-recidivism education program is supported by law enforcement probation offices, prisons, and the Ministry of Gender Equality (Yoon, 2017). The anti-recidivism education program aims to make the offender recognize his consequences and give him the ability to empathize with the victim in order to make sure that this education changes his conscience. In order to improve the tendency to commit crime, the education has to be corrective the first time (Yoon, 2017).

Many laws and policies related to punishing sex offenders and protecting victims have been introduced in the past 10 years. It is very encouraging that this is the product of general support shown by the Korean public and the continued passion of policymakers. However, there has been a lack of opportunity to fully reflect on the effectiveness of these policies before and after their introduction, as they were introduced hastily, in response to public opinion. Assessing the effectiveness of related laws and policies is an important policy task for the future.

2. Future Tasks on Domestic Violence

For domestic violence intervention, victim-centered intervention with a priority on victim protection and safety is needed (Kim, 2006; Kim et al., 2015; Lee, H., 2008, Hyun Jin-hee, 2016). During the initial police response, action should be taken to increase the safety of the victim and thoroughly investigate the site. Police should talk with the victim face-to-face to confirm the situation of the violence and check whether or not the victim is safe, and there should be an expert risk assessment and follow-up (Kim et al., 2015, Hyun Jin-hee, 2016).

Unlike ordinary criminal cases, domestic violence is characterized by a continuing and intimate relationship between the perpetrator and the victim. In response, it is necessary to systemize the police department divisions that are specialized in domestic violence and to train police officers professionally (Kim et al., 2015). An assessment of victims' and perpetrators' psychosocial problems and risk assessment of abuse is done by the police, but accurate risk assessment has not been done (Hyun Jin Hee, 2016). In order to assess the danger to actors and to ensure the safety of victims, the

involvement of domestic violence experts should be considered in crisis intervention (Hyun Jin-hee, 2016).

It has been pointed out that protecting victims and securing their safety are areas that continue to be insufficient when handling domestic violence cases. The police, who are the primary interveners in incidents, have to understand the characteristics of domestic violence and take action to protect victims. Even after police intervention, it is necessary to offer continuous counseling and information to protect victims and ensure their safety. In August 2014, 236 police stations across the country had installed domestic violence solution teams with local government officials, counselors, doctors, and legal experts offering services to families affected by domestic violence (Kim et al., 2015). These post-intervention services are difficult for the police to handle alone. Domestic violence specialists and community-based organizations should cooperate with the police in counseling and protecting victims, providing continued support after the initial incident to families who have experienced domestic violence, and monitoring.

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Seoul Metropolitan Government Plan for “Safe City for Women 3.0”

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Introduction

The Office of Women and Family Policy Affairs of Seoul Metropolitan Government updates and announces its comprehensive Women and Family Policy every year on March 8, which is the International Women’s Day. In celebration of the International Women’s Day in 2017, the Office organized a press conference and released its updated policy. The title of this year’s comprehensive policy for women is “Safe City for Women 3.0.” Since the program’s initial introduction in 2013, it has undergone major changes, evolving into “Safe City for Women 2.0” in 2016 before the release of the most recent version this year. However, one might ask why women’s safety has remained a prominent topic of policymaking throughout the years.

In order to answer this question, we need to revisit the painful memory of the brutal homicide that took place inside a public toilet near Gangnam Subway Station on May 17, 2016. Initially, the media called the crime a random attack by a man suffering from schizophrenia on a woman who was unknown to him. This portrait of the incident, however, enraged the women’s community, which quickly countered by redefining the crime as a heinous assault that was a product of the misogyny prevalent in Korean society. Women across Korea began mourning the tragic death of the innocent victim by posting innumerable messages written on post-it notes on or near major train stations, with the discourse on violence against women quickly expanding and intensifying through online channels. A total of over 35,000 post-it notes were placed throughout the country. One poignant message read: “Could thousands of flowers laid in honor of the victim compensate for the beauty of the days she has been deprived of?” This message has become a symbol of the so-called “Gangnam Station Incident.”

Witnessing how the tragic incident inspired such an outpouring of emotion from women, Seoul City began to realize the true depth of the discrimination and violence that women have been exposed to and fearful of for generations in Korea, and decided to take action.

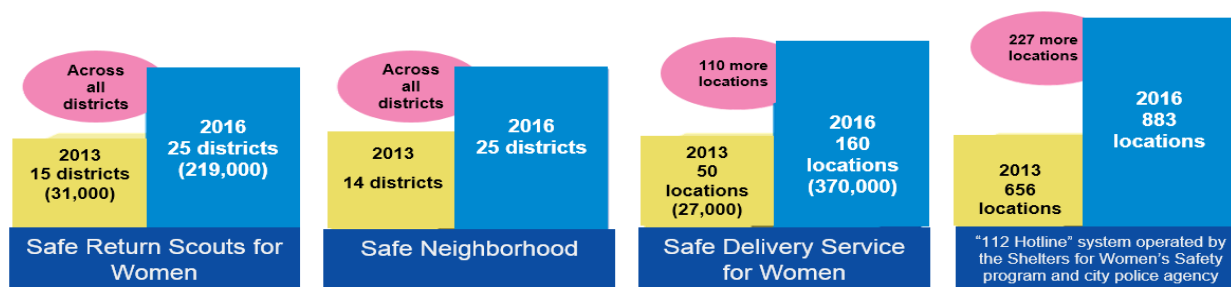
Background

The first thing that Seoul set out to do in response to the Gangnam Station Incident was to archive all memories and evidence of the incident, based on the understanding that unrecorded history is forgotten, and forgotten history is repeated. Seoul City collected the post-it notes from across Korea,

and the Seoul Foundation of Women and Family (SFWF) compiled and uploaded the collected notes to a public database, thereby establishing a “memory zone” archiving the public reaction to the Gangnam Station Incident. In addition, experts and activists were invited to share their concerns, and public discussions were held with citizens from diverse age groups so that they could convey their experiences and feelings. Also, the members of the Seoul Gender Equality Committee held meetings to discuss and find effective measures for increasing women’s safety. The one conclusion from the countless discussions that were held was that the Gangnam Station Incident called for a paradigm shift on women’s safety.

Achievements so far and issues that remain to be resolved

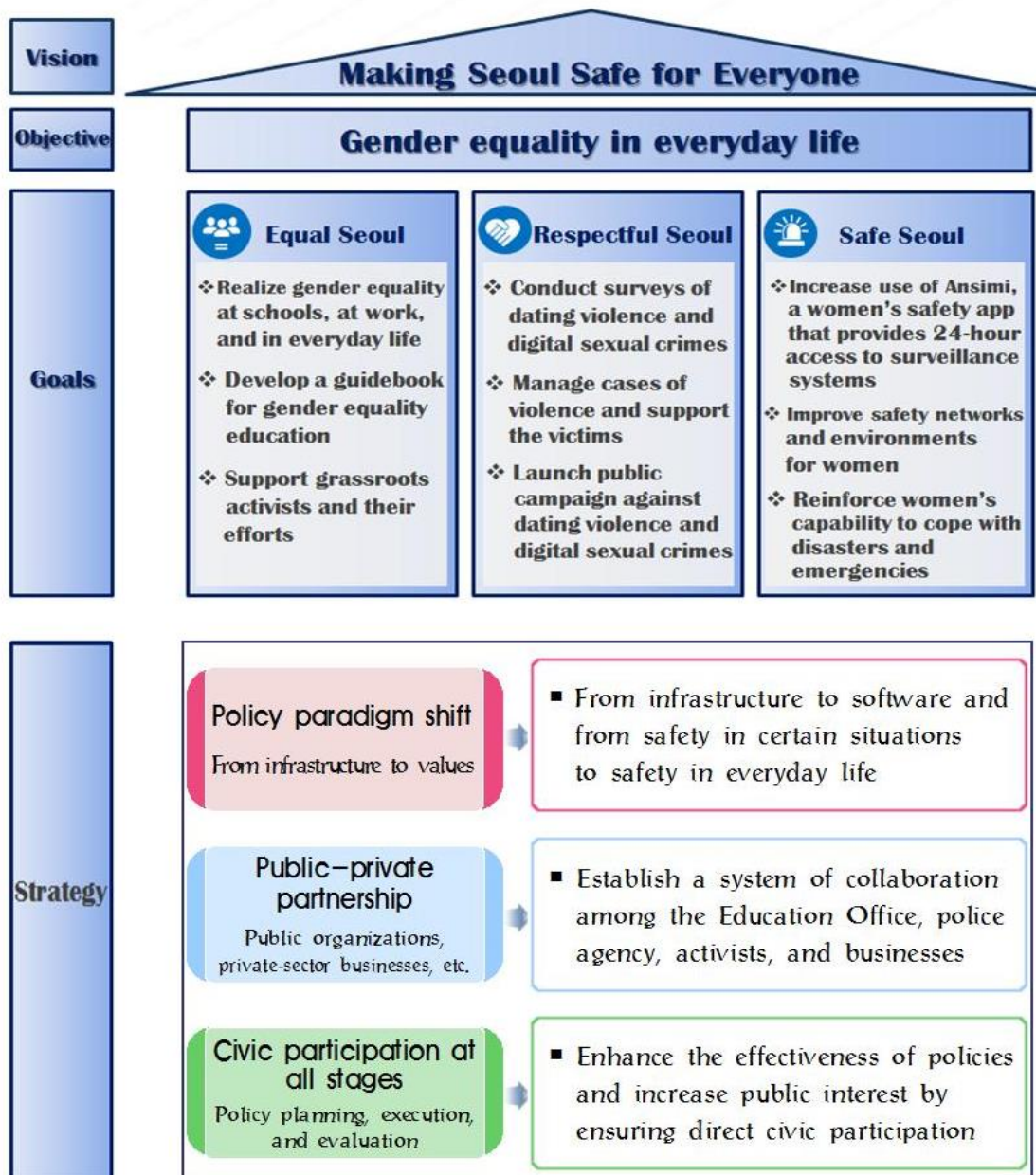
After introducing the first-ever comprehensive policy plan for strengthening women’s safety in Korea in 2013, Seoul focused on developing and expanding the infrastructure for women’s safety until 2016. From 2013 to 2016, the numbers of clients using the Safe Return Scouts and Safe Delivery Service for Women services increased annually from 31,000 to 219,000 and from 27,000 to 370,000, respectively. Also, the number of 24-hour convenience stores participating in the Shelters for Women’s Safety program increased from 656 to 883.



“Safe City for Women 2.0”, introduced in 2016, sought to make effective use of the latest information technology (IT), enhance women’s involvement in women’s safety policy programs, and expand the scope of women’s safety services to include disaster prevention and management services as well. Accordingly, a smartphone application called “Ansimi” was launched, providing instant access to the city’s surveillance camera systems and district-level integrated surveillance centers in order to make it possible to carry out immediate responses to calls for help from women in danger. The districts of Seodaemun-gu, Eunpyeong-gu, Seongdong-gu, and Dongjak-gu were the first to participate in the trial operation of this new smart safety network for women. Moreover, Seoul City hired 50 Women’s Safety Sheriffs to monitor and prevent unauthorized filming of women using hidden cameras. Toward this end, the sheriffs conducted searches of 26,549 public bathrooms in subway stations and other public locations to discover any such hidden cameras. The city also developed a gender-sensitive safety manual for pregnant women and women living alone. Through these efforts, Seoul set an example in relation to advanced women’s safety policies for other local governments to emulate. “Safe City for Women” was selected, by citizens themselves, as one of the 10 best policy programs of Seoul City for four consecutive years, and went on to win a United Nations Public Service Award (UNPSA) in 2015.

However, despite the success of this policy program, there are improvements and changes that still need to be made. As the Gangnam Station Incident has dramatically raised the public profile of the discourse on misogyny in Korean society, the gender conflict has continued to intensify, particularly in cyberspace. In the meantime, crimes against women, including dating violence and digital sexual crimes, continue to proliferate. These are relatively new issues that have not yet been addressed by Korean criminal law. Dating violence is widely understood as encompassing sexual, physical, emotional, and even financial forms of abuse perpetuated by one partner in an intimate relationship against the other. Digital sexual crimes involve the use of digital technology to perpetuate crimes against women and intimate partners, and include unauthorized filming of unwitting women. The number of incidents of violence committed in intimate relationships averaged 7,355 annually from 2010 to 2016, with at least one woman losing her life to such crimes every three days. Since Seoul City opened the Dating Violence Counseling Center only one year ago, the number of women seeking help during that time has increased threefold. The number of digital sexual crimes reported is also rising rapidly, up by 29 percent from 3,636 in 2015 to 4,682 in 2016, showing that digital sexual crime has become an urgent social issue. It is also important to offer better protection for women from natural disasters and crime in general, while maintaining and improving the measures for women's safety already in place.

Safe City for Women 3.0: Implementation System and Strategy



Characteristics and features

How does "Safe City for Women 3.0" differ from its previous versions?

First of all, the new version is based on increased civic participation. Seoul City assembled a special 25-member taskforce made up of experts, activists, representatives of nonprofit/nongovernmental organizations, and civil servants that has held meetings and in-depth discussions on a total of 30 occasions in an effort to come up with and develop new policy measures.

Second, the new version represents an entirely new paradigm on women's safety. Whereas the earlier versions were focused predominantly on installing hardware and increasing women's safety in only certain situations, the new version emphasizes software and values and focuses on ensuring women's safety in all kinds of everyday situations.

Third, the new version has been made even more effective through the establishment of systemic partnerships and collaborations among governmental organizations, NGOs, and private-sector businesses. Since last year, the city government has been working with the Seoul Education Office and other offices and intends to increase the number of participating businesses in the coming months.

Fourth, the new version welcomes civic participation in all stages of the policymaking and implementation processes and encourages the public to take independent action on women's safety issues.

Structure and content

The policy measures of "Safe City for Women 3.0" are divided into three categories: Equal Seoul, Respectful Seoul, and Safe Seoul. The Equal Seoul measures foster the social movement for gender equality by enabling and encouraging citizens to participate actively in the policymaking process. The Respectful Seoul measures involve eradicating violence against women, such as dating violence and digital sexual crimes, which severely violates the autonomy and dignity of women. Finally, the Safe Seoul measures seek to strengthen women's capability to deal with disasters and emergency situations and improve the measures for women's safety currently in place.

1. Equal Seoul

The Equal Seoul measures outline three main areas of society where gender equality is to be reinforced and upheld—schools, workplaces, and everyday life—and supports the development of gender-egalitarian cultures and necessary infrastructure in each of these areas. Promoting gender equality at school involves teaching the importance of gender equality to children from a young age and providing

gender equality education and classes for students of different age groups, including preschoolers and elementary and middle school students.

As children and teenagers are prone to inheriting the sexual prejudices and discriminatory attitudes of their teachers, parents, and other adults in their lives, ensuring gender equality at school also requires providing gender awareness education for 7,000 or so adults, including teachers and parents. Recognizing this, Seoul City has teamed up with the SFWF, private-sector education agencies, and NGOs and other offices to deliver effective gender equality education.

Gender equality at work is crucial to women's safety, but achieving it is no easy task. Although Seoul has only a limited range of policy options with which it can enforce gender equality at private-sector workplaces, it is nonetheless determined to set an example as an ideal gender-egalitarian workplace itself, hoping to foster the spread of gender equality to other workplaces throughout the city. To this end, the city has appointed officials in charge of gender services in all its divisions and offices. Also, in January 2017, Seoul City formed the Gender Policy Team, the first of its kind in Korea, and plans to grant legal authority to the team through a new municipal ordinance designed to ensure its stable management. The city also requires that at least 40 percent of the membership of every committee consist of women and plans to increase the proportion of women in high-ranking senior government positions (Grade 5 or above) and on the boards of semi-governmental enterprises from the current 20 percent.

Furthermore, Seoul City has established a policy monitoring system that requires drafts of important policies to be submitted for review by the Gender Policy Advisor in order to ensure greater gender awareness and sensitivity. It also plans to expand the scope of the gender impact analysis and assessment, which currently covers only the city government and its offices, to include public and semi-governmental organizations in which it invests. In addition, the city intends to reinforce gender sensitivity education based on the results of the gender sensitivity survey (with 6,763 civil servants participating) and develop 10 principles of gender equality for civil servants and policymakers to refer to when developing their policies.

As for the private sector, Seoul will establish two more Seoul Working Mother Support Centers, in addition to the two currently in operation, by 2018 to provide legal aid and counseling via labor relations attorneys for working mothers who face discrimination due to issues surrounding pregnancy, childbirth, and parenting. In addition to fostering communities of working mothers, the city government will also use the Work-Family Balance Center to provide more corporate consulting services, discover and publicize exemplary practices, and encourage businesses by providing incentives and examples to aspire to. The city also plans to hold gender equality workshops for human resource department personnel at corporations and provide gender equality orientation sessions for new hires.

As part of its effort to realize gender equality in everyday life, Seoul City has organized the Gender Equality Monitoring Group to identify and sanction print materials and depictions in the media that

imply sexual discrimination, awarding citizens who report such materials with gift certificates and other incentives. Moreover, the city will develop a set of new gender-neutral emojis, such as a man wearing an apron or a girl playing with a toy car, and distribute them to the public free of charge in the hopes of replacing existing emojis, which tend to perpetuate gender prejudices. In this way, it intends to promote gender equality even through the instant and text messages that people sent in their daily lives. Seoul will also host user-created content competitions, gender awareness contests for men, and other such events, in addition to special gender equality education for immigrants and interracial couples.

Raising the public awareness of gender equality also requires the development of extensive infrastructure, including learning materials and programs. Seoul has thus set out to develop and distribute gender equality textbooks that meet the global standards (including those set by UNESCO) and increase students' level of understanding of the issue as well. The city also plans to recruit and train 50 grassroots activists in the area of gender equality, via professional educational institutes, to spread the message of gender equality throughout the city.

2. Respectful Seoul

The ideal of "Respectful Seoul" embodies the need to eradicate any and all forms of violence against women, including but not limited to dating violence and digital sexual crimes. In order to fight these crimes effectively, accurate fact-finding surveys are needed. The few existing empirical studies on dating violence lack representativeness and validity due to the limited age distribution in the samples and inconsistencies in the findings. As of yet, no study has been done on digital sexual crimes. Seoul City thus plans to commission the SFWF and other professional research agencies to carry out exhaustive fact-finding studies on these crimes and use the resulting data to develop effective mid- to long-term roadmaps for fighting sexual violence against women.

Another pressing matter is finding measures for providing effective support for victims of violence against women. Currently, Korean law provides governmental support only for victims of sexual abuse and violence; victims of digital sexual crimes are eligible for governmental support only in cases where the perpetrator has distributed video recordings and/or photographs of the victims, taken without consent, to third parties. Seoul City seeks to change this situation through the Gender Equality Fund and by recruiting NGOs with experience supporting women victims of violence, thereby allowing it to provide legal and medical aid for a wider range of victims. The city will run this program on a trial basis for one year and use the data gathered to determine the necessity of establishing a permanent standing organization responsible for aiding victims of violence. Because it is essential for the police and other governmental authorities to take appropriate responses to crimes and violence committed against women and prevent any secondary harm to the victims, the city will develop and distribute manuals on how to handle such crimes and support victims properly. Finally, Seoul will actively lobby the national legislature to amend the law on support for victims of crimes against women so that support can be provided for victims of all forms of sexual violence and crimes against women.

Moreover, the city will wage active public awareness campaigns to eradicate dating violence and digital sexual crimes at the source, providing gender sensitivity education for different age groups, including teenagers, young adults, and the general public. The city will also team up with franchise cafes popular among young people to distribute gender awareness leaflets and banners.

3. Safe Seoul

Realizing a “Safe Seoul” requires strengthening women’s capability to deal with disasters and emergency situations and improving the existing measures for women’s safety. Initially, gender may seem to have no relation to victimization due to natural or manmade disasters. Statistics on major accidents, however, indicate otherwise. In the Daegu subway fire incident in 2003, 63 male passengers died, while the number of female casualties was 125, double the number of men. When the Sewol ferry sank to the bottom of the ocean in 2014, the survival rate of the male students that were onboard was 27.3 percent, as opposed to 19.4 percent for the female students. According to a study conducted by the Seoul Metropolitan Fire and Disaster Headquarters last year, 90.1 percent of surveyed men were aware of how to use fire extinguishers, while only 68 percent of surveyed women knew how. This shows that, in general, women in Korea are far less capable of handling emergency situations than men.

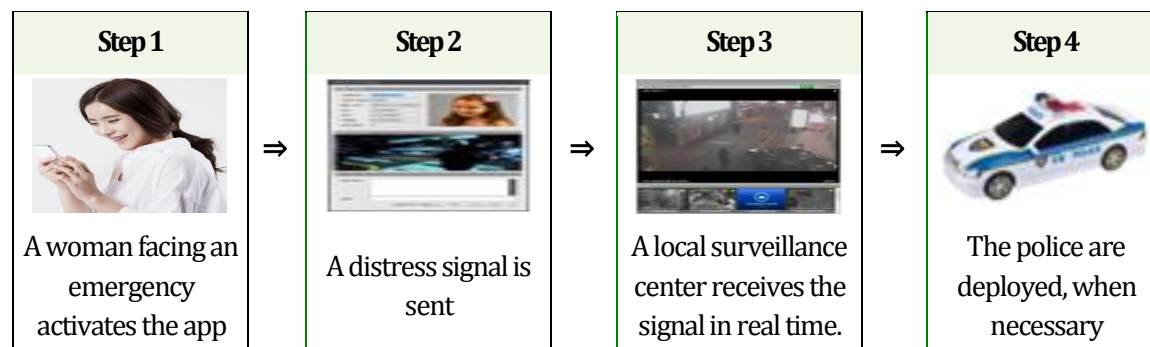
From now on, in an effort to ensure gender equality in all of its disaster and emergency management measures, Seoul City requires gender-specific statistics on disaster and emergency management, and the public disclosure thereof. It will also maintain the proportion of women on the city’s safety-related committees at 40 percent or above. Moreover, the city will provide on-demand classes across the city to teach women how to handle emergency situations and expand civic safety programs for different gender and age groups in order to provide more effective training on core techniques, such as the use of fire extinguishers and administration of CPR. In addition, Seoul City will develop and distribute manuals on how pregnant women and female caregivers may escape, avoid, or handle emergency situations better.

Ansimi, the smartphone application developed by Seoul City to promote women’s safety in emergency situations by connecting to the 29,000 surveillance cameras and integrated surveillance centers of all 25 districts using smart technology, will be launched as a fully functional system in April 2017. Using Ansimi, women who find themselves in an emergency situation can easily and instantly notify their local integrated surveillance center through simple actions, such as shaking their smartphones. The centers will then be able to take appropriate actions, such as dispatching the police and broadcasting alert messages. The city has been testing this application in four districts—Eunpyeong, Seodaemun, Seongdong, and Dongjak—since 2016, and intends to expand its operation to 14 districts in 2017 and all 25 districts by 2018.

What is “Ansimi” ?

This application uses the existing networks of surveillance cameras and integrated surveillance centers to facilitate responses and the provision of assistance in real time when contacted by women in emergency situations.

How Ansimi works



Distinct features

- Allows effective and timely responses to emergency situations by connecting to networks of surveillance cameras and centers.
- Diverse and simple actions can be used to send distress signals (e.g., shaking the smartphone, pressing the home button, touching the smartphone screen, etc.).
- Can be used not only to ensure that women return home safely, but also in various emergency situations, including natural disasters.

Finally, Seoul intends to strengthen, extend, and improve the existing “Safety Networks of People and Environments.” It will enhance the Safe Return Scouts and Sheriffs to ensure women’s safety and expand the Safe Delivery Service and Shelters for Women’s Safety services for women living alone and women coping with dangerous situations. In addition, the city plans to replace at least 3,000 dim streetlamps with brighter LED lamps every year and expand the Crime Prevention through Environmental Design (CPTED) program from 37 in 2016 to 44 in 2017.

Conclusion

The core purpose of "Safe City for Women 3.0" is to focus on the most elementary and fundamental factors in order to establish a truly safe society for women, no matter how long it takes. The most important factor in this process is increasing awareness of the issue among citizens themselves. In order for us to make Seoul a genuinely safe place for women, it is critical for all citizens to acknowledge the depth of the discrimination and violence that women have been experiencing for generations and willingly embrace the transition to a more gender-egalitarian society.

Seoul City has already set an example for the central and local governments by introducing policy measures promoting women's safety, garnering recognition in Korea and overseas for its efforts. To ensure that these innovative attempts of Seoul City produce results in the long run, the continued support and participation of citizens is essential.

For its part, the city will continue developing and implementing effective and substantial measures for women's safety, based on the belief that "gender equality is crucial to women's safety, and women's safety, in turn, is crucial to the safety of all citizens."

Session 3

Korean Women's Movement against GBV: Achievements and Challenges

- Korean Feminist NGOs' Strategies for the Empowerment of Women and Social Change: Focusing on the Anti-Sexual Violence Movement
- Korean Women's Movement against GBV: Achievements and Challenges: The Role of Korea Women's Hotline in Eliminating Domestic Violence
- Anti-Prostitution & Women's Rights Movement in Korean Society: Past Achievements and Future Endeavors

Discussion Paper

Korean Feminist NGOs' Strategies for the Empowerment of Women and Social Change: Focusing on the Anti-Sexual Violence Movement

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I. Introduction

Women's status in the Korean government, schools, companies, etc., has been elevated rapidly in recent years. Such change is attributable not only to government efforts but also to the actions of nongovernmental organizations (NGOs) which can be considered as the "heart of a society." The changes were possible thanks to the growth of the civil society that evolved through democratization movements against the authoritarian military regime, student movements, and labor movements during the 1980s, and benefited from feminists' passion for social change.

In particular, liberal feminist NGOs carried out various projects for gender equality, human rights, environment, health, and peaceful unification of Korea. As a result, laws such as Framework Act on Women's Development (1985), Act on Equal Employment of Men and Women (1987), and acts to prevent violence against women (1994, 1997, 2004), as well as many institutions were established, while *hojuje*, the patriarchal family system, was legally abolished in 2005. In other words, Korea's laws and institutions which had been feudalistic on women's rights except for the political suffrage guaranteed in the constitution are now gradually changing. However, as more people believe that women's rights issues are more or less resolved, a backlash is surfacing as well.

Violence against women is a topic that has been the focus of many women's movements, laws, and policies. Movements to counter violence against women began with the projects of women's rights organizations to help survivors of sexual violence, and became the basis for introduction of legal measures including the Act on the Punishment of Sexual Crimes and Protection, etc. of Victims Thereof (From this point "Special Act on Sexual Violence"). Nowadays, the government and the National Assembly are busy proposing new laws and policies whenever child sexual abuse cases come under the spotlight of the media and stir up society.

Nonetheless, a woman in her twenties was murdered on May 17, 2016, and many women feel they are exposed to violence in their everyday lives, which includes street harassment. Also, many victims who plucked up the courage to report these crimes are suffering secondary damage during investigations

and trials. Therefore, we can see that now is the time to monitor how laws and systems are applied and make efforts to have them work well in our lives. Such a reality implies that while many issues regarding violence against women that women's organizations have been pushing for improvements on have been addressed by laws, they were not able to change the patriarchal social order that remains the fundamental reason for such violence. Furthermore, as support measures for survivors of violence against women are becoming more established, unexpected obstacles such as excessive intervention and supervision of the governments are surfacing. It is high time to review the application of laws and systems, and strive to let people benefit from them in reality.

Meanwhile, the survivors of sexual violence are changing as well. While they were close to the stereotypical passive image of the victims in the past, they are now raising their voice in various ways. In addition, the socio-cultural environment and the forms and values of family are rapidly changing. Due to significantly different contexts when compared to that of 20 to 30 years ago, discussions on sexual violence should undergo transformations. More than anything else, victims should be viewed as people whose human rights have been violated, rather than those who should be merely protected or suffered ill fortune. There needs to be a paradigm shift in order to guarantee their rights.

This paper observes feminist NGOs' strategies to empower women and bring social change, focusing on the anti-sexual violence movement

II. Overview of Anti-sexual violence Laws and Institutions

As for the statistics on sexual violence which is the main topic of this research, it is unknown exactly how many sexual violence cases occur annually in Korea. This is because most of the victims are not willing to report their cases to the authorities. The Korean Institute of Criminology (KIC) did the first ever survey on sexual violence in the 1990's. Their report shows that only 2.2% of sexual violence cases were actually reported. The Ministry of Gender Equality and Family (MOGEF)'s 2010 report said that a mere 7.6% of all sexual violence cases were reported, and only 12.3% of rape or rape attempts were reported.

Table 1 indicates that the number of reported sexual violence cases was 3,919 in 1992 and 29,863 in 2014. While it may appear that the statistics imply that sexual violence cases have increased in overall frequency by about 7 times, available data are insufficient to prove that since the change in the rate of reporting is unknown.

Because of daily media reports on sexual violence cases, some express concerns that sexual violence occurs more frequently these days. However, it is more reasonable to conclude that we now hear more about cases that have always existed but have not been revealed to the public or spoken of. Victims are now changing their mind set and becoming more proactive in reporting and responding to such unfortunate cases. Meanwhile, a survey conducted by approximately 180 sexual violence counseling centers (MOGEF, 2015) shows that counseling on sexual violence is done around 100,000 times

annually. Considering that it takes great courage for most sexual violence survivors to seek counseling, it is likely that the actual number of sexual violence cases is much higher.

Table 1. Reported Sexual Violence Cases

(Unit: Number of cases)

	1992	2006	2008	2010	2012	2014
Total	3,919	14,277	16,129	20,584	23,365	29,863

Source: Legal Research and Training Institute (2016), 『2015 White Paper on Crime』, p80.

Meanwhile, only around 51% of sexual violence cases were prosecuted in 2015. The prosecution rate is low because the victim's experience is not taken into consideration accurately in deciding the damages from a sexual violence case. Many studies have found the reality that the concepts of justice and objectivity that the relevant laws pursue are discriminative against women.²¹ For example, due to the relevant officers' lack of human rights sensitivity and understanding, additional damages occur during the criminal justice process.

A. Anti-Sexual Violence Laws and the Rights of Victims

In Korea, sexual violence is punished under Chapter 32 of the Criminal Act titled Crimes Concerning Rape and Infamous Conduct. There are also various other legislations such as the Special Act on Sexual Violence, and the Act on the Protection of Children and Juveniles from Sexual Abuse. The relevant acts can be categorized as follows; acts on the criminal justice process, acts on the punishment of, monitoring and control over perpetrators, acts on the protection of and compensation for the victims, and others.

In 1991, women's rights organizations pointed out that there were too many limitations in preventing and responding to sexual violence under Chapter 32 of the Criminal Act because it categorized it as a "crime against chastity." They created the "Committee for Enactment of Special Act on Sexual Violence" and began activities to push for new laws. Women's organizations wrote a bill and filed a petition for legislation at the National Assembly level. As the Presidential and the general elections drew near, political parties actively tabled the bill for the Special Act on Sexual Violence. The Act was legislated upon in January of 1994, and has been revised 15 times since. It was later divided into two separate acts, one concerning the punishment of offenders and the other on the protection of victims. The Special Act consisted of general provisions, special provisions on the punishments and the punishment procedure for sexual violence crimes, regulation on sexual violence counseling centers, and penal provisions. To be more specific, it stipulated the responsibilities of the central and local governments

²¹ Kook, Cho (2003), *Gender Bias of the Criminal Code*, Seoul, Korea: Pakyoungsa

in preventing the crimes and protecting the victims, the categorization of sexual violence and its punishments, special cases of filing complaints against sexual violence crimes, regulations on the investigation and subsequent trials of sexual violence crimes, and the protection of victims through counseling centers, protection agencies, and medical centers.

In 1999, the Act on Prohibiting Gender Discrimination and the Remedies which banned sexual harassment at work places, as well as the Act on Equal Employment of Men and Women was revised.²² In 2000, the Act on the Protection of Children and Juveniles from Sexual Abuse was enforced, mandating that the profiles of sex criminals against children be revealed to the public and that their employment be restricted. The Child Welfare Act was introduced in the same year as well. In 2007, the Act on the Electronic Monitoring Et Cetera of Special Criminal Offenders (the so-called "Electronic Anklet Act") was introduced and in 2010, the Act on Drug Treatments for Sexual Urge of Sex Offenders (the so called "Chemical Castration Act") was introduced to strengthen punishment, monitoring, and control over the offenders. For the protection of and compensation to the victims, the Act on Special Cases Concerning Expedition Et Cetera of Legal Proceedings, the Crime Victim Protection Act, the Crime Victim Protection Fund Act and others were put into place.

The legal rights of sexual violence victims include the right to be protected, to take part in procedure, and to be compensated. Specifically, this means the right to have their personal information and private lives protected, a system that allows a person in fiduciary relation to the victim to accompany him or her, the right to ask for a closed trial and for the defendant to leave the courtroom, the right to counsel, a testimony aider system, an exclusive sexual violence investigation and trial division system, a testimony recording system, and interrogation by a relay equipment system.

The enactment movement gave a name to the previously hidden problems of sexual violence and made it a social issue. Moreover, it revealed how the existing legal system which had long been considered objective and neutral are actually male-dominant and ignorant of women's experiences and voices. The significance of the movements lies in the fact that the voices of women were finally taken seriously and reflected.

B. Support Measures for Victims

In 1991, there was only one sexual violence counseling and protection center, but they have grown in number. As of 2017, there are 534 centers including sexual violence counseling centers (180), domestic violence counseling centers (202), shelters for victims of sexual and domestic violence (97), Sunflower Centers (37), and 1,366 Emergency Call Centers for Women (18), which all support victims and seek changes to sex culture. Private organizations work actively in those centers with a partial government subsidy. Sunflower Centers are run by the government and they have served as a one-stop support center where consultation, investigation and treatment take place.

²² Stipulations on sexual harassment were later moved to the National Human Rights Commission Act and the Equal Employment Opportunity and Work-family Balance Assistance Act.

Since 2001, medical subsidy is provided to the victims of sexual violence through a nationwide network of counseling centers. Most women who suffered from such crimes need long term medical treatments for the aftereffects. Thus streamlined paperwork and efficient management of the medical subsidy (up to five million KRW per person) providing system would help the many victims benefit, as they require support and care.

Legal aid for sexual violence victims is currently provided by several organizations under the arrangement of the MOGEF. Victims can receive legal aid for both civil and criminal court cases if they prepare a confirmation document for counseling from the counseling or protection centers designated in the Special Act on Sexual Violence, a written diagnosis for injuries from sexual violence requiring two or more weeks of hospitalization, a copy of the written complaint, and the filing receipt for the complaint. Financial aid is one million won or less for each case. However, the budget tends to run out before the end of the year because of high demand

III. Advocacy Strategies for Social Change: Focusing on the case of the Korean Sexual Violence Relief Center

This chapter reviews what strategies and activities constitute the anti-sexual violence movement of Korea, and how it has changed the Korean society.

A. Empowerment strategies for survivors beyond counseling support

Most sexual violence centers provide telephone counseling, face to face counseling and on-line counseling. Statistics indicate that over 200 centers nationwide deal with about 100,000 sexual violence counseling cases per year. They offer psychological support, legal and medical assistance, and shelters. At times, they provide group counseling and family counseling, and when deemed necessary, art therapy, music therapy, dance therapy and other forms of assistance.

In recent years, various empowerment programs that go beyond traditional counseling have been employed for survivors. Starting in 2003, women's movement organizations began "speaking out day" programs. On the predetermined day, 10 to 50 survivors speak out about their experiences in front of 200 to 300 people. The audience gives support and encouragement to the survivors. In the beginning, the program was run on a pre-registration basis out of concern for the privacy of the survivors. However, in recent years, this once-a-year program has been held in various forms for example, as a small concert at a college sports ground, a pop concert, speaking contest about experiences with street harassment, or a "complaints choral festival."

In addition, on the last Wednesday evening of each month, around 15 survivors meet at a café for a kind of healing session where they talk about their suffering and how they overcame their problems. Alternatively, each center runs its own self-help group to encourage survivors. Self-defense training is given not only to young girls, but for all survivors, and this is one of the important aspects of the

empowerment programs. It is extremely heartening to observe recent survivors aggressively letting their demands be known and seeing such demands met. This change of attitude in survivors is especially prevalent among young college students. Recently, the voices of victims are being heard through various channels including online hashtag activism to reveal sexual violence in art circles. They no longer think sexual violence means a loss of virginal purity or a source of lifelong regret and torment. Instead, they view sexual violence as an infringement upon sexual autonomy, and wish to exercise their rights as a survivor with confidence.

B. Education, research and campaign strategies for a new sexuality culture

The activities of a women's movement organization are composed of two components, counseling and sexuality culture movement. Recently, more emphasis has been placed on the latter as it is a preventive approach and a more fundamental solution to sexual violence. Various creative programs have been formed for the sexuality culture movement. For example, whenever a major case occurs, activists would organize flash-mobs at subway stations in attempt to drive out sexual harassment, or organize performances and press conferences in front of courts where decisions for major cases are to be delivered, as well as on-line discussions, campaigns, etc. Recently, SNS emerged as one of the main means of communications among Internet users.

Since 2004, an event called 'Take Back the Night' is held once a year on the first Friday night of July. Its aim is to promote the awareness of women's rights to travel around as they please, even during night hours without the threat of any form of violence. A fancy dress parade was once held where an activist dressed as a delinquent girl. This parade caused a heated confrontation between the activists and an old man, who yelled that "this is how you make yourselves more likely to be sexually abused" at the aforementioned delinquent girl. The event's purpose was to be a demonstration demanding that the government guarantee the safety of nighttime walks, as well as being a festival for women to enjoy nighttime freedom of moment. In addition, the "Slut Walk" is an event is held in Korea since 2011 that began in Canada when a police officer declared that women should avoid "dressing like sluts" to be safe from sexual violence. Large concerts are another means of powerful anti-sexual violence awareness, mainly by fund-raising, but also as a means for communication with the larger public.

In particular, about 35,350 post-it messages that many citizens voluntarily left after a woman was murdered near Exit 10 of Seoul's Gangnam station showed condolence and sympathy. They symbolized people's solidarity and determination to act against brutality. The Seoul Women and Family Foundation took photos of each Post-It and transcribed their messages, turning them into an archive. This tragic incident also triggered the birth of many new civil organizations including Femi Dangdang, Bulkot Femi Action, and DSO (Digital Sexual Crime Out).

Last March, twelve college students and 20 organizations held a joint rally on sexual violence and gender inequality called 'the Penguins' uprising for equal colleges,' inspired by the French cartoon 'Les Crocodiles.' The project talks about the grievances and discrimination that women and minorities suffer

in colleges, and aims to make changes with courage and solidarity. After the rally, the members have continued to raise awareness through movie screenings, seminars and campaigns in many colleges.

Research is also an important part of the anti-sexual violence movement. The definition of sexual violence, the current status of the problem, and methods with which to eradicate sexual violence problems are the major research topics. In particular, research on the relationship between youth sexuality culture and sexual violence, sexual violence status in the military, legal practitioners', including judges, public prosecutors and defense lawyers, awareness of gender equality, and their attitudes toward sexual violence produced very important outcomes. In Korea, sexual violence prevention education at schools and the work place has been made mandatory by law. Nationwide counseling centers offer various education programs at schools and work places.

C. Students and citizens' participation through various volunteering and membership programs

Many volunteers take part in the anti-sexual violence movement. There are some trained volunteers who are in charge of counseling activities. These volunteers consist mainly of housewives and graduate students. There are many planning groups including college student volunteers who assist with the required paperwork for arranging various events. Volunteers actively take part in a series of processes from planning events such as the 'Moonlight Vigil for Safe Streets at Night,' 'Agreed March,' and 'Protest for the Right to Abortion' to production, promotion, management and evaluation. They also experience personal growth by doing so. Some volunteers do community service or internships for a certain period in civil organizations as part of their college curriculum.

Some college students with such volunteering experience later on choose to become women's movement activists. Other student volunteers even after graduation continue helping various organizations for individual events and invite people around them to become members of women's organizations. In particular, many housewife volunteers confessed that they were able to think of themselves as independent women because of such activities. This volunteer-centered nature in Korea differs greatly from their Australian rape crisis centers counterparts, who avoid using volunteers on the principle that all work must be fairly compensated. These days, some public interest lawyers work in those organizations as full time activists. Professors, judicial officers, researchers, broadcasters and company employees are also working as members and consultants in such organizations in order to abolish sexual violence.

D. Requests to create or amend laws, policy monitoring, reviewing, suggesting and lobbying

One of the most significant achievements of women's organizations has to do with the role that they play in when it comes to establishing new laws and regulations. Korea had very few legislations on sexual violence except in criminal law until about 30 years ago, but that has since changed rapidly. The Special Act on Sexual Violence was enacted in 1994, the Domestic Violence Prevention Act in 1997, the

Sexual Harassment Prevention Act in 1999²³, the Special Act on Sexual Protection of Adolescents in 2000, and the Prostitution Prevention Act in 2003. The MOGEF, Ministry of Justice, and Ministry of Health and Welfare have corresponding offices and departments that deal exclusively with sexual violence issues.

However, Korea's laws regarding sexual violence still contain a number of limitations. Marital rape is not regarded as an offence. Furthermore, rape is regarded as an offence only when it involves physical violence and threats. Also, victims have their sexual history and private lives exposed, and oftentimes are attacked during the trial and investigation. To remedy this, the Korea Sexual Violence Relief Center (KSVRC) ran a two-year project called "Challenging the Supreme Court Precedence," in which they critically reviewed what they perceived as problematic Supreme Court precedents regarding sexual violence cases, and sent the reviews to judges and prosecutors across the country each month.

In addition, a number of anti-sexual violence organizations have been proposing new bills by giving presentations to the National Assembly's Legislation and Judiciary Committee, attending the national audit to give presentations upon the Parliament members' request, and presenting their opinions through media channels. Other strategies involve holding street campaigns, forums, and press conferences.

From time to time, the organizations present their opinion on government policies to a range of governmental committees. Some people are skeptical about the effectiveness of such activities, as the role of the committees are often limited to a symbolic one. That being said, it is now mandatory for all Korean governmental committees to have at least 30% of their staff be female, and it seems to be a kind of trend for the committees to have NGO's under them. Some also question how effective the committees are based on the fact that they simply monitor the already-made government policies and regulations. However, the impact of these activities through channels other than formal policies or regulations should not be ignored considering that the organizations are able to obtain up-to-date information and they can advocate on behalf of the victims through these activities.

E. Networking and expansion of coalition with women's rights movements and civil movements

Around 180 counseling centers are working closely together under the auspices of the Korean Association of Sexual Violence Relief Center. They mainly review and monitor government policies, while acting jointly on some major agendas. For example, the "Citizen Surveillance Group for the Investigation and Trial Process of Sexual Violence Cases" was organized to monitor secondary damage to victims that could be inflicted by the police or legal professionals. This watchdog group also awards

²³ The Joint Task Force for Sexual Harassment Case on the Teaching Assistants of Seoul National University. (2001). White Paper on the Sexual Harassment Case on the Teaching Assistants of Seoul National University (Vol. 1)

prizes such as the "Stepping Stone for Women's Rights" and exposes injustices through the "Obstacle of the Year" award at their annual general meeting.

However, because the 180 groups were established for different purposes, not all of them have a feminist point of view, and they are very different in size and character from each other. Conflicts arise from time to time because of these different points of view. Unfortunately, these conflicts are expected to worsen in the future, possibly becoming a hot potato in the anti-sexual violence movement in Korea.

International networking is not going relatively smooth due to language barrier issues. Recently, however, efforts have been made to make progress as the Korean Association of Sexual Violence Relief Center has arranged a string of visits to related organizations in the USA, Japan, and Taiwan, and also invited experts to give speeches at seminars. In 2005, we organized a session called 'World's Anti-Sexual Violence Movement' at the World Women's Studies Conference in order to share information and movement strategies with activists from other countries including Australia, the UK, and Myanmar. Korean organizations also take part in on-line international signature gathering campaigns in order to help address major issues. Such online and offline international networking projects should be promoted more actively. These days, members of KOICA or EGEP (Ewha Global Empowerment Program) visit each organization and many activists are strengthening their solidarity through various international events.

F. Review of the Media's role and strategic use of the media

The media has often walked hand in hand with the anti-sexual violence movement, but at other times distanced itself from the issue, causing somewhat of a tension. The media helped raise public awareness nationwide by giving huge publicity to several startling cases. One of them is an incident that occurred in 1991 where a sexual violence victim murdered the man who had raped her 21 years ago, screaming in court that she had killed a beast not a human. Another case that was at the center of media's attention is when a college student's boyfriend murdered her stepfather because the stepfather had been constantly raping her for 13 years. The active role the media played regarding these issues helped make sexual violence an important social issue and successfully drew substantial public attention. At the time, as many as 56 groups came together to organize a joint committee to counter sexual violence. Every time a trial took place, more than 300 students and citizens came to watch, while tens of thousands of people signed petitions, and major newspapers competitively covered these cases on their front pages.

On the other hand, the media have limitations as they tend to primarily focus on provocative issues such as serial rape or child rape, rather than sensitive issues like date rape, which can be highly controversial in society. Another problem that is being constantly pointed out is about how journalism violates the privacy of victims. Other problems include down-playing the seriousness of rape cases by calling a rapist who raped a housewife in front of her whole family simply a mere "family destroyer," or making light of cases by saying that a serial rapist had merely acted like a dog. Whenever these issues arise, women's activist groups come together to respond swiftly.

Many organizations carry out a media monitoring movements to criticize the media that appeals to cheap thrills like voyeurism, which result in the worsening of sexual violence issues. Recently, a complaint on a 'cautionary report on a false accusation' involving secondary damage to a victim of a celebrity's sexual violence case was brought to the Press Arbitration Commission, and the matter is currently under discussion.

Korea Womenlink suggests (1) allocating 50 percent of all seats to women in terrestrial broadcasters and media policymaking organizations, (2) coming up with an evaluation system that assesses the media in terms of gender equality, and (3) introducing media education to encourage the production of non-sexist content. From time to time, activists appear on TV shows or news to talk about sexual violence issues in order to further raise public awareness.

IV. Key Issues of Anti-Sexual Violence Laws, Policies, and Movements & the Remaining Challenges

A. Narrowing the gap between the legal provisions and their actual implementation

Victims of sexual violence can now bring along a confidant to investigations and trials. They can testify to exclusive investigators and courts dedicated to sexual violence in a closed trial or through teleconferences. Moreover, the revealing of their identity or privacy is strictly prohibited by law. Counseling centers are established to support the victims, and free legal and media aids are provided. Still, about 25% of the sexual violence complaints are about the secondary damages the victims suffer during the criminal justice process.²⁴ This implies that the legislation on victims' rights is not being implemented properly. The following two points further discuss the problems.

1. Loopholes in the Exclusive Bodies for Sexual Violence: Expertise and Human Rights Sensitivity Needed

The Special Act on Sexual Violence requires that sexual violence cases be dealt with by investigators, prosecutors, and courts that are designated exclusively for sexual violence. However, the exclusive officials change every one or two years because of the rotating system. Under such a system, it is impossible for any of the officials to build expertise in sexual violence cases. In fact, police officers, prosecutors, and judges are relocated to different departments every two years, and their jobs as exclusive personnel for sexual violence cases are passed on to their replacements. Under such a system, it is difficult for the exclusive officers to acquire expertise and a clear understanding of the goals of the system. Therefore, the most ideal case would be to introduce a new system in which the officials are allowed to stay in the sexual violence division for more than 10 years so that they can mature as true

²⁴ According to the 2008-2009 survey of KSVRC, 25% of all complaints were on the unjust secondary damages and the pains caused by them. KSVRC (2011), *Reversing Sexual Violence*, Seoul, Korea: Imagine

experts. When the relevant officers become experts in sexual violence cases, the offenders are more likely to be punished appropriately for their crimes.

2. Abortion after Sexual Violence

Abortion is legally allowed for women who become pregnant as a result of rape.²⁵ Still, many rape victims claim that it is difficult for them to have a safe and timely abortion (KSVRC, 2010). Some have no choice but to keep the baby because they missed the proper timing to have abortion. In that sense, women who become pregnant after rape not only suffer from the rage, confusion, and pain from rape itself, but also from other physical and psychological damages.

There have been no specific studies or statistics on how many unwanted pregnancies occur as a direct consequence of rape, and what problems the victims face in the abortion process. Also, discussions that prove rape was the fundamental reason for the above-mentioned problems have been progressing at an extremely slow rate. There are no specific policies addressing this issue. Unfortunate cases of unwanted pregnancy from rape are only conveyed to the public through the sexual violence counseling centers or the "Sunflower Centers."

Although abortion is a crime according to the current Criminal Act, it was not strongly enforced until more recently. However, due to the falling birth rate, the Korean government has begun actively pursuing policies promoting birth. In 2010, the government announced the Comprehensive Prevention Plan against Illegal Abortion, and began a crackdown on abortion. On top of that, there are concerns over pregnant women faking rape to receive an abortion²⁶, making it even more difficult for rape victims to rightfully terminate their pregnancy. Therefore, this issue cannot be resolved without the right to abortion being guaranteed.

B. Overcoming the Slow Changes in Social Stigma

Until recently, the benefits and protection of laws against sexual violence focused on women's chastity. Chastity was strongly emphasized in a patriarchal society, forcing women to keep their sexual virginity until marriage aimed at giving birth to a son who will carry on a family line.²⁷ In fact, until 1995, the chapter on sexual violence in the Criminal Act was titled "Crimes Against Chastity."²⁸ That means that sexual violence was considered as a crime that harms a woman's exclusivity to one man under the

²⁵ While the Criminal Act (Article 269) bans abortion, the Mother and Child Health Act (Article 14) allows abortion in the case of eugenic or genetic handicaps, pregnancy severely damaging the mother's health, or pregnancy from rape or quasi-rape.

²⁶ Mothers Write 'Rape' as Reason of Abortion for Fake Legitimacy. (Sep 24, 2011). *Kukminilbo*

²⁷ Chang(Yun), P. (1999). *Women, Body, Sex*. Seoul, Korea: Alternative Culture Press.

²⁸ MacKinnon, C. (2001[1989]). Rape: On Coercion and Consent. In K. Conboy, N. Medina, & S. Stanbury (Eds.), *Writing on the Body: Female Embodiment and Feminist Theory*. (A. Cho, Trans.) Seoul, Korea: Hanul Publishing Company.

concept of monogamy, rather than a crime against a woman's sexual dignity or nobility. In other words, women's chastity was considered as part of men's honor and asset, not as a right of a woman.²⁹

As a result, punishment for offenders has been done under the notion that they destroyed the chastity of women, which was a tool to maintain the patriarchal system. Under such a social system, if a woman files a complaint of sexual violence, it would imply fault as a woman. Fortunately, the title of Criminal Act Chapter 32 was revised to Crimes Concerning Rape and Infamous Conduct as a result of strong criticism of women activists who declared that it is discriminative against women and that it infringed upon women's rights. Still, many studies have pointed out that the social stigma regarding women's chastity has not changed much.

Moreover, there are cynical, skeptical and even critical views going against the victims for "inducing" sexual violence, which tends to cause secondary damage on victims that are often even more severe than the initial damage. The victims' healing process is not helped by referring to sexual violence as a "murder of soul," or having an unwarranted view of sympathy towards victims as if they are underprivileged people who suffered their whole lives. While legal measures and institutions against sexual violence were introduced within a relatively short period of time, changes in social perception have been slow. This remains, the biggest obstacle and challenge for Korea.

C. From Strengthening Punishment to Increasing Punishment Rate

In recent years, the assessment standards for the punishment of sex offenders have been raised, and various new policies have been introduced such as electronic bracelets, sex offender DNA banks, medical treatments for sex drive, and detailed registries of sexual offenders. It may seem as though such strong measures would prevent recidivism by offenders and make the society safer. However, it is worth mentioning how many sex offenders are actually ordered to wear electronic bracelets. Only 7.6% of sexual violence victims file complaints, and only 43% of those cases are prosecuted. Among the prosecuted, less than 50% are found guilty in the first instance. That means that only one or two out of a 100 offenders actually end up wearing an electronic bracelet. Thus, it is problematic to think that the electronic bracelet in itself can reduce recidivism significantly. Indeed, electronic bracelets can only provide proof of whether the offender was present at a crime scene. There are no reliable international studies on the effectiveness of electronic bracelets in preventing sexual crimes by past offenders. In addition, considering that many sexual crimes take place at the homes of victims or offenders, it is problematic to say that the bracelets will reduce sexual violence.

Legal measures simply focusing on punishment are based on the false pretense that sexual violence issues can be resolved by basically isolating and excluding offenders from society. Such beliefs place all the blame for sexual crime on the offenders only, and proceed to ignore problems such as patriarchal

²⁹ Lerner, G. (2004[1986]). *The Creation of Patriarchy*. (S. Kang, Trans.) Seoul, Korea: Dangdae.

social values, loopholes in the policies or the relevant officials' lack of awareness. Ultimately, that makes it impossible to take a holistic approach to the issue of sexual violence.

D. From Protecting the Victims to Securing their Rights

Victims are generally considered to be subject to protection in Korean society. Such viewpoints can be observed in the titles of the numerous legislations on the rights of victims such as the Act on the Prevention of Sexual Crimes and Protection, et cetera of Victims Thereof. Protection certainly is one of the important rights of the victims. However, it is a passive and limiting concept which does not take into account the general position and the independent status of the victims. From the victims' point of view, protection is closer to a gesture of consideration than a natural execution of their rights. In that sense, the term protection does not include various rights that the victims deserve.

Furthermore, despite popular belief, sexual violence victims are not powerless, miserable people who live in agony for their whole life. First of all, they are proactive people who can voice what they have been through, and ask for changes and help against unfair treatment from the authorities. Nonetheless, media often portray sexual violence as "a lifelong damage", "a deep scar that is difficult to heal", or "the murder of soul," making the victims look more passive and powerless. Such tendencies can be referred to as the "politics of victimization" which implies that the victims need others to interpret their experience for them since they have become completely powerless and unable to comprehend the experience.

E. Securing More Stable and Sufficient Funding to Support Victims

Funding is the necessary foundation for implementing legislations and policies on violence against women. There is a need to accurately estimate how much of the government budget is being used for countering sexual violence. This estimation should not be limited to the projects of the Gender Equality and Family Ministry, but should also include those of the Ministries of Justice, Health and Welfare, and the National Police Agency. Understanding the budget is essential for planning future projects and deciding their capacity, but not enough research and discussion is taking place.

Currently, the budget for female victims of violence mainly consists of funds. Therefore, funding tends to be unstable because of the shaky budget. Consultation centers suffer since the budget for medical expenses is always insufficient and the budget is set at the beginning of every quarter. Because of budget restrictions, there needs to be a priority setting as to who would receive support first. Also, although some cases need a certain amount of support, they just don't receive all necessary forms because of the support group's management principles.

In addition, the budget for female victims of violence mainly comes from the Ministry of Justice's Fund for Crime Victims, which leans heavily towards female victims of violence. However, this has raised the issue of inequality, as there are other groups of individuals who are victims of sexual and domestic

violence and should receive similar support from this fund. Therefore, financial resources for victims of sexual and domestic violence should be managed not by fundraising but with a regular budget from the Ministry of Women and Family.

F. Preventive measures to reverse charges (defamation or false accusation) on sexual violence

Many victims who filed criminal lawsuits for sexual violence are being charged in reverse by the accused or a prosecutor. Some victims are under investigation for false accusation charges after they agreed to subpoena, thinking it was about a violation case. Because the victims had revealed their abusers' real names online or put up hand-written posters, some of them were charged for defamation or false accusation. In this case, victims turn into defendants and are stripped of their legal rights as victims. Reverse charges for sexual violence are being exploited by abusers to plead their innocence and appeal that their human rights should be protected. Therefore, now is high time to come up with well considered and effective countermeasures on this issue.

G. Revision of the current law on digital sex crimes

Hidden cameras recording sexual intercourse or filming in public restrooms are inflicting pain on everyday lives of women. The number of reports of hidden camera crimes has increased rapidly every year, with 1,134 in 2010, 2,400 in 2012, 6,623 in 2014, and 7,615 in 2015. Consultations regarding hidden cameras account for 7-10 percent of all sexual violence consultations nationwide, and only 40 percent go for judicial resolutions even after they recognized the damage. A survey by the Korea Communications Commission (2015) on cyber violence shows that 29.5 percent reported damages occurred online and only 17.3 percent reported them to consultation centers, reporting centers or the police.

When a victim is threatened with a video, it is hard for them to take legal action without securing the footage. A clause that should be able to deliver punishment even if the footage cannot be obtained but proof of a crime committed is otherwise established is necessary in order to prevent secondary and tertiary crimes. In addition, a penalty clause on hidden camera video sites should be put into place to eradicate such crimes. Also, there is a serious human rights issue regarding illegal footage of women, children and juveniles, as it sometimes exposes victims' faces and bodies.

As peer-to-peer distribution sites do not require the authentication of real names or ages, anyone can join, register and share data. Also, an uploaded video continues to be distributed to other sites, which leads to enormous amounts of additional damage. Particularly because the victim is hardly aware that he or she is being recorded in a public space with a hidden camera, the punishment of the hidden camera sharing site operators is necessary.

H. From Supporting to Empowering the Victims

All anti-sexual violence movements, laws, and institutions have their foundation on the struggles and the extraordinary courage of the victims who faced inappropriate social stigma. In some extreme cases, victims killed themselves or their offenders in attempt to be heard. Many others filed complaints about their undeserved sufferings, rage, and pain from their experience to the police, or talked to their friends, family, boss, or counselors. On the “speaking out days” hosted by women’s organizations, many survivors share their hardships and experiences of overcoming them in front of an audience. The event is now becoming a forum for healing and activism. Through such activities, victims can find new perspectives about their unfortunate experiences, reconfirm that what they went through was not their fault, and gain new strength to face the world. Self-defense training is also one of the important measures for empowerment.

The “Take Back the Night” is an event that is being held globally to demand women’s right to move around freely at nighttime without worries of violence. It is both a protest against the government asking it to guarantee women the right to move around freely at nighttime as well as a festival for women. Moreover, women’s organizations have successfully led a campaign to ban the nationwide broadcasting of beauty pageants, which encourages the commercialization of sex. They are now leading the nationwide campaign against prostitution. Research in this field is an important pillar in reflecting upon the movement and making future projections.

I. From Instructing and Monitoring of NGOs by the Government to Building a Public-Private Partnership

Violence against women has a long history and deep roots. To eradicate it, all members of society must put forth effort and dedication. Above all, an equal and ubiquitous cooperation between the government and the civil organizations is needed. The government and all organizations helping the victims of violence against women must understand each other’s role, play the role faithfully, and cooperate with each other.

To eradicate violence against women, the government must provide funding to movements targeting it, and run national level projects including campaigns. Civil organizations should help the women in need of help by utilizing the spontaneity, creativity, and independence of NGO’s, and should also carefully monitor government policies.

While laws and institutions are being introduced, some raise concerns that the government is not developing a healthy partnership with the NGO’s and is undermining their autonomy.³⁰ It was women’s organizations and not the government that began helping sexual violence victims and first raised issues regarding sexual violence. In fact, that has been a global trend. As a result of enactment movements,

³⁰ Kim, Hyun-Jeong. (2000), Chung, Kyung-ja. (2002), Seo, Mi-ra. (2002), Kim, Bo-yeon. (2006), Shin, Sang-sook. (2007), Kim, Hong Mi-ri. (2008), Lee, Yoon-sang. (2009), Lee, Mikoung. (2012) were used as reference.

some counseling centers now receive around 60 million won in subsidies from the government every year. However, the government uses the terms "monitoring" and "instructing" when describing the relationship with the organizations. Considering the double edged sword of institutionalization³¹, thorough discussion and reflection upon the future cooperation between the government and the organizations are required.

V. Conclusion

The laws and institutions on violence against women which have taken a firm grasp should now be implemented more actively as to actually make the lives of women safer and freer. What is more urgent than the introduction of new laws is the implementation of the existing laws that were put in place after tough discussions. Above all, specific measures need to be devised to evaluate whether these relevant laws and institutions are actually protecting the rights of the victims favorably, whether such measures are preventing sexual violence in daily lives, and whether the measures are serving their originally intended goals. The implementation process must be carefully reviewed in great detail, from checking the awareness of the relevant officials to the execution of budget.

Also, the goals of the laws and policies on violence against women should be revised. To do so, fundamental questions should be re-addressed, including the denotation of sexual violence and why we as a society should be against it. Society should understand that sexual violence is not a personal problem. So that sexual violence survivors are not simply labeled as subjects of protection or skepticism and criticism, society should be informed, especially in light of the fact that Korea remains a structured patriarchal system. Also, the fact that most victims are women makes a gender-based approach to the issue natural. Sexual violence is not an incidental activity, but rather a human rights abuse by the more socially dominant male. Recognizing it makes us see the nature and the seriousness of sexual violence more clearly, as well as understand the problems that male or boy victims face, though small in number.

Such understandings have brought significant changes to the laws and institutions that resolve sexual violence issues, but almost no change to the daily lives of the general public. Reasons for such discrepancy should be investigated. The public's approach on sexual violence issue is still closer to providing dispensation rather than respecting the victims' human rights. That implies that the laws and institutions that focus on punishing the offenders have not contributed much to spreading the correct understanding of sexual violence. In conclusion, the focus of laws and policies must be shifted from protecting and helping the sexual violence survivors to guaranteeing their rights, empowering them, and changing the socio-cultural perception of sexual violence.

The anti-sexual violence movement of Korea is filled with countless heart-warming cases and stories. The extraordinary courage and wisdom of the survivors, the increasing participation of citizens, changes in government policies and laws, and people practicing small but significant changes in their

³¹ Regarding institutionalization, Kim, Hyun-jeong. (2000), Jung. (2002), Seo, Mi-ra. (2002), Kim, Bo-yeon. (2006), Shin, Sang-sook. (2007) were used as reference.

everyday lives contribute to them. When compared to 30 years ago, there has been significant positive progress on sexual violence issues. This makes me believe that we will see new and better strategies put in place in 10 to 20 years time. That will bring the world a step closer to becoming a place where human rights are more respected and citizens do not have to worry about sexual violence.

여성의 임파워먼트와 사회변화를 위한 한국 여성 NGO의 전략³² 반(反)성폭력운동을 중심으로 -

이미경(한국성폭력상담소 소장)

1. 시작하며

최근 한국의 정부, 학교, 기업 등에서 여성의 지위와 역할은 매우 급격한 진전을 해오고 있다. 이러한 변화는 정부의 노력뿐만 아니라 ‘사회의 맥박’이라 할 수 있는 NGO의 활동이 큰 영향을 미쳐왔다. 1980년대 사회 정치적으로 군사정권과 독재정권에 대항하는 민주화운동, 학생운동, 노동운동 등의 과정을 거친 시민사회의 성장과 페미니스트들의 사회변화에 대한 열정이 있었기에 가능했다.

특히 진보적 여성NGO들은 한국사회의 성평등, 인권, 환경, 건강, 평화통일 등을 위한 다양한 활동들을 펼쳐왔다. 그 결과 여성발전기본법(1985)이 제정되고, 남녀고용평등법(1987), 여성폭력방지관련법(1994, 1997, 2004), 호주제 폐지(2005) 등 법·제도가 마련되었다. 오랫동안 헌법에 보장된 ‘참정권’ 이외의 모든 부분에서 여성에 대해 봉건적이었던 한국사회의 법과 제도가 바뀌고 있는 것이다. 한편에서는 이제 여성문제는 어느 정도 해결된 것 아니냐는 인식이 사회 전반으로 퍼져나가 반발(Backlash)이 일어나고 있다.

여성에 대한 폭력 문제는 지난 30여년동안 여성운동, 법·정책 영역에서 매우 활발하게 다뤄온 주제 중 하나이다. 특히 여성인권운동단체의 피해자 지원활동에서 시작된 반여성폭력운동은 성폭력특별법과 가정폭력방지법 등 관련 법·제도 마련의 기반이 되었다. 또한 정부와 국회에서는 온 국민이 공분하는 특정 어린이 성폭력 사건 등이 발생할 때마다 앞 다투어 새로운 법·정책을 내놓고 있다.

32 이 글은 일본 Aoyama Gakuin 대학 국제평화와문화센터의 『평화와 문화』(Vol. 5, No. 1, March 2013)지에 실렸던 글을 수정·보완했습니다.

그럼에도 2016년 5월 17일 서울의 강남역10번출구 인근 화장실에서 20대 여성이 여성들에게 살해된 사건을 비롯해 길거리 괴롭힘(street harassment) 등 여성들이 일상에서 느끼는 폭력에의 불안감은 매우 높다. 또한, 용기내서 고소를 한 피해자들이 오히려 수사와 재판과정에서 2차 피해를 입고 있다. 이러한 현실은 여성폭력 문제에 대해 지금까지 여성단체들이 요구하고 기대하던 내용들이 상당 부분 법제화되기는 했지만, 여성폭력의 근원이 되는 가부장적 질서를 바꿔내지 못했음을 말해준다. 더욱이 여성폭력피해자 지원 서비스가 제도화되는 과정에서 정부의 지나친 '지도·감독' 등에 기치 못한 복병을 만나고 있다. 따라서 이제는 법과 제도의 이행과정을 모니터링하고 제대로 정착할 수 있도록 노력해야 하는 단계이다.

한편, 여성폭력 피해자들은 변화하고 있다. 예전에는 고정된 '피해자상'에 머물러 있다고 보았던 피해자들은 지금은 매우 다양한 목소리와 요구를 하고 있다. 또한 사회경제적 환경과 가족의 유형 및 가족관이 급격하게 변화되면서 피해의 양상이나 치유과정도 달라지고 있다. 이제 20~30년 전과는 매우 다른 지형에서 여성폭력이 새롭게 논의되어야 할 시점이다. 무엇보다 더 이상 피해자를 불쌍하고 보호해야할 존재로 볼 것이 아니라, 인권을 침해당한 피해자로서 그 권리를 보장하는 방향으로 패러다임이 전환되어야 한다. 본 발표문은 여성의 임파워먼트와 사회변화를 위한 여성 NGO의 전략을 반(反)성폭력운동을 중심으로 살펴보고자 한다.

2. 반성폭력 관련 법.제도의 개요

한국에서 연간 몇 건의 성폭력이 발생하는지는 정확히 알 수 없다. 왜냐하면, 대부분의 피해자들이 피해 사실을 드러내지 않고 있기 때문이다. 1990년에 우리나라에서 최초로 성폭력 실태조사를 실시한 한국형사정책연구원에서는 성폭력 신고율이 전체 발생 건수의 2.2%에 불과하다고 밝혔다. 한편, 2010년 여성가족부 연구결과에서는 전체 성폭력 신고율이 7.6%, 강간과 강간미수의 경우는 12.3%로 나타나고 있다.

경찰에 신고된 성폭력 사건은 <표 1>에서와 같이 1992년 3,919건이고, 2014년에는 29,863건이다. 이 통계에 의하면 지난 22년 사이에 성폭력 사건의 발생 건수가 7배정도 늘어난 것처럼 보이지만, 실제 발생건수가 늘어났다는 구체적인 연구결과는 없다.

요즘 하루도 거르지 않고 성폭력 사건이 보도되는 것을 보며 특별히 성범죄가 늘어났다는 우려도 많다. 그러나 이러한 현상은 그동안 보이지 않고 들리지 않았던 성폭력 사건들이 수면위로 올라오는 것이라고 보는 것이 타당하다. 특히 피해자들의 인식의 변화 등으로 적극적으로 신고하고 대처하는 변화가 있는 것이다. 반면에 전국 180여개 성폭력상담소에 접수된 상담통계(여성가족부, 2015)를 보면, 한 해에 10만여 건의 성폭력 상담이 이루어짐을 알 수 있다. 대부분의 성폭력 피해자들이 상담을 하기까지도 많은 용기를 필요로 함을 볼 때, 실제 피해 발생율은 훨씬 더 높으리라는 것을 예상할 수 있다.

<표 1> 성폭력 범죄 신고 현황

(단위: 건)

	1992년	2006년	2008년	2010년	2012년	2014년
계	3,919	14,277	16,129	20,584	23,365	29,863

자료 : 법무연수원(2016), 『2015 범죄백서』, p80.

반면, 2015년 성폭력 기소율을 보면 50.1%선에 머물고 있다. 이처럼 기소율이 낮은 것은 성폭력 피해의 판단기준에서 피해자의 경험이 제대로 고려되지 못하는데 기인한다. 특히 법이 추구하는 ‘정의로움’과 ‘객관성’의 실체가 성편향적이라는 사실은 수많은 여성폭력 피해 사례들과 관련 연구들에서 반증되고 있다. 그 대표적인 사례는 담당자의 인권감수성과 전문성 부족으로 인해 발생하는 형사사법절차에서의 2차 피해를 들 수 있다.

가.반성폭력 법과 피해자의 권리

한국에서 성폭력을 규제하는 법은 형법제32장 ‘강간과 추행의 죄’가 기본이고, 이외에도 성폭력특별법이나 아동·청소년성보호법 등 다양한 법들이 규정되어있다. 이러한 성폭력 관련법의 유형은 형사처벌 및 형사절차에 관한 법률, 가해자의 처벌감시통제 관련 법률, 피해자 보호, 배상에 관한 법률, 기타 등이다.

1991년에 여성인권운동단체들은 성폭력이 형법(제32장)의 “정조에 관한 죄”로 규정되어 있어 성폭력 범죄를 예방하고 대처하는데 한계가 많음을 지적하고, ‘성폭력특별법제정위원회’를 통해 본격적으로 입법추진운동을 벌였다. 여성단체에서 초안을 마련하여 국회에 입법청원을 하였고, 때마침 대선과 총

선시기를 맞아 각 정당에서 적극적으로 성폭력특별법안을 발의하였다. 1994년 1월에 제정된 성폭력특별법은 이후 15차례 개정을 하였고, 2010년에는 각각 처벌법과 보호법으로 나뉘어졌다. 당시 성폭력특별법은 크게 총칙, 성폭력 범죄의 처벌 및 절차에 관한 특례, 성폭력상담소 규정, 벌칙 등으로 구성됐다. 구체적으로는 범죄 예방과 피해자 보호 등에 관한 국가와 지방자치단체의 책무, 성폭력 범죄의 범주와 처벌, 성폭력 범죄의 고소에 관한 특례, 수사·재판과정에서 성폭력 범죄 사건의 처리 관련 규정, 상담소와 보호시설과 의료기관을 통한 피해자 보호 제도를 주요 내용으로 하고 있다.

1999년에는 직장내 성희롱을 규제한 「남녀차별 금지 및 구제에 관한 법률」과 「남녀고용평등법」의 개·개정이 있었다.³³ 2000년에는 아동과 청소년을 대상으로 한 성범죄자들의 신상공개 및 취업제한 등을 규정하는 「청소년성보호에 관한 법률」이 마련되고 「아동복지법」 등이 제정되었다. 이외에도 2007년에 「특정범죄자에 대한 위치추적 전자장치 부착 등에 관한 법률(일명 '전자발찌법)」과 2010년에 「성폭력범죄자의 성충동 약물치료에 관한 법률(일명 '화학적거세법)」 등 가해자의 처벌과 감시, 통제하는 법률도 마련되어 있다. 더불어 피해자 보호, 배상 관련 법률로는 「소송촉진 등에 관한 특례법(배상명령제도)」, 「범죄피해자보호법」, 「범죄피해자보호기금법」 등이 있다.

성폭력 피해자의 법적 권리는 크게 보호받을 권리, 절차에 참여할 권리, 보상을 받을 권리이다. 구체적으로 피해자의 신상정보와 사생활비밀보호권, 신뢰관계인의 동석제도, 비공개재판 신청 및 피고인 퇴정 요청권, 피해자의 변호사 선임권, 진술조력인 제도, 성폭력 전담 수사·재판부 제도, 진술녹화제도, 중계시설 및 차폐시설에 의한 신문제도 등이 있다.

이와 같은 성폭력관련 법·정책 운동은 사회적으로 보이지 않던 문제에 대해 성폭력이란 명명(naming)을 함으로써 우리 사회에 성폭력 문제를 이슈화 하였다. 또한 '객관적'이고 '중립적'으로 여겨져 왔던 기존의 법체계가 얼마나 남성중심적이었고, 여성의 경험과 목소리가 배제하여 왔는지를 드러내면서 그러한 여성의 경험과 목소리를 반영하려고 노력하였다는 점에서 의의가 있다.

³³ 성희롱 관련법은 추후 「국가인권위원회법」과 「남녀고용평등과 일·가정 양립 지원에 관한 법률」에서 규정하는 것으로 바뀌었다.

나.피해자 지원체계

1991년 1개소였던 성폭력 상담소와 보호시설은 그동안 양적으로 많이 확산되었다. 2017년 현재 전국에 534개소34의 성폭력상담소(180개소), 가정폭력상담소(202개소) 및 성·가정폭력피해보호시설(97개소), 해바라기센터(37개소), 여성긴급전화 1366센터(18개소) 등에서 피해자를 지원하고 성문화를 바꿔가는 다양한 활동들을 하고 있다. 대부분의 상담소들은 민간단체들이 자발적으로 활동하며 정부가 일부 재정지원을 하고 있고, 해바라기센터는 정부에서 위탁운영을 하며 상담과 수사, 진료를 한 자리에서 진행하는 원스톱지원센터로서의 기능을 하고 있다.

2001년부터는 폭력피해자들을 위한 의료지원비가 마련되어 전국의 상담소와 연계하여 지원하고 있다. 대부분 여성폭력 피해는 후유증으로 장기적인 치료가 필요한 경우가 많다. 따라서 현행 피해자 의료비 지원 시(1인당 500만원 이하), 후유증 치료비 지원과 필요 서류의 최소화 등의 효율적 운용으로 많은 피해자들이 지원을 받을 수 있도록 해야 한다.

법률지원은 여성가족부에서 몇 개 기관과 협약을 맺어 성폭력 피해자에게 법률지원을 하고 있다. 피해자는 성폭력특별법에 의해 설치된 상담소 및 보호시설에서 발급한 상담사실 확인서와 성폭력에 의한 상해임을 증명할 수 있는 2주 이상 진단서, 그리고 고소장 사본 및 고소장 접수증을 구비하면 민·형사사건의 무료 변호사 소송대리 지원을 받을 수 있다. 국가가 직접 변호인에게 지급하는 법률구조비는 1건 당 100만원 이하인데, 수요가 많아 연말이 되기 전에 기금이 바닥이 나서 제대로 지원이 되지 못하는 실정이다.

3.사회변화를 위한 Advocacy 전략 : 한국성폭력상담소 사례를 중심으로

이 장에서는 한국의 반성폭력운동이 어떤 전략으로 어떤 활동을 통해 사회를 변화시켜왔는지, 그 요인이 무엇인지를 살펴보겠다.

34 여성가족부(2017), 여성·아동권익증진사업 운영지침, 17p. 성폭력상담소 180개소 중 정부재정을 지원받고 있는 상담소는 104개소로 전체의 57%이며, 각 상담소당 지원액은 국비와 지방비를 포함해 연간 총 73,688천원 정도이다(여성가족부, 2017).

가.상담을 넘어 역량강화를 위한 피해자 지원 전략

대부분 상담소에서는 피해자들을 전화나 면접, 온라인상으로 상담을 한다. 전국적으로 180개 상담소에서 연간 10만여건의 성폭력상담을 하고 있다. 상담을 통해 주로 심리적 지원과 법적, 의료적 지원, 쉼터지원 등을 한다. 때로는 그룹상담이나 가족상담 등을 실시하기도 하고, 미술치료, 음악치료, 원예치료 등이 병행되기도 한다. 이러한 전통적인 상담을 넘어서 최근에는 다양한 피해생존자35 역량강화 활동들을 하고 있다.

여성단체에서는 2003년부터 생존자 말하기대회(speaking out day)를 진행해오고 있다. 200~300명이 모인 곳에서 10~20여명의 생존자들이 피해사실을 이야기하고, 모인사람들이 함께 응원과 지지를 하는 자리이다. 이 행사 초기에는 생존자 프라이버시권 보호 등을 우려해 참가자를 사전등록을 한 여성들로만 한정하는 등 매우 폐쇄적으로 진행했다. 그러나, 대학교 운동장을 빌려 작은음악회 형식으로 하거나, 팝콘서트나 불만합창대회, 광장에서의 길거리괴롭힘 말하기대회 등 다양한 형태로 전국에서 진행하고 있다.

뿐만아니라 매월 마지막 주 수요일 저녁에는 정기적으로 15명 내외의 생존자들이 상담소 근처 카페에서 만나 피해의 고통과 극복의 경험을 함께 나누는 치유의 장이 열리고 있다. 또는 상담소별로 자조그룹을 운영하며 생존자들의 힘과 용기를 북돋우고 있다. 생존자를 대상으로 하는 자기방어 훈련도 주요한 역량강화의 하나이다. 이제 많은 피해자들이 더 이상 성폭력의 경험이 자신의 순결을 잃었다거나, 이로 인해 자신이 평생 고통을 당할 것이라는 통념에서 벗어나고 있다. 최근에는 문화예술계 성폭력 온라인 해시태그 말하기를 비롯해 그동안 수면에 떠오르지 않았던 피해자들의 목소리가 다양하게 퍼져나오고 있다. 이러한 변화는 성폭력은 자신의 성적자기결정권을 침해당한 것이므로 피해자로서 권리를 당당하게 찾겠다라는 의식의 성장이 주요 요인이라고 본다.

35 Dunn, Jennifer(2010), "survivor Movements Then and Now", *Judging Victims : Why We Stigmatize Survivors, and How They Reclaim Respect*, Boulder, Colo.: Lynne Rienner Pub.

나. 새로운 성문화를 지향하는 교육, 연구, 캠페인 전략

여성단체의 반성폭력운동은 크게 상담과 성문화 운동의 두 축으로 이뤄져왔다. 특히 최근들어 성문화운동에 더 강조점을 두고 있다. 왜냐하면 성문화운동은 예방의 차원의 접근이며, 근본적인 문제해결의 요인이기 때문이다. 성문화 운동은 활동가들의 창의적인 운동전략이 나오는 부분이기도 하다. 주요 사안이 발생할 때마다 지하철 성추행 추방을 위한 플래시몹을 하거나, 주요사건의 판결이 내려지는 법원 앞에서 기자회견을 겸한 퍼포먼스, 온라인 토론 및 캠페인을 하기도 한다. 요즘은 SNS를 이용해 그때그때 네티즌과 소통하는 전략으로 많이 바뀌고 있다.

2004년부터 매년 7월 첫주 금요일 밤에 전국적으로 진행하는 안전한 밤길되찾기 행사(Take back the night)는 여성들이 자유롭게 밤길을 다닐 당연한 권리를 주장하는 것이다. 한번은 전복적인 의미를 담아 의상컨셉을 불량소녀로 하고 시내행진을 하는데, 길가에서 “그러니까 너희들이 성폭력당하지”라고 말하는 할아버지, 아주머니들과 논쟁이 벌어지기도 했다. 이러한 행사는 안전한 밤길을 보장하라는 대정부 시위이기도 하면서 한편으로는 밤길을 노니는 여성들의 축제이기도 하다. 또한 “성폭력의 피해자가 되지 않으려면 여성은 험푼 여자(Slut) 같은 옷차림을 피해야 한다”는 캐나다 경찰의 발언으로 촉발된 여성들의 ‘슬럿워크’(Slut Walk) 시위가 한국에서도 2011년부터 매년 진행되고 있다. 또한 반성폭력운동의 일환으로 대형 콘서트를 하기도 한다. 이러한 행사는 기금모금을 위한 것일 뿐만 아니라, 대중과의 소통을 위한 주요전략이다.

특히 2016년 5월에 발생한 강남역 10번출구 여성살해사건 이후 수 많은 시민들이 자발적으로 역주변에 붙인 35,350여장의 포스트잇은 희생자에 대한 추모와 함께 더 이상 두려움으로 움츠러들지 않고 서로 연대하여 힘을 내겠다고 하는 의지이자 실천이다. 이들 포스트잇은 서울시여성가족재단에서 한 장 한 장 사진으로 찍고 내용을 타이핑하여 아카이브로 만들었다. 한국사회에서 강남역 10번출구 이후 페미당당, 불꽃페미액션, DSO(Digital Sexual Crime Out) 등의 새로운 단체들이 생겨난 계기가 되기도 했다.

지난 3월에는 12개 대학생들과 20여개 단체들이 ‘평등한 대학 위한 펭귄들의 반란’ 공동집회를 개최했다. 이 프로젝트는 성폭력과 성차별에 관한 프랑스 책 ‘악어 프로젝트’에서 모티브를 얻어 대학 내

에서 여성과 소수자들이 겪어야 하는 불편과 불평등을 말하고, 더 많은 용기와 연대로 변화를 만들어가고자 하는 움직임이다. 행사 이후에는 각 대학을 돌며 상영회나 세미나, 캠페인 등을 이어가고 있다.

연구는 반성폭력운동의 또 다른 주요한 축이다. 무엇보다 성폭력의 개념이 무엇인지, 문제의 현황은 어떠한지, 개선방향은 무엇인지 등은 주요 연구주제이다. 특히 청소년성문화와의 성폭력의 관련성, 군대내 성폭력 실태, 판사, 검사, 변호사 등 법조인들의 성평등 의식 및 성폭력에 대한 태도조사 등은 매우 중요한 성과를 낸 부분이기도 하다. 성폭력 예방교육은 법에 의해 학교와 직장에 의무적으로 실시하게 되어있다. 전국의 상담소들에서 각 지역사회의 학교나 직장에 많은 교육을 실시하고 있다.

다.다양한 자원활동과 회원활동을 통한 학생과 시민의 참여전략

반성폭력운동에 다양한 유형의 자원활동가들이 참여하고 있다. 기본적으로 상담활동은 훈련받은 자원봉사자들에 의해 진행된다. 주로 주부와 대학원생 등이 중심이 되어 주1회 만나질씩 상담봉사활동을 하고 있다. 사무를 보조해주는 대학생 자원봉사자를 비롯해 각종 행사의 기획단 활동이 이어지고 있다. 기획단들은 <밤길되찾기 달빛시위>, <동의하고 하는 행진>, <낙태죄 반대를 위한 검의시위> 등 특정 행사의 기획단계에서부터 시작해 구체적인 내용의 생산, 홍보, 진행, 평가 등의 일련의 과정에 주체적으로 참여하면서 본인도 많은 성장을 경험한다. 또한 대학 수업의 일환으로 일정기간 단체에서 사회봉사 실습이나 인턴과정에 참여하는 형태로도 진행된다.

대학생들의 경우, 이러한 자원활동 경험은 이후 아예 본격적으로 여성운동가로 성장하게 하기도 한다. 또한 회사에 취직해서도 후원회원을 모아오거나 상담소의 매 행사에 지속적인 참여를 해오고 있다. 특히 가정주부로 있다가 상담원이 되어 활동하는 많은 주부들은 상담소 활동을 통해 자율적 여성으로서 자신을 인식하게 된 계기가 되었다고들 한다. 최근에는 공익변호사가 단체에서 상근활동가로 함께하는 변화도 일고 있다. 또한 교수, 법조인, 연구자, 방송인, 회사원 등도 각 단체의 회원 및 자문위원으로 함께하면서 성폭력 없는 사회를 만들어가기 위한 실천을 해가고 있다.

라. 법 제·개정 요구 및 정책 모니터링 비판, 제언, 로비전략

여성단체활동에서 눈에 보이는 성과는 법제도적 측면에서의 역할이라고 본다. 거의 황무지였던 법·정책이 지난 30년 사이에 놀라울 정도로 정착되고 있다는 점에서 그렇다. 1993년 성폭력특별법이 제정되었고, 1997년 가정폭력방지법, 1999년 성희롱관련법³⁶, 2000년 청소년성보호법, 2004년 성매매방지법 등의 법안이 마련되었다. 현재 정부에서는 여성가족부와 법무부, 보건복지부 등에 관련 부서가 있어 이를 관장하고 있다.

한국의 성폭력관련법에서는 아직 아내강간이 명시적으로 인정되지 않으며, 무엇보다 강간 피해는 폭행과 협박이 있어야만 진정한 강간으로 인정받는다. 또한 피해자들은 수사와 재판과정에서 과거의 성력과 사생활이 들춰지고 공격을 받기도 한다. 이러한 판례에 대항해 한국성폭력상담소에서 <대법원 판례 바꾸기운동>으로 기존의 대법원 판결을 비평하여 전국의 판·검사에게 매월 보내는 프로젝트를 1년동안 진행하기도 했다.

또한 반성폭력운동단체들이 법안을 제안하거나, 국회법사위에 진술을 하고, 국정감사때 의원들의 요청으로 출석하여 진술하고, 방송에 출연해 의견을 피력하고, 거리 캠페인, 토론회 개최, 기자회견 등의 다양한 전략을 사용해오고 있다.

활동가들은 각종 정부 위원회에 위원으로 참여하여 각 정책에 대한 의견을 제시하기도 한다. 그러나 이러한 위원회는 자칫 토큰으로서의 역할에 그치는 경우가 많아 회의적이기도 하다. 왜냐하면 최근 한국정부에서는 모든 위원회에 30%여성을 의무적으로 두어야 하고, NGO도 거의 양념처럼 두는 경향이 있다. 또한 모든 위원회 속성상 이미 정부가 마련한 안건을 스크린하는 정도여서 회의에서의 문제제기가 그리 큰 영향력이 없다는 한계가 있다. 그러나 이러한 과정을 통해 최신 정보를 알 수 있을 뿐만 아니라, 끊임없이 피해자의 목소리, 단체의 입장을 전달하는 역할을 한다는 점에서는 결코 좌시할 수 없는 분야이기도 하다.

36 서울대조교 성희롱사건 공동대책위원회(2001), 『서울대조교 성희롱사건 백서, 上』.

마.여성인권운동, 시민운동과의 네트워킹, 연대 확장 전략

먼저 반성폭력운동단체간의 협력은 전국성폭력상담소.피해자보호시설협의회에 180여 상담소들이 연대해서 활동하고 있다. 주로 정부 정책을 비판하거나 주요 사안에 대한 연대활동을 한다. 2004년부터 <성폭력수사.재판시민감시단>을 발족하여 경찰이나 법조인들에 의한 2차 피해를 감시한다. 이 감시단에서는 매년 협의회 총회에서 올해의 여성인권 걸림돌, 디딤돌 상을 발표하여 시상하기도 한다. 그러나 모든 상담소가 여성주의적 시각에서 출발한 것은 아니고 규모도 각기 달라서 때로는 시각의 차이에서 갈등을 겪기도 한다. 이 부분은 갈수록 심화될 전망이어서 앞으로 반성폭력운동의 뜨거운 감자라고 본다.

국제적 네트워킹은 언어장벽으로 인해 비교적 활발하게 진행하고 있지 못하다. 그러나 최근에는 전국성폭력상담소협의회 차원에서 미국과 일본, 대만의 단체들을 방문하고 전문가를 초청해 강의를 듣는 등의 노력이 일고 있다. 또한 2005년 세계여성학대회에서는 “세계의 반성폭력운동”세션을 마련해 호주, 영국, 미얀마 등의 활동가과 정보와 운동전략을 공유하기도 했다. 또한 주요 사안에 대해서는 온라인상으로 서명운동을 국제적으로 함께하기도 하는데, 앞으로는 좀 더 적극적으로 온·오프라인상의 네트워킹을 추진할 필요가 있다. 최근에는 KOICAL나 EGEP(Ewha Global Empowerment Program)등의 참가자들이 각 단체에 방문하여 교류하기도 하고, 활동가들이 각종 국제행사참여를 통해 연대하고 있다.

바.미디어 비판 및 활용전략

미디어는 반성폭력운동과 따로 또 같이 약간의 긴장관계를 이루며 지나왔다. 반성폭력운동 초기에 21년전 강간범을 살해한 김씨가 법정에서 “나는 사람을 죽인게 아니라 짐승을 죽였어요”라고 절규했던 사건, 13년간 의붓아버지에게 강간피해를 입은 대학생이 남자친구와 함께 아버지를 살해한 사건은 당시 언론들의 대대적인 보도로 전국적으로 대중에게 잘 알려질 수 있었다. 이러한 언론의 적극적인 태도는 이 문제의 이슈화이팅에 커다란 기폭제가 되었다. 이 사건은 56개 단체가 공동대책위를 꾸려 활동했다. 매 공판마다 300여명 이상의 학생과 시민이 몰려왔고, 수 만명이 이들의 무죄석방을 위한 서명운동을 했으며, 신문들에서는 이를 1면에 보도했다.

반면, 언론의 주된 관심은 논란의 여지가 있는 데이트 성폭력보다는 누구나 공분할 수 있는 어린이 성폭력이나, 매우 자극적인 연쇄성폭력이나 강도강간 등에 초점을 맞추는 등 언론이 갖는 한계가 있다. 더욱이 강도가 가족이 보는 앞에서 주부를 강간하는 것을 “가정파괴범”이라고 하거나, 연쇄성폭력법을 “발발이 사건” 등으로 희화화하는 문제, 피해자의 프라이버시 침해 등의 고질적인 언론보도의 황색저널리즘의 문제들이 있다. 이럴때마다 여성단체들은 연대해서 적극적인 문제제기를 해오고 있다.

각 단체별로 미디어감시운동을 통해 관음증을 유발하는 흥미 위주의 보도와 성폭력 통념을 강화하는 행태를 비판하고 있다. 최근에도 한 유명연예인 성폭력사건의 보도과정에서 일어난 ‘무고에 대한 경고성 보도’가 문제가 되고있는 피해자가 겪은 2차 피해에 대해 언론중재위원회에 제소를 했고 현재 심의가 진행중이다. 한국여성민우회에서는 정책제언으로 (1)지상파 방송사 및 미디어 정책결정 기구에 여성 50% 할당, (2) 미디어 사업자를 성평등한 관점으로 평가할 수 있는 평가 시스템 마련, (3) 성평등한 콘텐츠 제작을 위한 미디어 교육 실시 등을 주장하고 있다. 또 수시로 TV의 메인 뉴스나 토론프로그램에 활동가들이 출연하여 성폭력 문제점을 적극적으로 알려내는 역할도 함께하고 있다.

4.반성폭력 법·정책·운동의 쟁점, 남은과제

가.법적 규정과 이행간의 격차 좁혀가기

이제 성폭력 피해자들은 수사와 재판과정에서 신뢰관계인을 동석하여, 성폭력 전담조사관 및 전담 재판부에 의해 비공개 또는 증계장치에 의한 증인신문을 받을 수 있다. 또한 피해자 신원 및 사생활 비밀누설은 법으로 엄격히 금지되어있다. 그리고 성폭력피해상담소 설치 및 법률 및 의료지원도 무료로 받을 수 있다. 그럼에도 피해자들이 형사사법절차에서 2차 피해를 호소하는 사례는 고소사건의 25%³⁷에 달한다. 이는 피해자 권리를 규정한 법이 제대로 운용되고 있지 못함을 반증하는 것이며, 구체적으로 다음 두가지의 예는그 문제점을 잘 보여주고 있다.

37 한국성폭력상담소의 2008~9년 상담통계에 의하면 고소한 사건의 25%가 형사사법절차상 2차 피해의 부당함과 고통을 호소하는 것으로 나타난다. 한국성폭력상담소(2011), 『성폭력 뒤집기』, 이매진.

1)성폭력전담제의 허와 실 : 담당자의 전문성과 인권감수성 확보

성폭력 사건은 전담수사관, 전담검사, 전담재판부에 의해 진행하도록 성폭력특별법에 규정하고 있다. 그러나 성폭력전담자들은 순환보직제에 의해 대부분 1, 2년이 지나면 다 바뀐다. 이러한 시스템 안에서는 절대로 전문가로서 노하우를 쌓을 수 없다. 실제 경찰, 검사, 판사는 순환보직제로 인해 담당자들이 2년 이하의 기간만 성폭력 업무를 전담한 뒤 다른 팀으로 이동하기 때문에 새로운 후임자가 들어오면 제도 도입 취지 같은 전문적인 인식과 노하우를 갖지 못하는 구조이다. 따라서 가장 이상적인 것은 전문성 있는 성폭력 전담자가 될 수 있도록 10년 이상 한 분야에 전념할 수 있는 제도를 도입하는 것이다. 형사사법절차상 담당자들의 전문성이 보장되는 사회라면, 처벌가능성은 훨씬 높아질 수 있을 것이다.

2)성폭력 피해로 인한 인공유산의 어려움

우리나라에서 성폭력 피해로 인해 임신의 인공유산은 법적으로 보장된 권리이다.³⁸ 그럼에도 실제 피해자들은 신속하고 안전하게 시술을 받기 어려움을 호소하고 있다. 심지어 적절한 시술 시기를 놓쳐서 원치 않는 출산을 해야하는 경우도 있다. 따라서 성폭력 피해의 결과로 임신을 한 여성들은 성폭력 사건으로 겪는 분노와 혼란, 고통을 넘어 신체적, 정신적으로 또 다른 심각한 피해에 직면해 있는 실정이다.

현재 우리사회에서는 성폭력 피해로 인한 임신이 연간 몇건 발생하는지, 그리고 피해자들의 인공유산 과정에 어떠한 문제가 발생하고 있는지 등에 관한 구체적인 조사연구나 통계도 없다. 더욱이 이러한 문제의 근본적인 요인이 되는 '강간 입증'의 문제는 거의 논의조차 제대로 안되고 있다. 관련한 구체적인 정책 또한 마련되지 못하고 있는 실정이다. 단지, 피해자를 상담하고 지원하는 전국의 성폭력상담소나 해바라기센터 등에서 접하는 안타까운 상담사례들로 남아있을 뿐이다.

더욱이 그동안은 형법의 낙태죄가 거의 사문화된 조항이었지만 최근 한국의 출산률 저하로 정부가 강

³⁸ 형법(제269조)에 낙태는 금지하고 있지만, 모자보건법(제14조)에 의해 우생학적, 유전학적 사유 및 모체건강을 해칠 우려 등과 함께 강간 또는 준강간에 의해 임신한 경우는 낙태를 허용하고 있다.

력한 출산장려정책을 시행해오고 있다. 2010년에 이르러서는 정부에서 「불법 인공임신중절 예방 종합대책」을 발표하고 낙태단속강화로 입장을 선회하고 있다. 나아가 낙태를 위해 강간피해를 위장한다는 우려³⁹까지 겹쳐지면서 이러한 현실은 앞으로 피해자가 합법적으로 임신중단을 하는 것이 더 어려워질 것임을 예고한다. 따라서 이 문제는 근본적으로 낙태권이 보장되지 않으면 해결될 수 없다.

나. 사회적 인식의 더딘 변화 뛰어넘기

성폭력에 대한 사회적 인식을 살펴보면, 오랫동안 성폭력의 보호법익은 ‘정조’였다. 정조란 가부장제 사회에서 대를 이을 아들의 정통성 확보를 위해서 여성의 성적 순결을 강요하고 통제하는 것이다⁴⁰. 실제 1995년 이전까지 우리나라 성폭력 범죄를 다루는 형법 제32장의 제목은 ‘정조에 관한 죄’였다. 이는 성폭력을 “여성의 성적 위엄이나 고결함을 해치는 것이라기보다는 여성에 대한 일부일처주의를(한 남자에 의한 독점적 접근을) 위반한 범죄”⁴¹로 보았다는 것이다. 여성의 정조는 개인의 인권이 아니라 가부장제 사회에서 남성의 명예와 재산으로 간주된 것이다⁴².

따라서 성폭력 가해자 처벌도 가부장제도의 주요 유지기제인 정조침해라는 틀 안에서 이루어져왔고, 이러한 사회구조에서 피해자가 고소를 한다는 것은 본인 스스로 여성으로서 결격사유가 있음을 공식화 하는 격이된다. 다행히 1995년에 형법 제32장의 제목이었던 ‘정조에 관한 죄’는 성차별적이고 인권 침해적이라는 여성계의 강한 비판으로 ‘강간과 추행의 죄’로 개정되었지만, 아직도 사회 전반적으로 정조에 대한 인식은 뿌리깊게 남아있음이 많은 연구들에서 지적되고 있다.

또한 ‘성폭력 유발론’에 의한 피해자 의심과 비난은 성폭력 2차적인 피해를 일으켜 때로는 1차적인 피해보다 더한 고통을 주기도 한다. 나아가 성폭력을 ‘영혼의 살인’ 등으로 명명하거나 피해자를 ‘평

39 국민일보 기사(2011. 9. 24일자), “낙태 단속 우려해 ‘강간’사유 적고 합법화 위장?”

40 장(윤)필화(1999), 『여성 몸 성』, 서울: 도서출판 또하나의 문화.

41 매किन(2001[1989]), “강간: 강요와 동의에 대하여”, 『여성의 몸, 어떻게 읽을 것인가: 성의 상품화 그리고 저항의 가능성』, 조애리외(편역), 서울: 한울.

42 러너, 거다(2004[1986]), 『가부장제의 창조』, 강세영(역), 서울: 당대.

생 고통에 시달릴 불쌍한 사람'으로 보는 시선도 피해자들의 치유에 오히려 걸림돌이 된다. 이처럼 우리사회가 성폭력에 관한 법과 제도를 비교적 짧은 기간 내에 마련했지만, 사회 구성원들의 인식은 매우 더디게 변화하는 현실은 우리사회의 가장 큰 문제이자 과제이다.

다. 처벌강화론의 허상을 넘어 처벌 가능성 높이기

최근 성폭력 가해자에 대한 양형기준이 높아지고, 전자팔찌, 유전자 정보은행, 성충동 약물치료, 성폭력법의 신상정보공개강화 등의 제도들이 쏟아져나오고 있다. 언뜻 보면 이러한 강경대책들이 성폭력재범을 막아, 우리 사회가 좀 더 안전해질 수 있겠다는 생각이 들 수 있다. 그러나 전자팔찌의 경우, 100명의 가해자 중에 몇 명이나 전자팔찌를 채울 수 있을까? 성폭력 피해자 중 10%미만이 고소해서 그중에 50%만 기소되고, 그 중 1심에서 유죄판결 받는 경우는 50% 미만이다. 그렇다면 100명의 가해자 중에 1~2명에 지나지 않는 사람들한테만 전자팔찌를 채우게 되는 것인데, 마치 이 제도가 엄청나게 많은 재범을 막을 수 있는 것처럼 과대포장되는 것이 문제이다. 단지, 이 제도는 문제가 발생했을때 가해자가 그 자리에 있었는지의 여부만 입증할 수 있는 자료이다. 그리고 전자팔찌가 성범죄자들에게 구체적으로 얼마나 성범죄 억제효과가 있는지를 입증한 자료는 아직 외국에서도 연구결과가 제대로 만나와있는 상태이다. 또 성범죄는 가해자의 집이나 피해자의 집에서 많이 발생한다는 점에서 보면, 전자팔찌를 채운다고 해결될 수 없는 문제이다.

이와 같은 처벌 위주의 법정책은 단지 어떤 범죄자를 '괴물'로 상정해 사회적으로 고립, 배제시킴으로써 성폭력 문제를 해결할 수 있을 것이라는 환상에 기대고 있다. 이는 가해자 개인에게 모든 책임을 전가해, 제도상의 문제나 관련 법실무가들의 인식상의 문제는 간과하게 해 성폭력 문제를 전체 지형에서 바라보고 해결할 수 없게 만든다.

라. 피해자 보호 논리속에 갇힌 피해자 권리 보장하기

우리사회에서 피해자는 통상 보호의 대상으로 간주된다. 단적으로 「성폭력 방지 및 피해자 보호 등에 관한 법률」 등 피해자 권리를 다루는 법과 규정의 제목들도 하나같이 '피해자 보호'로 표기되어 있다. 피해자 보호는 피해자에게 제공되어야 할 주요한 권리의 한 부분이지만, 피해자의 포괄적이고

주체적인 위치 및 입장을 담기에는 매우 소극적이고 제한적이다. 피해자의 입장에서 ‘보호를 받는다’는 것은 자신의 당연한 권리의 행사라기보다는 시혜적인 배려의 의미가 담긴 말이라는 점에서, 범죄 피해자로서 당연히 존중받아야 하는 다양한 권리를 의미하지 못한다.

또한 성폭력 피해자는 우리사회에서 일반적으로 이미지화된 무력하고 슬픈 존재, 나아가 평생 고통 속에서 살아가는 존재가 아니다. 일단, 자신의 피해와 고통을 언어화하여 이야기하고 지원을 요청하고, 사법기관의 부당한 처우에 대해 분노하며 문제제기를 하는 적극적이고 주체적인 피해자이다. 그럼에도 성폭력 관련 보도를 보면, ‘평생상처’, ‘치유되기 어려운 깊은 상처’, ‘영혼의 살인’ 등 피해자를 수동적이고 무기력한 존재로 고정시키고 있다. 이러한 현상은 피해자가 그 피해로 인하여 완전히 무기력하고 자신의 경험을 인식하는데 어려움이 있어 누군가 그 피해의 경험을 대신 해석할 수밖에 없다고 보는 ‘피해자화의 정치’이다.

마.만성부족인 피해자 지원 예산을 안정적으로 확보하기

여성폭력 관련 법.정책 수행의 기본이 되는 예산에 주목할 필요가 있는데, 한국의 전체 예산에서 성폭력에 대한 예산이 어느정도인지를 파악하는 것이 필요하다. 이는 여성가족부 사업에만 국한해서가 아니라 비슷한 업무를 하고 있는 법무부, 보건복지부, 경찰청 등 부처를 초월해 수집.분석하고 대안을 마련해야 할 것이다. 예산의 흐름을 파악하는 것은 사업의 규모 및 전망을 세우는데 필수요소임에도 아직까지 이에 대한 연구와 논의가 미흡하다.

현재 여성폭력 피해자 지원예산은 일반예산 사업이 아닌, 불안정한 기금사업으로 편성되어 있어 안정적이고 내실 있는 운영을 담보하지 못하고 있다. 여성폭력 의료비 예산은 항상 부족하고 매 분기 초에 예산배정이 이뤄짐에 따라 상담소는 운용의 어려움을 겪고 있다. 부족한 예산으로 위기상황에 처한 여성폭력 피해자를 우선 지원하는 등 지원대상을 선별해야 하는 상황이다. 또한 일정 금액 이상 지원이 필요한 경우에도 지원단체 내부 원칙에 따라 지원을 중단하는 등의 문제가 발생한다.

또한 여성폭력 피해자 지원예산의 대부분을 차지하는 법무부 관할 <범죄피해자보호기금>에서 여성폭력 피해자 지원의 비율이 높게 책정되어 있어 형평성의 논란이 끊임없이 이어지고 있다. 따라서 좀

더 안정적인 예산운용을 위해 성폭력·가정폭력 피해자 지원사업을 기금사업이 아니라 여성가족부 일반회계로 편성되어야 한다.

바. 성폭력 역고소(명예훼손, 무고죄 등) 남발 방지 조치 마련

성폭력 사건을 형사고소한 피해자들의 상당 수가 피의자(피고인)나 검사로부터 역고소를 당하고 있는 현실이다. 심지어 어떤 피해자는 성폭력 건으로 조사 받는 줄 알고 검찰의 소환에 응했다가 무고 혐의로 조사를 받는 경우도 발생하고 있다. 성폭력 피해자가 억울한 심경을 토로하며 인터넷에 가해자의 실명을 올리거나 대자보를 붙였다는 이유로 명예훼손이나 무고로 역고소 당하는 경우가 발생한다. 이때 성폭력 사건이 진행중이었던 피해자라도 그 신분이 피의자나 피고인으로 뒤바뀌며 피해자로서 갖는 형사사법적 권리를 박탈당하게 된다. 성폭력 역고소는 가해자들이 자신의 결백을 주장하는 수단으로 악용하고 있고, 사회적으로도 가해자에게도 인권이 있다는 식의 접근을 용이하게 하는 문제가 있다. 따라서 이에 관한 대책 마련이 시급하다.

사. 디지털성범죄 관련 현행법 개정

성관계 동영상, 공중화장실 등을 도둑촬영(몰래카메라)한 영상물이 여성의 일상생활에 고통을 주고 있다. 몰래카메라 범죄 신고 건수를 보면 2010년 1,134건, 2012년 2,400건, 2014년 6,623건, 2015년 7,615건으로 해마다 빠르게 증가하고 있다.⁴³ 전국의 각 상담소에서 몰래카메라 상담은 전체 성폭력 상담의 7~10%정도를 차지하고 있으나, 피해를 인지하고도 사법적 해결과정을 거치는 경우는 40%미만에 그치고 있다.⁴⁴ 방송통신위원회(2015)의 <사이버폭력 실태조사> 결과를 보더라도 해당 웹사이트에 피해 신고비율이 29.5%이고, 상담 및 신고센터에 알리거나 경찰에 신고한 비율은 17.3%에 머물고 있다.

몰래카메라 범죄 촬영물 유포 협박을 받는 경우 피해자가 영상물을 확보하지 못하면 법적 대응이 어

43 경찰청(2016), <범죄통계>

44 한국여성민우회 성폭력상담소, 몰래카메라 관련 상담통계(2013.1.1~2015. 9. 31); 한국성폭력상담소 상담통계(2011~2016)

럽다. 영상물의 존재여부와 상관없이 영상물 유포 협박에 대한 처벌조항을 마련해 2,3차 범죄 차단 필요하며, 몰래카메라 촬영물 유통사이트에 대한 처벌조항을 마련해야 몰래카메라 범죄를 근절할 수 있다. 여성·아동·청소년들에 대한 불법 촬영물은 본인과 지인들이 충분히 알 수 있을 정도로 신체와 얼굴이 드러나기도 해 인권침해문제가 심각하다.

개인간 공유방식(피투피, P2P) 유통사이트는 실명인증이나 성인인증이 없어 누구나 회원가입과 자료등록·공유가 가능하다. 또한 한번 업로드 된 촬영물은 다른 사이트로 계속해서 유포되어 이로 인해 생기는 추가적인 피해도 매우 크다. 특히 공공장소에서 몰래카메라로 찍은 촬영물에 대해 피해자가 피해 사실을 인지하기 어려운 점을 감안할 때, 몰래카메라 촬영물 유통사이트 운영자에 대한 처벌 필요하다.

아. 피해자 지원을 넘어 역량강화(empowerment)하기

모든 반성폭력운동, 법과 제도는 피해자를 비난하는 잘못된 사회통념에 맞선 피해자들의 특별한 용기와 분투(struggling)가 기반이 되었다. 피해자가 죽거나 가해자를 죽이는 극단적인 형태의 말하기부터 경찰에 고소를 하거나, 친구나 가족·직장·상담기관에 피해사실을 드러내 부당한 피해에 대한 분노와 이로 인한 고통의 심각성을 알려낸 수많은 피해자들의 말하기가 있었다. 여성단체에서 주최하는 성폭력 피해자 말하기대회(speaking out day)는 피해자들이 대중들 앞에서 피해의 고통과 극복의 경험을 함께 나누고 세상을 향해 소리를 내며 치유와 운동의 장으로 자리잡아 가고있다. 이를 통해 피해자들은 자신의 경험을 새롭게 해석하고, 성폭력 피해가 자신의 잘못이 아니라는 것을 재인식하며 새롭게 세상과 대면할 수 있는 힘을 얻는다. 그리고 호신술 등 자기방어 훈련도 주요한 역량강화의 하나이다.

특히 세계적으로 널리 열리고 있는 안전한 밤길되찾기 행사(Take back the night)는 여성들이 자유롭게 밤길을 다닐 당연한 권리를 주장하는 것이다. 이 행사는 안전한 밤길을 보장하라는 대정부 시위이기도 하면서 한편으로는 밤길을 노니는 여성들의 축제이기도 하다. 더불어 성의 상품화를 조장하는 미인대회 중계 반대운동을 성공적으로 이끌기도 했고, 성매매 반대를 위한 범국민캠페인 등을 해오고 있다. 그리고 이 분야의 연구활동은 반여성폭력운동을 성찰적으로 돌아보고 미래를 전망케

하는 또 다른 주요한 축이다.

자. 정부의 NGO 지도·감독에서 민·관협력체계 구축하기

여성폭력은 그 역사와 뿌리가 깊어 이를 근절하기 위해서는 사회구성원 모두의 노력과 헌신이 요구된다. 특별히 여성폭력 근절을 위한 민간단체와 정부의 평등하고 일상적인 협력체계가 만들어져야 한다. 정부와 여성폭력 피해자를 지원하는 모든 기관이 각자의 기능과 역할을 충분히 이해하고 수행하며 유기적으로 연결 되어야 한다.

여성폭력 근절을 위해 정부는 반여성폭력운동에 재정을 지원하고, 전 국민을 대상으로 하는 전국적 캠페인을 진행하는 등 전 국가적 차원의 사업들을 진행하여야 한다. 민간단체의 경우 NGO의 자발성과 창의성 독립성에 입각해 내담자를 지원하고, 정부정책을 모니터링 해야 한다.

특히 법과 제도가 만들어지면서 정부는 NGO와 건강한 파트너십을 형성해가는 것이 아니라, 단체의 자율성을 훼손하고 있는 것에 대한 우려들이 나오고 있다. 성폭력 피해자 지원을 시작하고 이슈를 제기한 것은 정부가 아닌 여성운동단체들이었다. 이는 세계적인 흐름이기도 하다. 법제화 운동의 결과로 일부 상담소들은 정부로부터 연간 약 7,300만원 정도의 보조금을 지급받는데, 정부는 보조금을 지급하는 단체를 ‘지도·감독’한다. 이처럼 제도화의 두 얼굴에서 정부와 민간이 어떻게 상호 협력해갈 지는 지난한 토론과 성찰이 요구되는 지점이다.

5.결론

이제 어느 정도 틀을 갖춘 여성폭력 관련 법·제도의 외적 성장이 실제 여성들의 안전하고 자유로운 삶을 보장하는 실효성 있는 정책으로 실현해가는 노력이 요구된다. 새로운 법개정보다 더 시급한 것은 지난한 논의과정을 통해 어렵게 마련된 법·정책의 이행이다. 무엇보다 해당 법과 제도가 실제 피해자의 권리를 제대로 보장하고 있는지, 이로 인해 일상에서 성폭력 예방이 되고 있는지, 그리고 법 제정의 원래 목적을 달성하고 있는지 등을 평가할 수 있는 구체적인 척도들이 개발되어야 한다. 그

리고 정책 하나하나의 이행과정을 담당자의 인식점검에서부터 시작해 예산집행에 이르기까지 꼼꼼하게 짚어보아야 할 것이다.

그리고 반여성폭력 법과 정책의 지향점을 다시 세워야 한다. 이를 위해서는 결국 반성폭력 법제화에서 '성폭력'이 무엇을 의미하는지, 우리가 왜 성폭력을 반대하는지 등의 근본적인 물음들에 다시 직면해야 한다. 성폭력이 개인의 문제가 아니라, 가부장제 사회에서 구조적으로 발생한다는 인식은 우리사회가 피해생존자를 '보호할 대상'이거나 '의심과 비난'하는 양극단으로 위치 지우는 것에 대응할 근거를 열어주었다. 또한 대부분의 성폭력 피해자가 여성이라는 현실은 젠더관점으로 이 문제를 바라보고 진단할 수 있게 했다. 나아가 성폭력이 성충동에 의한 우발적 행동이 아니라 좀 더 힘(권력)있는 사람이 그 힘을 이용하여 저지르는 인권침해라는 점은 성폭력문제의 심각성과 특징을 좀 더 명확하게 볼 수 있게 하고, 소수이기는 하지만 남자어린이나 남성피해자들의 문제를 이해하게 했다.

이와 같은 인식들이 지금까지 법·정책에서 성폭력 문제해결에 커다란 변화를 가져왔음에도, 아직 대중과 호흡을 통한 일상의 실천을 끌어내지는 못한 이유를 찾아내야 할 것이다. 대중들이 인식하는 성폭력이 과연 인권존중 차원에서 접근하고 있는 것인지, 혹은 무력하고 불쌍한 피해자에 대한 시혜적 차원에서의 접근인지를 살펴보면 오히려 후자에 가깝다고 볼 수 있다. 이는 그동안의 처벌강화 위주의 법·정책이 성폭력에 대한 올바른 인식의 대중적 확산을 위한 노력은 하지 못했음을 반증해준다. 결론적으로 기존의 법·정책이 성폭력 피해자의 보호와 지원 중심이었다면, 이제는 성폭력 피해자의 권리보장과 역량강화, 사회문화적 인식의 변화로 그 초점을 이동해야 할 시점이다.

반성폭력 운동현장에는 항상 가슴뛰는 감동이 있다. 생존자들의 아주 특별한 용기와 지혜가 있고, 시민들의 참여, 정부 법과 정책의 변화, 사람들의 일상적 실천들이 그것이다. 특히 지난 30여년 전과 비교해 지금은 성폭력에 대해 참 많은 발전적 변화가 있었다. 따라서 앞으로 10년 후, 20년 후는 또 새로운 운동전략들이 나올 것이고, 그만큼 인권이 존중되고 성폭력으로부터 자유로운 세상으로 한 걸음 더 나아가리라 기대한다. (끝)

Discussion Paper

Korean Women's Movement against GBV: Achievements and Challenges – The Role of Korea Women's Hotline in Eliminating Domestic Violence

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It is not an overstatement to say that the Korean women's movement against violence against women (VAW) has developed in parallel with Korea Women's Hotline (KWHL) – this paper will give an overview of the work of Korea Women's Hotline relating to VAW and focuses on the achievement and challenges in addressing domestic violence.

I. Establishment of Korea Women's Hotline and its support mechanisms for victims of VAW

Korea Women's Hotline opened on 11 June 1983 – the opening was marked with its report on the first national survey conducted on 708 women on wife-beating in Korea. The study revealed that about 42.2% of women experienced violence from their spouse after marriage, disclosing the reality of domestic violence, long hidden in the dark in Korean society.

As soon as Korea Women's Hotline opened, it also established a counseling centre for the victims of domestic violence. The counseling centre received 541 cases reported within two weeks after the opening. The Hotline had the advantage of anonymity and did not require women to travel long distance – it helped women, isolated in their homes, to come forward.

Korea Women's Hotline sought to provide not only a traditional concept of counseling, but promote counseling as part of the women's rights movement. The counseling facilitates the empowerment of women and contributes to addressing practical problems. At the same time, the individual counseling helped to demonstrate that VAW is a structural problem. This philosophy led to the "counseling movement" and continues up to this day, constituting the core activity of Korea Women's Hotline.

⁴⁵ Korea Women's Hotline was established on 11 June 1983 to end all forms of violence against women and create gender-equal society. The organization supports women's rights and addresses violence against women, including domestic violence, sexual violence, sex trafficking and women migrants' issues. As of 2017, it is a nationwide organization with 25 local branches, 32 counseling centers, 10 shelters for domestic violence victims and Women Resources Development Centre.

After establishing the counseling support, another support mechanism that the Korea Women's Hotline initiated was providing a shelter for the victims of VAW. It witnessed that many victims of VAW did not have anywhere to take refuge, even if they escaped from the violence. In 1987, when Korea Women's Hotline moved its office, it turned a corner of its office into a shelter - the first shelter in Korea for women in crisis. Since its opening, the shelter provides a refuge for the victims of VAW and has become a symbol of resistance against VAW.

II. Legal Aid for Victims of VAW & Legislative and Policy Monitoring

Korea Women's Hotline has conceptualized other forms of discrimination and violence against women that occur in daily life, other than domestic violence, such as forced early retirement for married women, sexual violence in the workplace, sexual violence by the public authority and abortion as "sexual violence" and brought light to these problems. From its early history, Korea Women's Hotline provided legal aid, for instance, by supporting the legal services for the victims of VAW who have reported their cases through Korea Women's Hotline, or reporting the crime.

Free legal advice service provided by Korea Women's Hotline, which used to be provided on a temporary basis, was turned into a regular service offered once every week since 1993. The lawyers who worked with Korea Women's Hotline in free legal advice played a central role in forming "Lawyers for Women and Peace" Association. The Association not only provided "victim-oriented" legal assistance for the victims, but has also played a central role in the legislative process for the adoption of the Domestic Violence Prevention Act. Korea Women's Hotline also assisted the victims of VAW by accompanying them to the court. A support group, "Those who work for the Realization of Equality in Court", consisting of volunteers with legal training, was formed and monitored the court proceeding since 1995.

Currently, support mechanisms such as a trusted persons accompanying the victims to court, free legal advice, and appointment of a person to assist the victims in court statements have been institutionalized. Such a support mechanism was new at the time. The activities of Korea Women's Hotline not only contributed to strengthening the rights of the victims, but more importantly monitored the male-dominated investigation and court process and provided the framework to demand a "gender-equal" and alternative legal system and implementation of such laws. Even until now the "Lawyers for Women and Peace" Association continues to provide free legal counseling every Monday, and the "Those who work for the Realization of Equality in Court" has diverged to different support groups: "self-defense team" provides support in cases where a victim of domestic violence murdered a perpetrator of domestic violence; "Rage Gauge" provides an analysis of homicide cases involving VAW; and "court process monitoring team".

Through its support activities, Korea Women's Hotline recognized the foremost importance of the enactment of a law against VAW. This realization resulted in an active movement for the adoption of a law. The events that triggered Korea Women's Hotline to advocate for the enactment were as follows:

Korea Women's Hotline provided support in cases involving women who had suffered domestic violence for a long time and murdered the assailant⁴⁶; Korea Women's Hotline also supported activists who worked in shelters and were faced "charges" of being involved in human trafficking due to the lack of legal basis for the shelters. After the Domestic Violence Prevention Act was enacted, Korea Women's Hotline operated "Zero-Complaint Report Centre" which aimed at ensuring the effective implementation of the Act by monitoring the police, prosecution and the court. Korea Women's Hotline also provided proposals for revision of legislation, based on the data collected.

On the other hand, Korea Women's Hotline brings key problems identified during the counseling to the public's attention and contributed to expanding the scope of debate on women's rights by raising questions on the gender-discriminatory social structure and legal system. Regarding many issues that have surfaced in the Korean society, such as the ineffectiveness of Domestic Violence Prevention Act, spousal rape, secondary trauma/re-victimization during the investigation and court process, charging the victim of VAW based on false accusation, "violence against elderly women", property rights, date rape, stalking, Korea Women's Hotline were able to garner more attention as it delivered message giving voice to the victims of VAW. As of 2017, Korea Women's Hotline is actively advocating for the overhaul of the Legislative Bill of Punishment of Stalking and the Domestic Violence Prevention Act and demanding the revision based on the victims' requests.

Moreover, Korea Women's Hotline is interested in the promotion of international human rights conventions and relevant organizations, and advocating for the national implementation of the international law to eliminate discrimination and VAW and promote women's rights. Korea Women's Hotline provides, for instance, comments for national report to ensure the compatibility with UN Conventions, lobbying, and NGO shadow report. In particular, it plays an active role in analysis of the situation on discrimination and violence against women in Korea and draws meaningful recommendations. For instance, it provided reviews for the third and fourth periodic reports in 1998 on the status of implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

⁴⁶ Korea Women's Hotline launched a nationwide campaign for the exoneration of Ms. Nam who killed her husband in February 1991. Her husband had brutally beaten her while she was 4 months pregnant, and as a result she suffered from the intestinal rupture and lost her baby. Ms. Nam was sentenced to 3 years in jail at the first trial, but after the Korea Women's Hotline campaign strongly fought in her defense, her sentencing was reduced to five years of probation in the second trial. Although it was not a full acquittal as the Women's Hotline campaign aimed for, it was the first nationwide movement that influenced the court to recognize self-defense rights of battered women against their abusive husbands. However, the court still considers murder as a disproportionate act of self-defense and deems it is the victim's responsibility to escape the cycle of violence that befalls them. The Women's Hotline continuously supports the victims so that self-defense can be recognized. Such effort includes preparing and sitting in the trials with their attorney, presenting a written opinion, launching petitions and so on.

III. Raising Public Awareness to End Violence Against Women and Promote Gender Equality

Korea Women's Hotline has worked to bring the public's attention to issues related to VAW that have not surfaced in Korean society and conducted public awareness campaigns. It aims to bring changes to the patriarchal and violent culture deeply rooted in the society, and has been responsible since 1980 for conducting diverse campaigns to change people's daily life.

1. Feminist Counseling

Feminist Counseling which has developed in parallel with Korea Women's Hotline since its inception in 1983, is a specialized counseling programme for women. Feminist Counseling provides women with opportunities to develop themselves through "Monthly Supervision", "Feminist Counseling Expert Programme", and reeducation programmes. It is part of the women's rights movement that aims to bring changes not only for individuals, but at social level and help women become women rights activists.

2. Public Awareness Education

Since the 1990s, Korea Women's Hotline has advocated for the violence prevention education programmes, and in parallel, developed the content for children, adolescents and adults books to prevent and eliminate VAW. Korea Women's Hotline also provides feminist education programmes on diverse topics, such as the "Feminism-focused Academy", "Women's Rights Activists in their 20s Academy", "Feminism Translator Activist Academy", and date rape prevention education.

3. Campaigns

Korea Women's Hotline is actively engaged in diverse campaigns to raise the public sensitiveness to violence and promote gender equality: International Women's Day (8 March); "Peaceful Month, May: without Domestic Violence" campaign; Celebration during the week of International Day for the Elimination of Violence against Women in November and campaign launch; production and dissemination of public service advertising; campaigns against micro-aggressions, annual campaigns to raise public awareness on VAW; and Women's Film Festival.

4. Community Empowerment & Korea Women's Hotline

Since 2012, Korea Women's Hotline is engaged in "Community Without Violence: Creating a Moving Network" campaign. The campaign aims at providing a social bridge for different members of the community to interact. It helps create a community where the violence is not concealed, but disclosed so that every member of the community, starting from one individual to the rest of the community.

Local groups and members of the community, including the local police, religious groups, fire fighters, nurses, pharmacists, and local children center association, as well as young adults groups, are engaged in workshops to discuss the issues of violence and the roles they can play to solve the problem.

IV. Challenges in Eliminating Domestic Violence

1. Domestic violence has become more trivialized

Working in the field helping victims of domestic violence, one cannot help but ask the question whether domestic violence constitutes a “crime” and whether it constitutes a “gender issue”. Despite the increasing number of domestic violence cases reported, the rate of prosecution has decreased. In 2012, the prosecution rate was 14.8%, but this figure dropped to 8.5% in 2015; the rate of transfer of cases to home protection cases has increased from 19.9% to 39.1%.

Domestic Violence Cases

(Unit: people)

Year	Cases received	Dispositions	Indictment			Non-indictment				Transfer to home protection cases	Others
			Sub-total	Trials	Summary indictment	Sub-total	Suspended indictment	No authority to indict	Others		
2012	3,154	3,159	469	116	353	2,006	493	1,421	92	629	55
		100%	14.8%	3.7%	11.2%	63.5%	15.6%	45.0%	2.9%	19.9%	1.7%
2013	17,191	17,131	2,574	967	1,607	10,080	2,481	7,161	438	4,238	239
		100%	15.0%	5.6%	9.4%	58.8%	14.5%	41.8%	2.6%	24.7%	1.4%
2014	23,527	23,457	3,125	1,270	1,855	12,688	2,932	9,097	659	7,185	459
		100%	13.3%	5.4%	7.9%	54.1%	12.5%	38.8%	2.8%	30.6%	2.0%
2015	47,007	46,545	3,970	1,748	2,222	23,437	4,802	17,316	1,319	18,207	931
		100%	8.5%	3.8%	4.8%	50.4%	10.3%	37.2%	2.8%	39.1%	2.0%

※ Non-indictment (and others): Cleared of charges, Not a crime, Dismissal

※ Others: Stay on indictment, Witness dismissed, Transfer to the competent court of juvenile protection, Transfer to other jurisdiction

[Source: <The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment> (reconstructed from the Addenda of the 3rd, 4th and 5th National Report, table 3)]

The rationale for the Korean Government's policy is that it respects the victims' wishes not to charge the spouse or to keep the family together by suspending the indictment on condition that the perpetrator receives counseling or treatment; and that it prevents recidivism by ordering counseling and treatment. Such an approach shifts the burden of punishing the perpetrator of domestic violence to the victims and blames the victims for breaking up the family. It encourages individuals to resolve the problem through private dispute settlement mechanism, which contributes to people's perception that domestic violence is a "minor crime" or not a crime.

The Guidelines on the Suspension of Indictment upon Completion of Counseling of the Prosecution Office applies to even 'recidivists or persons with concerns of becoming a recidivist'; although these cases should be handled as serious criminal cases, they are handled by suspending indictment. In home protection cases, the rate of dismissal of cases is high, and in protective disposition cases, counseling is ordered, providing insufficient protection for the victims.⁴⁷ For instance, according to the 2011 statistics of the Korea Legal Aid Center for Family Relations on cases where the perpetrator of domestic violence received protective disposition of consultation or conditional suspension of indictment upon completion of counseling, about 25.5% of the perpetrators used deadly weapons such as knife, scissor and axe. There was even a home protection case where the perpetrator who received mandatory counseling for 5 months had battered and murdered the wife the day after he received counseling. There are other problems: the rehabilitation or treatment programmes for the perpetrators are offered in the same counseling centre as the one where the victims of domestic violence receive counseling; in cases where the divorce was filed due to domestic violence, the Court fails to isolate the perpetrator from the victims, but orders the victims to meet the perpetrators, for instance by ordering couple counseling and granting child visitation rights to the perpetrators, leading to situations where the life and safety of the victims are constantly threatened.⁴⁸

With respect to marital rape, the Supreme Court recognized marital rape as a crime. However, in the relevant case where the Supreme Court admitted the existence of marital rape, the circumstance was that the Court also found that there was no substantial marriage maintained and a serious battering, threatening and use of weapons accompanied the rape. Moreover, in the same case, the Court

⁴⁷ For the last 3 years (between 2013-2015), 11,947 (38.3%) out of 31,153 domestic violence cases ruled non-disposition on the offenders. Out of 18,218 offenders who were subjected to protective disposition, the highest 31.4% (5,713 people) were entrusted to counseling centers, 16% (2,920) were ordered to do community services and take courses, 1.61% (293) received restraining order (including restrictions on contacting via phone, email, etc.) and mere 0.02% (3) resulted in loss of parental rights. [source: 2014-2016 statistics of Administrative Office of the Courts]

⁴⁸ [Case 1]: A woman who has been constantly assaulted and threatened with a lethal weapon by her husband for 14 years ran away to the shelter and filed a divorce. The court ordered 10 sessions of couples counseling even in the presence of ongoing divorce action due to domestic violence. Under such circumstances, the abusive husband lured her into his house by saying, "You spend one night with the kids and I will divorce you." She went back home and, in the morning of May 4th, 2013, she was strangled and killed by her husband.

[Case 2]: On 7 December 2015, a woman went to see her ex-husband who had assaulted her as he was demanding children visitation rights. The woman, four months pregnant at the time, and her 6-year-old child were then kidnapped and murdered by the ex-husband.

emphasized that it must determine the crime of marital rape based on the premise that “the State must abstain at most from intervening in the sexual life of a couple from the perspective of maintenance of a family”. Together with the practice of addressing domestic violence crime under the “Act on Special Cases Concerning the Punishment, etc. of Crimes of Domestic Violence” (hereafter, “Special Act for the Punishment of Domestic Violence”) from the perspective of maintaining a family, and handling them as a protective disposition cases rather than criminal cases, this shows the reluctance of the judiciary to address marital rape as a criminal case, unlike other sexual violence cases.

The judicial system is not detached from the social norms, but in some cases, a reflection of the social norms. It is not surprising that the judicial system still addresses domestic violence as a minor offense that can be handled between individuals or takes a gender-blind approach to domestic violence. This explains the Court rulings, such as where the Court orders couple counseling in a divorce case filed on grounds of domestic violence⁴⁹, and where the Court does not recognize self-defense in a case where the victim of domestic violence killed the perpetrator.

2. Revision of provisions on the punishment of domestic violence crime

(1) Provision on the purpose of the Special Act for the Punishment of Domestic Violence

When the Domestic Violence Prevention Act was first enacted in 1997, the objective of the Act was to protect the victims and rehabilitate the perpetrator so that it does not lead to the break-up of a family; 19 years after the implementation of the Act, the result is that the Act does not provide sufficient protection for the victims and rehabilitation of the perpetrators of domestic violence. Although the rate of domestic violence is increasing, the rate of prosecution has dropped, and non-indictment rates and transfer to home protection rates have increased. Non-indictment and home protection cases constitute 85% of the total cases, which makes it safe to draw a conclusion that even though the victim of domestic violence reports the crime, the perpetrator is usually not punished at all.

In many home protection cases, the cases are either dismissed or ruled with counseling order. Measures such as restraining orders, limiting access to the victims by using telecommunication devices and parental rights are rarely imposed. Under the current system, no thorough evaluation of the effectiveness of counseling is conducted before a domestic violence case is transferred to home protection case. Consequently, it leads to situations where the safety of victims of domestic violence is threatened, granting exoneration to the perpetrators and increasing recidivism.

⁴⁹ In May 2013, a women who suffered domestic violence was murdered by her husband after the Court ordered couple counseling in a divorce proceeding.

Therefore, in order to secure the safety and human rights of victims of domestic violence and strengthen measures to punish perpetrators, the provision on the purpose of the Special Act for the Punishment of Domestic Violence, which aims to protect and maintain a family, should be revised.⁵⁰

(2) Abolishment of conditional suspension of indictment upon completion of counseling

The system of conditional suspension of indictment upon completion of counseling which was fully introduced in 2008 fails to punish the perpetrators of domestic violence; it grants exoneration to the perpetrators and undermines the effectiveness of the “Special Act for the Punishment of Domestic Violence”.

Behavioral intervention is necessary, not just for the perpetrators of domestic violence, but in other crimes as well. In other criminal cases, behavioral intervention takes place after the perpetrator receives the punishment. Providing exception for domestic violence, granting conditional suspension of indictment upon completion of counseling without any sanction is against judicial equity, and can cause more pain to the victims of domestic violence and the victims’ family.

Under the Guidelines on the Special Act for the Punishment of Domestic Violence, the conditional suspension of indictment upon completion of counseling may also be applied to recidivists or perpetrators who are likely to repeat the crime. It also applies to cases where the victim faces a serious risk of retribution if the perpetrator is prosecuted. Suspending indictment in cases where criminal punishment should be imposed is against the fair criminal justice system.⁵¹ For instance, according to the Korea Legal Aid Center for Family Relations, in 2011 about 25.5% of the perpetrators used deadly weapons such as knife, scissor and axe received protective disposition of consultation or conditional suspension of indictment upon completion of counseling.

Another concerning figure is the high rate of non-compliance with the mandatory counseling by the perpetrators of domestic violence. According to a study in 2011 by MOGEF in which it asked the victims of domestic violence whether the perpetrators received counseling, 35% of the perpetrators did not receive counseling, and the figure was even higher, 60%, in cases where the victims had to resort to shelters. The victims of domestic violence are faced with greater danger due to the bad faith of the perpetrators.

⁵⁰ Article 1 (Purpose): “The purpose of this Act is to help restore the peace and stability of a family destroyed by criminal domestic violence, maintain a healthy family environment and protect the human rights of victims and their family members, by providing for special provisions on procedures for the punishment of criminal domestic violence and by issuing protective orders to change an environment for the persons who committed criminal domestic violence and to correct their personality and behaviors.”

⁵¹ *Chung, Hee-chul*, “Study on the Effectiveness of Suspension of Indictment on Condition of Counseling against Domestic Violence Offenders,” [National Assembly Research Service, 2013]

3. Prohibiting the child visitation rights and counseling in divorce due to domestic violence

When the women who suffer domestic violence file for divorce, it often leads to a more violent behavior from the perpetrator and the women have no choice but to leave their homes. The retribution the perpetrators make in response to the women's demand for a divorce is persistent and tenacious, beyond anyone's imagination. The victims of domestic violence who are well aware of such behavior dread the most to meet their assailant. The Court, however, without considering the special circumstances of divorce due to domestic violence, grants child visitation rights to the perpetrator and orders couple counseling. Consequently, victims of domestic violence and the children who have found a refuge in shelters are forced to meet their assailant without any protective measure. This also increases the risk of disclosing information on the location of the shelters (which is not public), newly transferred schools and day-care centres for the children, re-exposing the victims again to violence.

The Law stipulates that home protection cases relating to domestic violence are handled without delay and gives priority over other criminal cases.⁵² But there is no special provision for family lawsuits, including divorce on grounds of domestic violence. Therefore, the victims of domestic violence filing for a divorce are exposed to the risk of stalking and revenge-crime for a long period of time. Moreover, the couple counseling court order prolongs the court proceeding for two to three months and prevents the victims who wish to end the refuge as soon as possible from carrying out normal social life. The Government has the responsibility to ensure the safety of the victims and children by minimizing the risk of the victim of domestic violence encountering the perpetrator during the divorce process, and re-occurrence of violence due to the disclosure of information related to the victim.

The following measures are required: prohibit the visitation rights of the perpetrator (with parental rights) for under-aged children under the victims' custody in divorce cases due to domestic violence; limit couple counseling court order in divorce cases due to domestic violence; provide legal provisions mandating an expedited procedure for divorce filing due to domestic violence, giving priority over other family lawsuits.

4. Legal loopholes: date rape and stalking

There are legal loopholes relating to cases involving date rape and stalking. Although the public awareness on the seriousness of date rape and stalking has improved, there is no legal framework to protect the victims or prosecute/punish the offender. Although the Criminal Law or the Act on the Punishment of Sexual Crimes and Protection of Victims ("Special Act on Sexual Violence") do apply to cases relating to date rape, the judiciary does not have full understanding of the special contexts of violence that may occur within the "intimate relationship" and there is no provision for the protection

⁵² Article 38 (Period, etc. of Disposition) of the *Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence*: A home protection case shall be handled promptly, in preference to other litigation. A decision on disposition shall be made within three months after the date when the case was transferred, unless any extenuating ground exists.

of victims. Currently, stalking is punished under the Punishment of Minor Offenses Act. The situation requires a legislation that defines stalking as a crime and provides provisions for the punishment of offenders and protection of the victims.

5. Integrated education programmes on VAW and study on the correlation between different forms of violence

Domestic violence is a gender-based violence and most of the victims are women; this requires a study into whether there is a correlation between sexual violence and domestic violence. Domestic violence and sexual violence is in many cases perpetrated by someone known to the victim. Although these incidents are independent, the violence that the victims experience may not be so. Given these aspects, one needs to take a holistic approach in addressing the crime of VAW. However, Korea addresses domestic violence and sexual violence as having different natures and such an approach is increasingly found in laws, policies and budget, in a distinctive manner. What is more concerning is the violation of victims' human rights caused by a discriminatory legal system that categorizes the victims by considering (in an overly simplified manner,) "sexual violence against children" is considered as the most serious crime, "sexual violence" is considered as a serious crime, and "domestic violence" is considered as a minor offence or is not considered as a crime at all.

In 1993, the UN Declaration on the Elimination of Violence against Women defines VAW as "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life". There needs to be an insightful and in-depth study that analyzes the nature of VAW and correlation between different forms of VAW, and education programmes that aim to raise awareness on gender discrimination and gender power politics and promote gender-sensitive human rights awareness. All members of the society also need to pay more attention to the issue of VAW.

6. Ensuring the privacy human rights of the victims of VAW and providing a support system dedicated for the victims of VAW

Ensuring the "safety" is the basic and foremost important requirement for the victims of VAW. However, this basic requirement is undermined due to the administrative convenience of maintaining an electronic management system. The problem of electronic management was identified since 2009 when the support centres for the victims of VAW were categorized as support centres under the Social Welfare Service Act in the same category as other social welfare centres without any distinction. The personal information of the victims of VAW are accumulated in the Social Security Information System,

“e-Connection for Happiness” (*Haeng-bok-e-um*)⁵³. Public servants in social welfare have access to the “E-Connection for Happiness” system and can acquire personal information such as financial information, credit rating, insurance, past experience using the support centres; case managers of social welfare volunteers, including one year short-term contractors who are not public servants also have access to such information. The “E-Connection for Happiness” system is used for the convenience of accessing information at once, but does not take into consideration of the interests of victims of VAW. Personal information of women who have stayed even one day at the centre are stored in the “Social Welfare Facility Information System”⁵⁴ Women who use the facility even for one day are required to provide their information for the “Social Welfare Facility Information System”, a system synchronized with “E-Connection for Happiness” system, and the information is stored for 5 years in the database. Such a system increases the chance of the personal information of the victims being disclosed and victims facing social prejudice, stigma and other disadvantages.

Facilities supporting victims of VAW should be maintained separately from other social welfare facilities and take into considerations the specificity of VAW cases. Therefore, a fundamental change needs to be made to address the central information system that increases the risk of disclosing not only the personal information of the victims of VAW and those working in the facilities, and the location of the facilities that are not supposed to be public.

7. Support system for the survivors of VAW without any condition

Survivors of VAW are not just the beneficiary of the social welfare system provided by the Government, but victims and survivors whose human rights are violated. In terms of the responsibility of the State relating to the human rights violations, the survivors of VAW have to be recognized as the holder of rights and receive necessary support. However, the scope of support victims receive when they resort to the domestic violence shelters may be different depending on whether the victim is a recipient under the National Basic Living Security Act. Measures should be taken, for instance, by enacting a “special facility recipient” system, so that women who resort to these shelters all receive support without any

⁵³ Social Security Information System or the “e-Connection for Happiness (*Haeng-bok-e-um*)”: This e-government system, used to select social security recipients contains survey on income and wealth status and manages records of receiving social security benefits of individuals and families. Local government officials use the Social Security Information System to choose potential applicants, investigate on individual assets, decide provision, does post-management and so on. The system provides 125 services and connects to 16,000 social-welfare institutions and daycare centers. Cases of approximately 12 million people are managed by this system (according to 2010 Ministry of Health and Welfare data), and with more and more government officials using the system, it now contains 496 categories of information from 44 institutions. The total number of social security recipients of the “e-Connection for Happiness” system is 16.94 million, and about 230,000 government officials log on to the information system every year (about 25,000 per month).

⁵⁴ Social Welfare Facility Information System: Social welfare organizations or facilities use the system to report to local government on their personnel information. Most of their administrative affairs such as accounting, human resources and payroll are digitally managed through the system, and when a user (facility) inputs someone’s personal information in the system, it automatically links to the Social Security Information System, “*Haeng-bok-e-um*” and the content is saved on both information systems.

financial evaluation. Moreover, although the Comprehensive Plan to Prevent Domestic Violence includes a provision that enables the victims to receive the financial support in cash, including settlement fee, it is not implemented. A series of measures also needs to be taken to ensure the housing rights of the domestic violence victims/survivors, for instance, by prohibiting an offender from leasing or selling the house.

8. Capacity-building for investigators specialized in VAW cases

The victims/survivors of domestic violence should be recognized as the holder of rights from the investigation stage and receive necessary support from the perspective of women's rights. Under the Comprehensive Plan to Prevent Domestic Violence, domestic violence officer have been dispatched since May 2013 to each police station with the aim of increasing expertise and field responsiveness. However, the appointments of domestic violence officer were made without the individual police officer's expertise in domestic violence cases, and the lack of personnels brings the effectiveness of the "domestic violence officer" system into question. As of April 2013, a domestic violence officer in Seoul has to handle over 100 cases every month. The frequent rotation of duty post makes it more difficult for the domestic violence officers to acquire sufficient experience and expertise. The problem of lack of expertise is also witnessed in sexual violence cases. Victims of VAW also face secondary trauma/re-victimization during the investigation, and a system must be introduced to prevent such cases.

9. Securing Financial Resources and Cooperation Mechanism

(1) Financial resources for support mechanisms of the victims of VAW should be part of the ordinary budget and not a fund

The support mechanisms for victims of VAW were previously funded from the ordinary budget of the Ministry of Gender Equality and Family. However, since 2011, the funding sources were transferred to Crime Victim Protection Fund (Article 3 of the "Crime Victim Protection Fund Act") and the responsibilities were given to different organizations: the implementation of projects was given to MOGEF and the budget management to the Ministry of Justice. The objectives of the Crime Victim Protection Fund were to respond with flexibility to emergencies and provide an effective mechanism to support victims through stable and increased funding resources. However, the fund dwindled in its size due to the decrease in the amount of fines collected, and is faced with difficulties as the fund is decreasing every year (KRW68.4 billion in 2014 and KRW 59.4 billion in 2015). In 2014, a total of KRW 13.9 billion from the Crime Victim Protection Fund for two projects, "free legal counseling for domestic violence, sexual violence" and "domestic violence prevention and support mechanisms of victims project" were transferred to the Lottery Fund – the philosophy and principle behind such policy change is incomprehensible. In order to provide a stable and increased funding for victims of VAW, the funding resources should be derived from the ordinary budget of MOGEF.

(2) Inter-ministerial cooperation mechanism

Policies aimed at eliminating VAW should be made from an integrated approach taking into consideration of the interplays with other fields, such as the judicial measures against the perpetrator (by the Ministry of Justice and the Police), effective support mechanisms for the victims and prevention policies (by MOGEF), and socio-cultural public awareness (by Ministry of Education and Ministry of Culture, Sports, and Tourism). In order to eliminate VAW, MOGEF should not only provide support mechanisms for the victims, but more fundamentally provide a continuous and effective solution, for instance, through an inter-ministerial cooperation mechanism. Therefore, a sustainable mechanism should be in place for different Ministries to coordinate their work and devise policies that complement each other. Cooperation between the central and local governments is as important as the inter-ministerial cooperation - discrepancies between the central government policies and local governments may occur at the implementation stage of the local governments.

(3) Partnership between the government and the civil society

Since domestic violence and sexual violence have been listed as the “4 social evils”, many civil society organizations have participated in the government-led conferences and seminars. Although a discussion on the elimination of VAW between the Ministries and relevant governmental organizations, and the civil society organizations is desirable, it often times remain as a formality. Civil society organizations are only invited to consultation meetings and it is difficult to follow up on how the policy proposals made by the civil society organizations are reflected in the result. The practice is that the Government seeks for consultation only after the plan is already determined and such practice must end. In order to ensure the human rights of the victims and eliminate VAW, the government and the civil society organizations should not maintain a formalistic relationship, but forge a true partnership through which both parties are engaged in the formation, implementation and evaluation of the policies. As VAW has deep-rooted origins in the society, all members of the society must be engaged in eradicating VAW. In order to end domestic violence, the Government and NGOs must identify their roles and forge a close public and private partnership. The UN Secretary General’s report on “Ending Violence Against Women” accentuates the partnership with NGOs as part of its six recommendations for State’s roles to end VAW. The report recommends in the “Leadership to Eliminate VAW” part that the women’s rights groups, actively exercising leadership in field should receive full support without any obstacle to their work.

10. Beyond supporting the victims and punishing the perpetrators of violence

The Korean policies on domestic violence have been centered around establishing and expanding the support mechanisms for victims as well as prosecution and rehabilitation of perpetrators. However the support mechanisms for victims and punishment of the perpetrators presupposes the incidence of sex crimes and they are post-measures. Therefore, the root causes of these crimes should be analyzed clearly, and efforts should be made to address the core problem. Once these crimes are attributed to

acts of individuals, one cannot explain why more than 50 percent of the population have experienced domestic violence. It is a collective and structural problem. Policies should aim for a social change by ensuring the economic empowerment of women, political participation of women, and monitoring the media.

한국의 반여성폭력운동의 성과와 과제

-한국여성의전화의 가정폭력 근절운동을 중심으로

송란희(한국여성의전화⁵⁵ 사무처장)

한국사회의 반여성폭력운동은 한국여성의전화의 역사와 궤를 같이 한다고 해도 과언이 아니다. 따라서 본고에서는 한국여성의전화의 활동을 중심으로 반여성폭력, 특히 가정폭력 근절운동의 성과와 과제를 살펴보고자 한다.

1. 한국여성의전화의 창립과 여성폭력피해자 지원활동

여성의전화는 1983년 6월 11일, 여성 708명을 대상으로 실시한 우리나라 최초의 아내구타실태조사 결과를 발표하면서 창립을 알렸다. 42.2%가 결혼 후 남편에게 구타당한 적이 있는 것으로 조사된 이 실태조사 결과를 바탕으로 숨겨져 있던 아내에 대한 폭력이 사회로 드러났다.

여성의전화는 창립과 동시에 아내폭력 피해자들을 위한 상담창구를 개설했는데, 여성의전화의 상담창구가 열리자 보름여동안 541건의 사건이 접수되었다고 한다. 전화상담은 익명이 보장되고 특별히 이동하지 않고도 쉽게 이용할 수 있어 개별 가정에 고립되어 있던 피해 여성들을 힘들이지 않고 불러낼 수 있었던 것이다.

여성의전화는 상담을 전통적 의미의 상담 개념을 넘어 여성운동의 다양한 활동 중의 하나로 위치시키려고 했다. 상담은 피해여성의 임파워링을 도모하여 현실적 문제 해결을 지원하고, 동시에 개별 상담의 집적된 결과는 여성에 대한 폭력이 사회구조적인 문제임을 증명하는 것이 되기 때문이었다. 이

⁵⁵ 한국여성의전화는 여성에 대한 모든 형태의 폭력이 없는 세상, 성평등한 세상을 위해 1983년 6월 11일 창립된 단체로 가정폭력, 성폭력, 성매매, 이주여성문제 등 여성에 대한 모든 폭력으로부터 여성인권을 보장하고 지원하는 활동을 하고 있다. 2017년 현재 전국 25개 지부와 함께 하는 전국 조직으로 상담소 32개, 가정폭력피해자보호시설 쉼터 10개 및 여성인력개발센터 등을 운영하고 있다.

는 여성주의상담이라는 이름으로 현재까지 지속되고 있으며 여성의전화 활동의 근간이 되고 있다. 상담활동에 이어 여성의전화가 시작한 지원활동은 피해 여성들에게 피난처를 제공하는 일이었다. 폭력을 피하고자 해도 갈 곳이 없다는 내용이 쌓이고 넘쳤기 때문이었다. 1987년 사무실을 이전하면서 사무실 한쪽 방을 쉼터로 열었다. 이것은 한국사회에서 위기에 처한 여성들에게 열린 최초의 쉼터가 되었다. 이후 쉼터는 피해여성들에게 피난처를 제공하는 한편, 여성폭력에 대한 저항의 상징으로 자리 잡았다.

2. 여성폭력피해자 법적 지원 및 입법, 정책감시 활동

여성의전화는 일상생활에서 여성에게 가해지는 각종 차별과 폭력을 '성폭력'으로 개념화하면서 아내구타 문제 외에도 결혼퇴직강요, 직장 내 성폭력, 공권력에 의한 성폭력, 낙태 등 다양한 문제를 제기했는데, 상담을 통해 접수된 각종 폭력 사건 피해자의 소송을 지원하거나 직접 고발하는 등 초기부터 사법 체계를 활용한 활동들이 주를 이뤘다.

피해자에 대한 법적 지원 활동이 확대되면서, 부정기적으로 진행하던 법률상담을 1993년부터는 매주 정기적으로 하기 시작했고, 이때 함께 하던 변호사들을 주축으로 1995년 '여성평화를 위한 변호사모임'을 결성하게 되었다. 이 모임은 '여성피해자'의 입장에서 피해자를 법률적으로 지원하는 것뿐만 아니라 가정폭력방지법 입법과정에서도 중추적인 역할을 담당했다. 한편, 피해자들의 법원동행 요청에 부응하고, 재판 모니터링하기 위한 '법정평등실현을 위한 모임'도 1995년에 시작되었는데, 법률실무교육을 거친 자원활동가들로 구성되어 활동했다.

지금은 신뢰관계에 있는 자의 동석, 무료법률구조, 법률조력인제도 등이 제도화되었지만, 당시만 해도 매우 선진적인 것이었다. 이러한 활동들은 실질적으로 피해자의 권익에도 기여하였으나, 무엇보다도 남성중심적 수사·재판 과정을 감시하면서 성평등하며 대안적인 법률의 마련과 집행을 촉구하는 기틀이 되었다. 현재까지도 변호사모임의 월요 무료법률상담은 지속되고 있으며, '법정평등실현을 위한 모임'은 다양한 모임으로 분화되어, 가정폭력피해여성에 의한 가해자 사망사건을 지원하는 '정당방위사건지원팀', 여성폭력관련 살인사건을 분석하는 '분노의게이지팀', '재판모니터링팀' 등으로 이어지고 있다.

피해자 법적 지원활동을 하면서 여성의전화는 여성폭력관련법의 제정의 필요성을 절감하게 되었고, 이는 적극적인 입법운동으로 이어졌다. 특히, 오랜 기간 남편의 폭력에 지속적으로 시달린 피해자가 가해자를 죽음에 이르게 한 사건들을 지원하고⁵⁶, 쉼터의 법적 근거가 없어 활동가들이 인신매매단으로 신고되는 등의 사건을 겪은 것들이 강력한 도화선이 되었다. 가정폭력방지법 제정 이후에는 ‘처리불만신고센터’를 운영하여 경찰, 검찰, 법원에서의 사건처리를 모니터링하여 제대로 된 집행을 도모하고, 누적된 자료를 바탕으로 법률 개정안을 마련하였다.

한편 일상적으로 진행되는 상담을 통해 발견되는 여성폭력 주요 이슈와 쟁점을 사회적으로 환기시키며, 성차별적 사회구조와 사법체계에 대해 문제제기하며 여성인권에 대한 논의를 확장해오고 있다. 무력화된 가정폭력방지법 문제, 아내강간문제, 수사·재판과정에서의 2차 피해, 성폭력 피해자에 대한 무분별한 무고죄 기소, 노인여성성폭력, 여성의 재산권문제, 데이트폭력, 스토킹 등 우리 사회의 수면 위로 떠오른 수많은 문제들은 상담을 통해 당사자의 목소리로 제기된 것이어서 더욱 설득력을 얻을 수 있었다. 2017년 현재, 한국여성의전화는 당사자들의 목소리를 반영한 스토킹범죄처벌법안과 가정폭력방지법 전면개정안을 마련하여 제·개정 운동에 박차를 가하고 있다.

한편, 한국여성의전화는 국제인권협약 및 기구의 활용에 관심을 갖고, 국제법에 따른 여성에 대한 차별과 폭력 철폐 및 여성인권 증진을 위한 국가 이행을 촉구하기 위한 활동을 진행하고 있기도 하다. UN 각 협약에 따른 국가 보고서 심의가 제대로 될 수 있도록 국가보고서에 대한 검토의견서 발송, 심의위원회에 질의요청서 발송, 현지 로비활동, NGO보고서(Shadow report) 작성 등 활동을 하고 있다. 특히 유엔 여성차별철폐협약(CEDAW, Convention on the Elimination of All Forms of Discrimination

⁵⁶ 1991년 2월 구타남편을 살해한 남○○ 사건은 여성의전화의 대대적으로 구명운동을 벌인 사건이다. 당시 임신 4개월이었던 남○○은 사건 당일, 남편에게 폭력을 당해 장이 파열되고 아이를 사산했다. 남○○은 1심에서 징역 3년을 선고받았으나 여성의전화의 적극적인 구명운동으로 2심에서 집행유예 5년을 선고받고 풀려났다. 무죄석방을 주장한 한국여성의전화의 요구에는 못 미쳤지만 이는 아내를 구타하는 가해자를 살해한 것을 정당방위로 규정한 최초의 구명운동이었다. 현재까지도 재판부는 폭력에서 벗어나는 것에 대한 책임을 피해자에게 지우며 정당방위를 인정하지 않고 있으나, 한국여성의전화는 정당방위가 인정될 수 있도록 변호사와 함께 재판 준비 및 참관, 의견서 제출 및 서명운동 등을 벌이며 꾸준히 피해자를 지원해오고 있다.

Against Women)에 따른 1998년 3-4차 국가보고서 심의를 시작으로, 국내 여성에 대한 차별과 폭력의 문제를 국제사회에 가시화시키고 유의미한 권고를 이끌기 위해 적극적으로 활동하고 있다.

3. 여성에 대한 폭력과 성평등에 대한 인식제고를 위한 활동

한국여성의전화는 사회적으로 드러나지 않았던 여성에 대한 폭력 문제를 세상에 알리고, 사회 전반의 인식을 개선하기 위한 활동을 펼쳐왔다. 이 사회에 뿌리박은 남성 중심적이고 폭력적인 문화에 이의를 제기하며, 1980년대부터 꾸준히 다양한 캠페인을 펼치며 사람들의 일상을 바꾸는 활동을 이어왔다.

1) 여성주의 상담가 교육

1983년에 시작되어 여성의전화와 역사를 같이 하고 있는 여성상담전문교육이다. 상담회원들의 성장의 장이 되고 있는 월례 슈퍼비전, 여성주의 상담 전문가 교육, 상담회원 재교육 등을 통해 개인의 변화를 넘어 사회를 변화시키는 여성인권운동으로서의 여성주의 상담을 강화하여 여성인권운동가로 성장을 도모하고 있다.

2) 대중교육

한국여성의전화는 여성폭력 예방 및 근절을 위한 활동의 일환으로 90년대부터 폭력예방교육을 진행하였고, 어린이와 청소년, 성인을 대상으로 한 교재 개발을 꾸준히 병행해왔다. 한편, 여성주의 집중 아카데미, 20대 여성인권활동가 아카데미, 여성주의 번역 활동가 교육, 데이트폭력예방교육 등을 통해 여성주의에 입각한 다양한 주제로 교육을 실시하고 있다.

3) 캠페인

3.8 세계여성의날, 5월 가정폭력 없는 평화의 달, 11월 세계여성폭력추방주간 기념 행사 및 캠페인 진행, 공익광고 제작 및 송출, 먼지차별(Micro aggressions) 캠페인, 여성폭력 인식개선 연중캠페인, 여성인권영화제 등을 통해 폭력에 대한 민감성과 성평등 의식을 높이기 위한 다양한 활동을 해오고

있다.

4) 마을을 움직이는 한국여성의전화

마을의 기관, 사람들과 만나 상호 소통하는 사회적 지원의 징검다리를 만들고자 2012년부터 ‘폭력 없는 움직이는 지역사회 네트워킹 마을모델 만들기(이하 움직이는 마을)’를 진행하고 있다. 폭력이 숨어 있는 것이 아니라, 폭력이 잘 보이는 마을, 그래서 폭력이 일어났을 때, 인지한 ‘나’로부터 시작하여 마을 전체가 움직이는 마을을 만들기 위해 경찰, 종교기관, 소방대, 간호사회, 약사회, 지역아동센터 연합회, 마을 청년 모임 등 다양한 지역사회 단체들과 지역주민들과의 워크숍을 진행하여, 폭력에 대한 여러 가지 이야기를 나누고 고민하면서 각자의 자리에서 할 수 있는 구체적 실천 방안을 논의하고 있다.

4. 가정폭력근절운동의 과제

1) 점점 더 사소해지는 ‘가정’폭력

현장에서 가정폭력피해자를 지원하다보면 ‘가정폭력’은 과연 ‘범죄’인가, 그리고 ‘젠더문제’인가를 다 시 묻지 않을 수 없다. 해마다 가정폭력 신고는 증가한 데 반해 기소율은 줄고 있다. 2012년 14.8%였던 것이 2015년에는 8.5%로 감소했으며, 가정폭력사건의 가정보호사건송치율은 19.9%에서 39.1%로 증가했다.

<가정폭력사건 접수·처리 현황>

(단위: 명)

연도	접수	처분계	기소			불기소				가정보호 사건송치	기타
			소계	구공판	구약식	소계	기소 유예	공소권 없음	기타		
2012년	3,154	3,159	469	116	353	2,006	493	1,421	92	629	55
		100%	14.8%	3.7%	11.2%	63.5%	15.6%	45.0%	2.9%	19.9%	1.7%
	17,191	17,131	2,574	967	1,607	10,080	2,481	7,161	438	4,238	239

2013년		100%	15.0%	5.6%	9.4%	58.8%	14.5%	41.8%	2.6%	24.7%	1.4%
2014년	23,527	23,457	3,125	1,270	1,855	12,688	2,932	9,097	659	7,185	459
		100%	13.3%	5.4%	7.9%	54.1%	12.5%	38.8%	2.8%	30.6%	2.0%
2015년	47,007	46,545	3,970	1,748	2,222	23,437	4,802	17,316	1,319	18,207	931
		100%	8.5%	3.8%	4.8%	50.4%	10.3%	37.2%	2.8%	39.1%	2.0%

※ 불기소(기타) : 혐의없음, 죄가 안 됨, 각하

※ 기타 : 기소중지, 참고인증지, 소년보호사건송치, 타관이송

※ 출처 「고문 및 그 밖의 잔혹한·비인도적인 또는 굴욕적인 대우나 처벌의 방지에 관한 협약」 제3·4·5차 국가보고서 부록 표3 재구성

정부는 가정폭력 피해자의 처벌불원 또는 가정유지 의사를 존중하여 상담조건부 기소유예제도, 가정보호사건 처리 등으로 가해자에 대한 상담·치료 강화를 통한 재범방지를 도모하고 있다고 하나, 이는 국가가 가정폭력범죄의 처벌과 가정파탄의 책임을 피해자에게 전가하며 개인간의 분쟁 해결 메커니즘으로 대체하여 문제를 해결하도록 조장하는 것으로, 가정폭력이 경미한 범죄 혹은 범죄행위가 아니라고 느끼게 하는 요소로 작용하고 있다.

검찰의 「상담조건부 기소유예 처리지침」 상의 대상사건에는 ‘상습범 또는 재범이 우려되는 사건’을 포함하고 있어 오히려 형사처벌이 필요한 중대한 사건으로 분류될만한 것임에도 기소유예로 처리하고 있고, 가정보호사건 처리의 경우 불처분 비율이 높고 보호처분을 받는 경우에도 상담위탁 처분 위주로 피해자 보호를 위한 처분은 극히 미미한 상황이다.⁵⁷ 일례로 한국가정법률상담소의 2011년 상담위탁 보호처분 혹은 상담조건부 기소유예 처분을 받은 가정폭력 가해자 분석 결과를 보면 칼, 가위, 도끼 등 흉기를 사용한 경우가 25.5%에 달했으며, 가정보호사건으로 처리되어 5개월간 상담을 받던 가해자가 상담을 받은 바로 다음 날 아내를 폭행해 살해한 사건도 있었다. 그 밖에도 가정폭

⁵⁷ 지난 3년간(2013-2015년) 가정보호사건으로 처리된 가정폭력사범 31,153명 중 11,947명(38.3%)이 불처분 됨. 보호처분을 받은 18,218명 중 상담위탁 처분을 받는 경우가 31.4%(5,713명)으로 가장 높게 나타났고 사회봉사·수감명령 처분이 16%(2,920명)를 차지한 반면, 접근행위제한(전기통신이용포함)과 친권행사제한 처분은 각각 1.61%(293명), 0.02%(3명)에 그침(법원행정처 2014-2016 사법연감).

력 피해자가 이용하는 상담소에서 가해자 교정·치료 프로그램을 운영하게 하고, 가정폭력으로 인한 이혼임에도 법원에서 부부상담을 명령하고 자녀면접교섭권을 부여하는 등 가해자를 피해자로부터 분리시키지 않고 오히려 만나도록 명령함으로써 피해자의 생명과 안전이 위협받는 상황이 반복적으로 발생하고 있다.⁵⁸

한편 아내강간에 있어, 대법원에서 인정판례가 나오긴 했으나, 해당 대법원 판례는 혼인관계가 실질적으로 유지되고 있지 않았고 심각한 수준의 폭행과 협박, 흥기가 동반되었다는 점에서 강간죄가 인정된 경우다. 또한 해당 판례는 “부부 사이의 성생활에 대한 국가의 개입은 가정의 유지라는 관점에서 최대한 자제하여야 한다는 전제” 하에 강간죄를 판단해야 함을 강조하는데, 이는 「가정폭력범죄의 처벌 등에 관한 특례법」상 가정폭력범죄를 가정유지의 관점으로 형사처벌보다는 보호처분 중심으로 처리되는 문제와 연결되어 사법기관이 부부강간죄를 포함한 배우자 성폭력을 다른 성폭력과 달리 형사범죄로 규율하는 것을 꺼리고 있음을 보여준다.

법조계도 사회통념의 영향에서 자유로울 수 없으며, 때로는 그 반영이기에 여전히 ‘가정폭력’을 개인이 해결할 수 있는 사소한 문제로 취급하거나, 물성적으로 접근하는 것이 그렇게 놀라운 일은 아니다. 그리하여 가정폭력으로 이혼소송을 하더라도 부부상담명령을 내리는 것⁵⁹이, 가정폭력피해자가 결국 가해자를 사망케 한 사건에 대해서 정당방위 인정을 하지 않는 것이 어찌보면 자연스러운 것이다.

⁵⁸ [관련사례1] 결혼생활 14년동안 가해남편으로부터 폭행과 흥기협박 등 지속적인 폭력을 당해 온 피해여성은 쉼터로 피신해 이혼소송을 냈으나, 법원은 가정폭력으로 이혼소송 중임에도 10회기의 부부상담명령을 내림. 이런 상황에서 피해여성은 “하루만 아이들과 함께 집에 돌아와 지내면 이혼해주겠다”는 가해남편의 말에 집으로 찾아갔고 그날 새벽(2013.5.4) 가해자에게 목을 졸려 살해됨

[관련사례2] 2015년 12월 7일, 자녀면접교섭권을 빌미로 찾아온 가정폭력 가해자인 전 남편을 만나러 갔다가 가해자에 의해 납치되어 임신 4개월 중인 피해여성과 6세 자녀가 살해됨.

⁵⁹ 2013년 5월, 이혼소송 중인 가정폭력피해여성이 부부상담명령 이행 중 남편에 의해 살해당한 사건이 발생했다.

2) 가정폭력범죄의 처벌 등에 관한 법률 개정

(1) 목적조항

1997년 현행 가정폭력 방지법이 제정될 당시에는 가정폭력으로 고통을 받고 있는 가정에 대해 가급적 가정이 해체되지 않도록 하면서 가해자의 개선과 피해자를 보호하고자 하는 목적이었으나 19년이 지난 현재 그 시행결과를 보면 가정폭력 범죄자의 개선뿐만 아니라 가정폭력 피해자 보호에도 미흡하다. 가정폭력 범죄율의 증가에 비해 기소율은 갈수록 낮아지고, 불기소와 가정보호사건 송치는 늘어나고 있다. 불기소되거나 가정보호사건으로 송치되는 경우가 전체 85%임을 볼 때, 이는 신고해도 가정폭력 가해자가 전혀 처벌되지 않는다고 보아도 무방하다.

또한 가정보호사건으로 송치되어도 불처분 및 상담위탁 위주로 처분되고, 접근행위금지, 전기통신 이용 접근행위금지, 친권행사제한은 극히 미미하다. 현행 가정보호사건 송치는 가해자상담에 대한 효과성도 정밀하게 입증되지 않은 상태에서 결국 가정폭력 피해자들의 안전을 위협하고, 가해자들에게 면죄부를 주며 가정폭력 재범률만 높일 뿐이다.

따라서 가정폭력 피해자의 안전 도모와 인권을 보장하고, 가정폭력 가해자 처벌을 강화하기 위해서는 가정의 보호와 유지를 기본으로 하는 현행 『가정폭력범죄의 처벌 등에 관한 특례법』 목적조항을 개정해야 한다.

(2) 상담조건부 기소유예 폐지

2008년부터 본격적으로 시행된 검찰단계의 ‘상담조건부 기소유예’는 가정폭력범죄를 저지른 가해자에게 처벌로서 기능을 전혀 하지 못하고 오히려 면죄부를 주는 제도로, 『가정폭력범죄의 처벌 등에 관한 특별법』⁶⁰을 무력화시켰다고 볼 수 있다.

⁶⁰ 제1조 (목적) 이 법은 가정폭력범죄의 형사처벌 절차에 관한 특례를 정하고 가정폭력범죄를 범한 사람에 대하여 환경의 조정과 성행(性行)의 교정을 위한 보호처분을 함으로써 가정폭력범죄로 파괴된 가정의 평화와 안정을 회복하고 건강한 가정을 가꾸며 피해자와 가족구성원의 인권을 보호함을 목적으로 한다.

가해자의 성행교정은 가정폭력 뿐만 아니라 모든 범죄자에게 필요하다. 일반적인 범죄에서 교정행정은 명시적인 처벌 이후에 교정이 이루어진다. 그런데 가정폭력만 예외적으로 처벌 없이 상담을 조건으로 기소유예를 하는 것은 형평성에서도 어긋날 뿐 아니라 피해자와 그 가족에게 또 다른 고통을 안겨 줄 수 있다.

현행 가정폭력 처벌법의 상담조건부 기소유예 대상사건의 처리지침을 보면 상습범 또는 재범이 우려되는 사건과 기소할 경우 보복이 우려되는 사건의 경우도 포함하고 있어, 통상적으로 형사처벌이 필요한 중대사건으로 분류될 만한 사건임에도 불구하고 기소유예로 처리하는 것은 형사사법체계에서 형평성에서 벗어난다고 할 수 있다.⁶¹ 한 예로, 한국가정법률상담소의 2011년 상담위탁 보호 처분 혹은 상담조건부 기소유예 처분을 받은 가정폭력 가해자 분석 결과를 보면 칼, 가위, 도끼 등 흉기를 사용해 피해자를 다치게 한 경우가 25.5%에 달했다.

한편, 가정폭력 가해자가 상담을 이수하지 않는 비율도 높아 문제다. 2013년 여성가족부가 가정폭력 피해자를 대상으로 가해자의 상담이수 여부에 대해 조사한 결과 상담을 이수하지 않은 비율이 35%였으며, 특히 보호시설 입소 피해자의 경우는 60%나 되었다. 가해자의 이런 불성실한 태도로 인해 가정폭력 피해자는 더 큰 위협에 처하게 되는 경우가 많다.

3) 이혼 과정 중 가해자에 대한 자녀면접교섭, 부부상담 처분금지

가정폭력 피해여성이 이혼소송을 시작하게 되면 가해남편의 분노는 극에 달하며, 결국 피해자는 집을 나와 피신하게 된다. 아내의 이별요구에 대한 가해자의 보복은 상상을 초월할 정도로 끈질기고 집요하다. 이러한 속성을 잘 알고 있는 피해여성들은 남편과 만나는 걸 가장 두려워한다. 그러나 법원에서는 가정폭력으로 인한 이혼과정 중임에도 가정폭력범죄의 특성을 간과한 채 가해자에 대한 자녀면접교섭권, 부부상담 명령을 내리고 있다. 이로 인해 쉼터 등에 피신해 있는 여성과 자녀들은 별다른 보호책 없이 가해자를 만나게 되며, 비공개시설인 쉼터와 비밀전학 한 학교, 보육시설이 노출되면서 폭력피해의 위험은 증폭된다.

⁶¹ 정희철(2013), 「가정폭력행위자 대상 상담조건부기소유예의 효과성 분석」, 국회입법조사처.

가정폭력에 의한 가정보호사건은 다른 형사사건보다 우선하여 신속히 처리하도록 법에 규정되어 있다.⁶² 그러나 가정폭력을 원인으로 하는 이혼 등 가사소송에는 이러한 특례가 없어 가해자에 의한 스토킹 및 이별범죄의 위협에 장기적으로 노출된다. 더구나 ‘부부상담’으로 인해 소송기간이 2~3개월 더 연장되면서 하루빨리 피신생활을 끝내고 사회에 복귀하길 원하는 피해자들의 자립에 큰 걸림돌이 되고 있다. 국가는 가정폭력으로 인한 이혼과정 중 가해자와 대면하거나 피해자의 정보가 노출되어 폭력이 재발될 수 있는 상황을 최소화하여 피해자와 자녀의 안전을 보장해야 한다.

이에, 가정폭력으로 인한 재판이혼 시, 피해자가 양육 중인 미성년 자녀에 대한 가해자(친권자)의 면접교섭권을 배제하고, 이혼 과정 중 부부상담 제한, 가정폭력으로 인한 이혼소송은 다른 가사사건보다 우선하여 신속히 처리하도록 하는 규정 마련이 필요하다.

4) 사각지대에 있는 범죄-데이트폭력, 스토킹

데이트폭력, 스토킹은 법률과 정책상 사각지대에 있다. 데이트폭력과 스토킹에 대한 국민의 인식은 높아지고 있는데 반해, 피해자를 보호하거나 가해자를 처벌할 준비가 사실상 되어 있지 않은 것이다. 데이트폭력은 기존의 형법이나 성폭력특별법 등으로 처리할 수 있으나, ‘친밀한 관계’에서 발생하는 폭력의 특수성을 아직까지 사법기관에서 충분히 인지하고 있지 못하며, 피해자를 보호할 수 있는 규정은 없는 상황이다. 또한 현재 ‘경범죄 처벌법’ 정도로만 처리할 수 있는 스토킹은 범죄를 규정하고, 처벌 및 피해자 보호규정을 담은 입법이 필요한 상황이다.

5) 여성폭력에 대한 통합적 교육과 각 폭력의 연관성에 관한 연구 필요

가정폭력은 젠더에 기반을 둔 폭력, 젠더폭력에서도 대다수의 피해가 여성에게 집중되는 여성에 대한 폭력이며, 이는 성폭력과 가정폭력의 연관성을 재정립할 필요성을 보여준다. 이 폭력들이 대부

⁶² 「가정폭력범죄의 처벌 등에 관한 특례법」 제38조(처분의 기간 등) 가정보호사건은 다른 쟁송보다 우선하여 신속히 처리하여야 한다. 이 경우 처분의 결정은 특별한 사유가 없으면 송치받은 날부터 3개월 이내에, 이송받은 경우에는 이송받은 날부터 3개월 이내에 하여야 한다.

분 친밀한 관계에 있는 면식범에 의해 발생한다는 점, 특히 사건은 분절적일지라도 여성의 폭력피해경험이 분절적이지 않다는 점을 고려하면 '여성에 대한 폭력'으로서 통합적 시각으로 이 같은 범죄들에 접근할 필요가 있다. 그럼에도 불구하고 우리 사회는 마치 이 범죄들이 매우 다른 성질의 것인 것으로 다루고 있으며, 관련 제도와 정책, 예산에 있어 점점 더 명확한 분리의 양상을 띠고 있다. 더욱 심각한 것은 (심히 단순하게 말하면) '아동성폭력'은 극악한 범죄로, '성폭력'은 강력범죄로, '가정폭력'은 경미한 범죄거나 범죄가 아닌 것으로 여겨지는 사회에서, 이러한 범죄에 고통 받는 피해자들이 법과 제도에서 차별적 대우를 받으며 인권을 침해당하고 있다는 것이다.

1993년 유엔총회에서 채택된 여성폭력철폐선언에서는 여성폭력을 "사적·공적 영역에서 일어나는 여성에 대한 신체적·성적·심리적 해악과 여성에게 고통을 주거나 위협하는 강제와 자유의 일방적 박탈 등 성(性)에 근거한 모든 폭력행위"로 정의하고 있다. 여성폭력의 본질과 연관성을 깊이 있게 꿰뚫는 연구와 성차별과 성별 권력관계를 인지하고, 성인지적 인권감수성의 향상을 목표로 하는 여성폭력에 대한 통합적 교육, 이에 대한 우리 사회의 관심과 노력이 필요하다.

6) 여성폭력 피해생존자의 정보 인권과 보장과 독자적인 지원체계 마련

여성폭력 피해 생존자들에게 '안전'은 가장 기본적이며 핵심적인 조건이다. 그러나 이러한 기본적인 요건인 정부의 행정 편의주의적인 전산 관리 시도에 의해 훼손되고 있다. 2009년부터 본격화된 전산화 문제는 여성폭력 피해자 지원시설들이 '사회복지사업법'안의 지원시설로 분류되어 일반 사회복지시설과 동일하게 취급되기 때문이다. 폭력피해여성의 개인 정보는 사회보장정보시스템 '행복e음'⁶³에 집적되고 있다. 사회복지담당 공무원들은 '행복e음'을 통해 등록된 대상자들의 금융정보, 신용정보 및 보험정보, 시설이용경력 등을 한 번에 조회할 수 있으며 민간인인 희망복지지원단의

⁶³ 사회보장정보시스템(행복e음) : 복지대상자 선정을 위한 소득 및 재산을 조사하고, 복지서비스를 받은 이력을 개인별, 가구별로 관리하고 있는 정부의 행정시스템. 지자체 공무원은 이 시스템을 통해 복지대상자의 신청, 자산조사, 지원여부 결정, 급여지급, 사후관리 등의 업무를 수행함. 125개 서비스 제공. 16,000개 사회복지 및 보육시설 연결. 1,200만명 관리됨 (2010년 보건복지부 설명자료) 행복e음의 활용 범위는 점차 확대되어 2013년 10월 현재 모두 44개 기관의 496종 정보가 연계돼 있으며, 행복e음의 복지대상자 수는 1,694만명에 이른다. 행복e음에 접속하는 공무원은 연간 약 23만명, 월 평균 약 2만5000명 내외로 추산되고 있음.

사례관리자(1년 계약직)까지도 정보접근권을 가지고 있다는 게 확인되었다. 정보를 한꺼번에 조회할 수 있다는 편리함 때문에 '행복e'음 시스템을 이용하고 있지만 실상은 여전히 폭력피해 여성들의 입장을 고려하지 않는 것이다. 가정폭력 피해자 보호시설 쉼터에 단 하루를 머문 피해자라도 행복e음과 연동되는 '사회복지시설정보시스템'⁶⁴에 내담자의 정보를 입력해야하며 정보 입력 후 5년간 입소자 정보 및 시설이용 이력이 보관된다. 이를 통해 피해자임이 드러났을 경우 사회적 편견과 낙인, 불이익을 받을 수 있는 상황에 놓일 가능성이 높다.

여성폭력관련 시설은 일반적인 사회복지 시설과 구분하여 폭력피해여성의 특수성이 반영되어야 한다. 따라서 가정폭력피해자와 종사자 뿐 아니라 비공개 피난시설인 쉼터가 노출될 수 있는 중앙집적적 정보관리시스템에 대한 원천적인 보완이 필요하다.

7) 여성폭력 피해생존자에 대한 조건 없는 지원

여성폭력 피해 생존자들은 단순히 정부의 복지서비스의 수혜자가 아니라 인권을 침해당한 피해자이며 생존자로서, 여성 인권침해에 대한 국가의 책임성의 측면에서 권리의 주체로서 인식되어야 하며 이에 마땅한 지원을 받을 수 있어야 한다. 그러나 현재 가정폭력피해자보호시설 이용자들은 국민기초생활보장법에 의한 수급권자인지 아닌지에 따라 지원받는 내용이 다르다.

따라서 가정폭력관련시설 입소자들에 대한 '특례시설수급자'제도를 신설하는 등 별도의 자산조사 없이 모두 지원하도록 해야 한다. 또한 가정폭력 피해생존자에 대한 정착지원금 등 현금의 지원이 '가정폭력 종합대책안' 포함되어 있으나 실행되지 않고 있으며, 가해자의 주거 공간 양도와 처분금지 등 주거권 보장을 위한 다양한 방안들도 마련되어야 한다.

⁶⁴ 사회복지시설정보시스템 : 사회복지법인, 시설에서 지자체에 보고하기 위해 입소자 및 종사자 개인정보 등을 입력하여 관리하고 있으며, 회계, 인사, 급여 등 제반업무를 전자화한 업무관리 시스템. 시설에서 이 시스템에 개인정보를 입력하면 인터넷을 통해 행복e음으로 전달되어 연동됨.

8) 여성폭력피해 수사전문인력 확충

여성폭력 피해생존자들은 수사단계에서부터 권리의 주체로 인정받고 여성인권의 관점에서 지원받을 수 있어야 한다. 가정폭력 종합대책에 의해 2013년 5월부터 가정폭력 사건에 대한 전문성과 현장 대응력을 높이기 위해 경찰서마다 전담경찰관이 한 명씩 배치되기 시작했다. 그러나 가정폭력 업무에 배치되는 경찰관들은 가정폭력에 대한 인식 여부와 상관없이 무작위로 배치하고 있는데다 그 인원도 턱없이 부족하여 가정폭력전담경찰관제도의 실효성을 담보할 수 있을지 의문이다. 2013년 4월 기준으로 서울 경우 가정폭력전담경찰관 1인이 한 달에 처리해야하는 담당건수가 평균 100건에 달하고 있다. 더구나 경찰의 잦은 부서 이동으로 인해 그나마의 경험과 전문성이 떨어질 수 있어 매우 우려된다. 이러한 전문성의 문제는 성폭력 문제에서도 나타나고 있다. 또한 수사관 등에서 2차 피해를 경험하는 경우가 매우 높아 이를 방지할 수 있는 제도적 방안이 마련되어야 한다.

9) 예산의 확보와 협력 체계 구축

(1) 여성폭력 피해생존자 지원 예산, '기금' 예산에서 일반예산으로

여성가족부 일반예산으로 운영되던 여성폭력방지 및 피해자 지원 예산이 2011년부터 범죄피해자 보호기금(범죄피해자보호기금법 제3조)으로 이관되면서 사업시행주체는 여성가족부, 예산관리는 법무부로 이원화되었다. 범죄피해자보호기금은 안정적인 재원을 바탕으로 예측치 못한 범죄피해 발생에 신속적으로 대처하고 실효성 있는 피해자 지원 사업을 추진을 목적하였으나 벌금 수납액 감소에 따른 기금 규모 감소 인하여 기금 총액이 매년 감소(2014년 684억, 2015년 594억 규모)하며 어려움에 처해 있다. 또한 2014년 범죄피해자보호기금 중 '가정폭력, 성폭력 무료 법률지원 사업', '가정폭력 방지 및 피해자지원사업' 등 2개 사업 총 139억 원을 복권기금으로 이관하였는데 이러한 정책변화의 철학과 원칙을 알 수 없다. 여성폭력 피해자 지원예산이 안정성과 확장성을 가질 수 있도록 여성가족부의 일반예산으로 편성되어야 한다.

(2) 정부 부처간 협력체계 구축

여성폭력 추방정책은 가해자에 대한 사법처리(법무부, 경찰청), 적극적인 피해자 지원과 예방정책(여성가족부), 사회문화적인 인식제고(교육과학기술부, 문화관광체육부) 등 다양한 분야에서 유기적이며 통합적인 반여성폭력의 범주에서 정책이 만들어져야 한다. 이를 위해 여성가족부는 여성폭력 근절을 위해 피해자 보호지원 정책 뿐 아니라, 보다 근본적으로 여성에 대한 폭력을 종식시키기 위해 부처간 협력체계 마련 등 지속적이고, 효과적인 방안을 마련해야 한다. 따라서 부처 간 업무를 조율하고 상호보완적인 정책방안을 마련 할 수 있는 상시적인 방안이 마련되어야 한다. 중앙부처간 협력과 함께 중앙과 지방의 협력체계 역시 매우 중요하다. 중앙정부의 정책방향이 지역에서 구체적으로 실현되는 과정에서 변질되거나 왜곡되는 경향이 많기 때문이다.

(3) 정부와 민간의 협력체계 구축

가정폭력과 성폭력이 4대악으로 선정된 후 많은 여성단체들이 정부의 각종 회의와 간담회에 많이 참여하였다. 정부부처와 관련기관에서 민간단체와 함께 여성폭력 근절 정책을 논의한다는 것은 바람직한 현상이지만 형식적인 경우가 많다. 자문형식의 회의, 정책건의를 해도 그 결과가 어떻게 반영되는지 알 수 없는 구조, 이미 마련된 계획에 의견수렴정도로만 그치는 풍토 등은 바뀌어야 한다. 여성폭력피해자의 인권을 보장하고 여성에 대한 폭력을 근절하기 위해서는 형식적인 관계가 아닌 진정한 파트너십으로서 함께 정책을 논의하고 집행하여 함께 평가하는 것이 필요하다.

여성에 대한 폭력은 그 역사와 뿌리가 깊어 이를 근절하기 위해서는 사회구성원 모두의 노력과 헌신이 요구된다. 가정폭력 근절을 위해서는 정부와 NGO의 역할분담과 긴밀한 민·관 협력체계가 구축되어야 한다. UN사무총장 보고서 '여성폭력종식'에서는 여성폭력 종식을 위해 국가에서 해야 할 여섯 가지 차원의 권고사항을 통해 NGO와의 협력을 강조하고 있다. 보고서는 '여성폭력 근절을 위한 지도력 발휘'항에서 '여성폭력을 근절하기 위해 모든 차원, 특히 현장에서 지도력을 발휘하는 여성단체들은 활동에 방해 없이 활발한 지원을 받을 수 있어야 한다'고 권고하고 있다.

10) 피해자 지원과 가해자 처벌을 넘어서

지금까지 우리 사회에서 가정폭력은 피해자지원제도의 확립과 확대, 가해자 처벌과 교정을 중심으로 진행되었다. 그러나 피해자를 지원하고 가해자를 처벌하는 것은 사건이 발생한 것을 전제로 하는 것이기에 사후적 성격이 강하다. 따라서 범죄의 발생원인을 정확히 파악하여, 본질에 접근하려는 노력이 필요하다. 단순히 개인의 일탈을 원인으로 규정할 경우, 전 국민의 50% 이상이 가정폭력의 피해를 경험했다는 것을 설명할 수 없다. 그만큼 집단적이고 구조적인 문제이기 때문이다. 이에 여성의 경제적 권리 확보, 여성의 정치세력화, 미디어 감시 등을 통해 사회 전체의 변화를 모색해야 한다.

Discussion Paper

Anti-Prostitution & Women's Rights Movement in Korean Society: Past Achievements and Future Endeavors

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Note on the English translation: The author uses the English word “prostitution” in this paper to include—in the Korean context—buying and selling of sex, as well as sex trafficking. In relevant Korean laws and policies, however, the term “sexual traffic” or “sex trade” is commonly used for this concept.

I. Preface

The human rights that women enjoy today were not a given; rather, they were attained through excruciatingly hard-fought struggles, some of which still continue to this day. Of these current struggles, one of the biggest that women face is gender-based violence. The term “gender-based violence” refers to any physical, mental and/or sexual violence which occurs between men and women in societies with gender inequality and patriarchal culture. In this context, sexual harassment, sexual violence, domestic violence and prostitution are the most representative forms of gender-based violence – more specifically, violence against women.

The swift and compelling responses by various women's movements regarding gender-based violence have resulted in new legal systems and policies, as well as various international laws. There is a worldwide consensus nowadays that there must be an end to violence against women, as well as sexual exploitation and human trafficking of women.

Occurrence of gender violence is related to the economic, political, social and cultural status of women, as well as asymmetrical relationship of power between the genders. It is also linked to the status differences between women (females) and men (males), which have either shifted or persisted over the course of globalization. Gender-based violence is also sustained and reinforced by the culture of silence, the denial of its serious social costs, as well as gender inequalities and traditional gender norms (UNFPA, 2009; WHO 2009). Therefore, gender-based violence is internationally recognized as a universal and “major public health issue” as well as a “comprehensive human rights violations issue” (WHO, 2008; UNIFEM).

In our view, the problem of prostitution/sexual exploitation is a form of violence against the weak in a society affected by gender inequalities. Gender-based discrimination not only applies to the relations

between biological men and women, but also functions as an axis of power that systematically organizes a given society into a discriminative structure by imposing “femininity” or a “feminine status” to those who occupy relatively vulnerable positions in the society.

Gender-based violence is an explicit reflection of our society’s gender-centric structure, and the seriousness of this problem is loud and clear. However, it is still treated as a simple issue of physically forced sexual violence and/or domestic violence. Such tendencies are a clear reason to raise our level of awareness so that we are not just considering the level of severity of gender-based violence, but also that we are taking note of the various types and new forms of gender-based violence which occur in a societal structure of inequalities.

In the <European Parliament Resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women (2010/2209(INI))>, the European Parliament noted that sexual exploitation and prostitution are adversely related to gender equality. The logic behind this is the “concept of vulnerability,” which, in this case, refers to the lack of alternative source of income for women in poverty. This concept of vulnerability has been included in legal documents for eradication of sexual exploitation and human trafficking since the Palermo Protocol. In other words, the fact that women are vulnerable to poverty as well as to violence (which often occurs in prostitution and/or on sex work sites) has contributed to recognizing women in sex industry as victims. We must also note that many women fall victim to sexual exploitation due to various factors including abuse, violence, and pressures of supporting the family combined with a lack of viable alternatives of making a living. The sex industry has been taking advantage of such situation to expand itself into the service sector with ever-increasing number of younger women whose marketability is higher in the sex industry.

II. How the Korean Society addressed Sexual Traffic/ Sex Industry: Achievements and Challenges

1. Establishment of Laws and Systems

With regards to tackling the issues of prostitution, human trafficking, and migration in Korea, there was a tendency of setting a strategic objective as “helping victims of violence.” But this fostered the misconception that only “coerced prostitution” in the sex industry should be considered as sexual exploitation, resulting in a highly narrow scope of approach. However, the catastrophic fires in the Gusan City red-light district in 2000 and 2002 revealed the realities of the sex industry and human rights situation of women in this industry that were long concealed and neglected. This revelation led to the enactment of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims in 2004. The Act is not a mere replacement of the Prevention of Prostitution, etc. Act (1961), which was enacted when Korea was a developing country. Rather, the new law is intended to bring about a complete paradigm shift so that we may recognize sexual traffic not as a personal problem alone, but as a systematic issue originating from an unequal social structure based on gender, which calls for the government to take responsibility and action in tackling the issue.

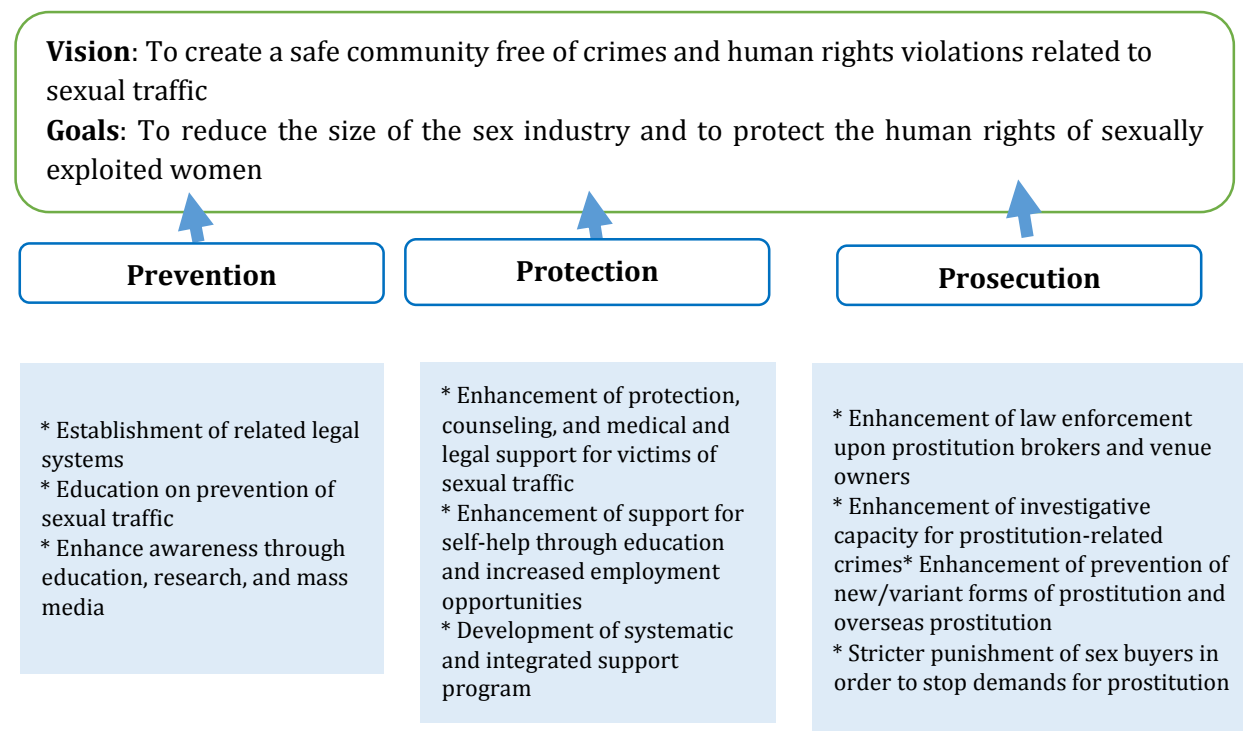
Korean Government’s Measures to Prevent Sexual Traffic: Developments and Amendments

Established in 2004, the Monitoring Committee of the Sexual Traffic Prevention Measures (led by the Vice Minister of Gender Equality and Family, with 17 participating departments, hereinafter ‘the Monitoring Committee’) has strengthened inter-agency administrative execution competence by actively identifying policy improvement tasks regarding punishment of those involved in sexual traffic, administrative measures on prostitution broker, and crackdown on new and variant forms of sexual traffic.

June 2003	Establishment of comprehensive and effective mid/long-term measures against sexual traffic	Organization of the “Planning Group for Prevention of Sexual Traffic” under the Office for Government Policy Coordination
March 2004	Establishment of Comprehensive Measures for Prevention of Sexual Traffic	Announcement of the Comprehensive Measures for Prevention of Sexual Traffic (3 areas, 18 tasks & 73 policies)
November 2004	Monitoring of and regular inter-ministerial discussions on the implementation of Comprehensive Measures for Prevention of Sexual Traffic	Transformation of existing “Planning Group for Sex Trafficking Prevention” into the “Monitoring Committee of” (comprised of director Comprehensive Measures for Prevention of Sexual Traffic generals of 14 related bureaus under the Office for Government Policy Coordination)
December 2007	Additional amendments to the Comprehensive Measures for Prevention of Sexual Traffic	Additional amendments to policy tasks according to changes in the policy environment
From 2013 to date	Comprehensive Measures for Prevention of Sexual Traffic	Comprised of 48 projects to prevent and prosecute sexual traffic, as well as to protect the victims of sexual traffic

Source: The Korean Ministry of Gender Equality and Family website (2013)

Policy Goals and Areas



Most notably, the Monitoring Committee set forth the punishment guidelines on prostitution violation by government officials in 2011 and improved the educational intervention program, or John School, in 2012 for prevention of recidivism, increasing the education hours from the existing 8 hours to 16 hours. Then in 2013, the punishment became stricter once again as first-time prostitution offenders of juveniles and the disabled were excluded from the conditional suspension of indictment. In 2014, the restrictions on visa issuance on overseas sexual traffic offenders were toughened. Administrative measures against entertainment establishments which solicit prostitution customers were also strengthened in 2015, through changing the criteria for the business shutdown from 3 violations per year to 2 violations per year.

2. NGO Activities and Women's Rights Movement against Prostitution

(1) Nationwide Efforts for Legislation and Rescue Support

The rate of growth and evolution of the sex industry in Korea has been rapid. An outdated and conventional awareness on women and rampant gender inequality in Korean society display a bitter reality in which no legal system or policy is able to catch up with the increasingly diverse and fast-changing forms of prostitution: smartphone sex procurers, advertisements, and soliciting. The sex industry is diversifying and becoming globalized, lowering the age of sex workers. It is exposing women to more violence and poverty. In fact, women at prostitution shops are suffering from various forms of

debt such as prepayment, loans, high-interest private loans, and loans for plastic surgeries, finding themselves trapped in a never-ending cycle of prostitution.

- Providing rescue and organizing self-support means for women in prostitution (legal & medical support and vocational training)
- Preparing education and activities for prevention of sexual traffic, and public campaigns to fight the exploitative sex industry
- Monitoring of government policies (e.g. law revisions) and responsive actions against the issue (e.g. response to incidents, joint reports and disclosures of brothels and the owners, as well as on clusters of brothels)

(2) Activities for Decriminalization of Prostituted Women

In regards to the Korean government's policies on women in sexual traffic, the 49th Meeting of the Committee on the Elimination Discrimination against Women in 2011 repeated its call for a complete implementation of Article 6 of the Convention on the Elimination of All Forms of Discrimination against women, demanding that "policies, criminal laws and bills related to prostitution for the decriminalization of prostituted women [be evaluated]" and that we "avoid punishing" these women.

As women take up the major population of prostitution, the request of women's groups to the government for decriminalization of the prostituted women was only partially accepted. Only those who have been forced or coerced into prostitution are categorized as prostituted victims and are exempt from punishment, while all others (so called the "voluntary sex workers") are cannot avoid punishment. Previously, during the initial phases of law enforcement, the punishment of women was often not carried out in order to protect the rights of the prostituted women. However, since President Lee Myung-bak's administration, the level of crackdowns has been amplified, but resulted in no exception from arrests and punishments. In the worst cases, women who report themselves as a prostituted victim still ended up facing legal punishment.

- Creation of a community network and facilitation of activities for those who have experienced prostitution
- Efforts for complete amendments to the laws related to sexual exploitation

(3) Enhancement of Punishment and Regulations on Sex purveyors for Stronger Response against Prostitution / Sex Industry

Prostitution and the sex industry are going through phases of rapid transformation. Accordingly, so are the methods of providing sex workers. However, the current laws regarding the crime of solicitation for prostitution, which is in fact an act of purveying, are backed by a very ineffective system of punishment, as these laws reflect a low level of awareness which considers this crime as a typical job brokerage. In reality, prostitution agencies and sex purveyors have used a variety of methods, which

walk the fine line between legal and illegal, to recruit, entice, transport, transfer, introduce and establish ties, and expand the prostitution/sex industry⁶⁵. In particular, the current law on *Bo Do Bangs* (illegal job referral businesses), which are one of the main sources of women for prostitution, has lost its regulating power long ago. In order to regulate the increasingly diverse supply methods of the sex industry, the scope and method of regulation on solicitation must be expanded. While electronic media, online services, advertisements, and promotion on social media, digital sex crimes, and dating apps are all closely related to solicitation for prostitution and widely disseminated and distributed, responsive measures are barely catching up to the rate at which these outlets for solicitation are evolving; at the most, these measures can be said to be merely temporary remedies. Therefore, effective and detailed actions are crucial in order to destroy the fast-changing internal/external coalition system of the increasingly subtle and sophisticated means of solicitation for prostitution/sex industry.

Related crimes in sex industry, including brokering and promoting prostitution, must be identified and addressed more directly. At the same time, stronger regulative measures must be established in order to deter an array of new/variant forms of solicitation. Nowadays, digital spaces, including electronic media, online and online apps, are transforming into profit-generating places of solicitation for prostitution. Website developers and operators who allow the flooding of advertisements, promotion, and solicitation of prostitution, and other related parties, including those who provide help with distribution of such ads, must be duly punished. Also, those who post and circulate materials on which the aforementioned forms of crimes are included should be penalized as well. Yet, in reality, the level of regulations or control is highly lacking, and women continue to be targeted for digital sex crimes and suffer for the rest of their lives. Thus, prostitution-related offences through electronic media must be strongly regulated and so must the punishment of developers and operators of such websites, as well as of those who perform the acts of distributing and sharing prostitution-related information and experience online.

- Laws and acts including the <Food Sanitation Act> and the <Public Health Control Act>, which regulate business areas in which prostitution are highly likely to occur, stipulate that any violation of the <Act on the Punishment of Intermediating in Sex Trade and Associated Acts> may result in business suspension or revocation of the business licenses. However, even when punished for prostitution, most businesses cunningly circumvent the law enforcement by hiring a figurehead CEO and resuming

⁶⁵ According to the “2010 Survey on Prostitution”(Seoul National University Institute for Gender Research), the number of cases of prostitution amounted to 46.05 million; the number of prostituted women was 142,000, among which around 4,900 were in the brothel clusters; and the estimated amount of money spent on prostitution through solicitation agencies was KRW 6.6267 trillion. In terms of size of the sex work business, the amount of money spent on prostitution through solicitation agencies was the highest, reaching up to KRW 5.403 trillion (81.6%). Among solicitation agencies, the amount of money spent for prostitution at general bars was KRW 3.5729 trillion, accounting for more than a half (53.9%) of the total amount, followed by karaoke’s (KRW 845.9 billion, 12.8%), massage shops (KRW 447.7 billion, 6.8%), brothel clusters (KRW 576.5 billion, 8.7%), new/variant forms of prostitution (KRW 254.7 billion, 3.6%), overseas prostitution (KRW 219.5 billion, 3.3%), and prostitution through the internet (KRW 171.8 billion, 2.6%). Another statistic demonstrates, in particular, that the scale of the online prostitution market exceeds KRW 2 trillion, when the number of paid-up members of the online proxy-lover provision services is taken into account (The Covet Boom, by Kim Ki Tae and Huh Eo Yeong, 2012).

operation, transferring titles, or shutting down their business and then immediately reopening it at the very same site by obtaining new license. This is why I believe the size of the sex industry must be reduced by means of severe punishment and shutdowns of businesses related to the industry.

- The scope of definition of solicitation for prostitution must be expanded to include mediators, promotion, advertisements, and provision of venue. At the same time, the definition of enticement into prostitution/sex work must be expanded to include methods that incur considerable debts including pre-payment and loans for plastic surgeries.

- Forfeit, surcharges, and taxes must be increased in order to respond to the growth of the sex industry and generation of demand for prostitution.

- It is imperative for local governments to proactively execute special judicial police system to crack down on prostitution while allowing them to suspend business and prevent any further activities, for example, applying the Food Sanitation Act, Public Health Control Act, Act on the Protection of Children and Juveniles against Sexual Abuse and the School Health Act to report offenders to the Prosecutors' Office and ordering business shutdown instead of imposing fines.

(4) Activities against Sexual Exploitation and Human Trafficking

After being rated as Grade 3 on human trafficking in 2001, Korea has made improvements and has since maintained Grade 1. However, the Government is not providing fully active response measures against sexual exploitation and human trafficking. The Ministry of Justice is credited, at least partially, for putting in a lot of effort to tackle human trafficking and supporting the victims, effort which is not limited to a national level, but goes beyond to a global level, and includes actions such as making amendments to the criminal law, reorganizing regulations on human trafficking and establishing pertinent measures in 2003. Previously, criminal law had been limited to enforcement in cases of simple human trafficking, as it specified that the offender may avoid punishment unless a specific and certain purpose for the act of human trafficking is identified, such as human trafficking for profit-making purposes (Article 288) or for overseas transport (Article 289). In this regard, establishment of the "Crime on Human Trafficking" was indeed a relief to a certain extent, for it provides a set of criteria for imposing punishment on human traffickers, even if the specific purpose of the act of trafficking is not identified. Yet, amendments to criminal law can only do so much to realize the purpose of the International Protocol on Human Trafficking. The Palermo Protocol calls for each nation to prevent human trafficking, punish human traffickers, provide protection and support for victims of human trafficking, and cooperate among nations. It especially emphasizes the importance of the provision of protection and support for the victims of human trafficking. The rampancy of crimes of human trafficking in Korean Society can only be reduced when victims of human trafficking are defined as "victims" regardless of their possible issues of residency status, involvement with other crimes, or provision of consent, and are provided with follow-up measures for reintegration into society.

In July, 2011, the CEDAW advised the Korean government, in its final recommendation document, to strengthen the initial stages of the current evaluation procedure on entertainment management agencies which recruit foreign women, to establish effective monitoring equipment on the working sites of foreign women with an E-6 Visa in order to secure the safety of those women against those who may target them for sex trade and/or sexual exploitation, and to enact a comprehensive law on human trafficking, as well as to make amendments to pertinent laws including criminal laws to categorize human trafficking as crime.”

- Enhanced crackdown and punishment on sex purchasers and businesses providing prostitution by foreign women
- Full re-evaluation on the E-6 visa and restaurants which provide entertainment with foreign employees; tightened evaluation process of entertainment management agencies which hire foreign women; provision of an effective monitoring system for female workers with the E-6 visa
- Establishment of measures to secure the stay status of the victims of sex trafficking and to resolve their visa issues
- Enhanced criminal punishment and placing the obligation of proof on business owners who delay wage payment and provide prostitution
- Establishment of an integrative support system for foreign female victims

(5) Activities against Sexual Exploitation on Children/Juveniles

Legal/systemic approach to juvenile prostitution

- The “Act on the Protection of Juveniles from Sexual Abuse” (currently the ‘Act on the Protection of Children and Juveniles from Sexual Abuse’), enacted in 2000, views juveniles not as subjects of punishment but protection and support.
- In 2005, the Taskforce for Juvenile Policies was created under the Commission on Youth of the Prime Minister’s Office (renamed in 2006 to the National Commission on Youth). In 2008, the organization was transferred to the Ministry of Health, Welfare and Family Affairs, with its name changed to the Commission on Youth Protection. Then in 2010, it was once again revised to be under the direction of the Ministry of Gender Equality and Family. Currently, the commission is governed by the Women’s and Youth Rights Policy Division under the Women’s and Youth Rights Promotion Bureau of the Ministry of Gender Equality and Family.
- The current Juvenile Sexual Protection Act defines youth who have become a “target of a sex purchase of a child/juvenile” as “involved juveniles” instead of as “victims” and refers to the case as a “case to be protected.”

However, the term “involved juveniles” is highly misleading, for they are actually the “victims” of sexual exploitation. Thus, the related regulation stipulated by the current Juvenile Sexual Protection Act must be removed. Furthermore, the purpose of the legislation of the current Juvenile Sexual Protection Act, must be revised and provide guidance for sexually victimized youths.

Absence of Comprehensive Measure against Juvenile Sexual Exploitation

According to the 2010 Statistic Report of the National Police Agency, the number of runaway female juveniles is 13,462, nearly 1.5 times higher than that of male counterparts, which is 8,825. In addition, the total estimated number of unreported runaway juveniles per year is around 200,000.

According to “2013 Juvenile Survey on Media Use,” conducted by Ministry of Gender Equality and Family, 9 out of 10 possess a cell phone, among which female students showed a higher possession rate (94.8%) than male students (88.3%). Among them, 81.5% (4 out of 5) owned a smartphone. During the 5 years from 2004 to 2008, 81% (4,230 cases) out of 5,165 cases of juvenile prostitution were conducted via the Internet. Expansion of the prostitution market in Korean society, thanks to the high possession rate of smartphones and various applications, has led to an increasing number of juvenile sexual exploitation cases. In fact, smartphone chat apps are accessible to anyone, anytime and anywhere, increasing the chances that all juveniles are randomly approached for prostitution⁶⁶.

The basis for the Juvenile Sexual Protection Act is to impose punishment on the act of purchasing juvenile sex. It does not provide separate support for victims of juvenile sexual exploitation.

Weakened Punishment on Juvenile Sex Offenses

The Act on the Protection of Children and Juveniles from Sexual Abuse prohibits paying minors aged 19 or younger for sex. However, this law is limitedly enforced only in the cases of sexual purchase in which the buyer was aware of the fact that the target was under-aged. Accordingly, in such cases where the victims are juveniles but the purchasers were unaware of that fact, the sex buyers are imposed with relatively lighter punishments. Also, the arrest rate for such cases has plunged from 26.6% in 2004 to 7.0% in 2013.

This phenomenon is leading to a distorted view of cases of juvenile prostitution via online chatting or blind dates in which such acts are interpreted as voluntary and inveterate. This distorted view then influences the severity of punishment on the sex buyers and solicitors.

The methods of random meetings or chats, which are rapidly evolving via smartphone apps and social media, are transforming into a solicitation-free platform for direct meet-ups. As a result, in the end, all the repercussions fall on the individual while letting the sex buyers get away with their offenses. Establishment of responsive measures against such situations where sexual exploitation is rampant is greatly needed.

- *(Example) Murder of a 14 year-old victim by the sex buyer in Gwanak District in 2015*

⁶⁶ According to the Analysis of Sex Crime Trends against Children and the Youth (2007-2012), 59.6% of the victims of pimping/coercion runaways, while 40.4% was not. The average age was 15.97.

III. Work to be Done for a Paradigm Shift

1. Cut off the Demand– Strengthen Punishments against Buying of Sex

The imbalance in power consistently influences the sexualities of women and men and cements the image of men purchasing sex from women. Accordingly, prostitution not only reaffirms the stereotypical concepts of each respective gender and is considered as an expression of the idea that men can use their financial power to unlimitedly take advantage of the bodies and sexuality of women, but also carries the assumption that sexual desire is a type of right which is given to male individuals.

Given a survey which found that 40.6% of male sex buyers paid for sex because they believed that they would not be cracked down on while 31.2% offered prostitution as a treatment, prostitution in the Korean society is being consumed in the forms of hospitality or bribes or a vehicle of money and power which affirms their masculinity. Most buyers of sex see their engaging in prostitution as a “fair” and “just” economic behavior and at the same time consider prostituted women as those who “trade their sexuality for money.” Such thinking explicitly displays the fact that the deep-rooted patriarchy and male-oriented nature of Korean society, combined with the economy (money) and efficiency-related social issues, are resulting in rationalization, exoneration, leniency, and self-justification of the act of engaging in prostitution. Such characteristics are closely linked to sexual hospitality and bribery in Korean society, and are even playing a role in overseas sexual exploitation. By playing a major role in sexual exploitation, the aforementioned characteristics of prostitution provides the basis of the need for a paradigm shift towards creating strategies to cut off the demand.

There are instances of murder, physical violence, intimidation and threats by sex buyers against women in sexual trade, based on reasons of “dissatisfying service”. This clearly shows how sex buyers are contributing to sexual exploitation. Perceiving their engagement in prostitution as a purchase of ownership of the woman, sex buyers justify any and all of their acts and lay fault with the women.

Corporations or legal entities have long been connected to corruption by providing prostitution as a means of hospitality or payment in return. Such customs of hospitality have resulted in a number of incidents and cases of hospitality or bribe-related prostitution. In fact, political authorities and enterprises have made it a custom to conduct lobbying by offering prostitution. Considering the influence of engaging in prostitution and sexual hospitality and bribery on the society, the code of ethics in public sectors, especially for public offices, must be amended to enable swift execution of due punishment and discipline and strict management and supervision of the aforementioned processes.

According to the survey by the Korean Institute of Criminology in 2015 on 307 gang members in correctional facilities across the country, most gangs, amongst many types of businesses, owned and run adult entertainment establishments (74.9%), or they were involved in adult entertainment business by offering protection of such establishments (45%). The adult entertainment business in Korea boasts unfailing prosperity, thanks to the fact that such enterprises are much more than a mere

drinking place for stress relief; in fact, the adult entertainment business has become a “business industry,” as a result of a distinct combination of the two age-old customs of Korea: hospitality and play (entertainment).

2) Establishment of New Comprehensive Measures for Prostitution Prevention and Sexual Exploitation

For realization of a governance system, interdependency and interaction are important, along with policy effectiveness based on trust. Going into well over 10 years of implementation of the comprehensive countermeasure for prevention of sexual traffic since its establishment, the efforts made by the Ministry of Gender Equality and Family to come up with proper measures by itself have demonstrated limits. While prevention of sexual traffic and related preventive activities require the cooperation with private governance as one of the most important elements, government-lead activities have failed to elicit local participation and changes; rather, they have distanced and excluded private groups, increasing the level of distrust. Instead of a political response by breaking down the governance, endeavors shall be made in order to enhance the government’s leadership through proper facility management and systemization to change the current performance-oriented policy system.

Need for a Specialized Investigation System and Expertise

Prostituted women are penalized and many women are experiencing difficulties both in civil and criminal legal matters. Protection of the rights of prostituted women has fallen null and void. The police carry out crackdowns, investigation and inquiries separately, resulting in punishments on the women, while, on the other hand, owners of sex trade businesses continue to suffocate the women in the name of claim recovery, even after years have passed. Requiring a professional investigative institution which bases its fundamental purpose on the protection and promotion of women’s rights, the National Police Agency and the Ministry of Justice have been repeatedly requested to respond to such needs.⁶⁷ Relevant and accurate response to the sex industry can only be possible if a specialized investigative system that will consider the particularities of investigating sexual traffic is established. Global efforts to identify various forms and ways that generate new demand and securely protect victims cannot be successful with an approach based on current life orders or customs and traditions of investigation groups. Regional investigation units and the special judicial police system are yielding some results through mutual investigative assistance and cooperation; however, since sexual exploitation is increasingly diversifying through changes in the forms and methods of recruiting, transferring, and soliciting such

⁶⁷ In the initial stage of the law enforcement, activities including 117, Yeo Cheonggye and Female Detective Task Force Group have yielded many positive results. Yet, since 2008, prostitution-related tasks of general police continuously changed from investigation to inquiry and to many more until the dualization of their tasks in 2010. Life Order Department was in charge of crackdowns, while investigative task force group of each police office were in charge of investigation and inquiry. At present, after further adjustments, the tasks are carried by the Women and Youth Team in the Life Order Department. Surely, an exclusive investigative system on prostitution is desperate in order to enable active crackdowns and investigations which are customized to the characteristics of prostitution crimes.

as through electronic media, exclusive, systemized, professional, and continuous responses must be organized in order to make full use of dedicated professionals and to properly investigate and prosecute cases of sexual traffic.

Monitoring National Policies – Need for the Establishment of a Policy based on Factual Survey

The Korean government has continuously been requested to provide due punishment on offenders, to make improvements on investigation and trials which currently shift the responsibility onto women, to collect reliable statistics and properly execute prevention measures, protect and prosecute on the government level (need of fundamental plans for preventing violence against women and establishing countermeasures at a government level), and to establish partnership with private sectors. Under the current law requires conducting surveys on prostitution every 3 years, surveys were conducted in 2007, 2010 and 2013. Yet, Statistics Korea “disapproved” of some of the collected data, and the 2010 and 2013 reports were not officially released. Also, statistics on police crackdowns fails to reflect the evolvement and growth of the sex industry, let alone provide categorized data by gender, as it reflects the progress of the law enforcement and political priorities. Sexual traffic, which is representative of industries that are legally unacceptable yet are culturally accepted on a wide scale, is also an industry representing how gender discrimination leads women to become lawbreakers much more easily than men. Therefore, proper surveys which aptly reflect such characteristics and portray political reflection are required.

Preventive activity of prostitution is not a mere protection measure for victimized women, it aims instead to bring changes in the custom, culture and awareness of the Korean society in order to reduce the rampancy of sexual hospitality, the scale of the adult entertainment industry and the sex industry, not to mention pursuing an active response against violence against women. Thus, it requires much more effort, recovery of the governance in which private experts take part, and the expansion of support for the private organizations.

Establishment of countermeasures to tackle the global issue of sexual exploitation, poverty of women and gender inequality is imperative. There is a great urgency to come up with measures to actively respond to issues including foreign women and female North Korean defectors who have been enticed into the sex industry, the growing demand and preference for younger women, and the globalizing, diversifying and sexually exploitative structure. Yet, the protection, safety and security of the women and their quality of life has been neglected by the government and it is failing to take these issues as a national political agenda. The global issues of sexual exploitation and sex industry must be tackled by establishing a new set of comprehensive countermeasures to prevent prostitution, sexual exploitation and human trafficking.

3) Comprehensive and Proper Response against Gender-Based Violence

(1) Strengthen the Protection of Rights of Victims of Sexual Traffic: Enhanced support for those who escaped from prostitution and expansion of the integrated support mechanism

There is a basic infrastructure to support female victims of violence. Various services and supports provided in response to demands for welfare provision have been, and are continuing to, expanding. However, such policies have only focused on welfare promotion with regards to “protection,” and on “provision of support” to fulfill the objects’ desire for welfare. There are many similarities to women who have become victims of violence, including social exclusion and lack of social and human capital, making it necessary to establish active policies that go beyond “provision of support” at a temporary beneficial level and focus on securing their “due rights” in order to enable them to live independent lives.

Are the women who have experienced or fallen victim to prostitution properly exercising their rights as victims? A victim of a crime is a person who has been directly damaged or hurt by a result of another person’s actions in the process of a criminal act. Considering the fact that such damage usually includes physical, emotional and psychological damage, as well as death of direct family members and loss of possessions, is the responsibility to compensate for any damage inflicted on these victims, these prostituted women, **solely** at the hands of the business owners of the sex industry? No. Victims should receive compensation from the government, local community, as well as from those directly involved in their horrific experiences, including sex buyers and business owners. Nonetheless, in reality, the damages which many victimized, prostituted women suffer are brought to attention only after their deaths due to suicide, natural death or homicide. **Only** with the establishment of policies that assure these women their rights as victims, will victimized women be able to disclose the wrongs they have endured during the investigation and trial, and the legal system will then be able to punish the offenders.

(2) An integrative support system for women in sex trade must be expanded

Facilities for women’s rights must be differentiated from general social welfare facilities and reflect the needs of women who are victims of violence, In order to do so, increased budget stability, sustainability and expansion are required. In this regard, support for victims/survivors requires the aid of national funds and governmental cooperation with NGO initiatives. The benefits of such a partnership highlight the important role NGOs can play⁶⁸. Public and private cooperation during times of institutionalization and restructuring of policies after institutionalization requires a revival of the public-private relationship. The first step, in this vein, must be to trust the expertise of on-site groups and activists

⁶⁸ The UN Secretary General’s report <Ending Violence against Women – From Words to Action> (2008, translated version published by Ministry of Gender Equality and Family), which was released to raise public awareness of all forms of violence against women, including sexual violence against women and girls, specifies the national and UN-level responsibilities for eradicating violence against women and provides recommendations and directions on effective execution of the responsibilities.

and cooperate with them to establish political goals that will bring changes to local communities and society as a whole, and to re-establish a public-private governance in partnership for establishing and implementing anti-prostitution policy. While it is the government's responsibility to promote policies in response to gender-based violence, government-level intervention is bound to center around service provision to the victimized women if the government continues to defend the patriarchal order on which the current culture and customs surrounding sex work and prostitution are based upon. Even so, such "service-focused" support lacks funds, which postpones results. More specific and detailed responsibilities for and efforts on behalf of society must be realized to fight prostitution.

Due to development or redevelopment of local areas, many brothel clusters are either closed or in the process of repair or renovation. Countermeasures must be established to provide alternative means of self-sufficient living for former-prostituted women and must not be left in the hands of the local government or residents. Establishment of policies which support self-sufficiency for prostituted women and focus on provision of alternative measures is crucial (e.g. establishment of measures to secure opportunity and time to escape prostitution by providing living costs, a residence and job to a woman who does not own a place outside of the brothel).

4) Diversification and Expansion of Activities for Containment and Prevention of Prostitution

① Expansion of Preventive Education and Training

The Korean government mandates that people be educated to prevent the spread of prostitution. The government stresses the importance of preventive education for eradication of violence against women and has offered preventive education on sexual harassment, prostitution, sexual violence and domestic violence compulsory. However, a one-time-only or a once-a-year preventive education course without efforts to change social awareness and culture and proper punishment of offenders has proven ineffective. The key issues faced when dealing with prostitution are the expansion of sex industry and growth in demand. Therefore, preventive education must be carried out from a gender-equal and humanitarian point of view, providing a gender-equal perspective in order to be truly successful.

② Education for Officials in Investigative and Judicial Institutions and Public Sectors

Education of those working for educational, legislative, investigative and judicial institutions is especially important. Such education must focus on the demand of the buyers and develop various materials and content for preventive education regarding prostitution, particularly to increase men's awareness (male chauvinism and degrading of women) of the problematic nature of prostitution and address related issues including the desires and demands of men, speaking habits of men, and their approach to establishing relationships. While gender awareness needs to be improved and changes in patriarchal tendency, male chauvinism and duality of the sexual culture are urgent, unfortunately, many prostitution-related cases of social leaders including officials of local governments, government

agencies, or the police are constantly being reported, proving the need for more effective and more frequent preventive education, along with execution of due punishment.

In fact, the number of reported public officers for prostitution increased from 47 in 2013 by 14.9% or to 27 in 2014. And despite the government's endeavors to deter public officers' involvement in prostitution by enhancing punishment, engagement in prostitution continues to persist. Therefore, establishment and enhancement of practical criteria for discipline and punishment for those in charge of law enforcement and other public officers are crucial. In this regard, the government must (1) come up with education that is more practical and pragmatic, instead of the current, cursory education, and see that it is thoroughly integrated into our culture and society in order to bring about change in awareness of this issue; and (2) deliver specific behavioral changes in order to transform basic work environments and practices in hospitality and dining practices.

③ Promoting greater sensitivity towards violence against women

Improvement in human rights sensitivity and awareness can only come from changing the fundamental social order and local communities as a whole. Along with efforts to change the unequal relationship of power between genders, a shift of mindset, in which individuals will see issues of gender-based violence as personal issues, is imperative.

④ Expansion of networks and participation of local communities

The correlation between prostitution and human trafficking must be recognized, while at the same time collective efforts and activities are required to address the issues of expansion of sex industry and the factors that lead to prostitution. Community involvement and other diverse methods by which local communities can help reduce demand for prostitutes are extremely important, as such activities lead to eradication of sexual exploitation, help tackle local community issues, and allow for improvements in women's rights. In order to respond to issues of brothel clusters in local areas, internet prostitution, and new/variant forms of sex work business, the local social networks must incorporate a public-private governance, which can initiate and strengthen participation in the demand-cut-off activities of each local community, as well as provide greater support to groups and organizations that are actively taking the lead in changing the male-oriented culture.

⑤ Development of social activities and public campaign advertisements

More efforts and promotional activities need to be made and organized in order for society to be able to suppress demand for prostitution and bring about change in social attitudes towards prostitution and other related issues. New methods of awareness improvement must be sought in order to (1) increase support for public educational campaigns on the harms of prostitution, (2) offer social and economic support for self-sustainable lives for prostituted women, and (3) ultimately change the conventionally male-oriented masculine culture and awareness of these problems across society.

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<About the Nationwide Solidarity for Tackling Issues of Prostitution>

Established in June 9th, 2004, the Nationwide Solidarity for Tackling Issues of Prostitution is an anti-prostitution women's right movement organization, which has 13 member groups across Korea. Since 2016, our organization has been operating an affiliated women's rights center <Boda>. We also have networks of counseling centers, shelters, rehabilitation centers, as well as a network for involved individuals called the <Mungchi>. Furthermore, we promote capacity enhancement of the activists through Academy for Activists every year, along with holding workshops, forums and debate forums on pertinent policies.

Formed in 2006, the <Dandelion Pilgrimage Group> commemorates the women who had lost their lives by disastrous fires in Daemyeongdong and Gaebokdong in Gunsan every year, and organize marches in the hopes of creating a world in which no women will suffer from prostitution. This group also takes a lead in responding to gender-based violence through a series of linked projects for structural breakdown of the sex work business and sexual exploitation. It also actively participates in deterrence of global expansion of sex industry and sexual exploitation.

한국사회 반성매매여성인권운동의 성과와 과제⁶⁹

정미례(성매매문제해결을위한전국연대 공동대표)

1. 들어가며

여성의 인간됨은 자연스럽게 주어진 당연한 권리가 아니라 지난하게 싸워 온 결과로 쟁취되어 온 역사이다. 남녀불평등한 관계와 가부장제사회 문화에서 남성과 여성간에 발생하는 신체적, 정신적, 성적인 폭력을 젠더폭력이라고 할 때 성희롱, 성폭력, 가정폭력, 성매매는 대표적인 젠더폭력(여성에 대한 폭력)이다.

여성에 대한 폭력에 대응하는 여성운동은 새로운 법제도 정책을 만들어냈고 다양한 국제법들을 생성해냈다. 각각의 규정과 국제법적 논의를 통해 여성에 대한 폭력, 성착취, 인신매매가 근절되어야 한다는 데 포괄적인 국제적 합의 또한 존재한다.

젠더폭력의 발생은 남성에 비해 열등한 여성의 경제, 정치, 사회, 문화적 지위 및 비대칭적 권력관계와 무관하지 않으며 지구화 과정 속에서 변동하거나 지속되는 여(성성)/남(성성) 간 지위차이와 연관된다. 또한 침묵의 문화, 심각한 건강과 학대에 관한 사회적 비용에 대한 부인, 성불평등과 전통적 젠더 규범 등에 의해 유지되고 강화된다(UNFPA, 2009; WHO, 2008). 그러므로 국제적으로 젠더폭력은 보편적이고 “주요한 공공 건강의 문제”이자 “포괄적인 인권 침해” 이슈로 여겨지고 있다(World Health Organization, 2008; UNIFEM).

성매매/성착취 인신매매 문제는 젠더 불평등한 구조에서 사회적인 약자에게 발생하는 폭력으로 “젠더”에 기반한 차별은 단순히 생물학적 남성과 여성에게만 적용되지 않으며 상대적으로 취약한 위치에 있는 사람들에게 “여성성” 또는 “여성”적 위치를 부과함으로써 “젠더”는 사회를 차별적으로 조직하는 권력의 축으로서 작동한다.

⁶⁹ 본 자료는 그동안 발표되었던 내용을 필자가 본 회의에 맞게 재구성하였음을 밝힙니다.

젠더에 기반한 폭력은 우리사회가 지독하게 젠더화 된 사회임을 드러내주는 바로미터로 모든 영역에서 젠더폭력은 심각한 상황임은 말해줌에도 불구하고 여성에 대한 폭력을 실질적인 무력행사를 중심으로 한 성폭력과 가정폭력의 범주로만 취급하려는 경향이 강하다. 젠더폭력의 경중의 문제가 아니라 성별 불평등한 구조에서 발생하는 젠더폭력의 다양한 유형과 형태, 그리고 새로운 방식에 더 주목하고 이문제를 의제화해 나가는 민감성이 우리에게 필요한 이유이다.

유럽의회는 <여성폭력 척결을 위한 새로운 EU 정책 프레임워크의 우선과제와 개요에 관한 2011년 4월 5일자 결의안>(2010/2209(INI))에서 성착취 및 성매매는 양성평등 실현에 영향을 미친다고 규정하였다. 무엇보다도 생계가 어려운 여성들이 겪는 대안의 부재가 **취약성**이라는 개념에 담겨 있으며, 취약성 개념은 팔레르모 의정서 이후 성착취 인신매매 근절을 위한 모든 법률 문서에 포함되었다. 결과적으로, 성매매/성산업현장에서 경험하는 폭력과 더불어 빈곤에 따른 취약성이라는 개념이 성매매 여성들을 피해자로 규정하는데 기여한 것이다. 많은 여성들이 학대와 폭력, 또는 대안적 생계수단의 결여 및 생계부양 책임 및 다양한 사유로 성착취 피해를 강요당하고, 이에 편승한 성산업은 서비스영역으로 확장되고 있는 이중성이 성산업을 키우면서 성매매를 정상적인 위치로 배치시켰으며 결국 상품성의 가치가 높은 저연령화 현상이 가속화 되도록 확장해 나가고 있음에 주목해야 한다.

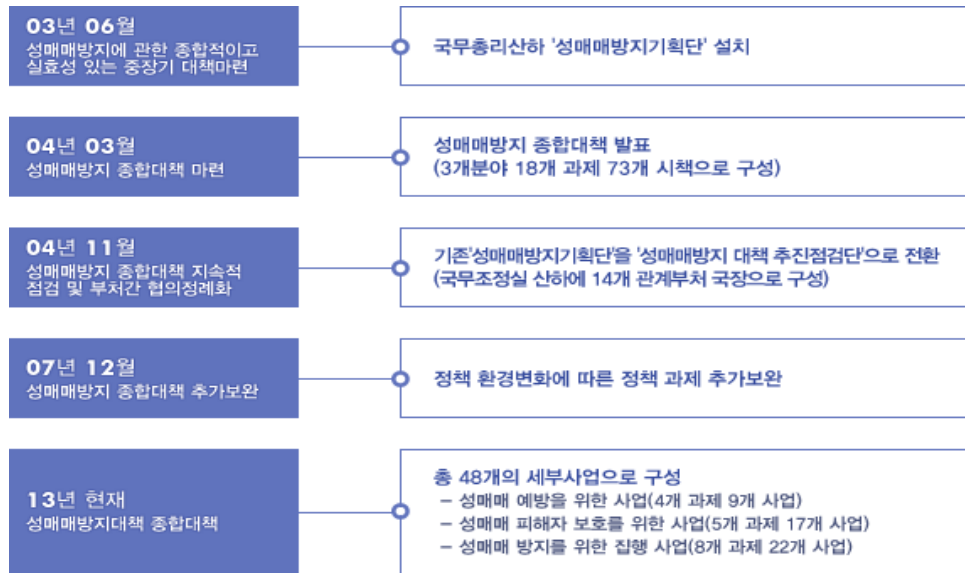
2. 한국사회 성매매/성산업에 대응하는 성과와 과제

1) 법, 제도마련과 시스템의 구축

성매매와 인신매매, 이주의 문제등에 대해서 ‘폭력의 결과로서 발생한 희생자를 돕는다’는 형태의 전략목표를 설정하고 있는데, 이는 성매매영역에서 마치 ‘강제된 성매매’만을 성착취로 인식하게 하면서 협소한 접근을 하도록 했다. 한국사회는 2000년과 2002년 군산지역에서 발생한 화재참사로 인해 그동안 은폐되거나 방치되어 온 성산업의 실태와 여성들의 인권상황이 적나라하게 드러나게 됨으로써 2004년 성매매방지법을 제정하게 되는 계기가 되었다. 성매매방지법은 단순히 개발국가시대에 만들어진 ‘윤락행위등방지법’을 대체하는 것이 아닌, 성매매가 개인의 문제만이 아닌 젠더불평등한 사회구조의 문제이며 이 문제해결에 국가의 책임을 전면에 내세운 새로운 페러다임의 전환을 위한 법이다.

정부의 성매매방지종합대책의 수립과 변화

○ 2004년부터 법정부적 성매매방지대책 추진점검단(여성가족부 차관 주재, 17개 부처 참여)을 통해 성매매 행위자 처벌, 알선 등 관계자 행정처분, 신·변종 업소 단속 등과 관련하여 적극적으로 제도 개선 사항을 발굴 부처간 행정 집행력을 강화하였다.

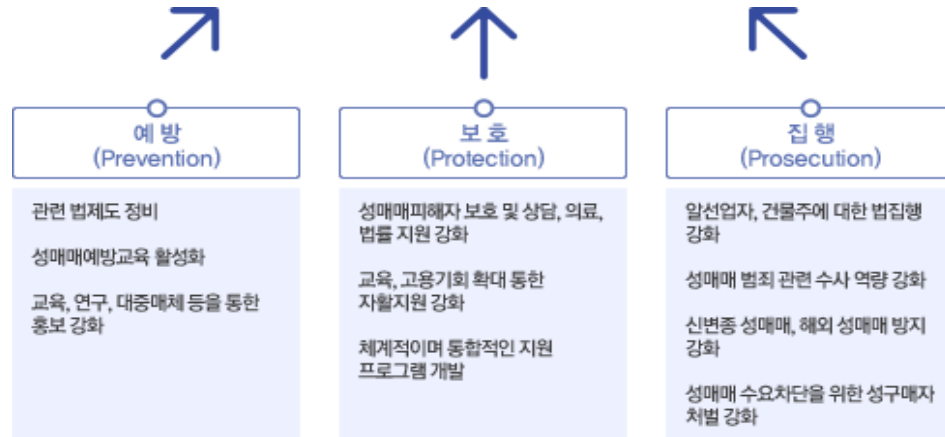


출처 : 여성가족부 홈페이지(2013년)

정책목표와 분야

비전 : 성매매 범죄와 인권유린 없는 안전한 사회

목표 : 성산업 축소, 피해여성 인권보호



- 추진점검단에 의한 제도개선은 대표적으로 성매매 공무원에 대한 징계기준을 마련('11년), 성구매자 재범방지 교육(존스쿨) 프로그램 개선('12년)으로 교육집행의 문제점을 개선하면서 교육시간을 기존 8시간에서 16시간으로 확대하였다.

'13년에는 청소년·장애인 대상 성매매사범에 대한 처벌 강화로 초범자라도 조건부기소유에 대상에서 제외시키면서 처벌을 강화하였고, 해외성매매사범에 대한 여권발급 제한요건 확대('14년)를 통해 해외에서 발생하는 성매매에 대응하고자 했으며, 성매매알선 유흥업소에 대한 행정처분 강화('14년)를 통해 성매매알선유흥업소의 영업장 폐쇄기준을 기존의 1년간 3회위반에서 3년간 2회위반으로 강화한 것 등이 있다.

2) NGO 활동과 반성매매여성인권운동

(1) 전국적으로 법제정 활동과 여성구조지원활동 진행

한국사회 성산업의 급속한 팽창과 진화의 과정은 매우 빠르다. 한국사회의 여성에 대한 전근대적인 의식과 성별불평등한 현실은 성매매 집결지를 중심으로 한 성매매영업 행위부터 스마트폰의 알선정보와

광고, 유인에 이르기 까지 그 층위가 매우 다양하고 변화의 속도 또한 매우 빨라 정책이나 제도가 따라 잡지 못하고 있는 실정이다. 성매매가 더욱 다양화되고 저연령화, 글로벌화 되면서 여성들을 더욱 폭력적이면서 빈곤한 상태로 내몰고 있으며 현장에서 여성들은 선불금 이외에도 형태를 달리한 대출, 고리사채, 성형대출 등의 다양한 빚에 시달리면서 성매매로 내몰리고 있다.

- 성매매여성들에 대한 구조지원과 자활대책 마련을 위한 활동(법률,의료,직업훈련등)
- 성산업착취구조해체를 위한 다양한 활동(교육 및 성매매방지활동)과 캠페인
- 정부정책 모니터링(법개정활동) 및 이슈파이팅(사건대응, 성매매업주 및 업소, 집결지에 대한 공동고발등 진행)

(2) 성매매여성에 대한 비범죄화 활동

성매매여성에 대한 국가 정책에 대해 2011년 제49차 유엔여성차별철폐위원회는 유엔여성차별철폐 협약 제6조를 완벽히 이행하라는 권고를 반복하면서 ‘성매매 여성을 비범죄화 하고 성매매에 개입된 여성들을 처벌하지 않도록 성매매 관련 정책과 형법을 포함한 관련 법안들을 검토할 것’을 촉구하고 있다.

여성이 절대다수로 성을 파는 행위를 하고 있는 상황에서 성매매여성에 대한 비범죄화를 달성하고자 했던 여성단체들의 요구는 강제·강요에 의해 성매매를 하게 된 여성만 성매매피해자로 처벌되지 않고, 그렇지 않은 경우(이른바 자발적으로 성을 파는 행위를 한자)는 성매매행위자로 분류되어 현실적으로 처벌될 수밖에 없는 문제가 있음. 그나마 법집행 초기에는 성매매여성에 대한 인권보호를 중심으로 여성에 대한 처벌을 하지 않았으나 MB정부이후 단속과 함께 무조건 입건되어 처벌되는 상황임. 심지어 피해를 고소·고발한 경우조차도 자신의 처벌을 감수해야 하는 상황이 벌어짐

- 성매매경험당사자들의 활동을 중심으로 한 활동 및 지역사회 연계 네트워크 구축
- 성착취를 중심으로 한 법 전면개정 활동진행

(3) 성매매/성산업에 대응하기 위한 알선행위에 대한 처벌과 규제를 강화

성매매/성산업의 변화과정에 따라 알선방식도 진화와 변화를 거듭하고 있다. 현행 알선범죄는 실제로는 포주행위임에도 마치 직업을 알선하고 소개하는 정도의 낮은 인식정도를 반영하고 있어 처벌의 실효성이 많이 떨어지고 있다. 성산업과 관련된 공급체계, 송출업체 및 알선범죄자들은 자신들을 노출시키지 않고 다양한 방식으로 합법과 불법의 경계를 오가며 여성들을 모집,유인,이동,인계,소개,연계하면서 성매매/성산업을 확장시켜왔다.⁷⁰ 특히 보도방(불법직업 소개업)이 여성들을 공급하는 공급업체로서 활동하고 있는 상황에 대해 현행법은 규제력을 상실한지 오래다. 다양하게 변화되고 있는 성산업공급방식을 규제하기 위해서는 알선의 범위와 규제방식을 확장할 필요가 있다. 특히 전자매체와 온라인 서비스, SNS를 통한 광고, 홍보, 디지털 성범죄, 스마트폰 앱을 통한 만남업체등도 성매매알선과 관련되어 있어 무차별적으로 유포, 배포되면서 성산업을 확장시키고 있음에도 대책은 뒤따라가거나 미봉책에 그치고 있다. 성매매/성산업 알선은 더욱 교묘해져서 변화하는 내외부 공모체계와 시스템을 붕괴시키는 조치가 뒤따라야 한다.

성매수 알선 등 범죄를 보다 구체적으로 적시하고 온라인 오프라인, 디지털, 방송매체 및 전자매체등을 가리지 않고 행해지는 성매수를 부추키는 다양한 형태 및 신변종 형태를 규율하기 위한 대책이 마련되어야 한다. 전자매체, 온라인, 어플리케이션등 디지털 공간이 수익을 창출하는 성매매알선의 장으로 변화하고 있다. 쏟아지는 성매매광고 및 홍보 및 알선 등이 가능하도록 운영하는 개발자, 운영자 및 관계자, 유포 협조자에 대한 처벌이 필요하고 나열된 범죄의 내용이 담긴 게시물을 등록하거나 유포하는 행위에 대한 처벌이 요구된다. 그러나 규제나 제재 수위는 따라가기 어렵고 여성들은 디지털 성범죄의 표적이 되어 오랜기간 고통받고 평생을 따라다니는 피해를 입고 있다. 전자매체를 이용한 각종 행위로 규

⁷⁰ 2010년 '성매매 실태조사'(서울대여성연구소) 보고서에 따르면 성매매 4605만 건, 성매매 여성도 14만 2천여명 정도 인데 이중 전국 45곳의 성매매집결지 여성의 수는 4,900여명 정도이며 성매매와 관련된 거래액은 6조6267억원으로 추정됐다. 성산업 규모별로 보면, 성매매 알선업체를 통한 성매매 액수가 5조4030억원(81.6%)으로 비중이 가장 높다. 알선업체 가운데서도 일반유흥주점에서 이뤄지는 성매매 액수가 3조5729억원(53.9%)으로 전체 성매매 거래액의 절반을 넘어섰고 노래방(8459억원·12.8%)이나 안마시술소 등 마사지업소(4477억원·6.8%), 성매매 집결지에서 주고받은 성매매 대가는 5765억원(8.7%)이었다. 그 밖에 신/변종 성매매(2547억원·3.6%), 해외 성매매(2195억원·3.3%), 인터넷을 통한 성매매는 (1718억원·2.6%)이다. 특히 온라인 성매매시장규모는 애인대행사이트의 유료회원등의 규모를 추가한다면 2조가 넘는다는 통계도 있다.(김기태·허어영지음, 은밀한 호황, 2012년, 이후)

올하고 사이트 개설자와 후기사이트와 같은 형태를 통해 유포와 공유하는 방식에 대한 처벌이 강화되어야 한다.

- 「식품위생법」, 「공중위생관리법」 등 성매매나 그 알선행위가 빈번하게 일어날 가능성이 높은 업종을 규제하는 개별법률에서는 「성매매알선 등 행위의 처벌에 관한 법률」을 위반한 경우에 영업허가 등을 취소하거나 영업정지를 할 수 있도록 규정하고 있다. 하지만 성매매알선으로 처벌을 받는다 해도 대부분의 업소가 바지사장을 내세워 영업을 재개하고 낮은 처벌로 인해 때문에 명의를 변경하거나 같은 장소에서 폐쇄 후 바로 신규로 허가를 받아서 영업을 하는 등 교묘히 법망을 피하고 있다. 처벌강화와 업소폐쇄로 성산업을 축소해 나가야 한다.

- 성매매 알선의 범위를 매개체와 홍보 및 광고, 장소제공등으로 폭넓게 확대하고 선불금, 성형대출 및 다양한 방식으로 부채를 양산하면서 성매매/성산업으로 유인하는 범위를 확대해야 한다

- 몰수, 추징 및 세금징수등을 강화하여 성산업확산 및 수요창출에 대응해야한다

- 행정단속권한과 처분은 지자체의 권한으로 지자체 차원의 특사경 형태를 적극 활용하는 방안(단속이나 적발시 식품위생법, 공중위생관리법, 아청법, 학교보건법 등을 적극 적용하여 직접 수사하여 검찰로 송치할 수 있도록 하는 방안 등 과징금 부과차원이 아니라 업소폐쇄에 이르는 조치추진)과 경찰단속과 동시에 업소영업을 정지하고 이들의 이동을 막을 수 있는 획기적인 조치가 필요하다.

(4) 성착취/ 인신매매 대응활동

한국은 2001년 인신매매 3등급을 받은 이후 지속적으로 1등급을 유지하고 있지만 다양한 형태의 성착취, 인신매매에 대응하고 있지 않다. 인신매매관련 범죄와 피해자지원에 대한 문제는 일국적 차원이 아닌 전 지구적 문제이고 이에 대해 법무부도 그동안 많은 노력을 하였고 2013년 형법을 개정하여 인신매매규정을 새롭게 정리하고 이에 대한 대책을 만든 것은 인정된다. 형법으로는 제288조 영리등을 위한 매매, 제289조 국외이송을 위한 매매의 형태로 인신매매를 하더라도 일정한 목적이 있는 경우에만 처벌

할 수 있어 단순한 인신매매의 경우 법적용이 어려운 상황에서 ‘인신매매죄’의 신설은 목적범의 형태가 아니라 할지라도 사람을 매매한 자를 처벌할 수 있도록 구성요건을 마련한 것은 다행이다. 그러나 형법 개정만으로는 인신매매에 관한 국제 의정서 취지를 실현하는데 한계가 있다. 팔레모 의정서는 국가의 인신매매 예방 및 방지, 국가의 인신매매 범죄자 처벌, 국가의 인신매매 피해자 보호와 지원, 국가 간의 협력을 강조함과 동시에 특별히 인신매매 피해자에 대한 보호와 지원의 문제를 강조한다. 한국사회에서 인신매매피해자는 체류권 문제를 비롯하여, 다른 범죄와의 연루문제, 동의여부와 상관없이 피해자의 지위를 갖도록 하여 통합, 재통합, 귀환등을 위한 후속대책등이 마련되어야 인신매매범죄를 줄어나갈 수 있는 상황이다.

2011년 7월 CEDAW는 한국정부에 대한 최종권고문을 통해 ‘외국인 여성을 선발하는 연예기획사의 현행 초기심사절차를 강화하고, E-6 비자를 가지고 일하는 여성들이 성매매 착취의 대상이 되지 않도록 보장하기 위하여 그들이 일하는 업소들에 대한 효과적인 현장 감시 장치를 수립할 것’과 ‘인신매매에 관한 포괄적인 법을 제정하고, 형법 등 관련 법률을 개정하여 인신매매를 범죄로 포함할 것’을 권고하고 있다.

- 성구매자 및 외국인 성산업 관련 업소에 대한 단속 및 처벌강화
- E-6 비자 및 외국인 전용유흥음식점에 대한 전면적 재검토, 외국인 여성을 고용하는 연예회사에 대한 심사 절차 강화, E-6 비자 여성노동자들에 대한 효과적인 모니터링 위한 제도 강구
- 인신매매피해자의 체류자격보장 및 비자문제 해결을 위한 대책 마련
- 임금체불 업주 및 알선브로커들에 대한 형사적 처벌 강화 및 입증책임 전환
- 외국인 피해여성지원을 위한 통합적인 지원체계 구축

(5) 아동·청소년 성착취에 대응하는 활동

청소년 성매매에 대한 법·제도적 접근

- 2000년 ‘청소년의 성보호에 관한 법률’(현행 아동·청소년의 성보호에 관한 법률) 제정으로 성매매 대상 청소년을 처벌이 아니라 보호와 지원으로 바라봄

- 아동 청소년 정책 전담기구는 2005년 국무총리실 소속 청소년위원회(2006년 국가청소년위원회로 명칭 변경) -> 2008년 보건복지가족부 산하 청소년보호위원회 -> 2010년 여성가족부 산하 청소년보호위원회로 개편. 현재 주무부처는 여성가족부 권익증진국 아동청소년지원과

- 현행 아동청소년의 성보호에 관한 법률은 '아동·청소년의 성을 사는 행위의 상대방'이 된 아동청소년을 피해자가 아닌 '대상아동·청소년'으로 규정하여 보호사건으로 처리한다.

그러나 아·청법상 대상청소년은 성착취 피해자로 현행 아청법의 대상청소년에 대한 규정은 삭제되어야 한다. 성착취피해를 입은 아동·청소년에 대해 오히려 선도보호를 한다는 관점에서 출발된 현행 아청법의 제정목적은 새로이 바뀌어야 한다.

아동·청소년 성착취에 대한 종합대책 부재

- 2010년 경찰청 통계에 따르면 가출 청소년은 13,462명으로 남성 청소년 8,825명의 1.5배에 이른다. 신고 되지 않은 가출 청소년의 수는 연간 20만명으로 추정하고 있다.

- 여성가족부 '2013년 청소년 매체이용 실태조사' 결과에 의하면 청소년 10명중 9명이 휴대전화를 보유하고 있고 여학생이 94.8%로 남학생 88.3%보다 보유율이 높은 것으로 나타났다. 그리고 이들 중 81.5%(5명 중 4명)가 스마트폰을 가지고 있는 것으로 나타났다. 2004~2008년(5년간) 청소년 성매매 사건 5,165건 중 81%(4,230건)가 인터넷을 통해 이루어지고 있다. 한국사회의 높은 스마트폰의 보유율과 어플리케이션을 통한 시장의 확대로 인해 청소년 성착취로 연결되면서 실제로 스마트폰의 채팅 어플리케이션은 대상, 장소, 시간에 상관없이 접속이 가능하여 모든 아동·청소년들에게 무차별적으로 성매매에 접근이 가능한 구조이다.⁷¹

- 아동·청소년의 성보호에 관한 법률은 아동·청소년의 성을 사는 행위를 처벌하는 것을 중심으로 규

⁷¹ '07~'12년 아동·청소년 대상 성범죄의 발생추세와 동향분석(2013. 한국여성정책연구원) 결과 성매매알선/강요 피해자의 59.6%가 가출상태, 40.4%가 가출아님 상태인 것으로 드러났으며 평균연령은 15.97세였다.

정되어 있으며, 아동청소년 성착취피해를 입은 사람에 대한 지원은 별도로 없다.

청소년 성매매 범죄자에 대한 처벌 약화

- 현행 아동·청소년의 성보호에 관한 법률은 만 19세 미만의 자에 대한 성매수행위를 금지하고 있다. 그러나 성매수자가 상대방이 청소년임을 인지한 상태에서 성구매를 한 경우로 한정하여 법률을 적용함으로써, 피해자는 아동청소년임에도 불구하고 성매수자는 처벌이 약한 성매매처벌법으로 의율되는 현상이 발생하고 있다. 구속율 또한 2004년 26.6%였지만 2013년 7.0%로 현저히 낮아지고 있다.

- 이는 청소년이 인터넷채팅 및 조건만남 등을 통해 성매매를 할 경우 자발적이고 상습적으로 파악하여 성착취 피해자로 보지 않으면서 성매수자 및 알선자의 양형에도 영향을 끼치고 있다.

- 스마트폰 어플리케이션이나 SNS를 통해 급속히 진화하고 있는 ‘만남’이나 랜덤채팅 방식은 마치 알선없이 개인간의 만남으로 변화하고 있다. 결국 모든 피해는 고스란히 개인책임이 됨으로써 성매수자들에게는 면죄부를 주고 성착취피해가 극심한 상황에 대한 대책이 마련되어야 한다.

사례) 2015년 관악구에서 발생한 14세 아동의 성매수자에 의한 살해사건 등.

3. 나가며 : 새로운 페러다임으로의 전환을 위한 과제

1) 수요차단으로 전환 - 성구매/매수행위에 대한 처벌강화

불평등한 권력관계는 여성과 남성의 섹슈얼리티에 지속적으로 영향을 끼치며 여성으로부터 성을 구매하는 남성이라는 이미지를 고착시키고 있다. 따라서 성매매는 성별 고정관념을 강화할 뿐 아니라 남성들이 자신의 경제적 권력을 이용하여 여성의 몸과 섹슈얼리티를 제한없이 이용할 수 있다는 생각의 표현으로 여겨지며 또 성적 욕구가 모든 (남성) 개인이 부여 받은 일종의 권리라는 가정이 포함되어 있기도 하다.

한국남성들의 성구매 이유는 40.6%가 단속의 불확실성이고 다음으로 접대의 필요성(31.2%)이라고 할 때, 실제로 한국사회에서 성매매는 접대와 상납과 같이 돈과 권력의 매개물 및 남성들의 놀이와 남성성의 확인의 과정처럼 소비되고 있다. 성구매/매수자들의 인식은 자신들의 성매수 행위는 정당하게 이뤄졌고 돈을 주고 성을 사는 경제행위로 정당화 하고 있으며, 여성들 또한 돈을 벌기위해 '성매매' 하는 성매매여성으로 인식하고 있다. 결국 한국사회의 뿌리깊은 가부장성, 남성중심성이 경제(돈)과 호유희 중심의 사회문제와 결합되어 성매수 행위에 대한 관대함과 자기정당성이 면죄부를 주는 합리화로 작동하고 있음을 알 수 있다. 이러한 한국사회의 성매수의 특징은 성접대와 향응, 뇌물과 상납의 고리로 연결됨과 동시에 해외 성착취에 가담하는 상황을 낳고 있다. 결국 성착취의 주요 역할을 하고 있기 때문에 수요차단을 위한 전략으로 전환되어야 함을 보여준다.

성구매/매수자들에 의한 살해, 폭행, 위협 및 신고협박과 '만족시켜주지 않았다는 이유로 환불을 요구'하는 등의 행위는 성착취에 성구매/매수자들이 어떤 기여를 하고 있는지를 보여준다. 성매수자는 여성에 대한 소유권을 샀다고 인식하기 때문에 자신의 어떠한 행위도 정당화시키면서 문제의 책임을 여성에게 돌린다

기업이나 법인들은 성매매를 접대나 대가성으로 상납하는 방식으로 부정부패와 연루되는 형식을 취해 온 것이 한국사회 접대의 관행으로 최근까지도 접대성, 대가성 성매매 관련 사건들이 많이 발생했고, 특히 정치권력집단이나 기업들은 그동안 관행적으로 성매매를 통한 로비를 진행시켜왔다. 공식사회, 특히 공무원 윤리규정에 '성매수'행위와 접대, 상납 등이 사회에 미치는 파장에 고려에 이해 합당한 처벌과 징계가 신속하게 이뤄지고, 집행에 대한 관리감독이 철저히 이행될 필요가 있다.

한국형사정책연구원이 2015년 전국의 교정기관에 수용 중인 폭력조직원을 대상(307명)으로 설문 조사한 결과, 대다수 폭력조직이 여러 사업 중에서도 유흥업소를 직접 운영(74.9%)하거나 영업 보호(45%)하는 방식으로 유흥업에 관여하고 있다고 한다. 유흥업이 황금알을 낳은 거위처럼 불패신화를 자랑하는 이유는 단순히 스트레스 해소를 위해 술을 마시러 가는 곳이 아닌 한국형 특성인 접대와 놀이(유흥)의 결합, 일명 비즈니스 산업이 되었기에 가능하다.

2) 범정부차원의 성매매,성착취인신매매 예방 및 방지를 위한 새로운 종합대책 수립

거버넌스의 구현과정에서 중요한 것은 상호의존성과 상호작용이고 신뢰에 기반한 정책효과성이 매우 중요하다. 성매매방지를 위한 종합대책이 수립되어 진행된 지 10년이 넘은 상태에서 여성가족부만의 주도적인 대책 마련은 많은 한계를 노정시켜왔다. 성매매방지 및 예방활동은 민간거버넌스와의 협력이 가장 중요함에도 불구하고 정부주도의 활동은 지역의 참여와 변화를 끌어내지 못하고 오히려 민간단체와의 거리두리 및 배제로 불신을 가속시켜 왔다. 거버넌스의 파괴로 정책적인 대응을 하기 보다는 시설관리나 제도화과정으로 정부주도력을 높여 실적중심의 정책은 변화되어야 한다.

수사전담 체계 및 전문성 필요

성매매여성들이 처벌되고 여성들이 형사상, 민사상 많은 어려움에 처하고 있다. 성매매여성에 대한 인권보호는 사라지고 경찰에서는 단속과 수사 및 조사가 따로 진행되면서 여성들은 처벌되고, 업주들은 수년이 지난 상태에서 채권추심의 방식으로 여성들을 옹죄고 있다. 성매매수사는 여성 인권을 기본으로 전문화 된 전담수사기관의 역할이 필요하여 그동안 수차례 경찰청과 법무부에 이런 요구를 전달해 왔다.⁷² 성매매수사의 특수성을 고려하여 전문성을 갖춘 성매매사건 수사전담체계를 통해 성산업에 제대로 대응할 수 있을 것이다. 새로운 수요를 창출하는 다양한 방식을 찾아내고 피해자를 제대로 보호하기 위한 전지구적 노력은 현재의 생활질서나 수사부서의 풍속을 중심으로 한 접근방식으로는 해결하기 어렵다. 그나마 광역수사대와 지자체의 특사경형태가 수사공조와 협업을 통한 나름의 성과를 내고 있지만, 성착취 현상이 다변화하고 모집,이동,알선방식이 전자매체등 다양한 방식을 이용하기 때문에 이에 대한 전문적이고 지속적인 대응을 할 수 있도록 체계화하여 성매매사건에 대한 제대로 된 수사과 집행이 될 수 있도록 전담, 전문인력 확보와 시스템을

⁷² 법시행초에는 117이나 여청계,여형사기동대의 활동이 많은 성과를 냈음에도 불구하고 2008년 이후 일선경찰서의 성매매업무는 수사, 조사 여러 곳을 전전하다 2010년 이후 생활질서과(계)에서 단속업무를, 수사와 조사는 각 경찰서마다 지능범죄수사로 이원화 되면서 형사계에 이르기까지 여러 곳을 전전하고 있다. 최근에는 다시 생활질서과내 여성청소년계에서 담당하고 있는데 성매매범죄의 특성에 맞게 적극적인 단속과 수사가 제대로 이뤄질 수 있도록 하는 성매매전담체계가 필요하다.

구축해야 한다.

국가정책 감시 및 모니터링 - 실태조사를 중심으로 한 주요정책 방향 수립이 필요

가해자에 대한 제대로 된 처벌, 여성에게 책임을 전가하는 수사와 재판의 문제 등을 개선할 것, 국가가 책임있게 제대로 된 통계를 수집하고 예방, 보호, 집행을 제대로 할 것(국가차원의 여성폭력 방지와 대책수립을 위한 기본계획이 필요)과 민간과의 파트너십을 형성해 나갈 것을 요청해 왔다. 성매매 실태조사는 법에 근거하여 3년에 한번씩 실시하도록 하고 있고 2007년, 2010년, 2013년 동안 실태조사가 진행되었음에도 통계청 승인을 받지 못했다는 이유로 2010년, 2013년 실태조사를 마치고도 공식적으로 발표되지 못했다. 또한 경찰단속의 통계는 실제 성매매관련 규모가 변동하기보다는 법집행 정도와 정책적 우선순위가 반영되어 나타난 통계로 성별분리통계조차도 제대로 되어있지 않다. 법으로는 불법영역이 문화적으로는 합법상태로 유지되는 대표적인 영역인 성매매는 성차별로 인해 여성은 남성보다 쉽게 범법자가 되고 가해자 처벌은 어렵게 되는 대표적인 영역이다. 이런 특수성이 충분히 반영된 실태조사를 실시하고 이에 따른 정책적 반영이 중요하다.

성매매방지와 예방은 단순히 피해여성보호대책만이 아닌 한국사회의 성문화와 접대, 향락산업 및 성산업을 축소하고 여성에 대한 폭력에 적극 대응하도록 하기 위한 관행과 문화, 의식을 변화시키는 활동이다. 이를 위해 더 많은 노력을 기울여야 하고 민간전문가가 참여하는 거버넌스를 회복시켜야 하며 민간단체에 지원을 확대할 필요가 있다.

전지구적인 성착취 문제에 대응하고 여성들의 빈곤과 성별불평등 문제를 해결하기 위한 대책이 중요하다. 성산업으로 유입된 이주여성들의 문제, 탈북여성들의 문제, 저연령화와 글로벌화의 방식으로 확대되는 다양화 된 성산업착취구조에 적극대응하면서 여성들의 삶과 생활을 보장해 내기 위한 대책을 마련해야 함에도 불구하고 중요한 국정과제로 삼지 않는 것은 국가책임을 방기하는 것이다. 변화하는 상황에 능동적으로 대응하기 위한 성매매, 성착취 인신매매방지 종합대책을 새로 수립하여 전지구적 성착취와 성산업에 대응해 나가야 한다.

3) 젠더폭력에 제대로 대응하기

(1) 당사자들의 권한 강화 : 탈성매매지원 강화 및 통합적인 지원체계 확대

폭력피해여성에 대해서는 정책대상별 복지수요에 맞추어 각종 서비스 및 지원을 위한 인프라가 구축·확대되어왔다. 그러나 여전히 보호를 중심으로 한 복지증진, 대상별 복지욕구 충족에 초점을 두는 ‘지원’ 정책으로 운영되어 왔다. 폭력피해여성들은 사회적 배제, 사회적 자본과 인적 자본의 빈곤이라는 공통요소를 갖고 있어서 시혜성 차원의 ‘지원’을 넘어서서 주체적 삶을 위한 ‘권리’에 초점을 두는 적극적인 정책이 필요하다.

성매매피해를 경험한 여성들은 피해자로서의 권리를 제대로 행사하고 있는가? 범죄피해자는 범죄 행위 과정에서 타인에 의한 행동의 결과로 직접적인 해를 입은 사람이다. 이 피해는 육체적 정서적 혹은 심리적 피해, 그리고 직계 가족 구성원의 죽음 및 재산 손실까지 모두 포함되는 것이라고 할 때 성매매피해여성들의 피해와 피해보상은 단지 업주만인가? 국가와 지역사회, 그리고 직접적인 행위당사자인 성매수자와 업주들 모두에 의해 피해를 보상받아야 한다. 그럼에도 불구하고 성매매피해자는 자살, 사망, 살해등으로 죽음 이후에야 피해에 대해 이야기 되는 상황이다. 수사 및 재판 과정에서의 피해자의 위치에서 권리가 제대로 보장될 수 있도록 하는 방안이 마련되어야 여성들이 자신들의 피해를 말하고 가해자를 처벌할 수 있을 것이다.

(2) 성매매여성들에 대한 통합적인 지원체계를 확대해야 한다.

여성인권 분야는 일반적인 사회복지 시설과 구분하여 폭력피해여성의 특수성이 반영되어야 하고 이를 위해서는 예산의 안정성과 지속성, 그리고 확대가 필요하다. 이에 대해 피해자/생존자를 위한 지원은 국가 기금의 도움을 필요로 하며 NGO 이니셔티브에 국가가 협조함으로써 나올 수 있는 혜택을 요한다.’고 NGO 역할의 중요성을 제기하고 있다.⁷³ 제도화를 이끌어냈던 시기의 민관협력과

⁷³ UN사무총장 보고서 『여성폭력 종식 - 담론에서 행동으로』 (2008, 여성가족부 번역 발간)는 여성 및 여아 대상 성폭력을 포함, 모든 형태의 여성폭력 근절을 위한 공공의식 증진을 목적으로 발간되었는데 유엔, 여성폭력 종식을 위한 국가적 책임을 명시하고 효과적 이행방안 및 권고안 제시등을 담고 있다.

제도화 이후의 정책 재구성을 논의하는 민관협력은 새로운 관계 정립을 필요로 한다. 이를 위한 첫 걸음은 그동안 현장에서 활동해온 단체와 활동가들의 전문성을 신뢰하고 이들과 함께 정책방향을 세워 지역과 사회를 변화시키도록 하는 것이고 이를 위한 반성매매 정책파트너로서의 민관거버넌스를 재구축 하는 것이다. 여성폭력에 대응해야 하는 정책추진은 국가의 책무이지만 국가는 결국 가부장적 질서를 옹호하고 그에 기반한 기본체계를 분명히 한다면 국가의 개입은 폭력피해여성에게 대한 서비스 제공을 중심으로 이뤄질 수밖에 없다. 이 부분조차도 부족하고 자원투여가 되지 않기 때문에 그 성과가 나오려면 오랜기간이 소요된다. '탈성매매'를 위한 사회의 책임과 노력이 구체화 될 필요가 있다.

지역개발이나 재개발로 성매매집결지가 폐쇄, 정비과정에 놓여있는 지역들이 많은데 지자체나 지역주민들의 욕구에만 맡겨놓지 말고 성매매여성들의 탈성매매를 위해 살아갈 수 있는 대안을 중심으로 대책을 수립해야 한다. 성매매여성 역량강화와 살아갈 수 있는 대안마련을 중심으로 한 정책(비입소 상태에서 생계비, 주거확보 및 일자리 제공을 통해 탈성매매 할 수 있는 기회와 기간을 보장하는 대책수립등)이 중요하다.

4) 성매매 방지 및 예방활동의 다양화와 저변확대

① 예방교육의 확대

성매매방지 및 예방에 대한 국가책임을 예방교육을 중심으로 진행하고 있다. 여성폭력 근절을 위해 예방교육은 매우 중요하고 성희롱,성매매,성폭력,가정폭력에 대한 예방교육을 의무화 하고 있다. 그러나 제대로 된 가해자처벌과 사회의식변화, 문화를 바꾸는 노력없이 일회성 교육이나 년 1회 예방교육만으로는 효과를 내기 어렵기 때문이다. 성매매문제의 핵심은 성산업의 확산과 수요 문제를 중심으로 성평등한 인권적 관점에서 추진되어야 한다. 또한 전생애에 걸쳐 성평등한 젠더관점의 교육이 추진되어야 한다

② 수사, 사법기관 및 공공부분의 관련자 교육

특히 교육기관, 입법, 수사, 사법기관에 대한 교육은 매우 중요하다. Demand(성구매)에 초점 (buyer-focused)을 두고 성구매 남성의식(남성우월주의와 여성비하) 변화를 위한 성매매 예방교육에 대한 다양한 교재와 콘텐츠를 개발하여 남성들의 욕구와 남성들의 말하기, 관계형성 등 다양한 문제에 접근할 필요가 있다. 한국사회의 공무원들과 법 집행담당자들의 성의식 및 가부장성, 남성중심성 및 이종적인 성문화를 개선해 나가야 함에도 불구하고, 여전히 지자체, 정부산하기관, 경찰 등 사회 주도층의 성매매관련 사건을 접하게 되는데 이들에 대한 제대로 된 처벌과 함께 예방교육이 더 많이 실시되어야 한다. 실제로 공무원 성매매 적발자의 경우 2013년 47명에서, 2014년 6월까지 27명으로 전년 대비 14.9% 증가했으며, 정부는 공무원들에 대한 징계수위를 높이는 정책을 실시함에도 불구하고 여전히 관행적으로 되풀이 되고 있다. 법 집행담당자 및 공무원에 대한 현실성 있는 징계기준과 처벌이 강화될 필요가 있으며, 이를 위해 형식적인 교육이 아닌 인식의 변화가 이뤄질 수 있도록 실질적인 교육방식이 자리 잡도록 함과 동시에 직장문화, 접대와 회식방법의 변화 등이 함께 일어날 수 있도록 구체적인 행동의 변화를 이끌어내야 한다.

③ 여성폭력에 대한 감수성을 높이기

인권감수성과 의식의 변화는 사회기본질서를 변화시키고 지역사회를 바꾸어내야 가능하다. 젠더불평등한 권력관계를 변화시키기 위한 노력과 여성폭력의 문제를 나의 문제로 인식하는 의식전환이 필요하다.

④ 지역사회 참여와 네트워크 확대

성매매와 인신매매와의 연관성을 인식하고 지역사회의 성산업확산과 성매매가 일어나는 요인들을 함께 해결해 나가기 위한 활동이 필요하다. 수요차단을 위한 활동에 지역사회의 참여와 다양한 활동이 모색될 필요가 있고 이러한 활동이 정착취급절로 이어지고 지역사회문제 및 여성인권향상에 도움이 된다. 지역의 성매매집결지 문제 및 인터넷 성매매, 신/변종형태의 업소에 대응하기 위해서는 지역사회네트워크를 활성화 하고 민관거버넌스를 제대로 구축하여 대응하기 위한 시스템을 만들어 지역에서부터 수

요차단 활동이 활성화 될수 있도록 하고 남성문화를 바꾸는 다양한 활동을 활성화 시키는 모임 및 조직에 지원을 강화할 필요가 있다.

⑤ 대중적인 공익활동과 공익광고등의 개발

성매매 수요차단과 성매매에 대한 사회적 태도와 인식의 변화를 이끌어 낼 수 있는 다양한 활동과 홍보등이 강화 될 필요가 있다. 성매매의 해악에 대한 대중교육 캠페인과 성매매여성들의 탈성매매를 위한 사회적 경제적 지원이 강화되도록 하는 인식개선활동 방식이 새롭게 모색되어 사회전반의 관행적이고 남성중심적인 문화나 의식이 변화되도록 해야 한다.

참고 및 인용자료

성매매방지법 전면개정을 위한 토론회 자료집(성매매문제해결을위한전국연대,2013년)

성매매방지법 10주년,11주년 토론회 자료집(성매매문제해결을위한전국연대,2014년,2015년)

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베이징+20, post-2015 젠더관점에서 본 한국사회의 변화 (한국여성단체연합,2014년) 외

<성매매문제 해결을 위한 전국연대>는

2004년 6월9일 발족한 반성매매 여성인권 운동단체로, 전국 13개 지역 회원 단체가 있는 연대 단체입니다. 2016년 부설 여성인권센터[보다]를 운영하고 있습니다. 상담소 네트워크, 쉼터 네트워크, 자활 네트워크, 당사자 네트워크 ‘몽치가 있으며, 매년 활동가 아카데미를 통한 활동가들의 역량 강화와, 정책 워크샵과 포럼 및 토론회를 진행하고 있습니다.

2006년부터 시작된 ‘민들레 순례단’ 은 매년 군산 대명동, 개복동 화재참사로 희생된 여성들을 추모하며 여성이 성매매로 고통 받지 않는 세상을 만들기 위한 행진을 진행하고 있습니다. 성산업착취구조해체를 위한 연대 사업을 통해 여성에 대한 폭력에 앞장서서 대응하고 있으며, 전세계적인 성산업 확산과 성착취에 저항하는 활동을 하고 있습니다.

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Session 4

Strengthening Access to Justice for GBV

- The Investigation of Sexual Violence Cases by the Prosecutors' Offices in Korea and Effective Means of Creating Victim Support Systems
- Gender-based Violence and Roles of Police Women: Protector, Partner, Reformer and Promoter
- Promoting Effective Law Enforcement and Enhancing Access to Justice in Myanmar
- Strengthening Access to Justice for GBV (Senegal)
- Access to Justice (Kazakhstan)

The Investigation of Sexual Violence Cases by the Prosecutors’ Offices in Korea and Effective Means of Creating Victim Support Systems

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I. Strengthening punishment to stop crimes of sexual violence

Since the early 1990s, women’s rights groups and civil society organizations in Korea have been initiating campaigns for stronger legal responses against sexual violence. As their campaign continued, especially heinous crimes involving sexual violence were reported, leading to a number of strong legislative acts against sexual violence.

For example, in the past, “offenses subject to complaint clause”⁷⁴ made it impossible to indict perpetrators without a formal accusation filed by the victim, which caused secondary damages to already distressed victims with investigation and trials. Additionally, the accused was sentenced rather lightly compared to the severity of the crimes committed. With rising public criticism, Korea started to address these long standing legal loopholes.

The first step was to enact a Special Law to strengthen punishment against perpetrators of sexual violence. The *“Act on the Punishment of Sexual Crimes and the Protection, etc. of Victims Thereof”* was established in 1993. The special law added various types of sexual assaults such as rape committed by close relative and quasi-rape against persons with disabilities to be recognized as crimes by the law and to receive stronger punishment. The Act also imposed the Korean government with the responsibility to prevent sexual violence and support victims. Continuous amendments and revisions following the enactment led to victims and their rights being better protected in due process of law enforcement; punishment against the perpetrators became more severe and preventive security measures⁷⁵ were also adopted.

Currently, additional measures other than criminal law that are punitive to sexual offenses include the *“Act on Special Cases Concerning the Punishment, etc. of Sexual Violence Crime”* and *“Act on the Protection of Children and Juveniles from Sexual Abuse”* which allow aggravated punishment against the perpetrators. Perpetrators could be sentenced to life in prison when the victim is a child under the age

⁷⁴ “Offenses subject to complaint” refers to the crime that the public prosecutor shall indict the criminal subject to the complaint of the victim and other legally qualified person. In case of the offence subject to complaint, the complaint is an expression of the qualified person to report the fact of criminal conduct and demand the punishment of such criminal to the law enforcement official in writing or orally.

⁷⁵ Preventive security measures aim to stop recurrent crimes by rehabilitation of perpetrators.

of 13 or a person with a disability. There is no statute of limitations for crimes of sexual violence against children under 13 or persons with disabilities, and when the victim is a minor, the statute of limitations shall be suspended until the victim becomes an adult.

As of June 19th, 2013, the “offenses subject to complaint” rule was completely abolished so that crimes of sexual violence can be investigated and perpetrators indicted without the formal complaint of victims.

II. Statistics on sexual violence and effective countermeasures

According to data collected by the Supreme Prosecutors’ Office, the number of sexual violence cases recorded in 2016 were as following: 35,947 cases (average 98.5 a day), among which 4,123 were crimes against children and minors, 1,019 cases were against persons with disabilities. The number of juvenile perpetrators reached 2,672 the same year. The percentage of first-time offenders was 79.63% (28,626 cases) and recidivism within 5 years was at 6.5% (2,340 cases) in 2016.

Korean Prosecutors represent the country’s authority to indict criminals of sexual violence to the criminal court, and therefore, they hold great responsibility for the Korean judicial system to effectively respond to gender-based violence against women. In order to fulfill their duties to the full extent, each Prosecutors’ Office has appointed prosecutors with specific focus on crimes against women and children. For criminal cases involving special victims who are children under 13 or persons with disabilities, these prosecutors conduct investigations from the initial stage with a team of judicial police officers. The Prosecutors’ Offices in Seoul, Busan and three other main districts run their own Women and Children Criminal Investigation Department that consists of appointed prosecutors for sexual violence cases. These prosecutors gained expertise in crimes against women and children and are qualified to go through a selection process by the Supreme Prosecutors’ Office to obtain first-rated Black Belt awards.

Prosecutors appointed to the sexual violence crimes unit head the judicial police, choose public defenders for victims, review police cases related to sexual violence and decide whether to indict based on additional evidence gathered and the interrogation of the suspect. Finally, when in trial, these prosecutors make their best effort to convict the perpetrators. Such determination has resulted in 97% conviction rate of the accused last year, and out of the 11,702 people indicted, 11,383 were convicted.

III. Means to support victims

Korea’s judicial branch established various protective measures for victims of sexual violence along with more severe punishments for the offenders. To support the victims of sexual violence, the prosecution appoints public defenders for victims free of charge regardless of the victims’ age, gender or wealth. In 2016 alone, 17,396 plaintiffs received legal services from public defenders chosen by corresponding prosecutors’ offices.

For victims who have difficulties communicating such as children under the age 13 or persons with disabilities, the prosecutors' offices also provides certified deposition assistants, educated by the Justice Department. They sit together with the victims in their interviews and depositions to provide better legal support for the victims.

To prevent any additional emotional and psychological damages that these victims may suffer in the process of investigations or trials, all evidence collecting procedures such as taking depositions from minors or persons with disabilities and DNA collection are done at one of the Sunflower Centers. Video recordings of victims' testimonies are allowed in courts as evidence for minors or persons with disabilities, and a trusted guardian of the victim would be present on site when the victim's deposition video recordings are filmed.

As soon as the case is forwarded to the prosecution, they will collect additional evidences necessary means, including recovering digital data from the suspects' cell phones or analyze DNA evidence from previously unsolved sexual violence cases.

The Korean Prosecutors' Offices also provides information on trial procedures to the victims before the final measure takes place and connects victim support centers with victims to offer economic assistance, psychological counselling, art therapy and so on. These support centers also provide a service where they accompany the victims when they need to appear in court or at law enforcement agencies pertinent to their investigation. The Smile Center oversees psychological counselling and art therapy, funding for such treatment is provided by the government.

IV. Various security measures to prevent repeated offenses

In Korea, different types of security measures (or security dispositions) are in motion to prevent recidivism in sexual violence offenses along with punishing the offenders for their crimes. Such security measures include electronic tagging with GPS, registration of sex offenders and disclosing their personal information to the public, notices to the community, chemical treatments to subdue sexual urges, medical treatment and custody disposition.

The *Sex Offender Electric Monitoring Act* mandates the convicted offenders must wear electronic tagging devices 24 hours a day so that their location can be closely monitored by supervision officers at all times. Such a monitoring period can be anywhere from a minimum one year to maximum 30 years. As of the end of December 2016, 4,008 convicted felons are wearing electronic tagging devices, and 421 perpetrators were tagged in 2016 alone.

A sex offenders' personal information is also to be registered and opened to the public via online networks. This information includes names, addresses, description of their appearance (photograph) and criminal offenses. Furthermore, homes and schools of children and juveniles under the age of

nineteen are to be notified. As of the end of December 2016, there are 8,136 sex offenders whose personal information has been made public.

Chemical treatment for sex offenders also has some effect on recidivism prevention by weakening sexual urges or normalizing sexual disorders through chemical and psychological treatments. As of the end of December 2016, this court ordered treatment was used on twenty-six people, among which two were ordered in 2016.

The *Medical Treatment and Custody Act* imposes perpetrators with psychosexual disorders and in danger of relapse for committing repeated sex offense to be treated in medical facilities under police custody. The candidate for this treatment would be decided after psychoanalysis and court sentencing. As of the end of December 2016, 352 people were put into these facilities (16 of them were housed in 2016).

V. Conclusion

As stated above, the Korean government adopted various institutional measures to ensure a safer society for women and children in Korea. The Prosecutors' Offices, on behalf of the Korean government, prosecute the perpetrators to convict them for sure, ensure enough security measures to prevent the perpetrators from committing repeated offenses, protect victims of sexual violence from further harm and neglect in due process of investigation and trials as well as supporting them in their delicate needs. The ultimate goal of Korean Prosecutors' Offices is to establish a system that prevents crimes of sexual violence.

To make society free from sexual violence, we need to build a strong criminal justice system and understand that socio-cultural awareness is fundamental to achieving this goal. It is imperative for citizens to recognize that gender-based violence against women not only violates women's rights but is also the main obstacle impeding gender equality.

한국검찰의 성폭력사건 수사 및 효율적인 피해자 지원

부산지방검찰청 박현주 부부장검사

1. 성폭력범죄 근절을 위한 처벌 강화

한국에서는 1990년대 초부터 여성·시민단체에 의해 성폭력에 대한 법적 대응 문제가 제기되어 사회적으로 이슈화되었으며, 몇몇 중요 사건들의 발생을 계기로 여러 제도적 보완이 이루어지고 있습니다.

과거에는 '친고죄' 규정이 있어 피해자의 고소 없이는 가해자 처벌이 불가능하였으며, 수사 및 재판 과정에서 피해자는 2차 피해를 입고, 가해자는 가벼운 처벌을 받는 경우가 있다는 문제점들이 제기되자, 한국은 성폭력 문제에 대응하고자 여러 제도들을 보완하게 되었습니다.

우선 특별법을 제정하여 성폭력사건에 대한 처벌을 강화하였습니다. 1993년 「성폭력범죄의처벌 및피해자보호등에관한법률」을 제정하여, 친족강간, 장애인에 대한 준강간 등 다양한 성폭력범죄를 추가로 규정하고 법정형을 강화하였고, 국가에 성폭력범죄 예방 및 피해자 지원 의무를 부과하였습니다. 이후 지속적인 개정 과정을 거쳐 수사 및 재판 절차에 있어 피해자 보호 및 권리를 보장하고, 가해자에 대한 처벌을 강화하고, 보안처분 제도를 도입하였습니다.

현재 한국에서 성폭력을 처벌하는 법은 형법 외에도 특별법인 성폭력처벌법(약칭), 아동·청소년의 성보호에관한법률이 있어, 각종 처벌 규정들을 두고 있으며, 특히 13세 미만 아동이나 장애인을 강간한 경우 무기징역형을 규정하고 있습니다.

또한 13세 미만이나 장애인에 대한 성폭력은 공소시효를 배제시켰고, 미성년자에 대한 성폭력은 피해자가 성년이 될 때까지 공소시효가 정지됩니다.

2013. 6. 19.부터는 친고죄가 완전히 폐지되어 피해자의 고소가 없어도 수사 및 처벌이 가능해졌습니다.

2. 성폭력사건 통계 및 한국 검찰의 효율적인 대처

대검찰청의 범죄 통계에 따르면, 2016년을 기준으로 성폭력범죄는 35,947건(하루 98.5건)에 달하며, 아동·청소년 피해자에 대한 성폭력 발생건수는 4,123건, 장애인 피해자에 대한 성폭력 건수는 1,019건입니다.

가해자에 대하여 살펴보면, 소년범 가해자 사건이 2,672건이며, 2016년도 성폭력범죄 초범은 28,626명으로서 전체 79.63%에 달하며, 5년 내 재범한 숫자는 2,340건으로 2016년도 전체 성폭력 사건 중 6.5%를 차지합니다.

한국 검사는 성폭력 범죄자를 형사사법에 회부하는 국가의 권위를 대표하며, 여성에 대한 폭력에 대하여 형사사법시스템이 효과적으로 대응하는데 있어 가장 큰 책무를 부여 받고 있습니다.

성폭력범죄에 효과적으로 대응하기 위하여 각 검찰청마다 여성아동대상범죄를 전담하는 검사들을 지정하여 13세 미만 아동에 대한 성폭력사건이나 장애인에 대한 성폭력사건에서 초동 단계에서부터 사법경찰관들을 지휘하여 수사하고, 서울중앙지방검찰청, 부산지방검찰청 등 전국 5개 주요 검찰청에는 전담검사들로 구성된 '여성아동범죄조사부'를 별도의 운영하고 있습니다.

또한 여성아동대상범죄 분야에서 전문성을 획득한 검사들에게는 대검찰청에서 선발 절차를 거쳐 '공인전문검사'로서의 특별한 자격을 부여하고 있습니다.

전담검사들은 사법경찰관들을 지휘하고, 피해자들을 위한 국선변호사를 선정해주며, 경찰의 초동수사를 마친 사건들을 검토하고, 가해자를 조사하거나 추가 증거 수집을 하여 혐의 유무를 최종적으로 판단하여 기소하고 있고, 재판 과정에서는 공판을 담당하는 검사가 사건을 맡아 유죄 입증을 위하여 힘쓰고 있습니다.

그와 같은 노력에 힘입어 2016년도에 검사의 수사를 거쳐 기소된 성폭력사범 11,702명 중 11,383명이 유죄 선고를 받아 97% 이상이 유죄 선고를 받았습니다.

3. 한국 검찰의 성폭력 피해자 지원 제도

한국 법무부와 검찰은 성폭력 가해자에 대한 엄격한 처벌뿐만 아니라 피해자들을 위한 각종 보호제도를 두고 있습니다.

우선 나이나 성별, 재력에 관계없이 성폭력 피해자들을 위하여 무료로 국선변호사를 선임해주고 있어, 2016년도 한 해에 17,396명에게 국선 변호사를 선정하여 피해자들에게 법적인 지원을 하였습니다. 또한, 13세 미만 아동이나 장애로 인하여 의사소통이 어려운 피해자들을 위해서는 법무부에서 양성한 진술조력인을 선정해주어 조사 및 재판에서 도움을 받을 수 있도록 하고 있습니다.

수사 및 재판 절차에서 겪는 2차 피해를 막기 위해 미성년자나 장애인 피해자의 진술은 해바라기센터에서 이루어지며, 이때 증거 확보를 위한 디엔에이 검출 등의 절차도 한꺼번에 이루어집니다. 미성년자나 장애인 피해자는 신뢰관계인이 동석한 상황에서 영상 녹화하여 피해자들이 법정에 직접 출석하지 않고 영상녹화물이 증거로 사용되도록 하고 있습니다.

경찰로부터 사건을 송치 받은 후 검찰은 추가 증거 발견을 위하여 가해자의 휴대전화기 복구 등 디지털 분석을 하고, 과거 미해결 성폭력사건에서의 가해자 디엔에이 정보를 새로이 분석하여 가해자를 처벌하기도 합니다.

한국 검찰은 사건의 최종 처분 전에 피해자에게 연락하여 재판 절차에 대한 정보를 제공하고, 경제적 지원, 상담 지원, 심리·예술 치료 등 지원이 필요한 피해자들에게는 범죄피해자지원센터를 연결하여 지원이 이루어질 수 있도록 하고 있습니다.

검찰과 연계된 범죄피해자지원센터에서 피해자가 수사기관이나 법정에 출석해야 할 때 동행해주는 서비스가 제공되고, 스마일센터에서 심리 상담, 예술 치료를 담당하고 있으며, 치료에 소요된 비용들도 국가가 지원하고 있습니다.

4. 가해자의 재범방지를 위한 각종 보안처분제도

한국에서는 가해자에 대한 형벌 부과뿐만 아니라 성폭력 재범방지를 위한 각종 보안처분이 이루어지고 있습니다.

여기에는 위치추적 전자장치 부착명령 제도, 신상정보 등록 및 공개, 고지제도, 성충동 약물치료 제도, 치료감호 제도 등이 있습니다.

먼저, 위치추적 전자장치 부착명령 제도는 성폭력범죄자를 24시간 위치추적, 보호관찰관이 밀착 지도 감독하는 것을 말하며, 부착 기간은 1년 이상 30년 이하입니다.

2016. 12. 말 기준으로 이를 부착한 성 범죄자는 4,008명이며, 2016년도에만 421명이 전자장치를 부착하게 되었습니다.

다음으로 성폭력범죄자의 성명, 주소, 사진, 범죄내용 등의 신상정보를 등록하고, 전자통신망으로 이를 공개하며, 19세 미만 자녀를 둔 가정과 학교 등에 우편으로 고지하도록 하고 있습니다.

2016. 12. 말 기준으로 신상정보 공개 대상자는 8,136명입니다.

성도착증 환자에게 약물투여 및 심리치료 등의 방법으로 성기능을 약화 또는 정상화하여 성폭력 범죄를 예방하는 성충동 약물치료 제도가 있습니다.

2016. 12. 말 기준으로 성충동 약물치료명령 대상자는 26명이며, 2016년도에 2명이 선고를 받았습니다.

치료감호제도는 정신성적 장애자 중 재범위험성이 있는 자를 치료감호소에서 일정기간 보호하며 치료하는 것으로서 정신과 전문의의 감정을 실시한 후 법원의 판결을 통해 이루어집니다.

2016. 12. 말 기준으로 352명이 수용되었고, 2016년도에 16명이 수용되었습니다.

5. 맺음말

이상과 같이 한국 정부는 여성과 아동이 안전한 사회를 만들겠다는 목표 아래 다양한 제도를 도입하였으며, 이에 따라 검찰은 국가를 대표하여 성폭력 가해자를 기소하여 반드시 처벌하고, 처벌받은 이후에는 재범하지 않도록 보안처분이 충실히 결정될 수 있도록 할 뿐만 아니라, 피해자가 수사 및 재판 과정에서 소외되거나 더 피해를 입는 일이 없도록 섬세하게 보호하고 지원하며, 성범죄가 발생하지 않도록 예방하는 시스템을 구축하고자 합니다.

성폭력으로부터 안전한 사회를 만들기 위해서는 형사사법체계에 있어서의 제도적인 완비 못지않게 사회적으로 성폭력이 여성인권을 침해하며 양성 평등의 주요한 장애물이라는 점에 대한 근본적 인식 변화가 수반되어야 할 것입니다.

Gender-based Violence (GBV) and Roles of Police Women: Protector, Partner, Reformer and Promoter

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Introduction

This paper builds upon the Global Study on SCR 1325 (2015), one of the most comprehensive and authoritative reviews available to date on the Women Peace and Security agenda.⁷⁶ To add value, it attempts to incorporate lessons learned from the author's service in Afghanistan (2014), South Sudan (2015) and Sierra Leone (2016) as a member of the UN DPKO's Standing Police Capacity (SPC).

The Global Study has identified various roles police women can play in preventing and responding to GBV in development and humanitarian settings; 1) conducting patrols around refugee and Internally Displaced Persons (IDPs) camps; 2) installing GBV desks at police stations and police hotlines for GBV; 3) establishing specialized GBV units within the national police; 4) organizing One-Stop Centers to offer comprehensive survivor support in one location; 5) creating female staff association for mutual support.⁷⁷

Taking it from the Global Study, this study intends to show; 1) how police women can contribute to addressing Conflict-Related Sexual Violence (CRSV) through multi-sectoral operations; 2) obstacles to and opportunities for gender mainstreaming within police organizations; 3) the role of police women as a national and international advocate; and 4) a conceptual framework to holistically understand the roles of police women in various capacities under different contexts.

It is argued here that to enhance the effectiveness of international endeavors to combat GBV in conflict-affected countries, police women should be empowered through participation and promotion of women in the police organizations, because police women are well-suited to provide protective and preventive services to GBV survivors.

The proposition is supported by four premises across two dimensions of operational responsiveness and organizational mainstreaming at the national and international levels. Avenues to combatting GBV

⁷⁶ A Global Study on the Implementation of United Nations Security Council Resolution 1325 (2015) *Preventing Conflict Transforming Justice Securing the Peace*.

⁷⁷ Global Study, p. 122, 143, 176, 180.

could be seen and sought through a quadrant of operation-organization and national-international, as visualized in the matrix below.

Roles of Police Women in Combating GBV		
	Operation	Organization
International	Partner	Promotor
National	Protector	Reformer

Police Women as Protector: Delivering Protective and Preventive Services

The Global Study affirms that police women are well-positioned to deliver protective and preventive services to GBV survivors and their communities. Survivors, largely women and girls, are likely to find police women more approachable than police men, given the psychological and cultural sensitivity involved in GBV. Hester Paneras, the former UN Police Commissioner of UNAMID in Darfur, Sudan, stated “when local women see you are a woman, their faces light up. It’s like they get a connection. They relate.”⁷⁸

Police women assigned to GBV service delivery are in principle national authorities, i.e. host State police, given the state sovereignty over criminal jurisdiction and its monopoly of use of force. The United Nations Security Council, however, has increasingly authorized the deployment of UN Police (UNPOL) as a component of UN peace operations with a mandate to protect civilians, including GBV survivors. For example, UNMISS in South Sudan protects about 200,000 Internally Displaced Persons (IDPs) within its Protection of Civilians (PoC) sites, where UNPOL is tasked to maintain public safety and security.

UNMISS UNPOL has established Gender, Child, Vulnerable Persons Protection (GCVPP) teams across the country, largely membered by police women. GCVPP teams attend to the distinct protection needs of different sex and age groups, especially when the IDP community is embedded in patriarchal and discriminatory customary practices against women and children. GCVPP teams conduct “door-to-door” outreach to shelters, schools, markets, and water points within the PoC sites. The teams consult with community leaders and members to monitor and mentor on GBV-related issues.

To prevent GBV, GCVPP teams reach out to female IDPs to identify their safety concerns and coping strategies, encouraging their participation in mitigation measures. GCVPP teams provide basic training on human rights, gender and child rights in collaboration with humanitarian partners. The sensitization outreach aims to create a space for women to challenge cultural values that perpetuate systemic discrimination and impede their access to justice.

⁷⁸ Global Study, p. 143.

Police Women as Partner: Cooperating Horizontally and Vertically for Survivors

Beyond direct service delivery, police women cooperate with various civilian and NGO partners through a multi-sectoral referral pathway in support of GBV survivors. One-stop centers are a successful concept that integrates a range of services for GBV survivors in one location, such as medical care, psychological counseling, access to police investigators and legal assistance.

In a resource-restrictive environment such as South Sudan, multi-sectoral GBV referral pathways substitute for one-stop centers. For example, at the PoC sites in Juba, GCVPP teams constitute the “safety and security” branch of the GBV referral pathway joined by various humanitarian NGOs. UNFPA as the country-level coordinator designates major NGOs as field coordinators to establish location-specific referral pathways. The pathways further contribute to the GBV Information Management System (GBV-IMS) supported by UNFPA, offering a portrayal of country-wide GBV situation.

In Sierra Leone, where UNAMSIL withdrew in 2014 following a decade-long UN engagement, a national GBV referral system is in place across the Sierra Leone Police (SLP)’s Family Support Unit (FSU), the Ministry of Social Welfare, Gender and Child Affairs and service providers. The National Committee (NAC)-GBV is the national coordination mechanism attended by the Inspector General of Police (IGP) and major NGOs, such as the Rainbo Initiative.

In in-conflict situations, it is imperative for GBV protection partners to cooperate in support of ‘political protection’ mandated to UN Women Protection Advisors (WPAs) and Child Protection Advisors (CPAs).⁷⁹ To combat CRSV and Six Grave Violations against Children in Armed Conflict, WPAs and CPAs operate Monitoring, Analysis and Reporting Arrangements (MARA) and Monitoring and Reporting Mechanism (MRM) to translate locally-collected information into globally-compiled reports to the UN Security Council for political sanctions.

GCVPP teams contribute to MARA and MRM by supporting information gathering, as WPAs and CPAs are understaffed and not mandated with service provision to GBV survivors. GCVPP teams leverage its extensive contacts with IDPs and service NGOs, as IDPs protected inside PoC sites are survivors/witnesses of grave human rights violations committed outside PoC sites, including CRSV.⁸⁰ GCVPP’s security service delivery further encourages survivors/witnesses to come forward and break the silence.⁸¹ GBV in South Sudan demands an integrated protection.

⁷⁹ UN DPKO Policy on Protection of Civilians (PoC) conceptualizes three Tiers of PoC actions; 1) Tier I: political, 2) Tier II: physical; 3) Tier III: programmatic.

⁸⁰ As to the appalling CRSV crisis in South Sudan, see <https://www.youtube.com/watch?v=Psd5-IGABSY>

⁸¹ For further details, Im (2015) “UNMISS UNPOL Gender and Child Protection: Assessment and Recommendations from a Protection of Civilians Perspective,” registered at UN DPKO Best Practices Database.

Police Women as Reformer: Prompting Organizational and Behavioral Change

The Global Study confirms that building national justice systems to prevent and respond to GBV requires improving legal frameworks in line with international legal standards, establishing special units to enforce the laws and streamlining the criminal justice chain from the police to prosecutors, judges and corrections. Police units specialized in GBV are now in place across Afghanistan, Guinea, DRC, Liberia, Sierra Leone, South Sudan, Rwanda and Timor-Leste.⁸² MARA/MRM also work towards the endorsement of “protection commitments” by parties to conflict, which include, among others, establishment of special units and capacity-building of police women officers to address GBV.

These units are staffed largely by police women. The units conduct community outreach to raise awareness on women’s rights and contribute to restoring trust in the police service. However, police women frequently encounter community resistance entrenched in patriarchal and discriminatory culture. More challenging is the fact that such culture permeates the very police organization to the detriment of police women, as a police organization is essentially a social entity consisting of population sharing culture. Organizational change in policy does not necessarily translate into behavioral change in practice. That would explain the global proportion of women in police services remains low at an average of 9 per cent.⁸³

Police women themselves have been innovative in challenging the cultural status quo within their organizations. A noteworthy practice is Women Police Networks (WPNs), a form of professional police associations. Through the self-help mechanism, police women and their supporters convene to help each other, approach police commanders and outreach communities to strengthen participation, protection and professionalization women within police organizations. Such associations are widely observed not only in America and Europe but also in Muslim countries, for example, United Arab Emirates, Pakistan, Bangladesh, and Egypt. Globally, the International Association of Women Police (IAWP) is an umbrella network joined by police women associations from 69 countries.⁸⁴

For Sierra Leone, multiple female staff associations in the security sector have been established as part of peacebuilding, including the police, military, fire force and correction. They unite under the umbrella of Women in Security Sector in Sierra Leone (WISS-SL). The high proportion of police women in the SLP at 19 per cent, far beyond the global average, would be attributable, or at least corresponding, to the active women associations in uniform.

The utilities of WPNs can be explained from a GBV survivor’s perspective. Imagine you are a minority (woman) at your workplace with 100 members of the majority group (men) who ignore or harass you. Who will you ask for help first? Your minority colleagues who share your problems. In the same vein, women GBV survivors also find better access to justice when they are assisted by police women. The

⁸² Global Study, p. 180.

⁸³ Global Study, p. 180.

⁸⁴ IAWP’s website at www.iawp.org

internal governance of such networking should be participatory, transparent and accountable to meet the needs of its members. Therefore, the effectiveness of a WPN correlates with the extent of organizational democracy. It is a bottom-up approach to police reform to challenge power dynamics not only between men and women but also between supervisors and subordinates.⁸⁵

GBV against police women is frequently perpetrated by male supervisors as a form of abuse of authority. Therefore, a bylaw establishing WPNs should include a participatory and bottom-up decision-making procedure, such as election of representatives, rather than top-down selection by higher-ups. Incorporating the right to network with civil society groups is also instrumental in enhancing the influence of WPNs. Such rights are, however, frequently perceived by police leadership as alien or even contradictory to the hierarchy and secrecy of police organizations as a “security force.”

A recent experience in Afghanistan shows the growth of Police Women Councils (PWCs), a home-grown version of WPNs from a local self-help initiative to a national Gender policy. An abuse case of a police woman by her commander in Herat Province demonstrated the WPN’s value; assistance of survivor’s complaint submission; collective demand of justice to police leadership; networking with international and civil society supporters; contact with the media and resulting parliamentary condemnation. Given the dire situation of police women in Afghanistan in general, the case was unprecedented.⁸⁶ The perpetrator lost his job due to the actions taken by the PWC. With support from UNAMA and UNDP in 2014, PWCs are now established across the country with endorsement from the Ministry of Interior (MOI) in charge of the Afghan National Police (ANP).

Police Women as Promotor: Advocating Locally, Nationally and Internationally

The collaborative process to establish PWCs in Afghanistan may offer insights on the role of police women as local, national and international advocates against GBV. The MOI initially repressed the home-grown PWCs – in addition to gender-based discrimination and abuse, the MOI’s paramilitary hierarchy restrained empowerment of frontline officers, suspecting PWCs as a form of unionism. Police women’ employee status vulnerable to employer’s retaliation also caused reluctance among survivors to report problems and exercise their rights to justice.

A multi-level consultative process has contributed to elaborating advice and expanding alliance. At the grassroots level, mapping on the challenges and opportunities encountered by home-grown PWCs offered practical ideas for improving national-level policy guidance. To showcase the value of PWCs, success stories were collected and circulated. The experiences at the bottom-level substantiated policy formulation with hard evidence. The “demonstration effect” of pilot projects helped to explain the value of PWCs more effectively than any abstract presentations could. Grounded information may also

⁸⁵ Montgomery, R. (2011) “Female Staff Associations in the Security Sector: Agents of Change?” Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper No. 25.

⁸⁶ Women hardly make up 2 per cent of the ANP; Oxfam (2013) “Women and the Afghan Police: why a law enforcement agency that respects and protects females is crucial for progress,” Oxfam Briefing Paper 173.

debunk the “cultural-relativist” argument of “it is not possible here,” commonly held by beneficiaries themselves due to the entrenched and intertwined nature of problems.

At the national level, a regular consultative forum, “Women and Police Working Group” was used to solicit inputs and support from donor agencies and civil society organizations. Such consultation, often painstakingly time-consuming, does matter, as a single voice appeals stronger to national counterparts. At the global level, collaboration with the IAWP facilitated compilation of best practices and development of analytic-evaluative framework to guide national policy formulation.

In hindsight, a bottom-up approach to national policy formulation may prove to be an effective way to empower police women. Started from end-user beneficiaries at the grassroots, not top-ranking officials at the ministry, such approach could minimize often distortive interaction with powerful interlocutors. Since foreign assistance means massive influx of resources, the issue of aid distribution and the power to control it are almost always subject to politicized negotiation, adversely affecting aid effectiveness and transparency. When the consultative process finally reaches the ministry, one can present test-proven argument supported, or at least not opposed, by almost all stakeholders. Due to the consensus built from bottom up, national authorities may neither seek “forum shopping” nor pit the promotor against other advisors or activists, a diverting tactics commonly used by unwilling interlocutors.

The participatory nature of the bottom-up approach is appraised to have a positive impact on “good governance” as well. The paradox of “national ownership” is widely acknowledged – whereas top government officials have the legal rights to represent the state and the government, they are frequently neither capable of sound decision-making and effective service-delivery nor committed to the interests of the population they are supposed to serve. Such lack of capacity and commitment is the major cause of the crisis in political legitimacy. The problem is essentially about “governance,” i.e. the relationship between the ruler and the ruled. The bottom-up approach with emphasis on end-user satisfaction and feedback may work as a viable tool to deliver the candid voices at the bottom to the decision-makers at the top.

In such a hierarchical organization as the police, advocacy to defend the rights and interests of frontline officers would risk not only being mistaken as a form of unionism or a violation of the chain of command, but also doing potential harm to beneficiaries who have a socio-economically vulnerable status as employees. In this regard, the strength of PWCs exists in that external assistance is provided *through* police women rather than *for* them. Benefiting from networking among themselves, police women take their issues into their own hands. They identify problems, catch opportunities, and demand remedies collectively, which external actors are hardly positioned to do. Such participatory empowerment of grassroots ownership would also be a more sustainable approach.

The local progress in Afghanistan harnessed the global promotion provided by the IAWP and the UN DPKO’s Police Division. In 2014, the IAWP issued a statement encouraging the formalization of PWCs prior to the ministerial approval. The Police Division selected and empowered a police women advisor

at UNAMA as the recipient of 2014 International Female Police Peacekeeper Award. The two global organizations, the UN Police Division and the IAWP, are themselves membered by police women, constituting a global network of sisterhood in uniform. The coalition further extends to female police peacekeepers in the field through the International Network of Female Police Peacekeepers, which in turn reaches out to local police women in host States for mutual support and progress.⁸⁷

Challenges remain, however, in promoting police women as international peacekeepers to join the efforts to combat GBV. In 2009, the Police Division launched a campaign to increase the proportion of police women in the UN Police up to 20 per cent. By 2017, the campaign has yet to meet its target and the Security Council has repeatedly urged Member States to contribute more police women to UN peace operations. There seems to be a large room for emerging donors to fill in.

Conclusion

This paper has examined the four roles police women play in combatting GBV, as a protector, a partner, a reformer and a promotor. Looking inwards, it is appraised that South Korea as a new donor has a strong domestic political and technical resources to increase its global contribution to combating GBV. It is wished that the country would grow from a retrospective introvert into a prospective extrovert by sharing its experiences of overcoming and supporting others to overcome through the ever-growing global network of police women.

⁸⁷ Refer to <http://www.un.org/en/peacekeeping/sites/police/joinnetwork.shtml>

Promoting Effective Law Enforcement and Enhancing Access to Justice in Myanmar

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Sexual violence and Intimate Partner Violence remain as challenging, taboo subjects in Myanmar. For the past several years, within Myanmar's widening democratic and human rights space, civil society advocates and leading MPs have been advocating for a law on the Prevention and Protection of Violence Against Women—but to date legislative reform efforts remains in limbo.

Within the existing legal context, in regard to promoting effective law enforcement and enhancing access to justice, incremental progress is growing primarily from the grassroots up.

Legal Clinic Myanmar is one of the first legal aid organizations in Myanmar, operating since 2011. It provides legal awareness trainings, community paralegal programs, and free legal aid services and legal accompaniment to promote and strengthen the rule of law and to help break the silence of citizens whose rights have been violated and treated unjustly, especially women and children. Through the support of UNDP Myanmar and others, Legal Clinic Myanmar has started up specific projects to promote Women's Access to Justice so far in 6 of Myanmar's 14 states and regions. Project components include:

- Legal awareness-raising
- Community-based paralegal training and paralegal support groups
- Free legal aid services (legal counseling, mediation, accompaniment and legal representation)
- 24 hour hotline services
- Social support
- Networking with other legal stakeholders including local government authorities, public prosecutors, police, and courts
- Evidence-based policy advocacy

The goal of the work is to promote citizens' knowledge and awareness of their rights and their practical ability to claim and protect their rights through legal mechanisms. Under the project, more than 70 cases have been brought to court, among many others counselled and helped to connect with other

social support system. Women themselves and families of child survivors of violence are more empowered to speak out against violence.

The networking and policy advocacy with other legal actors has increased local authorities' and law enforcement cooperation with lawyers. This engagement is starting to promote joint action to reduce barriers to justice and to (re)build trust with communities. From these interventions, more effective punishments are beginning to be observed from courts, especially in child rape cases. In addition, more attention has been given by relevant Ministries, including the start-up of Shelters for Survival. The interventions by lawyers to support and accompany survivors in seeking justice have created a pull for improved response from the Courts on cases of sexual violence and other forms of gender-based violence. While an average case may still take 9-10 months to go through the criminal justice system, there is some indication that Legal Clinic Myanmar's advocacy is starting to reduce these delays in court processes. Significantly, the ethical standards to which Legal Clinic Myanmar's lawyers are committed are also directly seeking to counter and reduce the practice of taking bribes, which will work ultimately to support the rebuilding of community trust in justice actors and the system's commitment to rule of law.

UNDP Myanmar, in addition to supporting the Women's Access to Justice project of Legal Clinic Myanmar, is simultaneously supporting several other interventions to promote the rule of law and access to justice to better address gender-based violence. This includes:

- *Rule of Law Centers* established in partnership with the Government of Myanmar, in 4 locations to date: The Centers provide training to upgrade the legal knowledge and skills of local justice professionals and civil society actors; to support community outreach for legal awareness raising; to provide local forums for multi-stakeholder dialogue to build trust and improve actions on key justice issues including SGBV; and to support referral mechanisms for legal advice and assistance.
- *Mainstreaming Gender Equality and GBV awareness* within the training curricula of government academies for officials, from the most local-level township and village tract administrators, to parliamentarians and senior executives in the civil service.
- *Research* to develop the evidence base on community Access to Justice (including in SGBV cases): This research, with the Government of Myanmar, is being used for engagement of the justice sector in wider strategic planning, capacity development, and reform discussions.
- *Psycho-social support and women's economic and livelihood support* activities for GBV survivors with women-led local CSOs and revolving savings and loans groups are operating in 31 of Myanmar's 300+ rural townships, in partnership with Myanmar's National Network of Rural Women.
- *iWomen-Inspiring Women* mobile application for Myanmar: Co-designed with the National Network of Rural Women, *iWomen* mobile app delivers inspirational personal stories, legal awareness raising information, geographic referrals, and discussion boards addressing a range of concerns for Myanmar rural women's empowerment, including a strong focus on prevention and response for SGBV.

Nevertheless, challenges remain to accelerate and reinforce these positive processes of citizen empowerment to break the silence, to address law enforcement and justice system barriers, and to reform the legislative framework by passing the Prevention and Protection of Violence Against Women Law. At the most basic level, both public and government attitudes of denial about the nature and extent of issues of sexual violence and intimate partner violence remain a challenge. Additional challenges in Myanmar's context include restrictions on the access of lawyers and paralegals to sensitive geographic areas that are affected by recent or ongoing military conflict, as well as access to particularly vulnerable people groups within Myanmar's society, including IDPs, persons with disabilities, stigmatized ethnic/religious groups, and sex workers.

Strengthening Access to Justice for GBV (Senegal)

Ms. Mariama Dieng

Sociologist, Ministry of Women, and Family and Children, Senegal

Ms. Awa Tounkara

Executive Secretary of Women Jurist Association, Senegal

Senegal made a presentation on strengthening access to justice on GBV, which highlighted the points below:

- Senegal's legal framework for the elimination of GBV (ratification by the State of almost all international, regional and sub-regional legal instruments protecting human rights; provision of internal legislation, institutional framework and policies that promote respect for the rights of women and other vulnerable groups; the existence of a strong and committed civil society, etc.)
- The strategies implemented to strengthen and improve legal access (example of the Law Shops of the AJS and the Houses of Justice of the Ministry of Justice)
- The main challenges encountered in the implementation of the strategies
 - Inadequate support structures, such as Law Stores and Law Houses
 - Lack of an integrated support structure, such as the "one-stop center"
 - Insufficient training of different stakeholders
 - Lack of national study to provide reliable age and sex disaggregated data
 - Lack of sufficient budget line to support case management of GBV
 - Insufficient financial resources for the socio-economic reintegration of victims
 - Inadequate coordination of interventions and collaboration between state and non-state actors
- Proposed solutions:
 - Strengthen advocacy with UNDP to support the National Plan to combat GBV (the various strategic axes of the plan, taking into account some of the above-mentioned fundamental problems), as well as civil society actions
 - Strengthen coordination of interventions and the capacities of actors intervening in the issue of GBV, to carry out a national study on GBV with complete statistics

The last session of the meeting focused on focus groups where the aim was to discuss the Korean

experiences that were most important to us, those we would like to experiment in our respective countries, the opportunities for partnership and collaboration.

In this connection, Senegal expressed its interest in:

- The setting up of an integrated GBV care center like the Sunflower Center
- The extension of rights shops throughout the country with a more holistic approach to GBV victims, similar to the Sunflower Center
- The setting up of a mechanism to monitor the progress of the rights shops
- Capacity building of actors on prevention and care mechanisms
- Human rights education programs
- The Indonesian model involving religious leaders
- The Rwandan model on the involvement of men with RWAMREC
- The operating mechanism of the one-stop center and the management of its budget; the methods of involvement of the Government and local authorities; the sustainability of actions after the withdrawal of partners
- A field visit to the Sunflower with a view to better assess the way in which it can be implemented in our country
- Conducting a national study for a more reliable estimate of the extent of the GBV phenomenon in Senegal and ensuring the effectiveness of programs through well-formulated and measurable indicators

In short, Senegal strongly reiterated its advocacy with UNDP to support the first national plan of action for the eradication of GBV and the promotion of human rights.

Access to Justice (Kazakhstan)

Ms. Aiman Umarova

Attorney at Law, Regional Bar Association; Co-founder, PF “Human Rights Lawyers”, Kazakhstan

It is fundamental that justice should be the same, in substance and availability, without regard to economic status.” - Justice Lewis Powell, Jr

All persons shall be equal before the courts and tribunals (International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966 Optional Protocol to the above-mentioned Covenant. Adopted by the General Assembly of the United Nations on 19 December 1966).

According to the Constitution of the Republic of Kazakhstan “Everyone shall be equal before the law and court. No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances (Article 14).”

Attorney at General of the Republic of Kazakhstan elicits the facts of GBV and also emphasizes the importance of women’s access to justice and the measures related to the full realization of human rights for women and children.

Nowadays, despite the fact that the legislation of the Republic of Kazakhstan prohibits all types of violence and discrimination against women and girls, in practice, violence against women and girls continues to persist.

Therefore, the existence of access to justice is very important, in terms of how it is provided to women and children in criminal processes, especially for victims of gender-based violence.

According to the Constitution of the Republic of Kazakhstan, “everyone shall be equal before the law and court. No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances (Article 14).” However, women still face discrimination everywhere—during investigations and court hearings, including from the judiciary.

National Legislation

According to the Criminal Procedure Code (Article 21), justice should set forth without any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, religion, convictions, place of residence or any other circumstances. Victims of any crimes have the

right to have representatives (Art. 71). Representatives shall be lawyers, legal representatives, or parents (Art.76). A suspect, charged offender (defendant), indictee (charged on indictment), and convict all have the right to have lawyers, legal representatives, or parents present without fail. It is obligatory (Art.75). If they have financial difficulties in hiring a lawyer, it shall be provided by the State.

However, victims, other than children, in actuality, are not provided with legal assistance by the State. Therefore, women that become victims of any crimes initiate legal proceedings against perpetrators without legal aid. In most cases, when the perpetrator is a man who can hire a professional lawyer, the status of women remains complicated.

However, it is worth to note that this provision works against both sexes. A prosecutor does not act for the victims or families of victims in the same way as how lawyers act for their clients. Public prosecutors act on behalf of the public and not just in the interests of any particular individual. This gap results in a need for an effective mechanism to coordinate national activities to combat violence against women and children. I would like to emphasize that, indeed, most problems are not related to legislation.

Disadvantages

Serious impediments in ensuring women's access to justice include:

- Lack of financial resources for legal aid;
- Family honor and taboos (e.g. "uyat", meaning shame) which prevent victims of gender-based violence from reporting and seeking assistance;
- Lack of knowledge on the available legal remedies

There are also vulnerable groups among women and children, such as:

- Women from rural areas
- Women in prison
- Women with children
- Persons with disabilities

In 2016, one of the most known cases was a gang rape against Ms. Nataliya Slekishina. She was raped three times by officials in a detainee center, where she was staying after being arrested. She did not have legal assistance because of a lack of financial resources, so she did not send her statement to the prosecutor about the violence nor start legal proceedings against her offenders.

I took her case for free after she gave birth in prison. In that case, it was most important to protect her safety in the facility. The male violators worked in the prison where she was staying with her baby.

During the investigation and court hearings, she was tortured again. When prosecutors provided a safeguard, she could speak up openly about the real situation of the act of violence against her.

In the same year, there was another gang rape case against a woman named Ms. Zhibek Musinova. She was originally from the rural area. “Uyat” means shame in Kazakh language. Traditionally, Kazakh women and girls have to keep silent. It is connected to family honor, taboo, and “uyat”. But Zhibek Musinova and her family decided to overcome this social barrier. She and Dina T. set up the movement called “Don’t be silent”.

The mother of the rape victim appealed for help through a video in September (Pic:Youtube). The verdict is, of course, fair. It means a lot because all women of Kazakhstan were waiting for this verdict, especially all those who kept silent their whole life about their rape. For ages and centuries, this problem has always been concealed. Finally, there is a woman who has openly spoken about it.

This incident represented a new milestone, as the government finally paid attention to women’s rights, and this social problem, as well as to the abuse against women. However, while some were celebrating the case as a step towards equality, there has also been some backlash. The rape victim and her family had to ask for police protection as they received death threats from friends and family of the attackers.

We faced a lot of difficulties on the way to justice. All the TV programs publicized the case and many people condemned us, because we openly talked about “THAT”.

Both Nataliya Slekishina and Zhibek Musinova won the cases and the offenders were punished.

The key success factors in those cases were the following:

- The victims reported openly about the violence and sought legal assistance
- Free legal assistance was provided
- Safety was ensured

The problems that need to be solved:

- Implementation of anti-discrimination laws
- Development of gender justice framework
- Strengthening of free legal assistance for victims of GBV
- Protection of victims (and their family) after reporting
- Increasing public awareness on legal remedies and exercising of victim rights
- Public support for a national movement against GBV

Consequently, after the above-mentioned cases, our Law Enforcement Agencies and Office of the Attorney at General have been implementing action plans against GBV, including rape. Due to the wide coverage of the cases by the media, public awareness is increasing – a rising number of women have been approaching the police to seek assistance for the acts of violence against them.

We do hope that the joint efforts of state bodies, civil society organizations and mass media will gain success in the future and that we will be living in a prosperous and safe country, where gender equality is achieved and women's rights are recognized.

Thank you for your kind attention!

Session 5

How to Build an Effective Support System for Victims/Survivors of GBV: Korea's One-Stop Mechanism (Sunflower Centre) and International Practices

- Overview of Korea's Integrative Support System for Victims of Sexual Violence (Sunflower Center)
- Overview of Medical Support Provided by Sunflower Centre
- Practical Experiences from Counseling Team Leader of Sunflower Centre
- Changes in Police Investigation after the Establishment of the Sunflower Center: Focusing on Victim Survey
- Rwanda's Holistic Approach to GBV and Child Abuse: Isange One Stop Center Model
- The Right to Speak Out & Support Structures for Victims of Sexual Violence and GBV: Decisive for Empowerment (Colombia)
- Strengthening / Establishing the Referral Pathway – Response to Victim-Survivors of GBV and the Support Services offered by Women In Need (WIN), Sri Lanka

Discussion Paper

Overview of Korea's Integrative Support System for Victims of Sexual Violence (Sunflower Center)

Dr. Yoon, Sun Young

President, Korea Support Center for Women and Children Victims of Violence

In Korea, the movement against sexual violence over the last 20 years has called increased attention to the issues of rape and other types of sexual violence. The government passed the Act on the Punishment of Sexual Crimes and Protection of Victims in 1994 and has since amended the Act to protect and expand legal rights and support for victims/survivors of sexual violence.⁸⁸ There has been also a great increase in the number of counseling centers providing services to victims of sexual violence.⁸⁹

Nevertheless, due to the influence of the ideology and culture of Confucianism, if a woman is sexually assaulted or raped by a man, she is often blamed for her behavior and losing her chastity. Sexual assault or rape victims may also experience secondary victimization by behaviors or attitudes of community service providers (e.g. medical or justice system personnel) that are insensitive and victim-blaming, which results in additional trauma for them.

In May 2003, Korea newspapers covered a case where a 4-year old girl was sexually abused and her mother had to visit several different hospitals and police stations for 3 days in order for her daughter to receive adequate treatment and necessary services. This newspaper coverage raised public awareness about the need of a new type of support system for sexually assaulted victims.⁹⁰

The absence of an exclusive service system that immediately responds to sexual violence resulted in a lack of proper emergency procedures for the early stages of cases, such as evidence collection, diagnosis, and treatment needed for sexual violence. In particular, victims who have difficulties defending themselves (e.g. children and the intellectually disabled) may have difficulty finding support services and, due to insufficient medical and legal services, they may not be able to receive the necessary medical care and provide proof of damages. They may also not receive proper compensation for their suffering and the offenders may not receive any particular degree of punishment. In addition,

⁸⁸ Lee, M. (2013). Korean Feminist NGOs' Strategies for the Empowerment of Women and Social Change-Focusing on the Anti-sexual Violence Movement. *Peace and Culture* 5(1), 85-106.

http://www.jripec.aoyama.ac.jp/publication/journal/jnl005_09.pdf

⁸⁹ Ministry of Gender Equality and Family (MOGEF) <www.mogef.go.kr/eng/pc/eng_pc_f011.do>

⁹⁰ WeeklyDongA. (2013, November 18). Unhealing the Mind Wounds. <<http://weekly.donga.com/List/3/all/11/96687/1>>

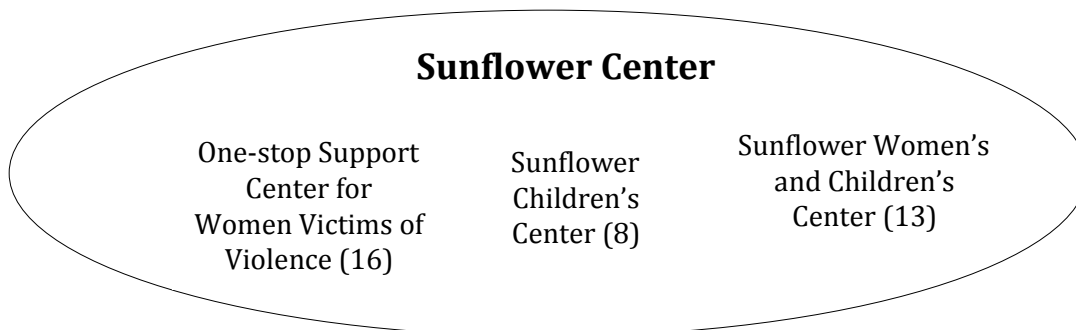
sexual assault victims who are living in rural or remote areas have limited access to basic services, as well as long-term psychotherapy and legal services.

Establishment of Sunflower Center

In response to a growing demand for a new type of victim service system, a steering committee composed of civil servants, professors, and NGO activists was formed and designed a system that is distinguished, but is also effectively connected it to an existing system. The aim of the new type of victim service system is to provide sexual assault victims with all necessary services in one place. It also aims to minimize blind spots in providing assistance by collaborating with other service agencies including counseling centers and shelters for sexual assault victims.

In 2004, the Sunflower Center was launched with counseling, medical treatment, and legal assistance provided to sexual assault victims under 13 years and the intellectually disabled. Since 2004, the integrative support center for sexual assault victims, commonly referred to as “Sunflower Center,” has gradually expanded. In 2005, the One-stop Support Center for Women Victims of Violence, providing services for 24 hours a day and 365 days a year, was established to strengthen the early response, such as emergency medical care and legal assistance for the victims including adults. In 2010, the Sunflower Women’s and Children’s Center, integrating the advantages of both models, was founded. A total of 37 Centers are operating across the nation currently as of 2017.

Figure 1. Integrative Support System for Victims of Sexual Violence



37 Sunflower Centers are housed within hospitals across 16 cities and provinces to give sexual assault victims easy access to comprehensive 24-hour service, including counseling, legal, medical, and investigative support. The centers are staffed with counselors, nurses, law enforcement officers, and other professionals to provide victims with specialized and systematic services. The Sunflower Center is the only agency in Korea where forensic evidence collection, emergency as well as long-term medical treatment, and investigative assistance can be provided from a single location. The Sunflower Center provides services necessary for sexual assault victims in one location and this solves the limitations of existing services that provide only partial assistance.

Governance and Stakeholders for Sunflower Center

A multilateral governance system was institutionalized that allows partners to be involved in the establishment and operation of Sunflower Centers. The Ministry of Gender Equality and Family has carried out the establishment of Sunflower Centers, and the Centers are managed under the collective agreement between the Ministry of Gender Equality and Family, local governments, the National Police Agency, and medical institutions(hospitals).

The Ministry of Gender Equality and Family has provided a budget for the initiative and set up a consolidated service system for sexual assault victims. Local governments have offered matching funds to operate Sunflower Centers and provided administrative support, such as approving operational plans for the Centers.

The National Police Agency has dispatched female law enforcement officers to help investigative procedures on sexual assault cases. Hospitals have provided sites for the Centers and assigned medical specialists to provide medical services to victims of sexual violence whenever needed. The Ministry of Justice has placed public defenders at some Sunflower Centers for free legal aid. Korea Legal Aid Corporation, Korea Bar Association, and Korea Rape Crisis Center have also provided free legal services for victims of sexual violence.

Services from the Sunflower Center

The Sunflower Center, stationed with counselors, nurses, law enforcement officers, and other professionals, promptly provide needed services to victims of sexual violence, free of charge for 24 hours a day and 365 days a year, so victims can avoid visiting multiple different agencies for services. Especially, a scientific collection of evidence using rape kits and the assistance of law enforcement officers who are on stand-by promote the investigation and punishment of the perpetrators.

An early emergency response system to sexual offenses is established in collaboration with the police emergency hotline (call 112) and Women Emergency Call 1366, which directly links sexual assault cases to a Sunflower Center. This expedites collection of forensic evidence, emergency medical care, and the recording of statements in the early stage of the case.

Medical expenses are fully provided to victims of sexual violence. These include the medical costs associated with sexual violence, pregnancy due to rape and the following induced abortion or delivery, and costs incurred while collecting forensic evidence. Expenses for nursing and/or accompaniment services are also provided to victims of sexual violence who face challenges (e.g., victims with single-parent, working parents, or grandparent-headed households) to assist victims recover from the impact of crime.

Moreover, the Sunflower Centers, through the Korea Legal Aid Corporation, Korea Bar Association, and

Korea Rape Crisis Center, offer a lawyer referral service so that the victim can receive free legal services, and provide referrals to shelters or other community service providers to help victims receive adequate support to ensure recovery.

Number of Victims Served by Sunflower Centers

Sunflower Centers, located in 16 cities and provinces, support over 20,000 sexual assault victims per year. In 2015, the Centers served 20,218 victims of sexual violence, and, among them, 19,199 (95%) were females and 1,019 (5%) were males. 8,547 victims were 19 years old and above, followed by 4,546 victims from 13 to 18 years old and 3,502 victims under the age of 13. The ages of 3,623 victims were reported as unknown. Sunflower Centers provided 238,127 victim services through 37 Centers nationwide: 80,617 counseling services, 55,687 medical services, 44,774 services for investigation/legal process, 33,402 psychological assistance, 4,003 accompaniment services, and 19,644 information and referral services⁹¹.

The number of services provided to sexual assault victims has increased every year, from 176,203 in 2013 to 238,127 in 2015. The number of services provided per victim has also gradually increased and an average of nearly 8.6 and 11.8 services were provided per victim in 2013 and 2015, respectively. According to data from the 2015 customer satisfaction survey, of which respondents were victims (or the parents if the victim is a minor) who received at least one of the services from the Center. The overall satisfaction score was 4.46 out of 5.⁷⁰

Benefits from the Sunflower Center

Access to victim services in a single location

The Sunflower Center provides counseling, medical, legal, and other professional services to victims of sexual violence in one location. Victims previously visited different agencies in order to receive the services they needed and experienced physical and/or psychological distress. At the Sunflower Center, all services are provided to victims in one visit, and the waiting time for medical services and/or services for investigation/legal process has been reduced.

Improved early emergency response system and victim-oriented approach

Services from medical doctors such as pediatric psychiatrists, gynecologists, and clinical psychologists, as well as law enforcement officers, allow victims to visit the Center whenever needed. Immediate and/or long-term medical care, legal assistance, and other specialized services are provided to victims who are disadvantaged or vulnerable, such as children and the intellectually disabled, free of charge. In addition, diverse programs are offered to help victims support themselves, such as treatment and/or

⁹¹ Korea Support Center for Women and Children Victims of Violence (2016). Annual Report of Sunflower Center 2015.

recovery programs, self-help meetings, and vocational training.

An increase in the credibility of services and consistent services between regions

The Sunflower Center is a dedicated agency that provides services to the victims of sexual violence and their families. The government has established legal basis and financial resources to continue the initiative and since its first launch in 2004, the number of Sunflower Centers has increased to 37 in 2017. The recognition of Sunflower Centers' services has increased and public awareness of sexual violence has improved. Accordingly, the number of sexual assault victims served by the Sunflower Centers in 2014 account for nearly 70% of all sexual offenses reported to the criminal justice system.⁹² There might be existing disparities in victim services between urban and rural areas, but victims in both areas are provided with consistent services, including collection of forensic evidence, medical care, and investigative assistance, so the confidence in the government funded Centers' services for sexual assault victims has increased.

Change in perception of sexual assault victims

The collaborative services to victims among all staff working within the Center has minimized secondary victimization during medical examination and/or investigation process. It also made possible to emphasize the importance of systematic services, which need to be provided to victims of sexual assault. The efforts the Sunflower Center made to emphasize systematic services brought about a change in medical and justice system personnel's perception about the victims, which might be previously indifferent to treatment and investigation for the victims, respectively.

Challenges for the Sunflower Center

Budget for the operation of Sunflower Centers

Legal grounds were formed by including provisions for the establishment and operation of Sunflower Centers in the Sexual Violence Prevention and Victims Protection Act in 2010, but there have been concerns about operating costs of Sunflower Centers. It costs about 600 to 700 million won (US\$523,000-610,000) to maintain a single center annually, but with this budget, the center is having a hard time recruiting qualified professionals (e.g., nurses, psychotherapists). It seems that finding ways to secure adequate budget for the Sunflower Centers is needed⁹³.

Conflicts arising from collaboration among professionals from different fields

⁹² Korean Women's Development Institute (2016). Violence and safety against women. Policy Recipe For Gender Equality, 5.

⁹³ Yon, H. (2016, April 4). Sunflower Centers treat more than 20,000 sexual violence victims per year. The Hankyoreh. http://english.hani.co.kr/arti/english_edition/e_national/738148.html.

The Sunflower Center is designed to reduce the number of places victims of sexual violence must visit to get necessary services, so the Center is staffed by professionals from different fields to provide victim services in one location. In the Sunflower Center model, teamwork among various personnel is crucial. The Centers require training for diverse staff not only about violence against women, but also about issues such as relationships and collaborations. A standardized protocol to define the roles and responsibilities of various involved professionals might be necessary.

Need to work with existing private agencies in a collaborative way

In order for the Sunflower Center to be identified as a best practice, its support system needs to work in conjunction with existing agencies (e.g. sexual assault counseling centers, shelters) in a mutual, cooperative way. The Centers, through closely working with private agencies, can increase efficiency in providing collaborative services to victims among service providers, and community support for services to victims.

Conclusion

The Sunflower Center is a one-stop support system for victims of sexual violence, which is operated in collaboration with the Ministry of Gender Equality and Family, local governments, the National Police Agency, and medical institutions (hospitals). The Sexual Violence Prevention and Victims Protection Act in 2010 stipulates that government is obligated to establish and operate the Sunflower Center to serve women, children, adolescents, and the disabled who are victims of sexual violence free of charge.

The essential goal for victim service is to identify and prioritize the needs of the victims. The Sunflower Center has made it easier for sexual assault victims to report the incidents and injuries they experienced, and has provided necessary services to the victims in one place. It improves the credibility of the services Sunflower Centers provide, as well as the accessibility and credibility of the services. Victims who were likely to hide their victimization for fear of social prejudices have become more comfortable with talking about their experiences and have better access to services. It is also noted that there tends to be a social consensus that sexual violence is not an incident to hide from but to speak out about.

The Sunflower Center initiative can be sustainable when engaged organizations share viewpoints that the governance system needs to be reinforced by identifying the needs of the victims through cooperation and coordination among them and by seeking better ways to provide adequate services to the victims. The services Sunflower Centers provide to vulnerable victims, especially women and girls, add to the international community's efforts towards to sustainable development goals that aim to eliminate violence against women and girls.⁹⁴

⁹⁴ Womankind. website: <https://www.womankind.org.uk/>

Overview of Medical Support Provided by Sunflower Centre

Ms. Park, Ji-Eun,
Forensic Nurse, Gangwon Sunflower Centre

I. The Role of a Forensic Nurse

A forensic nurse is a professional who helps a victim realize his or her rights in regards to legal issues, including death, sexual violence, child abuse, senior abuse, cases of unnatural death, or identifying the cause of damage. They aid with effective forensic evidence collecting and systemized document making, and they offer expert testimony and emotional support to the victim. Many countries including the US have provided various studies that prove the importance and necessity of forensic nurses. (Lynch, 1991)

II. Importance of medical support for sexual violence victims and evidence collection

As most sexual crimes do not have a witness, quickly collecting physical evidence for court is crucial in Korea, which is ruled by the Principle of Trial by Evidence. In terms of sexual crime, securing proof is not as difficult as it does not even need testimony.

A forensic investigation proceeded with a duly procedure can identify the damage, minimize the trauma, and make treatment more effective. In addition, an appropriate forensic investigation can help with the investigation and prosecution of a sexual crime through evidence collecting, and it ultimately prevents such crimes. Therefore, medical teams need to provide not only direct medical services, including emergency treatment, diagnosis and treatment, and preventive measures for pregnancy and viral disease, but also forensic services, such as forensic investigation and inspection, legal evidence collecting and reporting, in order to meet legal and medical needs.

III. Sunflower Center's medical expenditure support (The Ministry of Gender Equality and Family, 2016)

Medical support for sexual crime victims should be classified as an emergency. Emergency treatment should be done to alleviate the victims' anxieties and external injuries, and also to prevent evidence loss. The longer the treatment is delayed, the higher the chance of aggravating physical and psychological damage. Therefore, the treatment should be administered as quickly as possible.

Goal

Strengthening victim protection by supporting medical expenditures to sexual crime victims who need physical or mental treatment in order to minimize their trauma

Target

The victim of a sexual crime, their lineal ascendants and descendants, their siblings, spouse or guardian

The scope of medical support

- Forensic consultation with the victim
- Physical and mental treatment for the damage
- Assessing the chance of pregnancy induced by the crime and management
- Forensic evaluation and securing legal evidence (emergency kit)
- Full support for treatment and protection
- Medical expenditure support regardless of how much time has passed since the incident

IV. Emergency Kit to collect sexual crime evidence (The Ministry of Gender Equality and Family, 2014)

- The sexual crime emergency kit is designed to help with evidence collecting
- An emergency kit must be used within 72 hours after the incident, and even after 72 hours, it should be utilized if a medical expert finds it necessary. An emergency kit secures evidence such as semen, blood or other body fluid. A kit can be used 72 hours after the incident, depending on the victim's testimony or cognitive ability.
- In a sexual crime, the proprietor's body fluid or cells collected from the victim's body or clothes can be used as legal evidence. Semen, saliva, blood, hair, and skin cells are possible examples.

Table 1. Steps for the first aid kit to collect sexual violence evidence

Step	Content
1st	Agreement from the sexual violence victim and the person concerned
2nd	A medical record of the sexual violence victim
3rd	Collecting outer clothing, underwear, foreign substances
4th	Collecting fragments from the victim's body
5th	Collecting the stains and saliva from the perpetrator
6th	Collecting the pubic hair of the perpetrator
7th	Collecting evidence from reproductive organs
8th	Collecting evidence from anus and rectum
9th	Collecting evidence from mouth
10th	Collecting blood
11th	Collecting urine
12th	Check the list of sexual violence evidence

- The fluids on clothing can be genetically analyzed even a long time after being collected and even if the fluids have sufficiently dried. On the other hand, the feasibility of the evidence collected from reproductive organs or anus from a victim hugely depends on the victim's behavior (such as rinsing off) before and after the incident and other circumstances (whether there was ejaculation, where it happened, whether a condom was used, and the area of physical contact) rather than just the amount of time passed since collection.
- An emergency kit can be taken as an evidence, and it can also reveal new damage or aftereffects from a victim. As the recovery of a victim affects the severity of penalty for a perpetrator, the use of a first aid kit for evidence collection should be carried out carefully.
- What's more important, for the evidence to remain as a legal proof, is to maintain the Chain of Custody per each piece of evidence by documenting them in a chronological order in terms of collection, storage, delivery, analysis, and processing.

Table 2. Example of a sexual violence case

<p>Case summary</p> <ul style="list-style-type: none"> - Victim: Lee○○ (17, female) – - Time and date: 16. 00.00. 00:00 - Place: A bench near ○ in ○○ city <p>Summary</p> <p>The victim was intoxicated and reported by a passerby to the police.</p> <p>During hospital treatment, it was suspected that there was sexual violence, leading to the Sunflower Center's intervention.</p> <p>The victim hadn't woken up, so it was difficult to talk with him/her.</p> <p>※ The National Scientific, Criminal & Investigation Laboratory secured the <u>DNA of three suspects</u></p>	<p>[Registration number: 2016-H-000]</p> <p>► Examined articles</p> <ul style="list-style-type: none"> Article 1: Victim Lee00's underpant Article 2: Victim Lee00's bra Article 3: Victim Lee00's nails (left and right) Article 4: Victim Lee00's sanitary pad Article 5: Victim Lee00's T shirt Article 4-1: A cotton swab that wiped around victim Lee00's ear Article 4-2: A cotton swab that wiped victim Lee00's left breast Article 4-3: A cotton swab that wiped victim Lee00's right breast Article 5-1: A cotton swab that wiped victim Lee00's vulva Article 5-2: What was inside victim Lee00's vagina - condom Article 5-3: A cotton swab that wiped victim Lee00's cervix Article 6-1.2.3.4,5: Evidence collected from victim Lee00's mouth and lips Article 7: Victim Lee00's blood –medicine, drug, alcohol Article 8: Victim Lee00's urine –medicine, drug
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- Forensic evidence proved the victim's inability to protest (a nervous sedative was used), different DNA from suspect A, B, and C (three suspects) were collected, multiple vagina lacerations were identified.
- The three suspects were prosecuted by the Special Act on Punishment for Sexual Crime (special injury resulting from rape)
- Sunflower Center did a forensic crisis intervention with emergency surgery, evidence collection, and psychotherapy. Currently, the victim has recovered.
- The case shows that standardized evidence collecting and medical treatment lead to a fast recovery for sexual violence victims, prevents secondary diseases and damage, increases the prosecution rate of sexual violence, and ultimately reduce sexual crimes. As a forensic nurse with 12 years of career experience, contributing to the enhancement of people's health and safety is something to be proud of.

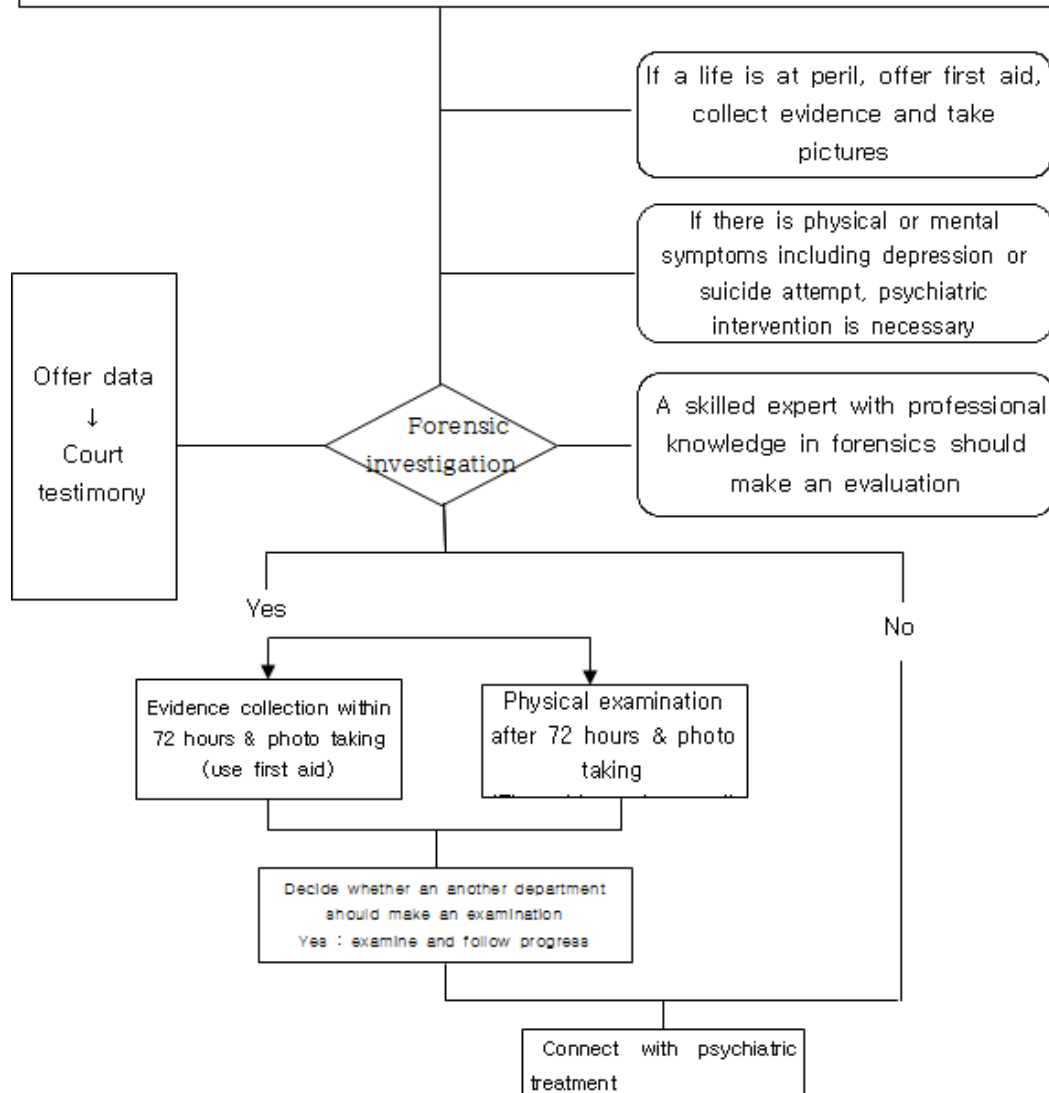
V. Suggestions

- Sexual violence requires government intervention. Establishing a close and integrated coordination system is important in offering effective services for sexual violence victims through cooperation between various experts.
- Forensic nurses, who received special clinical and forensic training regarding sexual violence victims, should be nurtured and utilized.
- A scientific system should be used to assess damages and collect evidence.
- A forensic investigation manual should be developed to facilitate a smooth forensic investigation for sexual violence victims on site.

Appendix A: forensic investigation flow on a sexual crime victims

Necessity: A medical intervention along with an immediate medical treatment for sexual crime victims has gained importance to secure a forensic evidence needed for sexual crime prosecution. Securing evidence for investigation and offering right services to victims can strengthen criminal penalties against the perpetrator and protect the victims' legal rights.

Right environment: There should be a quiet and comfortable place separate for sexual crime victims, equipped with double locks and a refrigerator to store evidence collected for the chain of custody.



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강원서부 해바라기센터 박지은 간호팀장 겸 법의간호사

□ 법의간호사 역할

법의간호사는 사망사건, 성폭력, 아동학대, 노인학대, 변사, 손상의 원인 규명 등 법적문제를 수반한 상황에서 피해자의 법적 권리를 추구하고 돕는 전문 간호사로서 효과적인 법의학적 증거수집, 체계화된 문서작성, 전문가 증언을 하며, 피해자에 정서적 지지를 제공한다. 미국을 포함한 여러 나라에서 다양한 연구를 통해 법의간호사 역할의 중요성과 필요성이 입증되었다. (Lynch, 1991).

□ 성폭력 피해자 의료지원 및 증거채취 필요성

성범죄 사건의 특성상 대체로 목격자가 없는 공간에서 발생하기 때문에 증거재판주의인 우리나라 법정에서는 물리적, 신체적 증거를 신속하게 확보하여 법정에서 유효한 증거로 제시해 주는 절차가 매우 중요하다. 성범죄에 있어 물증확보는 진술이 필요 없을 정도로 움직일 수 없는 확실한 증거이기 때문이다.

빠른 시간 내에 적법한 절차에 따라 진행된 법의학적 검사는 성폭력 피해자들의 문제를 확인하고 트라우마를 최소화하며 치료효과를 향상시킬 수 있다. 또한 적절한 법의학적 검사는 증거 수집을 통하여 성폭력 사건의 수사과 기소에 도움을 주고, 궁극적으로 성폭력 범죄를 예방한다.

이에, 성폭력피해자 의료지원은 법적, 의료적 욕구 충족 위해 의료진은 응급처치, 진단과 치료, 임신과 성병에 대한 예방조치 등 직접적인 의료서비스 뿐만 아니라 법의학적 검사 및 사정, 법적 증거물 채취 및 기록 등 법의학적 서비스를 제공해야 할 필요가 있다.

□ 해바라기센터 의료비 지원(여성가족부, 2016)

성폭력 피해에 대한 의료지원은 응급상황으로 분류되어야 한다. 피해자가 겪고 있는 공포와 외상을 줄이고 증거 소실 예방을 위해 응급으로 진료를 시작한다. 처치가 지체될수록 증거가 손실되거나

신체적, 심리적 외상이 악화될 수 있으므로 최대한 신속하게 대응한다.

○ 목적

신체적 정신적 치료가 필요한 성폭력 피해자에게 의료비를 지원함으로써 성폭력 피해자의 후유증을 최소화하는 등 피해자에 대한 보호 강화

○ 지원대상

성폭력 피해자, 성폭력 피해자의 직계존비속, 형제 및 자매, 배우자 및 보호자

○ 의료지원 범위

- 성폭력 피해자의 법의학적 면담
- 성폭력피해에 대한 신체적, 정신적 치료
- 성폭력으로 인한 임신평가와 관리
- 법의학적 평가 및 법적 증거확보(응급키트)
- 치료보호에 소요된 비용 전액 지원
- 피해 발생 후 경과기간에 관계없이 의료비 지원

▣ 성폭력 증거채취 응급키트(여성가족부, 2014)

- 성폭력 응급키트란 의료인이 성폭력 증거채취를 할 수 있도록 돕기 위해 제작하였다.
- 응급키트는 사건 발생 후 72시간 이내라면 반드시 해야 하며, 72시간 이후라도 의료인의 판단에 따라 필요한 경우 실시해야 한다. 즉 응급키트는 타액, 정액, 혈액 등 다양한 가검물을 통해 증거를 확보하는 것으로서, 피해자의 진술 또는 인지능력 등을 감안하여 72시간 이후에도 시행할 수 있다.
- 성폭력 사건에서 피해자의 신체 또는 의류 등으로부터 가해자의 인체분비물 또는 세포를 채취하여 법적 증거로 사용하게 된다. 대표적인 생물학적 시료는 정액, 타액, 혈액, 모발, 피부상피세포가 있다.
- 의류 등에 부착된 경우에는 충분히 건조되면 매우 오랜 시간이 경과하여도 유전자 감정에 문제가 없다. 반면, 피해자의 생식기나 항문 등에서 채취한 시료는 채취 가능 시간보다는 사건 발생 전후 피해자의 행위(세척 등)와 사건 정황(사정여부, 사정부위, 콘돔사용여부 접촉부위 등)에 따라 크

게 다를 수 있다.

- 증거로 채택될 수 있고 피해자의 새로운 상처나 후유증을 발견 할 수 있다. 가해자의 법적 처벌에 따라 피해자의 회복이 형량에 미치는 만큼 응급키트를 진행함에 있어 신중해야 한다.
- 더욱 중요한 것은 획득한 증거물이 법정 증거능력을 확보할 수 있도록 채취, 보관, 운송, 분석, 처리에 관한 시간대별 문서화하여 증거물별 관리연속성(Chain of Custody) 입증하도록 확보하여야 한다.

표 1. 성폭력 증거채취 응급키트 단계

구분	내용
1단계	성폭력 피해자 동의서 및 관계인 동의서
2단계	성폭력 피해자 진료기록
3단계	겉옷, 속옷, 이물질 수집
4단계	성폭력 피해자 신체의 부스러기 채취
5단계	가해자의 얼룩 및 타액 채취
6단계	가해자가 흘린 음모 채취
7단계	생식기 증거 채취
8단계	항문 및 직장 내 증거채취
9단계	구강 내 증거 채취
10단계	혈액 채취
11단계	소변 채취
12단계	성폭력 증거채취 체크리스

표 2. 성폭력 중례

<p>◎ 사건개요</p> <ul style="list-style-type: none"> - 피해자 : 이○○(17세, 여) - - 일시 : 16. 00.00. 00:00경 - 장소 : ○○시 ○옆 벤치 - 개요 <p>피해자는 만취된 상태로 지나가는 행인에 의해 112 신고, 피해자는 병원으로 후송되어 치료를 받던 중 성폭력 의심되어 해바라기 센터 위기개입, 피해자는 잠에서 깨지 못할 정도로 상담이 어려운 상태</p> <p>※ 국립과학수사연구소에서 <u>피의자 DNA 3명 확보</u></p>	<p>[접수번호 : 2016-H-000]</p> <p>▶ 감정물</p> <ul style="list-style-type: none"> 증1호 : 피해자 이○○의 팬티 증2호 : 피해자 이○○의 브래지어 증3호 : 피해자 이○○의 손톱(왼쪽, 오른쪽) 증4호 : 피해자 이○○의 생리대 증5호 : 피해자 이○○의 티셔츠 증4-1호 : 피해자 이○○의 귀 주변 닦은 면봉 증4-2호 : 피해자 이○○의 왼쪽 가슴 닦은 면봉 증4-3호 : 피해자 이○○의 오른쪽 가슴 닦은 면봉 증5-1호 : 피해자 이○○의 외음부 닦은 면봉 증5-2호 : 피해자 이○○의 질 내용물 -콘돔 증5-3호 : 피해자 이○○의 자궁 경부 닦은 면봉 증6-1.2.3.4,5호 : 피해자 이○○의 구강. 입술채취 증거물 증7호 : 피해자 이○○의 혈액 -약물, 마약, 알코올 증8호 : 피해자 이○○의 소변 -약물, 마약
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- ☞ 법의학적 증거채취로 심신상실 또는 항거불능 입증(신경안정제- 약물 이용), 피의자 A, B, C(3명) 다른 DNA 검출, 다발성 질 열상 확보
- ☞ 피의자 3명은 성폭력범죄의 처벌에 등에 관한 특례법(특수강간치상)으로 처벌
- ☞ 해바라기센터에서 법의학적 위기개입으로 응급수술 및 증거확보, 정신과 치료, 심리치료 하여 현재 피해자는 회복된 상태임
- ☞ 표준화된 증거수집과 의학적 조치가 제공될 때 성폭력 피해자들이 빠른 속도로 회복되며 2차적 질병과 상해를 예방할 수 있으며, 더 나아가 성폭력범죄자의 기소율을 높일 수 있어 궁극적 성폭력 범죄를 감소시킬 수 있다는 사건으로, 12년간 근무를 하면서 법의간호사로서 국민의 건강과 안전에

기여할 수 있다는 것에 긍지를 가짐

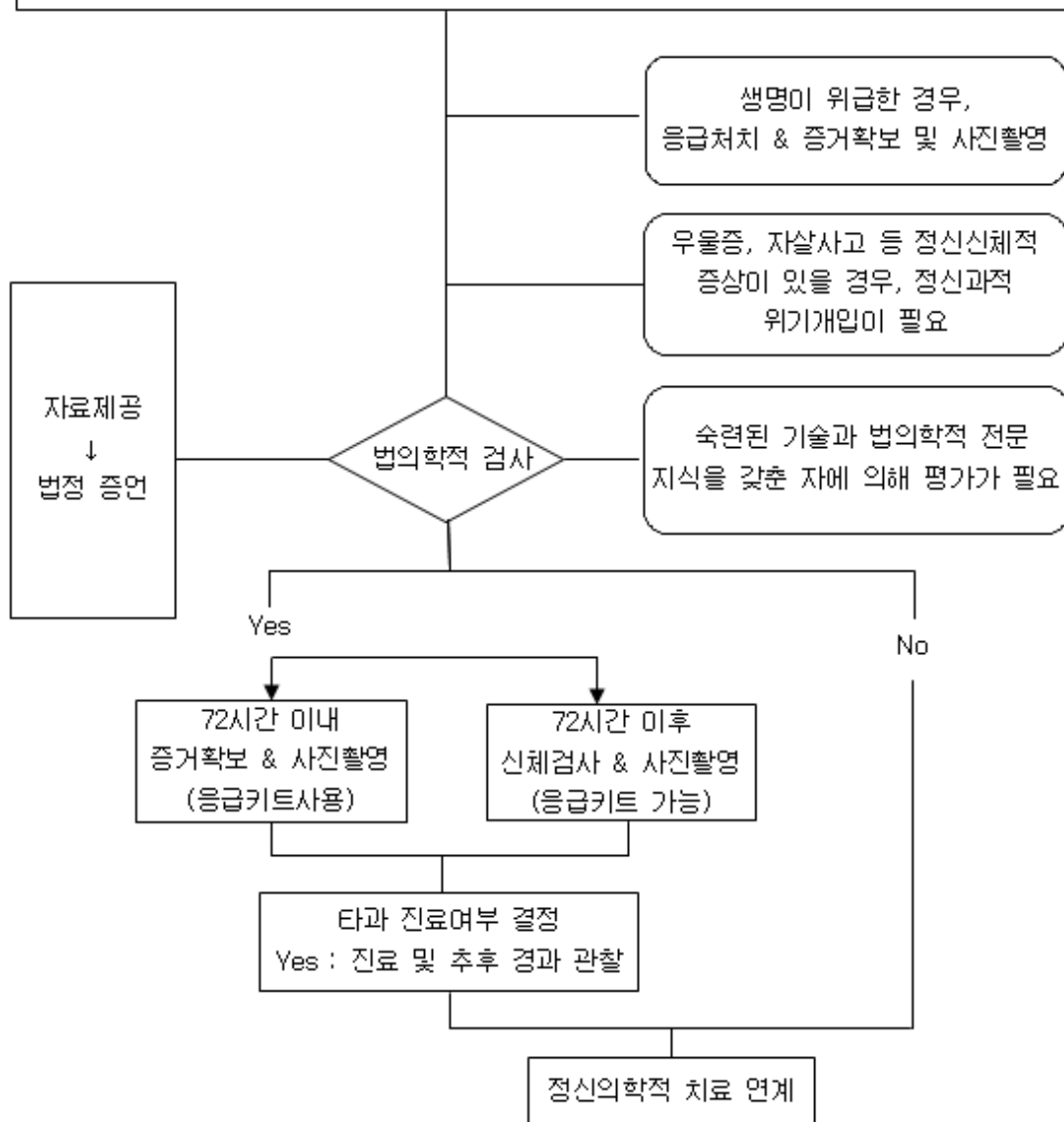
□ 제언

- 성폭력은 국가적 개입이 절실히 필요하며, 성폭력 피해자들을 지원하기 위한 통합적 접근을 위해 다양한 분야의 전문가의 협업을 통하여 성폭력 피해자들에게 효율적으로 지원서비스를 할 수 있도록 긴밀한 협조체제 구축이 중요하다.
- 성폭력 피해자와 관련된 임상적, 법의학적 특수 훈련을 받은 법의간호사 인력을 육성, 활용할 필요가 있다.
- 성폭력 피해 신체사정 및 증거확보를 위한 과학적 시스템을 활용하여야 한다.
- 실무현장에서 성폭력 피해자들을 대상으로 법의학적 검사를 용이하게 수행할 수 있도록 법의학적 검사 매뉴얼 개발할 필요가 있다.

부록) 성폭력 피해자에 대한 법의학적 검사 흐름도

필요성 : 성폭력 피해자를 위한 즉각적인 의료처치와 더불어 성폭력범죄 기소에 필요한 법의학적 증거 확보를 위한 의료적 개입의 필요성이 증대하고 있고, 수사증거자료를 확보하고 성폭력 피해자들에게 적절한 서비스를 제공함으로써, 가해자에 대한 형사제재를 강화함과 동시에 피해자의 법적 권리 보호를 위함이다.

준비된 환경 : 성폭력 피해자를 위해 조용하고 편안한 독립된 공간을 갖추고 있어야 하며, 법적 절차연속성(chain of custody)을 위해 채취한 증거수집물을 보관할 수 있는 이중잠금 장치실과 냉장시설을 갖추고 있어야 한다.



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Practical Experiences from Counseling Team Leader of Sunflower Centre

Ms. Kang, In Sook

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I. Types of Sunflower Centers

There are three types of Sunflower Centers: children's, crisis type, and integrated type. The children's center focuses on consultation and improving the mental health of children and disabled victims. I currently work at the crisis center in Daegu, which is the very first place an abused victim will visit for help and assistance.

It is equivalent to an emergency room or operation room in a hospital. The integrated center combines the functions of the children's and crisis centers.

II. The Role of Sunflower Center Consultants

Intervention through consultation indicates active involvement in the matter, and focuses on the here and now to aid victims exposed to sexual and domestic violence and child abuse at the right time. These cases require handling on a case-by-case basis as the circumstances of the victims will always vary. Consultants must respond in a composed manner and handle the situation by cooperating with relevant investigation, legal, and medical professionals.

The consultation group is in charge of counseling and crisis intervention, plus monitoring the support process of each group, which involves medical, investigative, and legal teams in managing cases. If necessary, they establish a network of relevant groups to support victims.

Therefore, a consultant from the Sunflower Center needs to understand the complexity and specificity of sexual violence that a victim may experience, while trying to understand family dynamics and any underlying causes for the existing situation. They also have to be equipped with legal, social, and environmental knowledge in regards to sexual violence. Furthermore, they should be able to take action and intervene in actual cases.

III. The Direction of Sunflower Centers

1. The importance of teamwork among different groups

Over my 12-year career, I have met numerous victims and have learned that cooperation is key. At first, there were conflicts due to the different approaches taken towards victims or the lack of understanding related to the various tasks shared by different professionals. Now, such conflicts have been resolved due to education and supervision enhancing our understanding of other groups. In addition, the organizational structure of the center is horizontal, as all tasks are performed through a team-based approach. The resulting decentralized decision-making process has naturally helped with problem solving. Teamwork among different groups is also important for providing an integrative support system for victims with various needs.

2. The systemic issue

When these centers first opened, there was a lack of organization at the central level leading to issues with efficiency. The centers based their work on slightly different manuals with similar overall goals. Furthermore, with the Daegu Sunflower Center as a standard, it was expected that 500 victims would visit each year, and this was the underlying assumption of the system. Since 2010, however, more than 1,000 victims have visited the center, and the number exceeded 1,500 in 2014. As a result, securing enough personnel has become difficult due to budget constraints and other reasons, resulting in a stressful and tiring environment for the staff. Once the central support group was established, many systemic problems have now been resolved. Further highlighting why a control tower, like the Korean central support group, must be put in place.

3. Notification of rights for the victims

When victims visit the center, they receive a 'center use agreement' form. Because they are preoccupied with what has happened, it is often difficult for them to sign the notified agreement. However, they need to sign the sheet by their own volition, with a full understanding of the agreement.

We also need to pace ourselves with the victims, we need to assure them that they don't have to decide right away. If victims decline to act, they must not be pushed. Until they take voluntary action, we need to follow their pace. Of course, the procedure for the center use agreement in the children's or integrative center can be a little different. At the crisis centers, most victims visit the center immediately after the incident has happened; therefore, we need to make sure that they are safe and follow their pace.

4. Socio-structural reasons for sexual violence

Within contemporary society, some people continue to blame the victims. They claim that victims have

brought the crime upon themselves to some extent by dressing inappropriately, or because they were drunk, or that the victim did something that could easily be misconstrued. However, this means that people must recognize that the actors (most of whom are male) are the real abusers. Furthermore, victims often wrongfully blame themselves because they drank or followed the perpetrator.

Public and private social systems can incur sexism in various ways including individual discrimination against women, male chauvinism, unequal power dynamics. Resulting in not only acts of physical violence towards an individual but also as a form of social violence.

There is a misperception among some people that gender based violence against women and children has become worse, as more and more of them have visited the center. However, I would argue that reporting rates have increased due to a positive shift in societal perceptions about sexual violence.

5. Building rapport with victims

In the case of victims who come straight from the crime scene, ensuring their safety should come before building rapport. Victims need to be reassured of their safety when they enter the Sunflower Center. Otherwise, early intervention becomes difficult and, in this case, the next step would be PTSD. When you meet with a victim in a crisis support-type center, securing the victim's safety should be the number one priority.

6. Punishing the perpetrator cannot be a silver bullet

Behind every victim who visits the center, there is a perpetrator. During my career at the center, I came to believe that punishing them alone is not enough. There have been education programs on preventing sexual crimes in many consultation centers, including the Sunflower Center, but the scope of these programs should be expanded nationwide.

7. The follow-up management for senior victims of sexual violence

Sexual violence towards seniors, mainly towards women, children, and persons with disabilities, is another serious issue. Senior victims rarely report what happened to them, and even if a third party or their children find out and make a report, the victims try to downplay the damage or do not want to sue. In addition, follow-up management is not easy because they often refuse to undertake a series of consultations or get help from a psychiatrist. Most senior victims are assaulted by acquaintances and feel too ashamed to report the incident. Furthermore, it is hard for them to visit a consultation center as most of the victims live alone. They are afraid of talking about the damage as well. That's why I believe we need to establish a visiting consultation for senior victims. It seems that this is the case in Korea as well as other countries, and is a crucial for addressing issues of senior abuse.

해바라기센터의 유형

해바라기센터는 3가지 형태로 나뉘는데 아동형, 위기형, 통합형이 있음.

아동형은 아동, 장애인 피해자의 상담.심리지원에 집중하고 있으며 현재 발표자가 있는 곳은 위기형(대구)으로 현장에서 성폭력 피해를 입은 피해자가 가장 먼저 내방하는 곳이 위기형 해바라기센터이다. 병원으로 생각하면 응급실이나 수술실로 생각하면 된다. 또한 통합형의 경우 아동형과 위기형의 기능을 합쳐 놓은 곳이다.

해바라기센터 상담직군의 역할

상담에서 위기 개입이란 현장에서 성폭력, 가정폭력, 아동학대 피해에 노출된 피해자를 적시에 제대로 해결하기 위해 Here and Now에 집중하면서 적극적으로 개입하는 것을 말한다.

또한 case by case 즉, 피해 내용이 같더라도 그 상황에 따라 피해자의 특성에 따라 매뉴얼대로 할 수 없는 사안이 발생하기도 한다. 이때 상담원은 침착하게 대처를 해야 하며 각 직군(수사, 의료, 법률)들과 협업을 통해 조치해 나간다.

즉, 상담직군에서는 치유상담 부분과 위기개입을 담당하면서 의료, 수사, 법률 등 각 직군의 지원과정을 모니터링하며 사례관리를 하며, 필요시 유관기관의 네트워크를 구축하여 피해자 지원 연계한다.

따라서, 해바라기센터 상담원은 피해자가 경험하는 성폭력의 역동성과 특수성 이해, 개인과 가족에 대한 발달적 관점과 생태 체계적 관점의 유지, 성폭력과 관련된 법적, 사회환경에 대한 지식이 요구되며, 실제 사례 개입을 위한 실천능력을 갖추어야 한다.

해바라기센터의 방향성

첫째, 타직군간 팀워크의 중요성. 협업!!

나는 이곳에 12년째 근무를 하고 있으면서 수많은 피해자들을 만나왔다. 처음에는 직군 간 업무를 이해하지 못해 혹은 피해자를 바라보는 시선이 달라 갈등도 있었다. 물론 현재는 이런 갈등은 해소되었다. 그 이유는 교육과 슈퍼비전을 통해 타직군에 대한 이해도가 높아졌고, 센터 내 조직구조가 관료적 조직구조가 아닌 수평적 조직구조로 모든 업무는 팀을 중심으로 수행하며 분권화된 의사결정으로 이루어지다 보니 자연스럽게 문제 해결에 도움이 되었다. 그렇다면 왜 타직군간의 팀워크가 중요하냐면 복합적이고 다양한 욕구를 가진 피해자를 포괄적, 통합적 지원이 필요하기 때문이다.

둘째, 시스템적인 문제

처음 센터를 개소할 때는 중앙지원단 같은 컨트롤타워가 따로 없었다. 그렇다보니 초기 몇 년간 전국 동일한 매뉴얼이 아닌 유사한 목적을 지녔으나 기능에 약간의 차이가 있는 센터로 운영되면서 피해자 지원에 대한 효율성 문제도 발생하였다. 또한 (대구해바라기센터 기준)년간 피해자가 500명 정도 내방할 것이라 예상하고 그에 맞게 시스템이 짜여 있었으나 2010년 이후 1000명이 넘는 피해자가 내방했고, 2014년에는 1500명이 넘었다. 이에 예산 등에 문제로 종사자에 대한 인력확보가 어려웠고 업무 과중으로 종사자의 소진으로 이어지는 업무의 한계가 분명히 있었다. 이후 중앙지원단이 설치되고 많은 시스템적인 문제점에 대해 기능보완 되었으며 또한 되어가고 있다. 이에 한국에 있는 중앙지원단 같은 컨트롤 타워가 존재해야 하는 이유이며 꼭 필요한 기관이다.

셋째, 피해자 권리 고지

피해자가 센터에 내방하면 '센터이용동의서'를 받는다. 이 고지된 동의에 대해 피해자들이 경황이 없어 내용을 제대로 이해하지 못해 동의서에 싸인하지 못한다. 센터이용동의서는 피해자가 자발적으로 할 수 있어야 한다. 피해자가 충분히 이해한 상태에서 싸인을 받아야 한다. 피해자의 심리적 속도에 맞춰갈 필요가 있다. '지금 당장 결정하지 않아도 된다.'라고 말할 수 있어야 한다. 이곳은 사람이 오는 곳이라 생각한다. '자기 결정권' 즉, 피해자가 싫다고 하면 어쩔 수 없다. 피해자가 자발적으로 움직일 때까지 피해자 심리적 속도를 따라가라고 말하고 싶다. 물론 아동형, 통합형에서 받는 센터이용동의서의 절차는 조금 다를 수 있다. 위기형에서는 대부분의 피해자가 현장에서 바로 오기

때문에 이런 피해자에게는 안전 확보와 피해자의 심리속도를 맞춰가는 것이 맞다고 판단된다.

넷째, 성폭력에 대한 사회구조적인 원인

아직도 일부 사람들은 피해자와 가해자의 관계에서 죄의 분할을 습관처럼 하고 있다. 여자의 옷차림에 대해, 여자가 혹은 남자가 술을 마셔서, 남자가 오해할 만한 행동을 했다 등 성폭력 피해에 대해 어느 정도 피해자(대부분이 여성임)의 잘 못이 있다라고 말한다. 이는 행위자(대부분이 남성임)가 가해자임을 인정한다는 것이다. 가해자 뿐 아니라 피해자 또한 자신의 잘못이 아님에도 불구하고 내가 술을 마셔서, 내가 따라 갔기 때문에 라며 자신에게도 잘 못이 있다고 생각한다. 이처럼 여성을 차별하는 개인적 인식과 더불어 남성이 여성보다 우월하다는 사회적 신념과 불평등한 권력관계, 남녀 차별적인 공식적, 비공식적 사회제도로 개인은 단순한 물리적인 폭력이 아니어도 사회적 폭력을 경험 할 수 있다.라고 생각한다. 센터 내방하는 여성, 아동, 장애인 피해자가 증가하고 있다는 것은 이들이 젠더기반폭력에 노출될 확률이 높다. 라고도 볼 수 있지만 제 개인적인 생각으로는 전 국민이 성폭력에 대한 인식의 변화로 신고율이 높아진 것으로도 해석된다고 본다.

다섯째, 피해자와의 라포 형성

현장에서는 오는 피해자의 경우 라포 보다는 안전 확보가 되어야 한다. 해바라기센터에 가면 내가 안전을 보장 받을 수 있다는 신뢰가 가장 중요하다. 이 문제가 들어지면 초기 개입이 어려워지고 초기 개입이 잘 풀리지 않으면 PTSD로 넘어가게 된다. 위기지원형에서 피해자와 처음 만날 때는 피해자의 안전확보가 최우선이라 생각한다.

여섯째, 가해자의 처벌만이 능사일까

센터에 내방하는 피해자의 수만큼의 가해자가 발생하기 마련이다. 현장에 있으면서 느낀 것은 과연 가해자의 처벌이 능사일까 싶다. 과거에도 현재도 많은 상담소에서 해바라기센터에서 성범죄 예방 교육을 실시하고는 있으나 이 교육은 범국민적으로 실시되어야 한다고 생각한다.

일곱째, 노인성폭력 피해자의 사후관리

여성, 아동, 장애인에 이어 노인성폭력도 심각한 수준이다. 이들의 심각성은 성폭력에 노출되더라도 신고율이 저조한 편이며 타인에 의해 혹은 자녀에 의해 피해 사실이 발각되어 신고가 되더라도

피해 사실을 축소하거나 고소를 원치 않는다. 또한 지속상담이나 정신과 진료를 거부하고 있어 사후관리 또한 힘이 든다. 노인성폭력 피해자의 경우 대부분이 아는 사람에 의해 이루어지며 신고를 꺼리는 이유를 수치스럽다, 자녀가 알게 될까 두렵다로 일축한다. 이들이 상담을 기피하는 주된 이유가 피해 노인 대부분이 독거노인으로 상담소를 찾아가는 접근성이 불편하며 다시 피해 내용을 발설하는 것을 두려워 한다. 이에 노인성폭력 피해자의 경우 찾아가는 상담이 필요하다고 생각한다. 이는 고령화 시대를 맞은 한국만의 문제는 아닌 것으로 보이며 노인학대에 대해서도 눈여겨 봐야할 사안이라 생각된다.

Changes in Police Investigation after the Establishment of the Sunflower Center: Focusing on Victim Survey

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Police officers stationed at the Sunflower Center are in charge of victim survey and legal support for victims of sexual violence, child abuse, domestic abuse and sex trafficking. 136 female police personnel have been dispatched throughout 29 centers, supporting victims 24/7 by working shifts.

The stationed police officers brought many changes to the police's victim survey and support for the victims of sexual violence, child abuse and other crimes. The establishment of Sunflower Center is meaningful in that it has become the key in alleviating the primary damage, including PTSD as well as the secondary damage done by the judiciary and the media, which had been serious issues. The changes in police investigation focusing on victim survey can be divided into changes in the investigation environment and enhanced professionalism through the victim survey measures.

The first major change was seen in the investigation environment. Before the center was established, surveying of sexual violence victims which needs to be done with care was done by male police officers from the general detective department. Officers who were generally in charge of murder and robbery questioned the victims in a police station survey room with a tense atmosphere. With October 2006's revised act, officers began to take full charge of each sexual violence victim. However, there were limitations, and investigations needed to be run by a special team in order to be more effective. But with the establishment of the testimonial and recording room where the whole survey process can be filmed, victims who were finished with consultation and evidence collecting could receive survey from a female officer in a more comfortable atmosphere without having to move from room to room.

In addition, victims who are undecided on reporting the case as a criminal offense can visit the center and make the decision through consultation without having to report separately. They can also receive integrated investigation services, including evidence collecting and damage investigation. Such changes encouraged the victims to actively report their cases, as unwanted attention and uncomfortable visits to a police station have held them back from reporting.

In sexual violence cases that need evidence, the center gets the victim's consent and collects evidence even when the victim is undecided in whether or not to report the case for criminal offense. The evidence will be sent to an appraisal institution afterwards, and when the victim makes a decision on

reporting after receiving appraisal of the evidence, the center will send the appraisal results to an investigation team. It helps if the criminal case is carried out with the victims' will fully respected.

Also, all victim survey processes can be filmed and used during investigation and trial with the victim's consent. Especially in Korea, when a person with a fiduciary relation to the victim takes part in victim survey for cases regarding children, juvenile, or the disabled, the filmed data can serve as evidence. So for most cases, victims do not have to make testimony in court. For the Northeast Gyeonggi Sunflower Center, around 96 percent of all 2016 cases, including adult victims, were filmed and the video was used as evidence.

Furthermore, various 'tailor made' victim support measures are explained before the victim survey so that victims can have assistance during the investigation. A public defender participates from the police's damage investigation stage and offers free legal support to a victim for all court processes. Also, a person who can help with testimony can take part in investigation upon request from a guardian or with police authority. They act as intermediaries for children (under 13) or for disabled persons who struggle to communicate with police members, helping them make their testimony.

Most sexual violence cases use the victim's testimony as the decisive factor since most cases do not have evidence from witnesses or the site. For this reason, a testimony analysis expert takes part during investigation on sexual violence cases for victims that are children and for persons with disabilities in order to judge the feasibility of their testimony. This is one of many efforts being made to enhance investigation credibility.

Centers allow for a more active use of various victim support systems, and such changes in the investigation environment not only prevent secondary damage, but also foster greater trust among people for victim support institutions.

Second, as police officers at the center take full charge of the victim survey on children and the disabled who need professional survey techniques, specialized education for these officers has made them more professional, resulting in the enhanced quality of the surveys.

As previously mentioned, most sexual violence cases lack evidence from witnesses or the site. Therefore, victim testimony is a decisive form of evidence. If and how an investigation institution secures this testimony will have a crucial impact on following cases and trials.

Before the center was established, the police made the victim's guardian sit next to the victim during the victim survey, even when surveying children and persons with disabilities who tend to be more easily swayed. As a result, problems arose, including the guardians intervening to affect the testimony, and the survey being conducted with leading yes-or-no questions, which can distort victim testimony.

To resolve these issues, the National Police Agency developed step-by-step professional education programs for police officers at the center. In particular, the National Institute of Child Health and Human Development's victim survey, which was developed for judiciary workers, was introduced in Korea in 2011. It offered intensive education for police officers at the center, allowing for open-ended question-oriented surveys with structured interviews.

Also, expert feedback is required for police investigation, in order to review survey measures and improve them. However, feedback from external experts such as professors showed some limitation. In order to complement this, a 'colleague feedback system' has been in place since 2016. The system selects police officers at the center, considering their experiences in victim survey and whether or not they have received expert education. After they finish the course, they then give feedback to their colleagues on survey measures. The selected officers will then provide guidance on the appropriate survey methods on site. As we can see, there have been various methods attempted and carried out to enhance professionalism.

Although the center has brought about many positive changes, including the development of a victim support system through changes to the investigation environment for the victim survey and by more professional police officers taking charge of the survey, there still exist unresolved issues.

Starting with Seoul Police Hospital in December 2005, the number of centers with stationed police officers has now reached 29. However, victims have had difficulties in visiting the centers in regions outside big cities. Therefore, additional centers should be built for marginalized areas in order to enhance accessibility. In addition, although some centers are located within a hospital, they have to get help from another hospital nearby because their gynecologists cannot be available for some holidays and during the night. As a result, it takes longer to collect evidence for a rape case and diagnose the victim, not to mention the victims having to visit more places. This is the biggest inconvenience that victims and police officers cite in using the center, and it needs to be improved.

Lastly, although there have been various education initiatives for police officers at the center, to make them more professional, it is still not easy for them to work stably and with professionalism. An alternative means for them to gain stable and meaningful work experience is needed, and when the aforementioned problems are resolved, better victim support will be possible.

해바라기센터 설치에 따른 경찰 수사의 변화

- 피해자 조사를 중심으로 -

경기북부지방경찰청 여성청소년과 경위 장운정

해바라기센터 내에 상주하고 있는 경찰관은 성폭력, 아동학대, 가정폭력, 성매매 피해자에 대한 피해자조사 및 법률적인 지원업무를 담당하고 있으며, 총 29개 센터에 136명의 여자경찰관이 파견되어 교대근무를 하면서 24시간 피해자 지원업무를 담당하고 있다.

센터에 여자경찰관이 상주하면서 경찰의 성폭력, 아동학대 등의 피해자 조사와 지원 업무는 많은 변화를 가져왔다. 특히 이들 범죄는 외상후스트레스장애로 대표되는 1차 피해뿐만 아니라 사법기관, 언론 등에 의한 2차 피해자의 문제도 심각했으나, 센터의 설치가 이러한 부분을 감소시킬 수 있는 시작점이 된 것에 큰 의미를 부여할 수 있다. 피해자 조사를 중심으로 한 경찰 수사의 변화는 크게 수사 환경적 변화와 피해조사 기법의 전문성 향상으로 구분해 볼 수 있다.

첫째 수사 환경적 변화와 관련해서는 센터설치 이전에는 성폭력피해자 조사시 세심한 배려가 필요함에도 경직된 분위기의 경찰서 내 조사실에서 살인, 강도 등을 담당하는 일반 형사과 소속의 남자 경찰관이 사건을 담당하며 피해자를 조사하여 문제가 된 경우도 있었다. 이를 계기로 2006년 10월 법률 개정을 통해 성폭력범죄의 피해자에 대한 전담조사제가 시행되었으나, 인력풀을 구성하여 운영하는 수준으로 실효성 있게 시행되는 것에는 한계가 있었다. 그러나 병원 내 위치한 센터 내에 조사의 전 과정을 촬영할 수 있는 진술녹화실을 설치하면서 상담과 증거채취 진료를 마친 피해자가 별도의 이동 없이 편안한 분위기에서 여자경찰관에게 조사를 받을 수 있게 되었다.

또한 형사사건으로 신고하는 것에 대해 결정하지 못한 피해자가 수사기관에 별도의 신고 절차를 거치지 않고 직접 센터에 방문하여 상담을 통해 사건진행 여부를 결정하고, 증거채취와 피해조사 등의 통합직원 수사지원 받을 수 있게 되었다. 이러한 변화는 피해자들의 주변의 불편한 시선과 경찰서 방문의 부담으로 신고하는 것을 주저했던 것에서 피해자들에게 수사기관으로 향하는 문턱을 낮

추고 적극적으로 신고하도록 하는 계기가 되었다.

이와 함께 증거채취가 필요한 성폭력 사건의 경우 피해자가 형사사건으로 신고를 결정하지 못했을 때에도 피해자 동의를 얻어 센터에서 증거채취를 실시한다. 이후 증거물을 감정기관으로 보내 감정 결과를 회신 받아 센터에서 보관 후 피해자가 의사결정을 하면, 감정결과를 수사팀에 제공하여 수사가 진행될 수 있도록 하는 등 피해자의 의사를 최대한 존중하면서 형사사건을 진행하는 제도를 시행하고 있다.

또한 피해자의 동의를 얻어 피해조사에 대한 전 과정을 녹화하고 수사 및 재판과정에서 활용할 수 있도록 하고 있는데, 특히 우리나라의 경우 아동, 청소년, 장애인 사건의 경우 피해자 조사시 신뢰관계인이 참여하면 녹화된 자료가 증거능력을 갖게 되어 피해자가 재판에 출석하여 증언하는 것을 최소화 할 수 있다. 참고로 경기북동부해바라기센터의 경우 2016년 성인피해자를 포함하여 전체 사건 중 약 96%를 영상녹화를 실시하고 이를 증거자료로 활용토록 했다.

이와 함께 조사 전 다양한 피해자 지원제도를 세심하게 안내하여 수사과정에서 도움을 받을 수 있도록 ‘맞춤형 지원’을 하고 있는데, 국선변호사는 경찰의 피해조사 단계부터 참여하여 재판이 진행되는 전 과정에 대해 피해자에게 무료로 법률적 지원을 하고 있다. 또한 경찰관의 직권 및 보호자의 요청에 의해 진술조력인을 조사에 참여시켜 아동(13세미만) 및 장애인이 경찰관과 의사소통이 어려운 경우 중개자 역할을 하며 진술하는 것에 도움을 주도록 하고 있다.

성폭력 사건의 경우 대부분 목격자나 현장증거가 없어 피해자의 진술이 결정적 증거로 활용되는 이유로, 아동 및 장애인의 성폭력 사건의 조사시에 진술분석전문가를 참여토록하여 피해진술의 타당성을 분석하여수사에 활용하는 등 수사신뢰도를 제고하고자 하는 노력을 하고 있다.

센터가 설치되면서 피해자 지원을 위한 다양한 제도를 좀 더 적극적으로 활용할 수 있었으며, 이와 같은 조사 환경의 변화는 2차 피해 예방의 효과와 함께 피해자지원 기관에 대한 신뢰도를 높이는 요인으로 작용했다.

둘째 전문적인 조사기법이 필요한 아동과 장애인에 피해조사를 센터 경찰관이 전담하게 되면서 특

화된 교육을 통해 전문성을 향상시키고 이를 피해조사에 반영토록 한 점이다.

앞서 언급한 바와 같이 성폭력 사건은 목격자나 현장증거 없는 경우가 대부분으로 피해자의 진술이 결정적 증거가 되면서 수사기관이 피해자 진술은 어떻게 확보했는지 여부가 이후 사건과 재판 진행 단계에서 매우 중요한 영향을 미치게 된다.

센터 설치 전에는 피암시성에 취약한 아동과 장애인 조사시에도 성인과 동일하게 경찰서에 사건담당 경찰관이 보호자를 동석하게 하여 보호자가 진술에 개입하여 영향을 주기도 하고, 유도질문과 선택형질문 위주의 바람직하지 못한 질문유형으로 조사를 진행하여 피해자 진술이 왜곡되는 등 문제점이 발생하기도 했다.

이러한 문제점들의 해결을 위해 경찰청에서는 센터에 배치된 경찰관들을 대상으로 단계별 수준별 전문화 교육 프로그램을 개발하고 실시하여 전문성을 향상토록 하고 있다. 특히 미국국립 아동건강 및 발달연구소에서 사법절차 종사자들을 위해 개발된 조사기법을 2011년부터 국내에 도입하여 센터 근무 경찰관에게 집중교육을 실시하면서 구조화된 면담기법을 적용한 개방형 질문위주의 조사를 하도록 하고 있다.

또한 센터 경찰관이 조사한 사항에 대해 전문가의 피드백을 받도록하여 조사방법을 검토하고 이를 개선하도록 하고 있는데, 교수 등 외부전문가에 의한 피드백은 시간적 물리적으로 한계가 있어 이를 보완하고자 2016부터 '동료피드백제도'를 시행하고 있다. '동료피드백제도'는 현재 센터에 근무하는 경찰관 중 조사경력, 전문교육 이수 여부 등을 고려하여 대상자를 선발하고, 이들에 대한 집중 교육을 통해 함께 근무하고 있는 동료들에게 조사방법에 대한 피드백을 주도록 하면서 바람직한 조사방법을 현장에서 수시로 제공하는 역할을 담당하도록 하는 등 전문성 향상을 위한 다양한 방안이 강구되고 시행되고 있다.

센터의 설치가 피해자 조사에 대한 수사 환경적 변화를 통한 피해자지원체계를 발전시키고 피해조사를 전담하는 경찰관의 전문성을 향상시키는 등 많은 긍정적인 변화를 가져왔지만 아직도 해결해야 할 숙제는 남아있다고 생각된다.

2005년 12월 서울 경찰병원을 시작으로 현재 경찰관이 상주하는 센터는 29개 센터가 운영되고 있으나, 대도시를 제외한 지역은 장거리 이동의 불편함으로 피해자들이 센터를 이용하는 것에 어려움이 있어 지리적 접근성 등을 고려한 소외된 지역에 대한 센터의 추가설치가 필요하다.

이와 함께 일부 센터의 경우 병원에 위치하고 있음에도 휴일이나 야간은 산부인과 전문의 부재로 센터 인근의 타 병원으로 연계해야 하는 경우도 있어 강간 사건의 증거채취 및 진료 등에 장시간이 소요되고 여러 번 이동해야 하는 불편함이 있어 피해자 및 일선 경찰관들이 센터 이용시 가장 큰 불편사항으로 호소하고 있어 이에 대한 개선이 필요하다고 보여진다.

마지막으로 센터에 근무하는 경찰관의 피해조사에 대한 전문성을 강조하며 다양한 교육을 실시하고 있으나, 이들이 전문성을 유지하며 안정적으로 근무 할 수 있는 여건은 아직 부족한 실정으로 양성된 전문 인력에 대한 보직관리나 경력유지 위한 대안 마련이 필요하며 위에 제시된 문제점들을 해결해나갈 때 보다 나은 서비스로 피해자를 지원할 수 있을 것이라 생각된다.

Rwanda's Holistic Approach to GBV and Child Abuse Isange One Stop Center Model

Ms. Shafiga Murebwayire

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The IOSC was established in 2009 under the advocacy H.E. the First Lady of Rwanda Mme Jeannette Kagame. The IOSC model complements other existing efforts to prevent and respond to GBV and child abuse. The model brings together different stakeholders, both government and development partners, working around GBV and child abuse. The word "*Isange*" ("Feel at home") was chosen based on some effects on victims of gender-based violence, such as loss of self-confidence, self-esteem and trust among others.

The IOSC model is aimed at providing comprehensive support to victims of GBV and child abuse. The support ranges from psychosocial, medical, Investigations and legal services.

How it operates

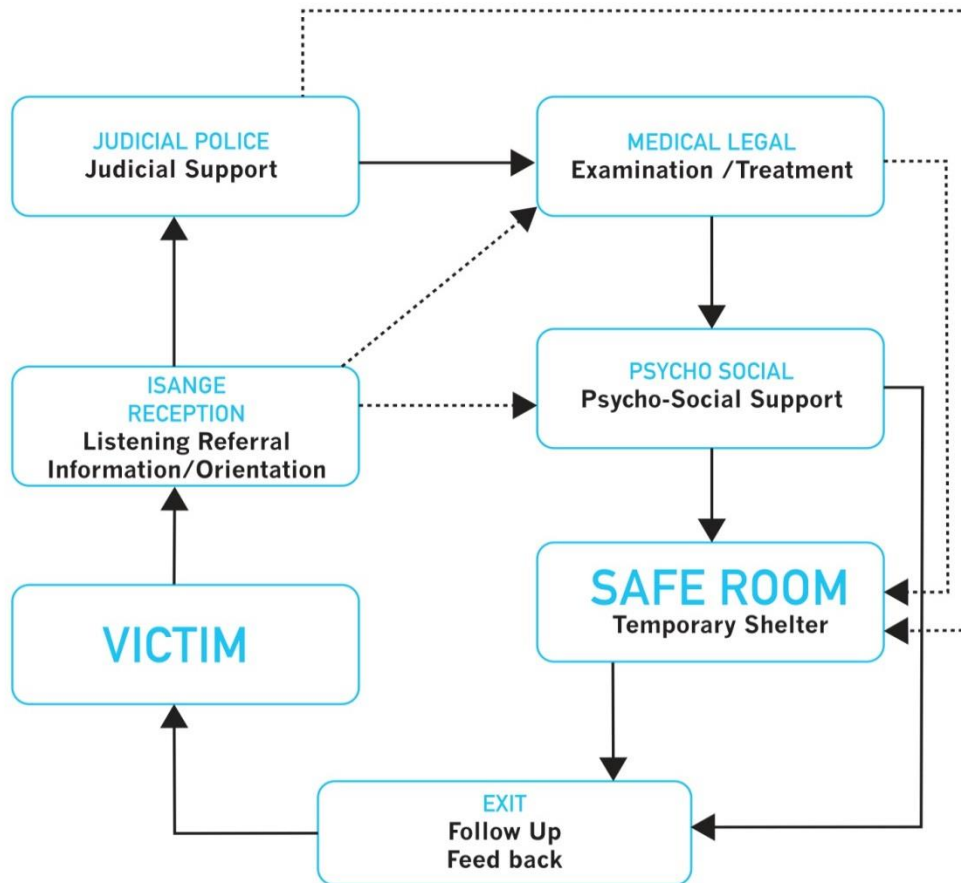
The essence of the Isange One Stop centres is to offer services in one place at a free cost on a 24/7 basis. The success of the model is that the services are offered using the existing staff in the hospital with the addition of the Judicial Police Investigators who are attached by the Rwanda National Police to complement other service providers in the multidisciplinary setting.

This multi-sectoral approach includes different institutions playing their roles while complementing each other in responding to victims of GBV and child abuse at IOSC.

The institutions involve include, but not limited to, the Ministry of Gender and Family Promotion, the Ministry of Health, the Ministry of Justice, the National Public Prosecution Authority, the Rwanda National Police and the Gender Monitoring Office. Other partners also include One UN and other development partners that provide technical and financial support.

The multidisciplinary approach includes all the different interdisciplinary services that the victim receives at the center as described below in the operational framework.

IOSC OPERATIONAL FRAMEWORK



Achievements

Victim support

Since the centre was established, thousands of women, men, boys and girls have benefited from IOSC's free services. The model has increased the level of collaboration among service providers. It has reduced the number of interviews, thus decreasing the risk of tainted evidence and possible re-traumatisation.

All victims are entitled to treatment and medical legal examination, which contributes to evidence preservation and collection. PEP is administered to victims of sexual violence to prevent the

contamination of HIV and AIDs as well as other STIs. 'Morning-after pills' are also administered in sexual assault cases to prevent possible undesired pregnancies.

All services at IOSCs, including treatment, medication, and shelter in the safe room, are accessible under one roof at a free cost within a reasonable time possible as per the set standards in the Operating Procedure manual.

International recognition

The IOSC model has taken an identity of a global learning and research centre on effective handling of GBV and child abuse cases. More than 2000 delegates from across the globe have visited the centre.

In recognition of the effective services, the centre scooped a UN International Award for promoting gender responsive service delivery (UNPSA) in 2012. The centre was also accepted by regional and international organs as a centre of excellence in response to GBV and child abuse. The Forum for Africa Security Organs to end Violence Against Women and Girls with 44 participating countries also recognized the Isange One stop Centre as an effective model in responding to GBV and child abuse.

National scale-up

Following a successful pilot of the Isange One Stop Centre Model in Rwanda (2009-2013), the country embarked on a full-fledged national scale-up of the model in all hospitals across the country. Currently, 28 IOSCs are operating across the country.

In recognition of her role in pioneering the IOSC model in Rwanda, the first lady of Rwanda, H.E. Madam Jeannette Kagame receive an award from the KICD participating member states in 2014.

Enabling factors:

Supported by political will at the highest level, Rwanda has established a strong policy, legal and institutional framework to prevent and eradicate gender-based violence, which is regarded as a serious violation of fundamental human rights.

The center works well in a multidisciplinary and multi-sectoral approach as government institutions, such as the Ministry of Health, Ministry of Gender and Family Promotion, Ministry of Justice, National Public Prosecution office, and Gender Monitoring Office, work closely to holistically address GBV. One UN and other development partners have also contributed technically and financially.

Sustainability

The initiative's sustainability primarily lies in the existence of a very strong political will and the existing policy and legal frameworks necessary for successful implementation. In addition, the model

is incorporated in existing hospital structures. The staffs are government workers paid by the government and their project duties lie within their terms of reference for day-to-day work. This eliminates the risk of project staffs being laid off if the project's external funding is terminated.

Lessons learnt:

A major lesson learnt is that a holistic approach of providing a comprehensive package of multi-services to GBV survivors is important to adequately and effectively tackle the consequences of GBV.

A diversified partnership is of paramount importance to ensure ownership, synergies and collaboration in preventing GBV and VAW in an adequate and sustainable manner.

Coordinated efforts are needed to effectively prevent and respond to GBV and child abuse, as there is no agency that can single-handedly and effectively address these issues.

The concept of community policing has empowered the community to be sensitive to crime detection, prevention and reporting, in partnership with security organs.

The Right to Speak Out

Ms. Nhora Alvarez

CEO, Circulo de Estudios Foundation, Colombia

Violence against female sexuality in the context of the Colombian armed conflict has been constantly occurring and is attributable to all armed participants. This particular type of violence perpetuates stereotypes and roles and leaves women to become basic elements of a situation that affects their dignity and autonomy. The armed conflict has exacerbated the prevalence of this violence, carried out against women, leaving its mark on the social constructs and thus reaffirming patriarchal and discriminatory relationships which have been the outcome of the sociocultural structures.

In spite of the alarming statistical evidence (14,000 victims of sexual violence caused by the armed conflict), this was not at the heart of the important discussions within the Colombian society for years, nor was it a crime of interest to the legal system. If the incidence of sexual violence against women due to the armed conflict between the years of 2000 and 2010 was five times higher than that of forced disappearances, fifty times higher than that of the victims of land mines from 1990 to 2012, and ten times higher than the number of kidnappings during the last ten years. Why is this still the least visible crime, the crime least discussed, and the least to be recognized among the participants in the armed conflict?

The silence, the indifference and the lack of recognition of this problematic sexual violence, within the framework of the Colombian armed conflict, minimize the possibility of conceptualizing and executing the necessary public policies directed toward the attention to and prevention of crimes of a sexual nature as a result of the armed conflict. Given the circumstances that have resulted from the above considerations, the victims of sexual violence as part of the Colombian armed conflict, it will be very difficult for the victims of sexual violence to get at the truth, obtain justice, receive reparations and receive a guaranty that it will not happen again.

Currently in Colombia, impunity for sexual crimes committed by armed actors is greater than 90%. Even if the expression “victims” has been used to make reference to the persons who have been the objects of sexual violence in the Colombian armed conflict, it is unquestionably evident that, in real terms, not even the first moment that would lead to the recognition by society as a whole and by the judicial system toward the official status of victim has occurred.

Consequently, the foundation *Círculo de Estudios* (Eng.: Study Circle), with the support of the *Fondo de Justicia Transicional del PNUD* (Eng.: The Transitional Justice Fund of the PNUD, a program of the United Nations) designed and validated in 2012 a methodology of ongoing support from a psychosocial orientation and for certain rights called “El Derecho de Vozs” (Eng.: The Right to Have a Voice) for women who have been victims of sexual violence due to the Colombian armed conflict; said strategy, of

a psychosocial nature, facilitates formal access to the Justice Administration and a path toward treatment and reparations from the State, since historically the institutions have not dealt with it efficiently and with the specialization that, in particular, certain crimes require, in particular those of sexual violence against women, as well as for their access to useful concepts and tools to overcome the effects derived from sexual violence. This strategy has been designed and implemented in an interdisciplinary and tripartite manner among the State, the Civil Society and entities of International Cooperation.

The *El Derecho de Voz*⁹⁵ strategy stems from the premise of an indivisible relationship between the ongoing psychosocial support and the exercising of true human rights; especially, the right to freedom of expression, to the access and participation in the Justice System, the right to speak, which references the right to freely express thoughts and emotions, and to the group of rights to which all human beings are entitled. Individuals have the rights to historical memory, to know the truth, regardless of the shame or horror it conveys; it is the right of citizens to ask why the body has been the favored object of the army in power, the right of victims to be recognized as such, to be heard, to reconstruct their stories and to reclaim their rights.

In the context of the war, the right that all victims of sexual violence have to mitigate the emotional impact and/or the psychological damage caused by violent deeds; to reconstruct the social relationships, diminished, broken or destroyed, as a direct consequence of violations of their sexual and reproductive rights; to understand the context in which the victimizations occurred; to grant new meanings to all that has happened and to their life stories, to know the rights that will help them, given their condition as victims; to be a legitimate voice to the different social actors and to the different institutional entities of the State; to denounce; to demand their rights, so that the State and society fully restore such rights; to receive a coherent response from, the justice system that satisfies the criteria of truth, justice, reparations and the guarantee that there will be no repetition. The *Derecho de Voz* is the cessation, once and for all, of silence.

From this perspective, during the last four years the *Círculo de Estudios* foundation has accompanied a total of 1340 women victims of sexual violence in fourteen Departments of Colombia. There have been 502 documented and charged cases, and relevant information has been analyzed for an understanding of this crime. For example, the majority of them were committed by paramilitary forces, accounting for 51.79% of the cases: then followed the guerrilla forces with 24.12% of the cases; then came what could be denominated as another group of perpetrators in which were included new paramilitary groups

⁹⁵ Así, pues, el derecho de voz, dada la homonimia entre el sustantivo voz y el pronombre vos, hace referencia al derecho a expresar libremente pensamientos y emociones, y al conjunto de derechos de los que es titular un ser humano en tanto que ser humano. Podría decirse que el derecho de voz se desdobra; primero, a partir de la antropomorfización de los hechos y las cosas, en el derecho abstracto, literario si se quiere, que tendría un acontecimiento de ser narrado, el derecho de la larga historia, aquí mencionada brevísima y parcialmente, de violencia contra la sexualidad de las mujeres en el contexto del conflicto, de ocupar un lugar relevante en los discursos, académicos o no, y en los objetos culturales que produce la humanidad;

with 18.92%, and finally, agents of the State with 5.17%. It was also determined that of the documented cases, 38.05% were minors when they were assaulted, of which 15.54% were between 14 and 18 years of age and 22.51% were under 14 years of age. In 23.11% of the cases young boys and girls, and adolescents, were forced to witness the assaults. It was found, that in 12.35% of the cases, women became pregnant, and, of them, 52 went to carry these pregnancies to full term and have children as a result of this sexual violence. This is to say that 10.35% of the cases included child victims, according to the Colombian legislature. Some 25.9% of the women affirmed that their families were threatened because of their victimization, explaining that the armed groups coerced the women not to say anything about their victimization to avoid actions against members of their families. In the commission dealing with other acts of victimization associated with sexual violence, it was found that in 33.46% of the cases women were forcibly displaced as a consequence of sexual violence

Given the foregoing, the *Derecho de Vozs* program has shed light on the possibilities for full access to the victims, building confidence between them and the State agencies that have the legal authority to deal with, correct and investigate the crimes committed by armed actors against them. Moreover, this process of ongoing support has brought about: advocacy; the coming together of women's circles from from different regions; the strengthening women's leadership in this area; the advancement of strategic alliances for bringing to light the situation of women; strengthening organizational work; facilitating access to the justice system and to reparations; reconstructing the historical memory; transforming the key elements of emotional suffering; providing women with tools for sensitivity so they may be employed while their psychosocial situation improves; training women in content relative to human rights and the paths open for claiming them.

Additionally, the *Derecho de Vozs* campaign is a visually artistic proposal that utilizes photography as the fundamental tool for recognizing the victims and their bravery in bringing charges. Its capacity for recouping their lives after being victimized and for eliminating the shame and guilt –excellent psychosocial consequences for the victimization they suffered– as well as emphasizing their empowerment for reclaiming and defending their rights. It seeks to make visible the sexual violence caused by the armed conflict while avoiding the use of certain common resources like the recreation of the violent deed or the utilization of images which depict women victims crying or in lamentable situations. These resources reinforce stereotypes of the victims and of women in general, as associated with their vulnerability to being shamed by the violence perpetrated against them, and implying they lack the personal and social tools for recovering from what happened to them and do not involve the sectors of society in a real commitment to the elimination of gender violence.

Derecho de Vozs has promoted the coming together and mobilization of the different component of society for the purpose of eliminating gender-based violence and the recognition of the victims as citizens under the law. For this reason, the business community, academia, the communications industry, the art world among other components have been called together, have participated in this initiative in an effort to spread the message of *Derecho de Vozs* in favor of the elimination of stereotypes and images that make gender-based violence appear natural.

Support Structures for Victims of Sexual Violence and GBV: Decisive for Empowerment

Ms. Maria Carolina Melo Venegas
Gender Officer, UNDP Colombia

Gender-based violence produces disastrous consequences on victims and their family structures. It fractures their lives, leaving traces that are difficult to overcome, especially for children, and puts victims in a vulnerable position of rejection and exclusion from a society that, instead of supporting them in the reconstruction of their lives, stigmatizes them and sometimes even blame them for the violence they were subjected to.

On a wider level, any type of GBV produces not only social consequences, but also has deep economic costs for countries and therefore is an obstacle to human development.

In terms of the Agenda 2030, it is clear that the efforts in the coming years to put an end to poverty and hunger, to achieve universal access to quality health and education services, to promote economic growth and inclusive societies, are closely linked to the achievement of equal opportunities for women and men, for which it is imperative to eradicate any type of violence in the name of gender differences.

In addition, in Colombia, the peace agreement signed in late 2016 between the government and the Revolutionary Armed Forces of Colombia (FARC) to put an end to more than 5 decades of internal armed conflict, raises big challenges for the country: the consolidation of a territorial peace in which women have played a decisive role long before the peace negotiations; the effective attention, assistance and reparation for victims, as well as the guarantee for no repetition of atrocities; and a progressive peace-building process in the country to cover other types of violence such as domestic violence, which can also be as devastating as the one caused by the armed conflict. In this sense, international experiences have shown that the 2-3 years after a peace agreement, there can be an increase in other types of violence. In Colombia, GBV cases are already high, so the number is expected to grow.

The current situation of the country is complex but also full of opportunities. UNDP Colombia is convinced that both peace consolidation and the promotion of inclusive and sustainable development will not be possible without the achievement of gender equality and that the eradication of GBV is the backbone of the process.

That said, and having a key principle that victims of GBV should remain at the center of any intervention, UNDP Colombia has prioritized actions in 4 dimensions:

1. Psychosocial orientation to victims of sexual violence and GBV

Official data estimates that from the total number of victims of the armed conflict registered, more than 18,000⁹⁶ have reported to being victims of sexual violence; from this figure, 90% are women (approximately 17,000), 1,400 are men and 116 identified themselves as LGBT.

Outside of the armed conflict sphere, there are approximately 26,000 cases⁹⁷ of victims of domestic violence annually (violence against children; elderly population and among family members); around 47,000 cases of partner violence, of which female victims represent 86%; and 22,000 cases of sexual violence, of which female victims (which represent 85% of cases) are between 12 and 13 years of age. However, the number of non-registered cases in all the types of violence can be significantly higher.

It has been widely demonstrated that psychosocial treatments have a decisive effect on the emotional and physical recovery of SV and GBV victims, especially in helping them rebuild their lives and preventing them from letting the crime define the rest of their lives.

From 2013, UNDP Colombia has promoted psychosocial orientation to more than 1,400 victims of SV and GBV, thanks to the alliance with *Circuitos de Acompañamiento Foundation*, which is explained in detail further below.

2. Women's empowerment and their organizations

Training and education for women victims of SV and GBV is a pivotal component for empowerment. Self-recognition as subjects of rights, citizens and agents of change is essential for them to rebuild their life.

UNDP Colombia has promoted, in partnership with civil society organizations, training workshops for women on gender-mainstreaming in peace agreement, leadership, and alternative conflict resolution strategies.

In addition, knowing the importance of economic autonomy in ending violence against women, we have also promoted initiatives for income generation, economic recovery and self-employment to GBV victims.

In this context, UNDP Colombia is promoting women's participation in decision-making processes within the household and in social organizations.

⁹⁶ Unidad para la Atención y Reparación de las Víctimas – UARIV, febrero 2017.

⁹⁷ Instituto Nacional de Medicina Legal y Ciencias Forenses.

3. SV and GBV prevention with communities and the promotion of non-violent masculinities

Promoting human development with a gender perspective also means empowering women. Despite the fact that gender equality is a win-win situation for all, when performed isolated on women victims of any form of SV and GBV, it can put these women more at risk. To tackle this situation, it is important that projects and initiatives include work with other family members and the community on how gender equality also translates to more benefits for the society, and the importance of preventing any form of violence against women.

In this context, emphasizing non-violent masculinities and positioning men as “champions for gender equality” is highly relevant as this signals that gender equality and the prevention of GBV will not be possible without their decisive action.

Allowing men to redefine their role in society, far from gender stereotypes and discrimination, as well as encouraging their active participation on raising children, are key elements to prevent any form of violence within the household and promote gender-sensitive education for children.

UNDP Colombia has approached masculinities from different perspectives: a) case documentation on sexual violence against young men in armed conflict and the effects on the deformation of the concept of masculinity due to social rejection and stigmatization; b) work with persons with unconventional sexual orientation and diverse gender identity in order for them to overcome silence and achieve self-acceptance as victims of human rights violations; and c) training workshops for civil servants to improve their awareness, attention and services to child victims of sexual violence.

4. Strengthening capacities of institutions to improve their response and attention services to victims

Psychosocial orientation for victims, and empowerment and education for gender-equality within communities are only one side of the equation. Strong and efficient government institutions capable to rapidly attend to victims of SV and GBV is pivotal in their resilience processes. Gender awareness can make a large difference in the type and quality of services victims receive.

This includes training civil servants on topics such as gender basics, legislation to protect women’s rights, roles and responsibilities in the GBV attention route for victims, the creation and strengthening of public roundtables to design, improve and implement GBV attention routes and articulate actions, and especially to guarantee a dignified response that embraces diversity and avoids re-victimization.

UNDP Colombia has given technical support to a number of institutions charged with the prevention, attention, and reparation responsibilities for victims of SV and GBV, such as the Ombudsman Office, the

National Institute for Child Support, the Ministry of Justice, the Institute of Legal Medicine and Forensic Sciences and the Unit for the Reparation of Victims of the armed conflict. Within this technical assistance programme, UNDP Colombia has trained more than 700 men and women civil servants.

To conclude, it is clear that it is not possible to promote sustainable development and make progress towards the consolidation of peace without embracing an agenda on gender equality and without an integral approach that enables the victims to move on with their lives and have a support system of relatives, the community and the State.

In Colombia, peace that is gender-sensitive has the potential to be the catalyst for sustainable development and the achievement of the SDGs.

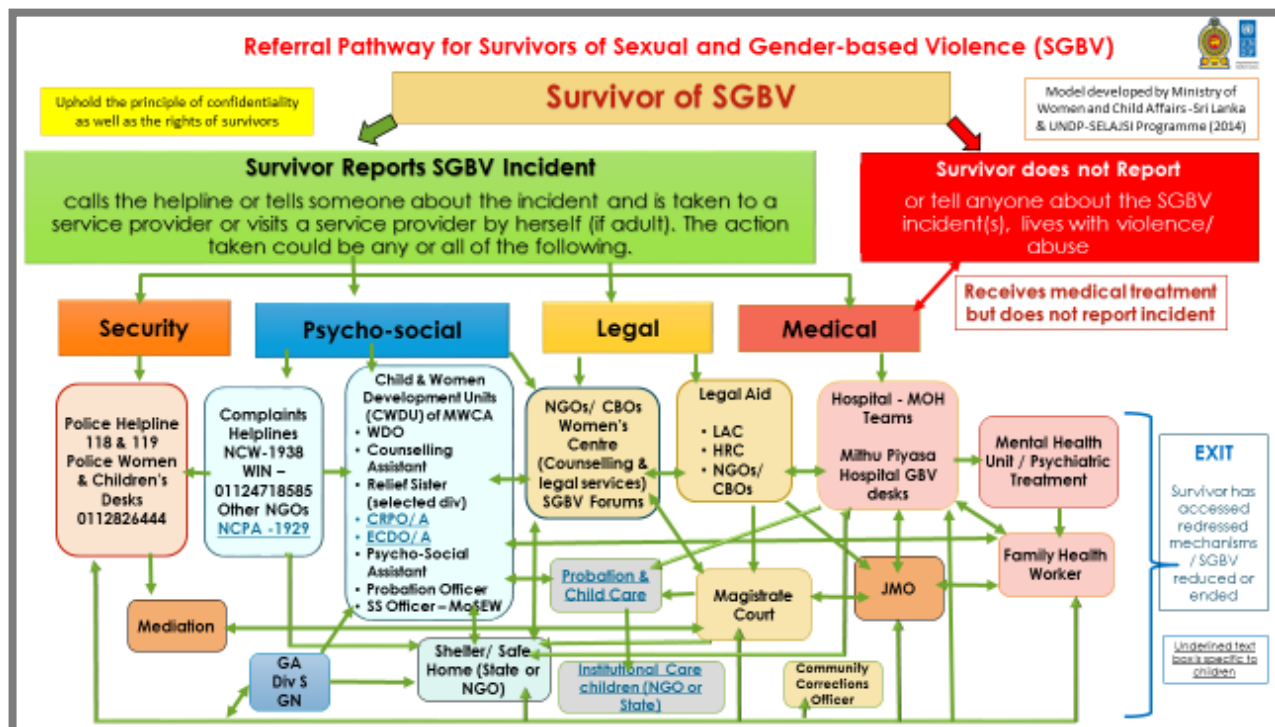
**Integrated Support for Victims of GBV – Sri Lanka
Strengthening / Establishing the Referral Pathway – Response to
Victim-Survivors of GBV and the Support Services offered by
Women In Need (WIN), Sri Lanka**

Ms. Savithri Wijesekera
Executive Director, Women in Need

Ms. Bimali Ameresekere
Technical Coordinator –Gender and Women’s Empowerment, UNDP Sri Lanka

Globally, as well as in Sri Lanka, atrocities of sexual and gender-based violence (SGBV) remain a daily reality for many women and girls, as well as some men and boys who are also identified as victim-survivors of GBV. Sexual and gender-based violence could take place in urban settings as well as in rural villages, at places of work, in public spaces and in the confines of one’s own home, where it remains ‘hidden,’ rooted in unequal power relations, cloaked by ‘silence’ due to the stigma and shame of reporting. Indeed most victim-survivors of SGBV do not report these incidents, and hence these situations remain unreported. However the incidents that are reported, which are largely acknowledged as being the ‘tip of the ice burg’, does not necessarily bring relief to the victim-survivor and at times has led to further victimization of the victim-survivor. Many gaps, lack of trained cadre, poor facilities and communication gaps exists in the referral pathway/ system that responds to victim-survivors of SGBV.

Recognizing this fact, the Ministry of Women’s Affairs and United Nations Development Program – Strengthening Enforcement of Law, Access to Justice and Social Integration Program (UNDP-SELAJSI) considered existing models of the SGBV referral system so as to strengthen this pathway to ensure better response and prevention of SGBV. Taking as reference the publication *Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response* formulated by UNHCR (May 2003) as well as a pathway developed by UNICEF Sri Lanka and the Ministry of Justice, the Ministry of Women and Child Affairs and UNDP-SELAJSI developed an updated referral pathway reflecting the current context in Sri Lanka for women and children (see diagram below for the referral model).



Based on this pathway, the Ministry commenced district level programs to bring all service providers/ stakeholders/ actors addressing SGBV together. The program was launched in the three area models (Batticaloa, Ratnapura and Anuradhapura) of UNDP-SELAJSI operation. The objectives of the ‘referral symposiums’ were to understand the work of different service providers (state and non-state) at district level and to understand how to better work together to address incidents of SGBV as well as to respond quickly and effectively to assist victim-survivors of SGBV. The referral symposiums brought together participants from all divisional levels from the Police Women and Children Bureaus/ Desks in each district, all divisional level officers from the Child and Women Development Units (CWDU) under the Ministry of Women and Child Affairs, representatives from the GBV Hospital Desks known as ‘Mithuru Piyasa’, Chairpersons from Mediation Boards, Mediation Trainers of the relevant districts, Judicial Medical Officers (JMOs) of the relevant districts, State Counsel of the relevant district, representatives from the Legal Aid Commission, civil society groups such as Women In Need, Women Development Centre Kandy and Sarvodaya, police training school officials, shelter staff, district committee representatives and women’s groups among others.





The Ministry of Women and Child Affairs, realizing the importance of this integrated approach, also requested other development partners to support this effort. Hence, with UNFPA's support, three other districts, namely Mullativu, Polonnaruwa and Moneragala, were reached. The Ministry of Women and Child Affairs would like to take this discussion to all 25 districts. In 2017, a referral symposium was held in Matara with the Ministry taking the lead. Women in Need, linking with UNDP, held divisional level referral/ network meetings in select areas of UNDP operation.

Key recommendations that resonated at some of these district-level symposiums include:

- Greater need/ urgency to work at a more coordinated and consultative level is paramount. Follow-up is needed following these district level discussions.
- SGBV referral system with reference to women needs to be setup and where there is no system for children's issues, this also has to be integrated at regular district level discussions – setup a district level committee to address SGBV.
- Lack of gender-sensitization and stereotyping of gender roles which lead to the perpetuation of SGBV - this was seen among field level workers, chairpersons of mediation boards, law enforcement officer and district secretaries/ assistants.
- Understanding of deeper issues of SGBV which lie in the lack of understanding/ sensitivity of sexual and reproductive rights (beginning from schools) as well as the right to live a violence free life.
- Many problems in marriage/ VAW stem largely from a lack of understanding. More national level programmes for men on ending VAW and the need to develop a system to engage with men in this effort continuously and not on an ad hoc basis.
- Lack of gender balance in mediation boards hinders the effective operation of mediation, especially when mediating on domestic disputes.
- Pre-marital counselling is essential to end VAW.
- Urgent need to have more operational shelters for women in each district.
- Wide-scale prevention directed awareness programmes addressing teen-age pregnancy and SGBV



Action Taken Thus Far

Sri Lanka has a National Plan of Action to address SGBV 2016 – 2020, which received Cabinet approval in June 2016. Strengthening the referral system at district and divisional level is a key priority under this plan. To this effect a circular has also been issued to discuss SGBV case referral and key issues regularly at district level while ensuring follow-up.

However, various gaps continue to exist, such as paucity of shelters for women; lack of finances to maintain present shelter – especially those run by CSOs; lack of trained cadre that will engage in follow-up and monitoring of reported cases; and stereotypical attitudes among police officers who are in many situations the first point of contact for an SGBV victim-survivor. In this context, a SGBV training manual is being developed at present by the Ministry, supported by UNDP and in partnership with the Sri Lanka Police Academy in Katana. UNDP support was also extended towards the sensitization of law enforcement officers. The initiatives of the Ministry of Women and Child Affairs, which strengthen the Referral system, is seen in the diagram below. These initiatives have been supported by UNDP, UNFPA, CARE and OXFAM to a large extent in the last few years.

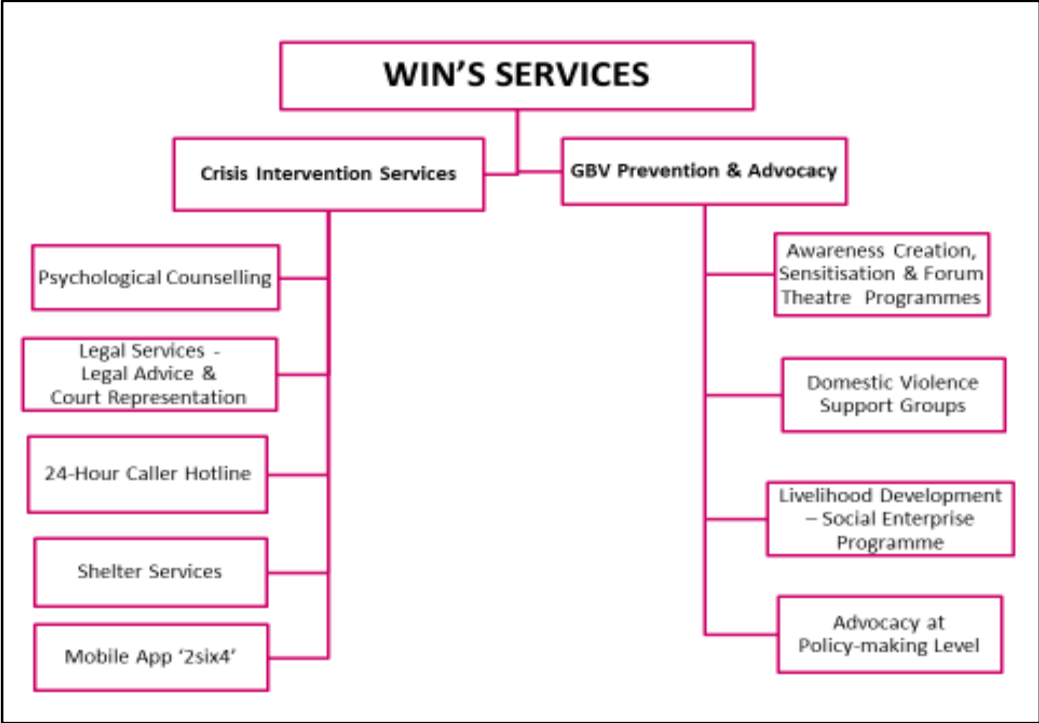


Women In Need (WIN) is a leading NGO which has a dedicated programme to address violence against women and has the only trilingual 24 hour operated helpline for women. UNDP has supported some of its programmes in order to strengthen the response to survivors of SGBV.



Women In Need is a NGO which has been dedicated to the cause of **addressing GBV** and providing means of redress to victims of violence in Sri Lanka **since 1987**. WIN offices are located in **6 Regional Crisis Centres, 8 One Stop Crisis Centres in selected hospitals, 8 Police Desks and 2 shelters** around the country.

WIN provides **essential crisis intervention services**, including **psychological counselling, legal support and shelter services**, to women and children victimized by GBV through a holistic approach. WIN, through its many projects, carries out **awareness and sensitization** targeting a cross-section of stakeholders. WIN is also involved in **advocacy work**, advocating for changes in law and policy to improve the living standards of women and girls in the country.



Psychological Counselling

- Women and girls who are victims of GBV are given psychological counseling in order to assist their recovery from trauma, and to be able to comprehend and make informed decisions about their future.
- Family members, dependents, and perpetrators of abuse are counselled by WIN to address the root of the issue and to end the violence.
- In 2016, WIN has counselled about **7993 women and girls (3000 new clients and 4993 repeat clients)** who have faced some form of violence or abuse.

Legal Services

- WIN has a team of **16** professionally qualified lawyers specialized in the field of GBV.
- Victims of GBV will be able to access justice through the crisis intervention services provided by WIN.
- WIN carries out paralegal training for mediators as an intervention to combat GBV.
- Victims of GBV are advised and educated on relevant laws, given options of legal remedies and are represented in court as necessary.
- WIN had approximately **9333 clients (2249 new and 7085 repeat) receiving legal advice** in 2016 and **7525 court visits (544 new and 6981 repeat)**.

Shelter Services

- WIN's two shelters can accommodate a total of 35 women and children at a given time.
- Safety, secure identity, and the comfort of clients are assured, and WIN maintains a high standard under the supervision of two matrons each per shelter.
- WIN has provided shelter to a total of **62 women and 48 children** in 2016.

WIN's crisis centres are currently located in –

- Anuradhapura
- Badulla
- Batticaloa
- Badulla
- Colombo
- Jaffna
- Matara

Some of the centres were closed down due to funding constraints.

Police Help Desks

- WIN has counselling desks in 8 police stations across the country, including Colombo, Kandy, Anuradhapura, Matara and Badulla.
- Through these counseling desks, WIN has been able to assist the police as well as the community, in dealing with issues of domestic violence, child abuse, rape, incest and other forms of GBV.
- As the police is one of the first access points to justice for victims of GBV, it is vital that violations are recorded and attended to fairly.
- WIN has been able to fill a gap in the police system by being able to intervene through the provision of psychological and legal services.
- The intervention mechanism has proved to be very successful and in 2016, WIN reached out to over **4000 victims** of GBV through its Police Help Desks.

Law Enforcement

- WIN has been working with the police for over two decades in order to make justice more accessible to the victims.
- Most often the police alone find it difficult to solve these client's issues, as the police tend to play a mediator's role in encouraging victims to stay in abusive relationships. The majority of WIN's clients merely want the abuse or violence to stop, and for the perpetrator to be treated medically if required. It is at such situations that WIN Counselling Desks play an important role.
- The role of the police is vital in highlighting the pervasive nature of GBV. Hence, via gender sensitization workshops, WIN frequently trains and educates police officers across the country.



Need for Law Enforcement

- Justice should be made more accessible to women.
- Support local communities in establishing prevention interventions.
- Compilation of data and documentation needs to be updated and systemized, as most cases go unreported, which could better facilitate policies, initiatives and interventions.
- Efforts to enhance sensitivity and responsiveness of officers, consistent documentation, knowledge on legal provisions and amendments to laws are necessary.

Challenges of Law Enforcement

- However, there have been plenty of stumbling blocks in the prosecution and conviction of perpetrators, including –
 - Implementation of the law when handling cases, as there are times when the police take the law into their hands
 - Insensitivity of officers stemming from a very strong masculine, patriarchal role
 - Trivialisation of the issue, which is thought to be a problem of the family and not to be brought out in the public sphere
 - Lack of evidence and unprofessional mediation

Challenges faced by WIN

- **Funding** - Since Sri Lanka advanced to a *middle income country* in 2010, WIN has been faced with a decline of funding, resulting in the inability to continue its service provision and awareness activities in many parts of the island.
- **Lack of Resources** - WIN has a team of professionally qualified lawyers, counselors and other staff for whom periodical trainings to renew their skills and knowledge are required.
- **Legal Barriers** - The existence/presence of personal laws in the country endorsing varying customary practices and attitudes has been a challenge when it comes to eliminating VAW in selected communities.
- **Attitudes** - Attitudes of stakeholders have at times been challenging to overcome. Their outlook on *NGOs and issues concerning women and GBV* have been detrimental to the progress of WIN's work.

Case Story: Latha's Story

- The initial stages of Latha's marriage to an ex-army person were happy and healthy. Things changed when she gave birth to a baby which the husband had expected to give to his barren sister.
- Latha's refusal resulted in physical abuse and torture. Her husband threw a burning lantern on her which completely burnt and disfigured her face and upper body beyond recognition.
- She almost died of her injuries, however after 6 months of treatment at the Burn Unit of the National Hospital, she survived. She also suffered from suicidal tendencies and extreme mental trauma. During her months of treatment, her husband had given away the child.

Service Provided by WIN

- Psychological counselling,
- Medical support and care
- Shelter provision
- Legal assistance, through court representation and juvenile court of custody, and obtained the guardianship of the child.



Case Story: Surangani's Story

- For 15 years, she put up with an abusive husband that tormented her emotionally and physically, until financial difficulties drove her to find employment in the Middle East.
- While she was away, her husband started to sexually assault Surangani's cancer-stricken mother. He had also forcibly given their 13-year old daughter in marriage.
- Soon after Surangani's return from the Middle East, she became pregnant as a result of his endless sexual abuse. Six months pregnant and unable to bear the torture, she ran away from home - going in to hiding. But he found her, and this time, he severed her right arm completely and injured the other.

Services provided by WIN

- Psychological support and trauma counselling
- Legal services – legal advice and court representation
- Medical support and care
- Shelter services for the rest of her pregnancy and a few months after the birth of the child.



Annex

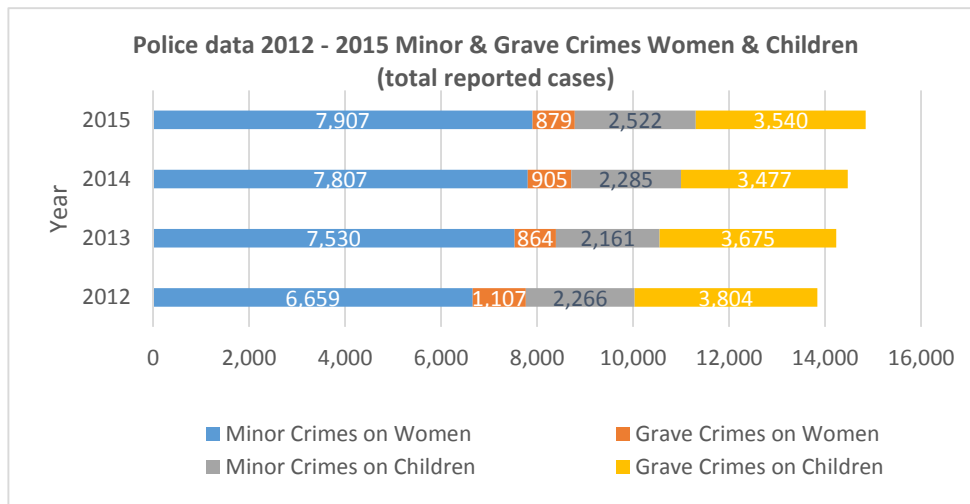
Police data 2012 - 2015 Minor & Grave Crimes Women & Children (total reported cases)

Year	Minor Crimes on Women	Grave Crimes on Women	Minor Crimes on Children	Grave Crimes on Children
Total 2012	6,659	1,107	2,266	3,804
Total 2013	7,530	864	2,161	3,675
Total 2014	7,807	905	2,285	3,477
Total 2015	7,907	879	2,522	3,540

Minor Offences include: sexual harassment, beatings and inflicting harm, scolding/threatening/instilling fear, domestic violence, other offences.


Grave Offences include: murder, intending to commit murder, severe injuries, trafficking, abduction, rape, incest, attempting to commit incest, grave sexual abuse.

Source: Police Bureau for the Prevention of Abuse of Children and Women



Session 6

Lessons Learnt for Programming on GBV



Mr. Diego Antoni

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UNDP New York

UNDP has done extensive and often pioneering work in supporting governments and other partners to address and prevent GBV. Its current Strategic Plan (2014-2017) and Gender Equality Strategy (2014-2017) identifies GBV as reflecting and reinforcing pervasive gender inequalities and directly inhibiting progress toward sustainable human development. A 2015 mapping of UNDP work on GBV, which purpose was to identify the range and scale of such work, revealed a significant emphasis on GBV policy advocacy and legislative development as well as improving women's access to justice and the provision of support services for GBV survivors. The mapping identified 115 GBV related projects in 67 countries. The following lessons learned have come up from our experience on the ground:

Bring the evidence on what works

Rigorous data on what works to address GBV is still scarce. Most of the available evidence is skewed towards studies carried out in high-income countries, and it largely focuses on response, rather than prevention. And data is key. For example, the available evidence shows that successful interventions are those that include elements of: community mobilization; critical discussion about gender relationships and the acceptability of violence; group training for women and men; work at the community level, not just with individuals; and combined livelihood and training interventions for women. With limited resources, that's valuable information. But we need more.

Increase resources

New partners and sources of financing need to be inspired to invest in GBV prevention, and the means of investment must be simplified. To inspire new investors, the multiple "returns" of reduced violence must be understood across sectors: reduced GBV improves the health of women and children, reduces risks to HIV and STDs, improves productivity and educational attainment, and reduces risks of mental illness and substance abuse, among other benefits. With this approach, more partners from different sectors will invest in prevention and be part of comprehensive and coordinated actions.

Mainstream GBV and cost it

Interventions that integrate GBV prevention into existing large scale programmes of governments, development organizations and development banks must be further explored. This integration should be costed and rigorously evaluated, in the anticipation that the models can be further adapted and scaled-up in the future. The costing will determine the "investment costs and returns" in terms of a reduction in violence and related social development results.

Examples of potential development areas into which GBV components can be integrated include projects on climate change and risk reduction, livelihoods and economic empowerment, local governance, social protection and/or development bank loan projects for infrastructure, recovery, health or education. We need to explore the entry points for addressing GBV across sectors, as well as ways in which reducing GBV also contributes to achieving sector specific targets including in the areas of improved public health, justice and rights, educational attainment and retention, public safety, increased civic engagement and use of local services, etc.

Leave no one behind

A fundamental challenge for achieving the SDG targets is adhering to the SDG commitment to “leave no one behind”. A common critique of the Millennium Development Goals was that the targets were set at levels attainable through approaches that did not address the severity, diversity and inequalities behind some of the goals. In terms of access to resources and services for GBV, UNDP’s work on the ground confirms the most vulnerable and marginalized often remain left behind (such as adolescents, older men and women and migrants). In some cases this is due to access issues, as more remote communities are harder to reach with services. In other cases, it is a lack of political will and discrimination against groups of people because of their race, ethnicity, religion, sexual orientation, occupation, ability or other modifiers of identity.

Support to legal and policy frameworks is still important

Despite the progress made, support to basic legal and policy frameworks is still needed. That includes supporting the implementation of existing laws but also deepening legislation to address all forms of GBV including incest, marital rape, and harmful practices such as female genital cutting. Passing new laws and policies that protect and support vulnerable groups, such as migrants or sex workers, who often have no legal protection, is also important. Finally, we need to enhance policy frameworks that promote primary prevention. This includes: policies that promote gender equality, women’s empowerment, freedom of movement (and divorce), and rights including property rights; child protection policies and policies that make public spaces and work places safe; and policies that help transform the social norms that sustain violence. It also includes policies that mainstream prevention into the education, health, labor, sport and culture and other sectors and ministries.

Support multi-level action on GBV

The landmark 2006 UN report on the In-Depth Study on All Forms of Violence against Women insisted that “*the elimination of violence and discrimination against women in all spheres requires a comprehensive, coordinated and sustained effort.*” UNDP has already gained valuable experience and expertise in supporting multi-sectoral action at local level, especially in relation to coordinated

community response mechanisms to address the legal, health and social welfare needs of GBV survivors. Its work across the justice chain in a number of countries, from grassroots legal education to legal aid services for survivors to reform initiatives with police and judiciaries to legislative and policy development reflects its ability to develop programming that works for change synergistically across many levels. In a number of countries, UNDP has supported the development of national strategic plans on GBV or gender equality more broadly, that articulate and guide the actions of multiple sectors in contributing to GBV prevention and response.

Partner with a range of civil society organizations as agents of social change

Work on GBV must be centrally concerned with the agency and self-advocacy of those affected, as both the intention behind, and impact of, such violence is to deny the agency and self-worth of those targeted by it. As decades of work by women's movements across the world make clear, real change in gender inequalities depends on the collective agency and self-advocacy of those most affected. If GBV programming is to be more gender transformative, those whom the violence targets must be involved as active agents in "transformational processes" and not treated merely as recipients of services.

Ms. Koh Miyaoi

Asia-Pacific Gender Team Leader, UNDP Bangkok Regional Hub

The Asia-Pacific region continues to experience the unacceptably high rates of all forms of violence against women and girls in the region, including sexual, gender-based, intimate-partner and ICT-related violence, among others; at the non-enforcement of laws, discriminatory legal provisions, delays and gender insensitivity in law enforcement; at the impunity experienced by some perpetrators of violence against women and girls; and at the targeting of specific groups of women. A survey indicates that 1 in 3 women across Asia and the Pacific will experience physical or sexual violence at some point in time, most of it caused by intimate partners. The figures are similar to an estimate that a third of all women globally will experience such violence.

The high level of GBV prevalence is not unrelated to the deep-rooted gender inequality and prevailing discriminatory social norms and practices that underpin patriarchal structures. Despite the impressive economic growth demonstrated in the number of countries in the region, progress related to gender equality and women's empowerment in Asia and the Pacific has been slow and uneven.

It is also important to acknowledge the diversity of women. Gender-based discrimination occurs in and of itself and that it is often linked to other forms of inequality related to such factors as age, race, ethnicity, religion or belief, health, disability, class, social origin or occupation, as well as migrant, legal or other status, and that the multiple and intersecting forms of discrimination can compound experiences of injustice, social marginalization and oppression.

Nevertheless, the Asia-Pacific region has made progress in introducing new and comprehensive legislation, policies, action plans and initiatives in many countries in the region to prevent violence against women and girls, to protect women and girls from multiple forms of violence, to provide a range of multi-sectoral services and support for survivors of violence and to prosecute perpetrators of violence.

UNDP's regional programming on GBV in Asia and the Pacific

The Partnership for Prevention is an interagency programme implemented by UNDP, UNW, UNFPA and UNV, for the prevention of violence against women and girls in Asia and the Pacific. Based on the evidences researched during the first phase of the initiative, the programme is implementing preventative measures engaging men as partners in Bangladesh, Cambodia, China, Indonesia, Papua New Guinea and Viet Nam.

UN-ACT is UNDP's subregional project, ensuring a coordinated approach to more strategically and effectively combat trafficking in persons in the Greater Mekong Sub-region and beyond.

N-Peace is regional network in Asia supported by UNDP, seeking to advance Women, Peace & Security issues. It supports women's leadership for conflict prevention, resolution and peace building, and promotes the implementation of the UN Security Council Resolution 1325 and other related resolutions at regional, national and community levels. N-Peace is active in seven conflict-affected countries in Asia – Nepal, Sri Lanka, Myanmar, Indonesia, Pakistan, the Philippines and Afghanistan.

Selected recent examples of UNDP's country level initiatives addressing GBV in Asia and the Pacific

At the country level, UNDP's GBV work in the region is addressing legislative and policy development, institutional capacity of service providers including the police and legal personnel, legal, social and economic support to survivors, and public campaigns. Below is a highlight of recent interventions:

Legal policy and national strategic frameworks

- In **Sri Lanka**, UNDP supported the Ministry of Women and Child Affairs to improve national efforts to address SGBV through the finalization of the National Framework and Action Plan to Address SGBV through multi-sectoral responses which engages key ministries of nine sectors and involves a three pronged approach: Prevention, Intervention and Policy Advocacy. Strategies for intervention include service delivery to survivors, legal aid and addressing survivors' long term needs. District SGBV referral systems have now been put in place and UNDP is providing technical and management support to operationalizing Sri Lanka's first ever piece of legislation on Victim and Witness Protection.
- In **Myanmar**, UNDP joined the interagency efforts to support national partners draft the Law to Prevent and Protect Women from Violence.

Institutional and governance systems strengthening

- In **Bangladesh**, the UNDP-supported Activating Village Courts in Bangladesh Project works with the Local Government Division to set up, support and strengthen village courts in 350 Union Parishads (smallest government unit in Bangladesh) across the country to improve access to justice for disadvantaged and marginalized, especially the rural poor and women, and enhance human rights systems and processes in Bangladesh.
- Also in **Bangladesh**, with UNDP support and advocacy, the National Human Rights Commission strengthened its focus on eradicating violence against women and girls with the adoption of its new five-year plan (2016-2020). Two newly established regional offices of the Commission, one in a post-conflict area, will provide more responsive and protective services for women, particularly in a region with a high prevalence of GBV.
- In **Indonesia**, UNDP raised the importance of women in customary dispute settlement and strengthened the role of female Adat leaders in Ache. Women were consulted in the development

of an MoU between formal and informal justice signed in 2016 which includes clauses on enhancing women's role and UNDP enhanced the capacity of women customary judges in dealing with and resolving specific disputes at the village level, including GBV. UNDP also supported the Statistics Indonesia (BPS) and other partners to conduct a survey on health and life experiences in four districts in the provinces of Papua and West Papua, using the global standard methodology for the first time. It found the rate of violence against women in those districts to be similar to the global statistics. The findings and recommendations from the study provide useful evidence for policy making and programming as part of efforts to eliminate GBV. With the experiences of this study, BPS plans to conduct a national violence against women survey.

- In **Afghanistan**, UNDP supported coordination among justice sector institutions through the design of standard operating procedures and a sector-wide manual on EAW. UNDP also support a pilot EAW Court in Kabul. This Court handles cases of violence against women, and combines a punitive approach with support for victims.
- In **Papua New Guinea**, UNDP supported to strengthen the work of the Human Rights Defenders at the community level by setting up Standard Operating Procedures to assist service providers and victims of violence. For the first time, based on UNDP advocacy and training, a pool of Human Rights Defenders have been embedded within government structures in four pilot provinces. UNDP and the National GBV Secretariat will replicate this model across the country.

Supporting GBV survivors

- In **Fiji**, UNDP support GBV survivors access to justice through legal aid, legal literacy support, capacity building of the law enforcement, etc.
- In **Nepal**, UNDP supported the establishment of legal aid desks for victims of GBV in different 7 districts located in Tarai. The legal lawyers had been trained on gender issues and provided a knowledgeable and women-friendly means of dealing with domestic violence and similar cases. UNDP also built the capacity of lawyers, judges and prosecutors on the issues of GBV, gender justice and human rights. UNDP supported efforts to integrate GBV issues into local peacebuilding and livelihood strengthening activities through the formation of Women Rights Forums at the Village Development Committee level, which have led campaigns against GBV and supported survivors in accessing formal and alternative justice systems.

Awareness-raising and public campaigns

- In **Papua New Guinea**, to support behavioural change interventions in communities, as well as sensitization of policy and decision makers using locally grown solutions to GBV prevention, UNDP developed a series of six documentaris.
- In **Viet Nam**, a series of video clips was made to highlight the need to deconstruct gender stereotypes (#HowAbnormal campaign). One of the video clips focuses on GBV which was selected to be screened at the opening of the first-ever Government-run action month to end GBV in Viet Nam in 2016.

- In **Nepal**, UNDP developed six short animated videos, focusing on issues such as sexual harassment, sexual violence, and domestic violence, and presented them on line as interactive quiz to prompt young people to reflect on the way they perceive the role of women and men in society.

Session 7

Raising Public Awareness and Building Capacities to Address GBV

- Expanding Roles of Related Organizations for the Eradication and Prevention of Gender-based Violence: Focusing on Activities of Women's Human Rights Institute of Korea
- Engaging Men and Boys to End Gender-based Violence: Experience of Rwanda Men's Resource Center (RWAMREC)
- The Status and Tasks of Preventive Education against Gender-based Violence: Time to Change the World (Korea)
- Strengthening National and Regional Capacity for the Measurement of Violence against Women (VAW)

Expanding Roles of Related Organizations for the Eradication and Prevention of Gender-based Violence: Focusing on Activities of Women's Human Rights Institute of Korea

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Korea has various laws and policies to eradicate gender-based violence. A number of organizations also conduct activities on violence prevention and eradication and eradication. Some also provide direct services and implement campaigns to raise public awareness on gender-based violence.

This paper introduces different roles that related organizations play in prevention and eradication of gender-based violence. A major focus is placed on Women's Human Rights Institute of Korea that supports other institutions providing direct services to victims, build staff capacity in relevant organizations and implements promotion activities to enhance network among various stakeholders and to raise public awareness. The paper also describes domestic violence support systems including "Women's Hotline1336". Domestic violence is usually a primary form of gender-based violence, therefore "Women's Hotline1336" is an initial support service that aims to prevent further aggravation of domestic violence incidents. Women's Human Rights Institute of Korea was established with a vision of promoting women's human rights by rooting out different forms of gender-based violence in Korean society, realizing gender equality, preventing violence against women and supporting victims.

Major tasks of the institute are 1) promoting support for victims 2) designing women's Human Rights policies and 3) improving public awareness on prevention of violence against women. The Institute conducts a broad range of campaigns and projects. Specific programs and projects of each task include the following.

1. Programs to prevent gender based violence and campaigning.

To prevent additional gender-based violence cases including domestic violence, sexual violence and prostitution, different types of content have been developed and distributed to improve public perception on this issue and to be fully utilized by relevant institutions. Furthermore, Women's Human Rights Institute of Korea annually holds anti-domestic violence, sexual violence and prostitution campaigns along with relevant organizations. To address domestic violence, the 8th of each month is designated as "Domestic Violence Prevention Day" and under the slogan of "Look Again", the institute, local government agencies and the public participate in *Bora-day*(look again) campaign.

Moreover, under the slogan of "In the world, there are things that cannot be traded", numerous campaigns are conducted on eradication of prostitution. It includes street talk concerts for prevention, web comics and the release of a casebook on victims' experiences on overcoming these issues. In foreign countries, Korean media channels are utilized to give support to victims of prostitution.

On- and offline promotion tools are webzine in Korean and in English; the release of annual reports; policy magazine, "Women and human rights" which covers contests, policy changes and outcomes or relevant issues; card news; and different media channels.

2. Nurturing and improving staff capacity to support victims of gender-based violence.

There are two main areas: education and training programs for members from support organizations and for employees (police officers, court workers, military personnel, medical personnel etc.). The programs include basic skill facilitating programs and courses for new employees. There are also additional programs being provided based on different stages and career experiences for improving members' capabilities.

Women's Human Rights Institute of Korea designed several programs such as the humanities courses about women's rights movement for improving basic knowledge and public awareness; it also designed case supervision courses for better understanding of different laws and cases and for promoting legal expertise. It has healing and refreshment programs as well, to prevent exhaustion of employees.

Education and training programs for employees are offered to police officers; courts workers; military, medical and social welfare personnel and etc. The goal of the program is helping them have the right perception on gender-based violence and provide appropriate support to victims. Especially training programs for police officers are continuously offered, thus contributing to building a stronger network among relevant organizations and to setting the foundation for stronger partnership.

3. Developing, operating and promoting support programs for victims of gender-based violence

Support programs for victims of gender-based violence are operated both inside and outside of Korea. One example of a domestic program is an internship centre, which helps vulnerable women stand on their own feet with support from the Community Chest of Korea. This program aims to provide training services to the victims to enhance self-reliance. As an example, Cafe *Jamong* has been opened for rehabilitation and training of the women. Furthermore, last year, getting support from business community, another program was started to facilitate acquisition of a driver's license. Thanks to this program, 77 women got the license and there was another similar program of housing deposit support to the victims.

A project called *Hee-mang Sammul* (hope springs) helps child victims of sexual violence and their families. Its focus is providing psychological treatment to them. In addition, Women's Human Rights Institute of Korea comes up with different kinds of support programs for victims of sexual crimes, and one example is a program for comfort women that gives financial support for medical treatments; medical devices; and financing for funeral expenses.

The international support program helps victims of human trafficking in developing countries. As part of this effort, various programs such as a sexual exploitation and human trafficking prevention campaign and a vocational training program are operational since 2013. In 2016, KOICA Fellowship Program invited developing countries' public servants and lawyers in charge of supporting victims to Korea, to provide education programs and courses on developing policies about violence against females and support systems.

4. Developing and distributing support programs for gender-based violence victims

This program is about developing and distributing manuals, task guidelines and programs to better support victims on the ground. In the field of sexual violence, support and prevention programs and manuals were developed for victims. A dedicated manual was created and education conferences were held also to prevent secondary victimization. In the field of Domestic Violence, parent education manual was designed so that employees can utilize it. Guidelines for the police and prosecutor were also made for improved training of service members on the ground.

For the better operation of gender-based violence prevention center, the evaluation indicator system was laid out and a facility evaluation is conducted every three years. And to support on-site facilities, the Institute offers consulting services, performance and statistics management system; and a casebook of victim-supporting policies.

5. Joint Projects with Related Organizations for Female Victims

Building a network among related organizations is critical to give effective support to victims and to improve quality of service. For efficient service and partnership, various networks are established with numerous organizations.

Strong partnership is being built with the Ministry of National Defense, police officers, prosecutors, medical sector and media outlets by concluding agreements. Different networks have also been established through conferences, discussions, joint campaigns and education programs. In the field of domestic violence, a workshop with invited experts from abroad gave an opportunity to have further discussions among related organizations and to develop cooperation mechanisms. Especially strong partnership was built with police after collaboration on training programs that improved the expertise

of police officers. In the field of sexual violence, production of manuals and conferences were a great opportunity to build a training and network system in the Ministry of National Defense and medical Centre.

When it comes to treatment and rehabilitation programs for teenage victims of prostitution, supporting the operation of Juvenile Delinquent Education Centre helped to develop a cooperative mechanism among relevant stakeholders including local police officers, prosecutors and youth organizations. As a result, a regional conference is regularly being held and partnership has been enhanced among them.

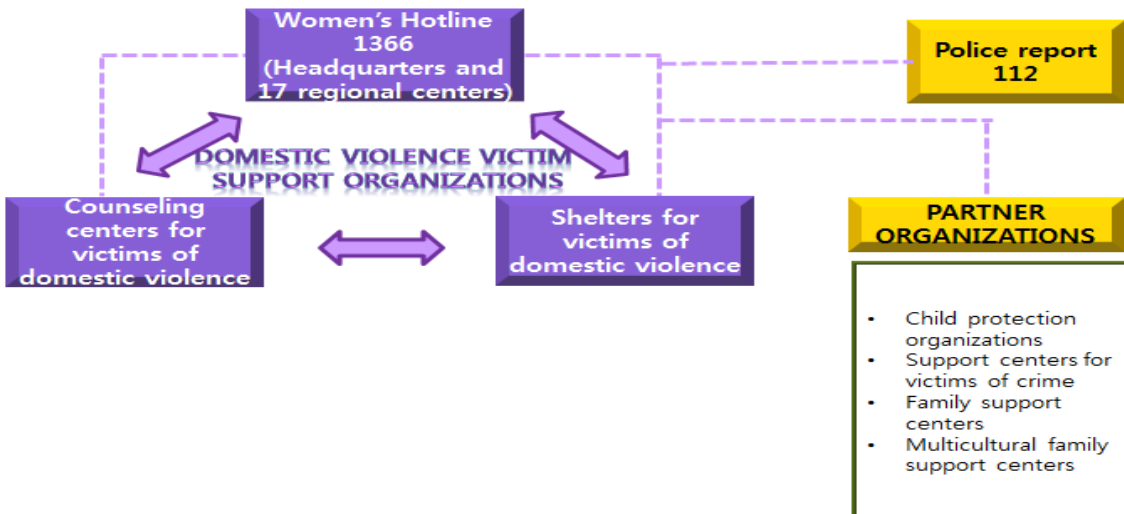
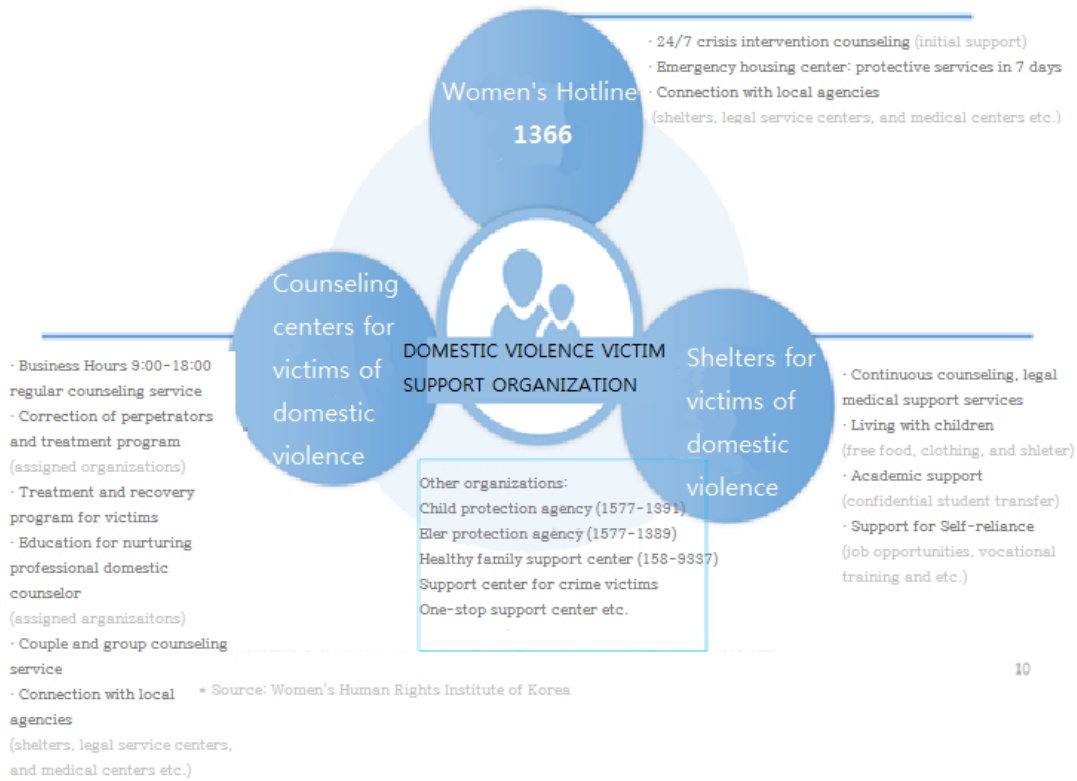
6. Introducing Support Systems for Gender-based Violence Victims

A primary support system for victims is "Women Hotline 1366" which operates 24/7. It receives reports about gender-based violence cases including domestic violence, sexual violence and prostitution and sends them to professional counseling centres for follow up services.

The number 1366 means putting one more day of service to 1 year, 365 days. There are 16 centres in metropolitan cities and one for each province, but there are 2 centres in Seoul and Gyeonggi Province. Therefore, the total number of 1366 centres is 18. Among them, the central centre in Seoul is run by the Women's Human Rights Institute of Korea.

Counseling service in the subsequent step managed by shelters and counseling centers located in cities, districts and boroughs. After having an interview with 1366 and counseling centres, people can stay in the shelters. There are shelter houses providing both temporary and long-term accommodation. The following is a domestic violence victim support diagram and each section has the same support system.

Domestic Violence Victims Support Diagram



젠더기반 폭력근절 및 예방을 위한 유관기관 역할제고

- 한국여성인권진흥원 활동 중심으로 -

한국여성인권진흥원 가정폭력방지본부

본부장 변현주

한국사회에서 젠더기반 폭력근절을 위한 다양한 법과 정책이 있으며 각 영역의 기관들이 폭력근절과 예방활동, 폭력피해자를 위한 다양한 직접서비스 뿐 아니라 젠더폭력에 대한 대국민 인식변화를 위한 활동을 펼치고 있다.

본 자료는 젠더기반 폭력근절과 예방활동 중 피해자에 대한 직접서비스를 하고 있는 기관을 지원하고 유관기관 종사자의 역량제고 및 기관간 네트워크, 대국민 인식개선 홍보활동 등을 하고 있는 한국여성인권진흥원 활동을 중심으로 젠더기반 폭력근절과 예방 활동 유관기관의 역할을 소개하고자 한다.

또한 젠더기반 폭력의 초기 원인으로 작용되어지는 가정폭력이 심각한 다른 폭력으로 확대되지 않도록 초기지원 서비스 체계인 “여성긴급전화1366”을 소개하며 한국내 피해자지원체계를 함께 간단히 소개하고자 합니다.

한국여성인권진흥원은 가정폭력·성폭력·성매매 등 우리사회에 존재하는 다양한 형태의 여성폭력을 근절하여 성 평등한 사회를 실현하고 여성폭력 예방 및 피해자 지원을 통한 여성인권 향상에 기여하고자 하는 목적으로 설립된 기관이다.

그러므로 한국여성인권진흥원의 주요 활동과제는

1) 피해자지원업무 활성화 2) 여성인권 정책 활성화 3)여성폭력예방 대국민 인식확산 등을 중심으로 각 젠더폭력의 영역에서 다양한 사업을 펼치고 있다.

주요 활동 과제별 세부적인 사업내용은

1. 젠더폭력근절 및 홍보사업

가정폭력·성폭력·성매매 등 젠더폭력방지를 위한 다양한 콘텐츠 개발 및 보급을 통해 대국민 인식 개선 뿐 아니라 현장의 관련기관에서 활용할 수 있도록 배포하고 있다. 그리고 매년 가정폭력·성폭력·성매매 추방캠페인을 지역의 관련기관들과 함께 펼치고 있다. 가정폭력의 경우 매월 8일을 “가정폭력 예방의 날”로 지정하고 “Look Again”이라는 슬로건으로 전국 시군구 관련기관과 일반 시민과 모두 함께 가정폭력예방 “보라데이” 캠페인을 하고 있다.

또한 성매매추방을 위해 “세상에는 거래할 수 없는 것이 있습니다” 라는 슬로건으로 성매매예방을 위한 거리 토크 콘서트와 웹툰 제작 및 당사자의 극복사례로 엮은 사례집 발간 등의 홍보와 한인매체를 활용한 해외 성매매 피해자 지원을 위한 홍보도 하고 있다.

또한 폭력예방을 위한 다양한 온/오프라인 홍보로는 국·영문 웹진, 애뉴얼 리포트 발간, 각종 폭력방지를 위한 공모전과 정책변화나 성과 또는 관련 이슈들을 담은 정책지 “여성과 인권”, 카드뉴스 제작, 각종 매체를 통한 젠더폭력예방 홍보를 지속적으로 하고 있다.

2. 젠더폭력 피해자지원 전문인력 양성 및 역량강화사업

크게 두 영역으로 이루어지고 있다. 지원기관 종사자 교육과 관련기관(경찰, 법원, 군인, 의료종사자 등) 업무종사자교육으로 나누어 진행되고 있다. 종사자교육은 기본 양성교육과 신입교육, 그리고 종사자의 역량강화를 위해 단계별, 경력별 보수교육이 이루어지고 있는데 이 과정에는 종사자의 다양한 커리큘럼으로 구성되어진다.

종사자의 기본 소양과 인식개선을 위한 여성인권운동 등의 인문학 과정과 사례 슈퍼비전 과정, 각 영역의 법률이해, 피해대상별 이해 및 전문성 향상, 종사자의 소진방지를 위한 치유프로그램과 심 프로그램 등도 운영되고 있다.

젠더폭력관련 업무종사자 교육대상은 경찰, 법원, 군인, 의료기관 종사자, 사회복지사 등으로 젠더

폭력에 대한 올바른 인식과 피해자에 대한 원활한 지원을 위한 교육이 이루어진다. 특히 젠더폭력의 사건 현장에서 가장 먼저 개입되는 경찰대상 교육은 다양한 현장기관이 간담회 형태로 지속적으로 진행되고 있어 관련기관간 네트워크 구축과 협업체계 마련에도 기여하고 있다.

3. 젠더폭력 피해자 지원사업의 개발 및 운영 지원 사업

젠더폭력피해자지원사업은 국내,외 활동이 진행된다. 먼저 국내지원사업으로는 사회복지 공동모금회의 지원으로 취약계층여성의 자립지원을 위한 인턴십 센터를 운영하고 있다. 이는 피해 당사자들의 자립자활을 훈련하기 위한 사업으로 현재 카페 (자몽)를 운영 중이다. 또한 지난해는 기업체의 지원을 받아 피해여성의 자립기반 마련을 위한 훈련과정으로 운전면허 취득 지원사업을 운영하여 77명이 운전면허를 취득할 수 있도록 도왔으며 주거지원을 위한 보증금 지원사업도 있었다.

성폭력피해아동 및 가족 지원을 위해 ‘희망샘물’ 사업도 진행되었다. 이는 성폭력피해자와 그 가족의 심리치료를 지원해 주는 사업이다. 뿐 만 아니라 일본군 위안부 피해자지원사업으로 건강치료비와 주택 개·보수 및 편의시설 제공, 의료기구 지원, 장례비지원사업도 진행하는 등 다양한 대상의 피해자지원사업을 개발하고 지원하고 있다.

국외지원사업은 개도국내 인신매매 피해자 지원을 위해 성착취 인신매매 예방교육, 직업기술교육 등을 2013년부터 지속적으로 진행하고 있다. 또한 2016년에는 코이카 글로벌 연수사업으로 개도국 폭력피해자 지원 담당 공무원, 변호사 등 초청하여 여성폭력 관련 정책, 지원 체계 교육을 실시하였다.

4. 젠더폭력 피해자 지원 프로그램 개발·보급

이 영역은 피해자지원현장에서 보다 원활하게 피해자를 지원할 수 있도록 관련 매뉴얼과 업무 가이드 제작, 그리고 프로그램을 개발하고 보급하는 사업이다.

성폭력 영역에서는 성폭력피해자 지원 및 예방 프로그램을 개발하고 각 대상별 피해자 지원 매뉴얼을 제작하여 배포하였다. 또한 성폭력피해자의 2차 피해방지를 위한 언론보도 매뉴얼제작과 교육 간담회를 개최하기도 하였다. 가정폭력영역에서는 부모교육매뉴얼을 제작하여 현장종사자가 활용할 수 있도록 하였으며 가정폭력현장 종사자의 교육을 위해 경찰, 검찰 교육안을 개발하여 배포하였다.

또한 젠더기반 폭력방지 시설의 원활한 운영을 위한 시설 평가지표개발 및 3년마다 실시하는 시설평가도 진행하고 현장기관의 운영지원을 위한 조직컨설팅과 실적 및 통계관리와 피해자지원정책 사례집을 발간한다.

5. 여성폭력 피해자 지원 관련기관 간 연계 및 지원사업

이 영역은 관련기관 간 네트워크는 효과적인 피해자 지원과 서비스 전문성을 위해 매우 중요한 부분이라 할 수 있다. 각 영역간 업무 효율성과 협업을 위해 다양한 기관과 다양한 방식으로 네트워크 구축을 하고 있다.

국방부, 경찰, 검찰, 의료, 언론기관 등과 업무협약을 통한 직접적인 네트워크 구축뿐 만 아니라 간담회, 토론회, 공동 캠페인, 교육 등 다양한 방법으로 네트워크를 구축하고 있다. 가정폭력 영역에서는 해외전문가 초청 토론회를 계기로 관련기관간 간담회로 이어지거나 협업 네트워크가 만들어지기도 한다. 특히 경찰의 경우는 교육을 계기로 구체적인 협업체계가 구축되어 가정폭력피해자지원에 있어 서로의 전문성을 발휘하고 있다. 성폭력영역에서는 관련 매뉴얼 제작과 간담회를 계기로 국방부나 의료기관의 교육 및 네트워크가 구축되는 계기가 되었다.

성매매영역의 피해청소년 치료재활사업에서는 지역 위기청소년교육센터 운영지원을 계기로 해당 지역내 검찰, 경찰, 청소년단체 등 유관기관과의 협력체계가 구축되어 지역간담회를 정기적으로 진행하며 기관간 연계가 이루어지고 있다.

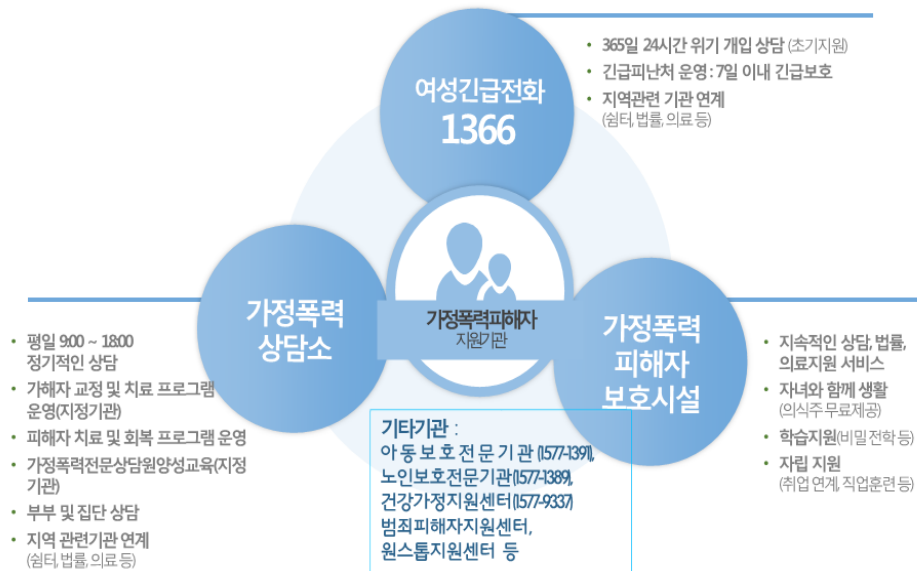
6. 젠더기반 폭력피해자지원체계 소개

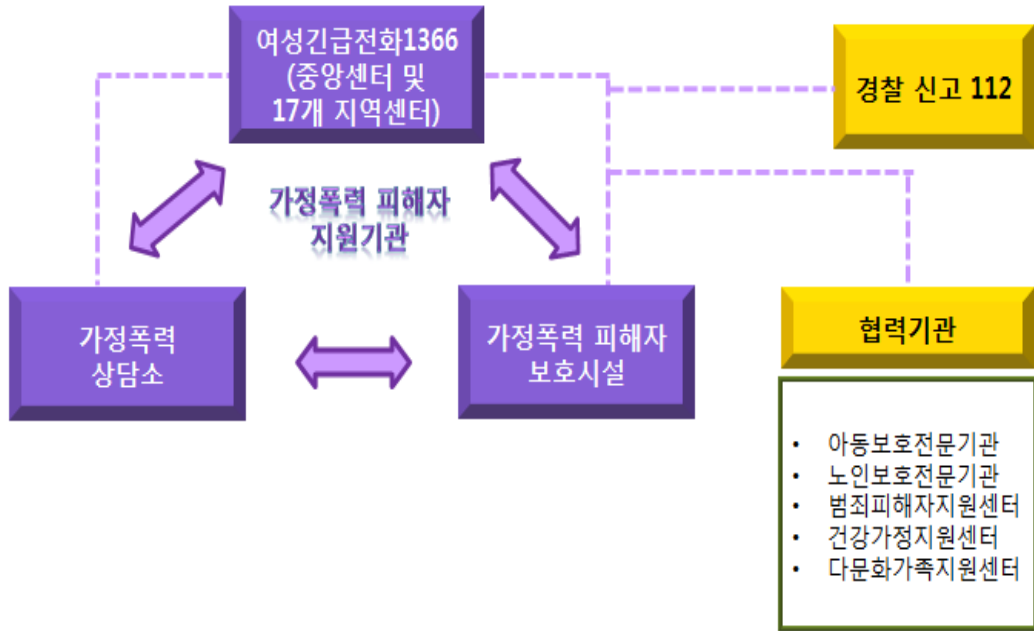
피해자지원체계는 24시간 365일 운영하는 초기지원체계인 여성긴급전화1366이 가정폭력, 성폭력, 성매매 등 젠더기반 폭력피해상담을 초기에 모두 받아 각 영역의 전문상담소로 연계하여 지속적인 상담을 받을 수 있도록 연계한다.

1366은 1년 365일에 하루를 더 서비스한다는 의미를 담고 있으며 전국 16개 광역시와 도에 각 1개소씩 설치 운영되고 있으며 서울경기는 각 2곳씩 전국 18개센터가 있다. 그중 서울에 위치한 중앙센터는 한국여성인권진흥원에서 운영중이다.

또한 다음 단계의 상담을 담당하는 상담소와 보호시설은 전국 각 시군구에 영역별로 설치운영되고 있다. 보호시설(쉼터)는 1366과 상담소의 면접상담 후 입소 할 수 있으며 단기시결과 중장기시설 등이 있다. 아래는 가정폭력피해자지원체계중심이며 각 영역의 지원체계가 같은 시스템으로 운영된다.

<가정폭력피해자지원체계도>





Engaging Men and Boys to End Gender-based Violence: Experience of Rwanda Men’s Resource Center

Mr. Fidele Rutayisire

President, Rwanda Men’s Resource Center (RWAMREC)

Ending violence against women is a global priority (United Nations, 2010; WHO, 2009). In the last several decades, a wide spread emphasis on strategies to engage men and boys in preventing violence against women and girls has grown (Flood, 2011). This emphasis is evident across many different levels of organizations, from large scale ones such as UNDP and UNFPA to the grassroots level such as the Rwanda Men’s Resource Center (RWAMREC). This paper discusses on strategies to engage men and boys in sexual and gender-based violence with a focus on Rwandan experience, where RWAMREC, with financial and technical support from UNDP Rwanda, has been working with men and boys since 2006. The paper will first discuss why we need to engage men and boys in ending sexual and gender-based violence. Secondly it will discuss on how RWAMREC has been engaging men and boys in ending SGBV. Thirdly, it will show some success stories of RWAMREC in engaging men and boys in fighting SGBV in Rwanda while also addressing challenges in the field.

Background about Rwanda Men’s Resource Center (RWAMREC)

RWAMREC is a local NGO that aims to address issues of negative masculinity, gender inequality, and promotion of healthy families, women’s rights and prevention of gender-based violence in Rwanda.

RWAMREC was created in 2006 following an alarming situation of men perpetrating violence against women and children. Various research reports, especially the reports from the National Police in 2005, showed that gender-based violence and sexual violence were taking another twist in the rebuilding of Rwanda. By that time, gender promotion work was misunderstood as a women’s issue, so men tended to exclude themselves in gender promotion initiatives or further marginalize women because they felt being disempowered on the detriment of women. This insufficient understanding led to negative perception and resistance for some men, where some even sabotaged, blocked or not simply supporting women’s empowerment or gender promotion work efforts in the country. Some men did not have sufficient information on the direct benefits of promoting gender equality in their own lives and on the lives of their family members, but perceived it as a threat to their masculinities.

RWAMREC was then established to improve this understanding, to help men become positive and supportive of gender equality and women’s empowerment promotion in Rwanda for their own interest and the interests of their family members, and the entire community they live in. We thought about developing an approach that could motivate men to reach out to other men and engage them in collective actions challenging rigid socio-cultural norms that negatively affect their own lives, women and children in Rwanda. The discussions around the causes of violent, masculine behaviors taught men

to be positive about them and to engage in gender equality practices through the promotion of positive masculine behaviors and effective cross-gender dialogue in ending sexual and gender-based violence, as well as to help men to understand and support women's empowerment initiatives.

Why engage men and boys to fight against sexual and gender based violence

Based on our experience from the field, the fundamental question has shifted from “why” we should work with men and boys to “how” we should work with men and boys. Engaging men and boys is **necessary**, it can be **effective** and it can have a **positive transformative impact** for the lives of women and girls but also for the lives of men and boys.

Working with men and boys is necessary

It is necessary to work with men and boys to fight against sexual and gender-based violence because they are affected by gender roles and relations as women. Like women's roles, men's roles and responsibilities are defined and shaped by society and culture, as much of gender relations are based on stereotypes. In addition, men and boys still remain as the ‘custodians’ of the culture, which is a key deterrent to women and girls empowerment. Therefore, engaging men increases the chance to challenge these gender stereotypes.

It is also necessary to engage men and boys in ending sexual and gender-based violence because as the major perpetrators, they are the target audience for primary prevention, holders of the social norms and influencers on other men. Therefore, men need to be engaged to reduce and prevent gender-based violence.

Working with men and boys can be effective

As the evidence base grows, evaluation data appears, lessons are learned, and best practices are shared, we know this may be the missing complement to past decades of work. By engaging men and boys, we contribute to raising next generation of boys and girls in a framework of gender equality and respect for human rights.

Working with men and boys can have a positive transformative impact for the lives of women, girls but also for the lives of men and boys

There is a much broader spectrum of positive roles for men and boys to play than the perpetrator or potential perpetrator of gender-based violence. As a ‘feminist man’, I believe that while women and children are the main (but not the only) victims of sexual and gender-based violence, for real change to happen, men should be seen not only as perpetrators, but also as change agents.

These roles not only prevent and reduce violence against women, but also improve the lives of men and boys by freeing them from these harmful and limiting aspects of masculinities. As a result, we can eliminate gender inequalities that hold back the development of our communities and nation, and ensure that the women and girls men care about do not have to live a life in fear of violence. To sum up, it is necessary to have greater involvement of men in fighting sexual and gender-based violence because:

- Much of gender relations are based on stereotypes; therefore, engaging men and boys increases the chances to challenge these gender stereotypes and resulting VAW
- Excluding men can increase hostility between men and women and can cause men to sabotage or block efforts to improve women's empowerment
- Lack of male involvement can mean that women's "empowerment" agenda have little impact: teaching women about their rights may be ineffectual if they cannot exercise those rights at home
- Men need to understand that VAW also has a negative impact on men, so they are not ignorant of the cost.

How RWAMREC has been engaging men and boys in ending SGBV

RWAMREC has been considering men and boys not as beneficiaries of women's work, holders of privilege or perpetrators of violence against women, but explicitly as agents of a positive change, partners and actors in gender relation reforms, and potential allies in search of gender justice. RWAMREC uses the following strategies to encourage men and boys to play active roles in the elimination of violence:

Men as role models

Experience has shown that punishment has made a positive contribution in preventing sexual and gender-based violence (SGBV), but that punishment alone will not end SGBV. Instead of dealing constantly with the consequences of offences already committed, an effective strategy to end SGBV would involve engaging men to influence or prevent their peers from committing the offence. Thus, RWAMREC promotes the idea of 'bringing all men on board' in the fight against SGBV. Our goal is to change the mindset of men and women, and to turn men into role models so that they work hand in hand with women to break the cycle of sexual and gender-based violence in Rwanda.

Partnerships with women

As well as empowering men to reach out to other men to promote positive masculine behaviors, we need to enhance men's understanding of and support to women's empowerment initiatives, and build partnerships rather than compete with women to promote gender equitable norms, behaviors and practices. RWAMREC's work involves building community movements that can help to change the collective perception of gender relations, and ensure synergies with women's organizations in advocacy work at the national level.

At the national level

RWAMREC engages with the central government and other development partners to ensure gender-transformative formulation of policies and strategies, including the policy on prevention of SGBV, the revision of the Family Policy and Law, the national strategy on HIV/AIDS and SGBV responses, among others. RWAMREC has also carried out nationwide research on SGBV for advocacy and programming purposes, including the 2010 research on masculinities and gender-based violence in Rwanda funded by UNDP Rwanda, the 2012 policy analysis on engaging men strategies with the health sector, the 2013 gender-based violence baseline study, and the 2013 gender assessment in the national strategic plan on HIV/AIDS response in conjunction with the Rwanda Bio-Medical Centre and UNAIDS in Rwanda

At the middle level

RWAMREC has worked to strengthen the capacity of sister organizations and government institutions to mainstream and implement gender responsive programs that use MenEngage approaches, and appropriate tools are availed for this purpose. Highlights include:

- Working with 47 civil society organizations in the past five years;
- A pioneering approach in 16 out of 30 districts of the country to create community movements (umugoroba w'abashakanye: couple's evening dialogues) to tackle SGBV has been adopted by the government since 2013
- Working with the Rwanda Demobilization and Reintegration Commission of ex-combatants to promote positive masculine and non-violent behaviors;
- Building the capacity of the police to mainstream and implement MenEngage approaches into their SGBV prevention strategies.

Our success stories at the community level

- Carrying out mass mobilization and sensitization campaigns (including through talk-shows using national and community radios and TV) to raise public awareness and engage men to adopt positive masculine behaviors to effectively prevent gender-based violence;
- A mentorship program for young people in and out of schools, involving parents, teachers and local leaders, in order to create a youth movement for non-violent behavior and respectful relationships;
- Promotion of positive masculine behaviors with uniformed personnel (police, army).
- The 'journeys of transformation' model: It is a public perception in Rwanda that a woman should not earn more than her husband, and as a consequence, GBV on women increases as their economic capacities increase. A program of Voluntary Savings and Loans (VSL) schemes for economically vulnerable women was being blocked, or not supported, by men. RWAMREC in partnership with CARE and Promundo introduced the 'journeys of transformation' model to engage men to become positive and supportive of women participating in the VSL economic empowerment program.

The model consists of a 17-week program of empowerment workshops that bring together couples identified from the VSL. More than 2,310 couples have been empowered so that they can reach out to the other members of the VSLs, and put in place men's reflections and community mobilization groups. These groups are continually empowered in order to have adequate skills they can share with the rest of the community members.

The national youth council and the national women's council – both of which have structures from the national to the village levels – were involved in order to increase ownership and sustainability.

This project has yielded positive results beyond successful and sustainable VSLs: an end to GBV amongst the households trained; greatly improved marital (including sexual) relationships; shared power in making family decisions; progressive change to the gender division of labor in the family; and increased capacity to reach out to other community members for individual and collective positive change to end SGBV.

Together, these initiatives show that real gains can be made in ending sexual and gender-based violence by taking a comprehensive and wide-ranging approach that fully engages men and boys.

Challenges in engaging men and boys in ending sexual and gender-based violence

Our collective experience at RWAMREC has led us to identify several challenges for men's engagement in working to prevent and reduce violence against women. These include accountability, awareness, privilege and men's silence.

Accountability

While engaging men and boys to prevent and reduce sexual and gender-based violence, we have been observing comments like "I don't beat my wife, go and talk to those guys who do it". This statement says several things. First, I am not part of the problem; second, it's not my problem to deal with anyway; and finally, isn't the fact that I don't use violence enough to make me a "good man"? These kinds of beliefs are indicators that some men and boys do not see violence against women as a personal issue to them, that there are challenges for men examining their own roles in a patriarchal system, and that the bar is set quite low for what it means to be a good man when it comes to violence against women. Some of these challenges can be solved through raising awareness, but in their heart, men necessitate their own critical examination of their role in an inequitable society, their own actions, language and beliefs, and as such, this require more sophisticated approaches. This requires multi-faceted approaches to raise the bar and change the social norms on men's attitudes and behaviors towards violence against women.

Awareness

Many men actually do not think violence against women is a serious issue in our society. In addition, many men are oblivious to the conditions and experiences around violence that are a daily part of women's lives. One of the most powerful tactics of systems of power and privilege is to render itself invisible, and a key strategy to overcome this barrier is to shine light on the subject matter, draw personal connections to the issue with men, and to advocate for a clear, fair and enhanced representation of the issues of violence against women in the media and cultural landscapes.

Men's Privileges

Even when men are ready to acknowledge that they have a role to play in matters on gender-based violence, they often point the finger to "other" men as the real problem. This is a system of power and privilege immunizing itself from critical analysis, but there are other dimensions at play here.

Men's silence

Silence of some men is also a big challenge in working with men and boys to prevent gender-based violence. Some of them state that they have never been asked or challenged to speak out against gender-based violence, others state that they do not think they can make a difference and others may want to protect other men in their lives who may use violence.

Other challenges include the fact that activists are often met with suspicion, homophobia and other questions about their "masculinity" by other men who cling on rigid traditional norms. In addition, men and women who feel threatened by this work often discredit male activists' efforts and passion.

Conclusion

Men and boys who work to end violence against women are challenging the dominant culture, and the understandings of masculinity that maintain it. It is a very difficult task as it involves attitudes and behavior change that is slow and long in process, and very demanding in terms of resources. It is clear that the promotion of positive masculinity and involvement of men and boys in changing violent attitudes and practices against women and girls should be linked to a positive reconstruction of men's identity and emphasize men's roles and responsibilities in preventing and ending sexual and gender-based violence.

The Status and Tasks of Preventive Education against Gender-based Violence: Time to Change the World

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Korean Institute for Gender Equality Promotion and Education

Gender-based violence refers to violence inflicted upon the weak in regards to the concepts of femininity and masculinity held by a given society. It often takes place in a society dominated by patriarchal culture and where there are unequal power relationships between men and women. The most common forms of gender-based violence are sexual violence, domestic violence, sexual harassment, and sex trafficking, and women make up the vast majority of the victims. Accordingly, the United Nations named gender-based violence 'violence against women'.

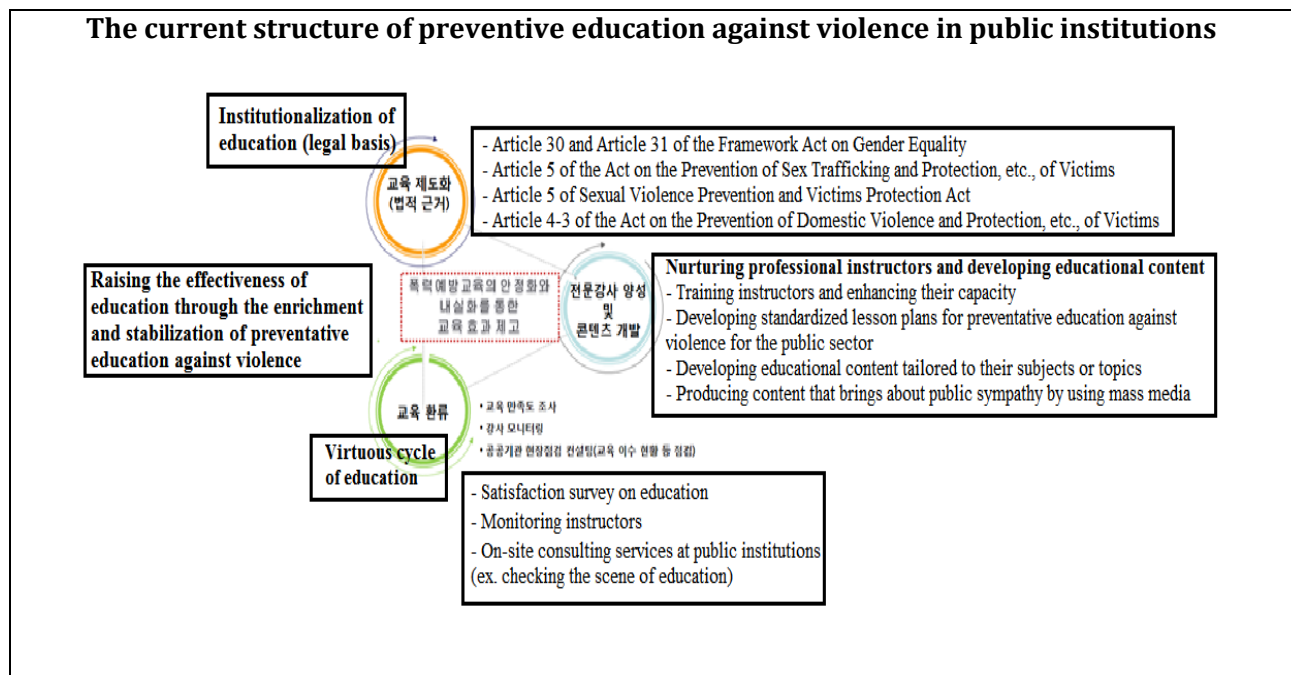
At present, the Korean government is focusing on the prevention of sexual violence, domestic violence, sexual harassment, and sex trafficking, to realize a 'violence-free society', which is at the top of its national policy agenda. To meet this goal, it is pushing ahead with producing institutional measures to protect victims, building a safety net for regional societies, and improving socio-cultural awareness through preventative education against violence. (National agenda no.76: Building a society free from sexual violence / National agenda no.77: Strengthening the prevention of domestic violence and the protection of victims)

Despite the government's efforts and the gradual spread of social recognition, it is still easy to encounter people committing sexual harassment and sexual violence by taking advantage of their superior positions within their communities, such as universities, and most of their victims are still women. When it comes to hierarchy or power relations, power dynamics are decided by many variables, such as socioeconomic status, age, disability, the number of years employed at the workplace, job position, and gender ratio in the community. Given the complexity of this issue, it is difficult to provide preventative education against gender-based violence to people with a variety of social conditions, experiences, and perceptions in a limited period of time. To prevent gender-based violence, it is imperative to increase sensitivity about violence and to induce self-reflection and shifts in recognition by helping people break away from conventional notions about gender-based violence. With an aim of fulfilling these goals, the government is promoting preventative education against violence in the three following areas: institutionalization of education, nurturing professional instructors and the development of educational contents, and the virtuous cycle of education. Governmental actions in these three areas are being implemented in an interrelated manner.

1. Establishment of an institutional foundation to promote preventative education against gender-based violence

Preventative education against violence for workers in the public sector

By building institutionalization and a statutory footing for preventative education against violence, we can form a solid foundation for its performance. Particularly, as workers in the public sector have enormous social accountability and substantial influence, it has become a legal obligation to provide preventative education against violence to public workers, such as government officials at the national and local levels who are in charge of policy making and policy enforcement, employees at government-affiliated institutions and organizations, and teachers and faculty members at schools of all levels (elementary, secondary and post-secondary).



Preventative education against sexual harassment was introduced to the public sector in 1999. Since then, an increasing number of public institutions have gradually adopted and carried out preventative education against sex trafficking, sex violence, and domestic violence. The government even obligated child-care centers and kindergartens to provide preventative education against sexual violence to their teachers and staff members, to take more concrete steps towards preventing sexual offense against children.

Table 1: The progress of introduction and the extension of four major preventative education programs against violence in the public sector

Classification		Preventative education against sexual harassment	Preventative education against sex trafficking	Preventative education against sexual violence	Preventative education against domestic violence
Introduction	Time	Year of 1999	Year of 2004	Year of 2010 (Execution since January, 2011)	Year of 2006
	Target	The government, local governments, government-invested institutions, special juristic persons	Elementary, middle and high schools	Elementary, middle and high schools	Elementary, middle and high schools
Extension of the programs	Time	Year of 2003	Year of 2008	Year of 2013 (Execution since June 19th)	Year of 2014 (Execution since January 31st)
	Target	Extended to public organizations	Extended to government institutions, local governments, and public organizations	Extended to child-care centers and kindergartens, (October, 2011) to government institutions, local governments, public organizations (June, 2013)	Extended to government institutions, local governments, and public organizations
	Legal basis	Article 30 and Article 31 of Framework Act on Gender Equality	Article 5 of Act on the Prevention of Sex Trafficking and Protection, etc., of Victims	Article 5 of Sexual Violence Prevention and Victims Protection Act	Article 4-3 of Act on the Prevention of Domestic Violence and Protection, etc., of Victims

In principle, the education programs against sexual harassment, sexual violence, sex trafficking, and domestic violence must be implemented once a year at minimum for each of the themes (at least one hour for collective education), and a comprehensive education that takes a gender-sensitive perspective is also available.

The education can be conducted in various ways, including collective education, cyber education, and audiovisual education, and collective education by a professional instructor with the relevant expertise is especially recommended. For the enrichment of teaching and learning, the institutions that engage in the programs must submit reviews on their performance to the Ministry of Gender Equality and Family on an annual basis. The institutions that show poor performances are obligated to receive a separate ‘special education for administrators’. The private sector, on the other hand, is not obligated

to participate in the mandatory education programs, but whenever there exists a request or demand for education, the programs are delivered to the institutions on demand and in a tailored manner.

Visitation program of preventative education for ordinary citizens

According to a national survey on feelings of security, ordinary citizens think that the policy measures against sexual violence should prioritize addressing a lack of effort to punish offenders and preventing the occurrence of second offenses (62.2%) and misconceptions about gender (36.5%) while experts point out the lack of preventative education and the lack of social awareness about gender (80.5%). (The feelings of security in ordinary citizens on four major wrongs, the Ministry of Security and Public Administration, 2013). Thus, the government laid the groundwork for ordinary citizens and also aimed to provide education about sexual violence and domestic violence,⁹⁸ and has been implementing the 'visitation program of preventative education against violence' for them since 2013. This program aims to raise public awareness about the importance of violence prevention so that the ordinary citizens, such as parents, seniors, the disabled, retailers, and small businesses, can play a key role in protecting the security of their regional community. The government is also running a visitation program for citizens living in remote areas, such as islands or small towns, so that everyone can enjoy the benefit of its program. (3,903 times for 166,832 people as of 2016). In addition, another program called the visitation program of preventative education against sexual violence for university students is carried out in universities nationwide at the start of every semester at the orientations for new students.

2. Nurturing professional instructors and developing content

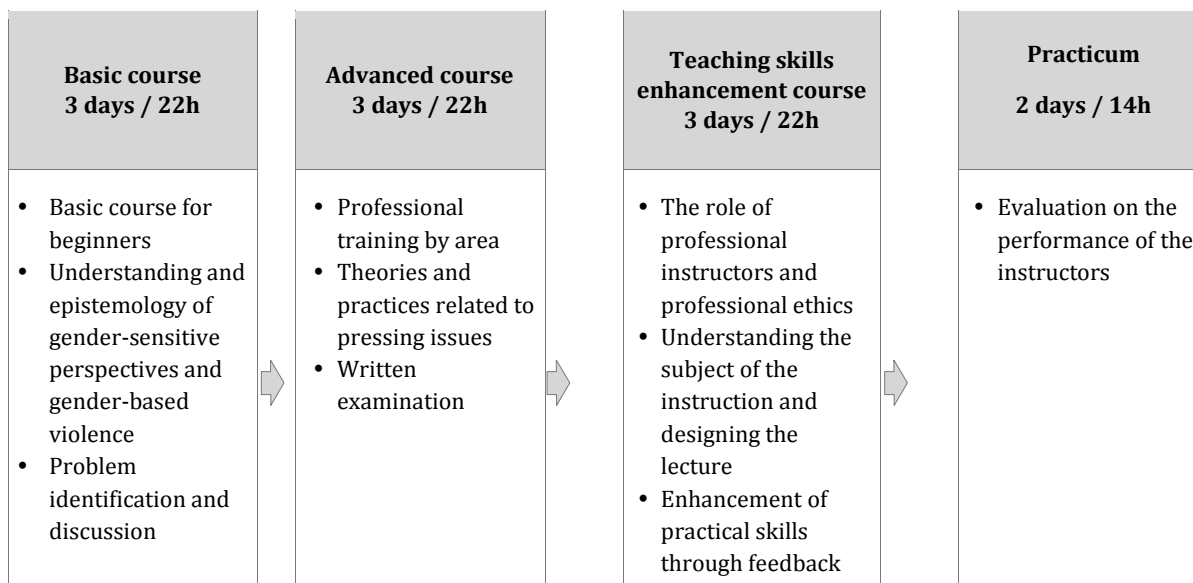
It is no exaggeration to say that the success of the preventive education against violence depends on the expertise and materials of the instructor. The mandatory education for adults, for example, needs special care as it might have a limited effect due to its one-sided conveyance of knowledge and information. Also, the education itself can become trapped within its own formalities.

Nurturing professional instructors

The Korean Institute for Gender Equality Promotion and Education (hereinafter the KIGEPE) runs a program named the 'training course to nurture professional instructors' to foster talented people with an expertise in providing preventive education against gender-based violence in a professional manner. The training course comprises four steps: the basic course, advanced course, teaching skills enhancement course, and practicum. The appointed instructors who have completed the series of courses take a supplementary training every two years to be appointed again for the same position.

⁹⁸In 2012, the National Assembly of Korea composed 'the Special Committee of Addressing Sexual Violence to Children and Women' and widened the scope of institutions that receive mandatory education against sexual violence by proceeding with law revisions related to sexual violence. It also let ordinary citizens get preventative education without registering as a group unit, as in a school or workplace (law revised on June 19th, 2013).

Table 2: Phased training system to nurture professional instructors



There are 2,907 instructors in activity for preventative education against violence, and the KIGEPE is especially focusing on nurturing instructors with a specific focus or specialty to provide customized education for a diverse group of people, such as opinion leaders, special occupational groups like police and military officials, or educational institutions like universities.

Table 3: The status quo of professional instructors appointed by the KIGEPE

Classification	Areas of specialization in the preventative education against violence							Other areas of specialization		Total number of instructors
	Sexual violence	Sexual harassment	Sex trafficking	Domestic Violence	Comprehensive education against violence	Comprehensive education about gender-sensitive perspectives and human rights	Total number of instructors specialized in violence prevention	Gender Equality	Education about analysis and evaluation about implications based on gender	
Number of instructors	1,194	738	333	446	128	68	2,907	287	59	3,253

The development and distribution of educational content

The KIGEPE has developed and distributed standardized lesson plans for preventative education against violence in public institutions to support the on-site lectures of instructors. The standardized lesson plans consist of three phases: breaking stereotypes, bringing about changes in perception, and taking action. The standardized lesson plans made in 2014 deliver four core values in their content:

sexual violence (acceptance), domestic violence (attention), sex trafficking (sympathy) and sexual harassment (communication). The KIGEPE also collects, develops, and analyzes ‘good-quality content’ and distributes the findings so that instructors and educational institutions can easily use them. As of 2016, around 270 materials were chosen and listed on the webpage of the Ministry of Gender Equality and Family in the educational information section, and anyone can access and use them.

Violence prevention can be effectively delivered through popular forms of content and through cases that the audience can relate to. Accordingly, the KIGEPE is developing and distributing audiovisual content like video lectures, animation, and infographics, thus making efforts to produce forms of content that are accessible on mobile devices.

Especially, the <EBS Equality Channel e> and <CBS 15 Minutes to Change the World>, which uses mass media platforms like public TV networks, has become a representative form of content that has significantly contributed to the spread of preventative education against violence. About 10 forms of video content are created each year. The CBS ‘15 Minutes to Change the World’ is a broadcast program where instructors specialized in violence prevention and ordinary citizens, who are selected through a competition named ‘This Year’s Lecture’, are directly participating. It has attracted more than two million viewers online through social networks (Facebook), podcasts, and Youtube.

EBS Equality Channel E



3. A virtuous cycle of education

Preventative education against violence for the public sector often takes more or less an hour for each topic (sexual harassment, sexual violation, domestic violence, sex trafficking). The lecture itself is short in its length, but diverse efforts are actively made to build a virtuous cycle of education, such as satisfactions surveys on the given lectures and monitoring activities over the lectures, for the sake of enriching the education. In addition, through a business project named ‘On-site consulting businesses at public institutions’, about 100 professional consultants are visiting the organizations to check the credibility of the written reports and give mutually cooperative consulting services for education enrichment.

4. The next challenges for preventative education against gender-based violation

As the central organization for the preventative education against violence, the KIGEPE supports the operation of regional institutions and the development of content for preventative education against sexual harassment, sexual violation, domestic violence, and sex trafficking.

It has produced about 3,000 instructors specialized in violence prevention and has been running visitation programs for the preventative education of ordinary citizens. It is also developing and distributing forms of educational content that are tailored to their users. To make these efforts lead to a nationwide shift in recognition, I would like to make a few suggestions about future tasks.

Increase substantiality for preventative education against violence and diversify the forms of education

In cases where preventive education against violation is legally required, it can get repetitive and become a mere formality. There are real difficulties in producing tangible outcomes for the initiatives as each form of education or management has its own limitation: the short period of time of collective education, one-way communication of cyber-education, cursory inspection on the education completion status of subjects. Accordingly, we need to diversify the form of education from a lecture-only platform into workshops, discussions, seminars, and cultural events. We can also pursue a phased education program through an advanced agreement with the instructor and the educational institution. We can also consider making preventive education against violence mandatory for the newly hired or a precondition for promotion at the workplace.

Gender-based violence takes place in a various types of power relations, so it is important to induce the engagement of all members of the community regardless of their status, such as job position, rank, age, gender, and work experience. To create an organizational culture where men and women are equal, education should be conducted to not only the newly hired and non-regular workers but also the high-level employees and managers who exert great influence over their organization.

Continuously strengthening the capacity of professional instructors for preventive education against violence

KIGEPE is implementing on-site monitoring for the lectures at present, but not all lectures are within its oversight due to realistic constraints. Preventive education against violence is going to be reorganized into a comprehensive education that takes a gender-sensitive perspective. Thus, it is important to deepen the understanding of gender-based violence from a gender-sensitive perspective, and we should keep enhancing our capacity to make specialized lectures that reflect the traits and needs of the subject. Furthermore, we need to come up with ideas about diversifying the lecture methods and other forms of education (workshops, discussions, talk concerts, etc.) to foster a more effective delivery of comprehensive education.

Changes in social recognition towards an organizational culture with a high tolerance for violence

Despite the repeal of “the crime subject to victim’s complaint”, which includes sexual violence, the organizational culture is still found to be rigid and secretive in many universities and organizations. In case of sexual harassment and sexual violence, it is not rare for the victims to experience even greater damage while suffering in silence, or to encounter even greater difficulties caused by secondary damages. We need to create an environment where victims can receive proper protection and assistance and where cases are handled through systemic processes in our organizations and societies.

Violence persists when the socio-cultural atmosphere or organizational culture is generous towards it. For example, the social perception towards violence that occurs in close relationships, such as sexual violence within the organization or dating violence, tends to be much more acceptable than other types of violence. Consequently, despite the high numbers of crime rates and recidivism rates, people find it difficult to report the violence that they have experienced. Therefore, people should stop perceiving a member of their community who brings up the issue as a troublemaker and should stop implying that sexual harassment or sexual violence is a private matter between the concerned parties. The community members should not point their fingers at the victims for the sake of their personal feelings or relationships with the offender. It is necessary to change this abnormal organization culture that takes sides with the offender.

Extension of safety nets in regional societies through preventative education against violence

To prevent gender-based violence, such as sexual violence and domestic violence, it is necessary to build and operate safety nets in regional societies in a sustainable way. Preventative education against violence is important as it is, but expanding safety nets in regional societies can be only achieved through the process of identifying the perceptions of the local residents as well as their needs for education, publicizing education, and carrying out the programs in collaboration with relevant local institutions. To this end, 18 institutions in the 17 cities and provinces are actively working to support preventative education against violence in their local communities. It is my hope that more safety nets can be established through visitation-based educational programs.

Strengthening preventative education against violence with a positive approach

The primary purpose of the preventative education against violence is to prevent the occurrence of sexual harassment, sexual violence, and domestic violence, but its ultimate goal is to increase the sensitivity of the public in regards to violence and make changes in their tolerant attitudes towards violence. Thus, we should shift our focus in education from one that is punitive and defensive and based on conservative ideas into an action-oriented, empathetic one, which should also use a positive approach so that everyone can agree on the necessity of prevention. To conclude, it is of utmost importance to spread the clear recognition that gender-based violence is an indisputable social crime. We should change common notions that perceive domestic violence and sexual violence as private matters and that blame the victims instead of the offenders. If we can create a culture that does not

tolerate violence and that shifts people's attitude from that of a bystander to that of a helper, today's preventive education against violence will help us acknowledge that it is 'time to change the world'.

젠더 폭력 예방교육의 현황 및 과제

- 세상을 바꾸는 시간

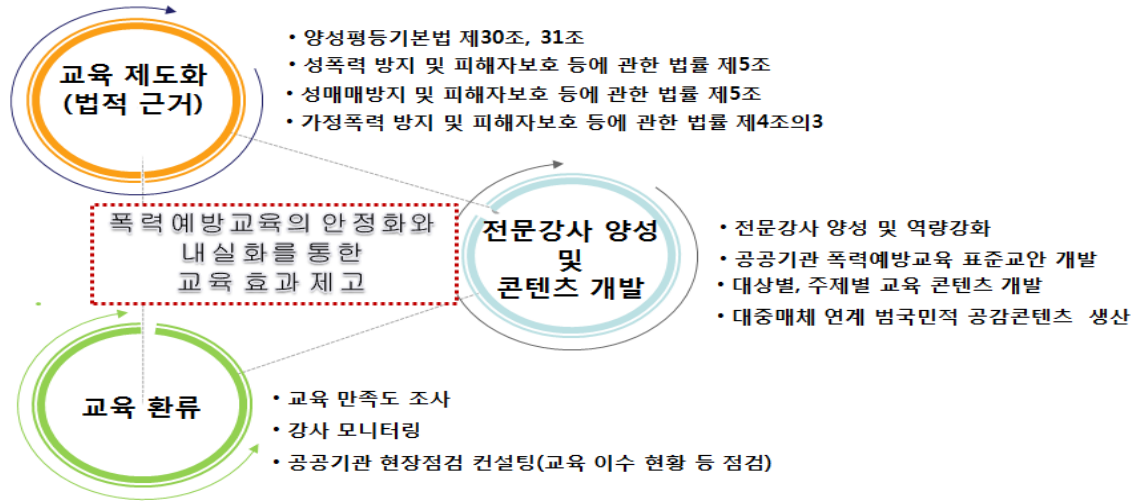
최인숙(한국양성평등교육진흥원 폭력예방교육부장/교수)

젠더 기반 폭력(Gender Based Violence, 이하 젠더 폭력)은 사회적으로 부여된 여성성과 남성성을 바탕으로 약자에게 가해지는 폭력을 의미한다. 이는 가부장적 사회문화와 남녀 불평등한 권력관계에서 발생하는데, 성폭력·가정폭력·성희롱·성매매 등이 대표적인 젠더 폭력이며 피해자의 대부분이 여성이므로 UN은 젠더폭력을 ‘여성에 대한 폭력’이라고 명명하였다.

성폭력·가정폭력·성희롱·성매매 예방은 ‘폭력으로부터 안전한 사회’ 실현이라는 현 정부의 국정과제로서, 피해자 보호를 위한 제도적 장치 마련, 지역사회 안전망 구축, 사회문화적 인식 개선을 위한 폭력예방교육이 추진되고 있다(국정과제 76. 성폭력으로부터 안전한 사회/77. 가정폭력 방지 및 피해자 보호 강화)

이러한 정부 정책이나 사회적 인식의 확산에도 불구하고, 대학 내 성폭력, 조직 내에서 우월적 지위를 이용한 성희롱 성폭력 범죄는 계속되고 있으며, 여전히 피해자의 다수는 여성이다. 우월적 지위나 권력관계에서 말하는 힘(power)의 차이란, 경제사회적 지위, 연령, 장애유무 뿐 아니라 조직 내에서의 근속년수, 직급, 조직 내 성비 등 다양한 변수를 포함한다. 따라서 젠더 폭력 예방교육은 다양한 사회적 조건과 경험, 인식을 갖고 있는 학습자를 대상으로 제한된 시간에 교육을 수행해야 하는 쉽지않은 과정이기도 하다. 젠더 폭력 예방을 위해서는 무엇보다도 폭력에 대한 민감성을 높이고, 젠더 폭력에 대한 통념 깨드리기 등 자기성찰과 인식 전환을 이끌어내어야 한다. 이러한 목표의식을 갖고 폭력예방교육은 ‘교육 제도화 - 전문강사 양성 및 교육 콘텐츠 개발 - 교육 환류’의 3가지 측면이 연계성을 갖고 추진 중이다.

공공기관 폭력예방교육 추진 현황



1. 젠더 폭력 예방교육 추진을 위한 제도적 기반 마련

공공기관 종사자 대상 폭력예방교육

법적 기반 마련과 제도화는 폭력예방교육 수행을 위한 근거가 된다. 특히 공공정책을 수립, 집행하는 국가 및 지자체 공무원, 공공기관 및 공직유관단체 종사자, 각급학교(초, 중, 고) 교원, 대학 교직원 등 사회적 책무성과 파급력이 큰 공공기관 종사자 대상 폭력예방교육이 법적 근거에 의해 의무화되었다. 1999년 성희롱예방교육이 공공기관에 도입된 이래, 성매매, 성폭력, 가정폭력예방교육이 순차적으로 공공기관에 도입, 확대되었으며, 성폭력예방교육은 보육시설 및 유치원까지 의무대상 기관으로 확대됨으로써 아동성폭력 예방을 위한 정부 정책의 의지를 구체화하였다.

<표1> 공공기관 4대 폭력예방교육 도입 및 확대 추이

구분		성희롱 예방교육	성매매 예방교육	성폭력 예방교육	가정폭력 예방교육
도 입	시기	1999년	2004년	2010년 (11.1월 시행)	2006년
	대상기관	국가, 지방자치단체, 정부투자기관, 특수법인	초·중·고교	초·중·고교	초·중·고교
확 대	시기	2003년	2008년	2013년(6.19. 시행)	2014년(1.31. 시행)
	대상기관	공공단체 확대	국가기관, 지자체, 공공단체 확대	보육시설·유치원 확대(11.10월) 국가기관, 지자체, 공공단체 확대(13.6월)	국가기관, 지자체, 공공단체 확대
	법적 근거	양성평등기본법 제30조, 31조	성매매방지 및 피해자보호 등에 관한 법률 제5조	성폭력 방지 및 피해자보호 등에 관한 법률 제5조	가정폭력 방지 및 피해자보호 등에 관한 법률 제4조의3

교육은 성희롱, 성폭력, 성매매, 가정폭력 각 주제별로 연1회 이상(집합교육은 최소 1시간) 실시함을 원칙으로 하되, 성인지 관점의 통합교육도 가능하다. 교육 형태는 집합교육, 사이버교육, 시청각 교육 등 다양하게 실시할 수 있으며, 관련 분야 전문강사에 의한 집합교육을 권장하고 있다. 교육의 내실화를 위해 해당 기관에서는 매년 교육실적을 여성가족부에 제출해야 하며, 교육실시 부진기관은 별도의 '관리자 특별교육'을 받도록 하고 있다. 한편 민간영역은 공공기관처럼 의무교육 대상은 아니지만, 교육 수요가 있는 기관을 대상으로 기관 맞춤형 성희롱(성폭력) 예방교육을 실시하고 있다.

일반인 대상 찾아가는 폭력예방교육

국민안전체감도 조사에 따르면, 일반 국민들은 성폭력과 관련한 우선 대책으로 ‘가해자 처벌과 재범방지 노력(62.2%)’, 예방교육 부족 및 성에 대한 잘못된 인식(36.5%)을 꼽고 있으며, 관련 전문가들은 ‘예방교육 부족 및 성에 대한 잘못된 인식’(80.5%) 개선을 우선적으로 지적하고 있다(4대약 국민안전체감도 조사, 안전행정부, 2013). 따라서 공공기관 외에도 일반 시민들이 성폭력, 가정폭력 교육을 받을 수 있는 근거를 마련하였으며⁹⁹, 2013년도부터 일반인 대상 ‘찾아가는 폭력예방교육’을 실시하고 있다. 특히 찾아가는 폭력예방교육은 지역의 소규모 민간기업, 소상공인, 학부모, 노인·장애인 등 일반 시민이 자신이 속한 지역사회 안전 파수꾼 역할을 할 수 있도록 폭력예방의 중요성을 인식하는 데 목표를 두고 있다. 또한 도서벽지, 읍면동 등 접근성이 상대적으로 취약한 주민을 대상으로 찾아가는 교육을 실시함으로써 교육의 사각지대를 해소하는 데 노력하고 있다(‘16년 3,903회, 166,832명). 또한 ‘대학생 대상 찾아가는 성폭력예방교육’을 신입생 오리엔테이션과 연계하여 학기 초에 대학별로 실시하고 있다.

2. 전문강사 양성 및 콘텐츠 개발

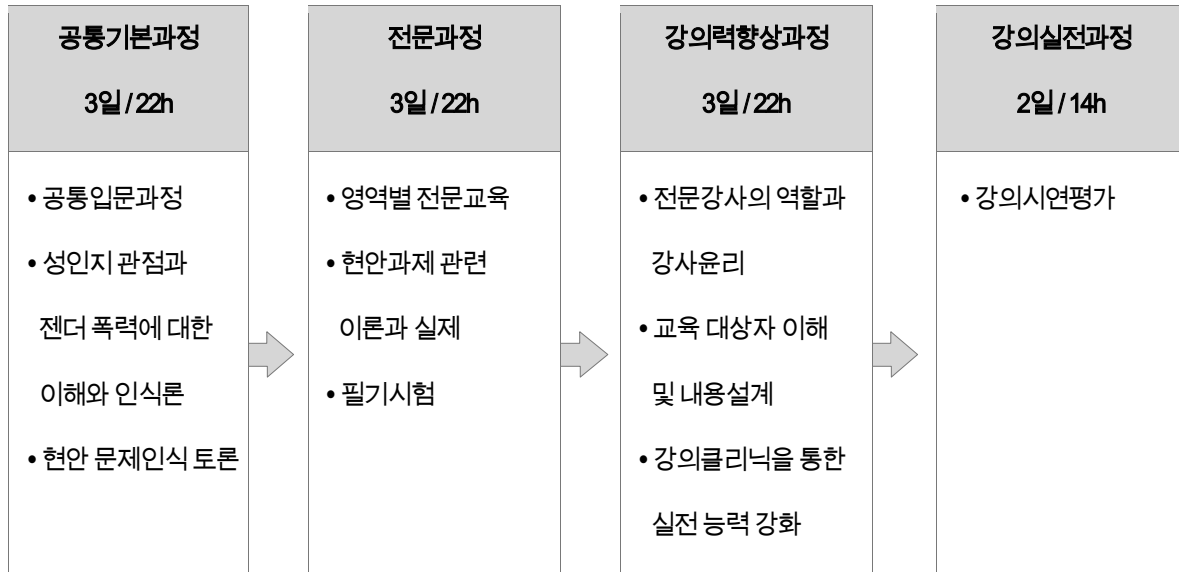
폭력예방교육의 성과는 교육 수행자의 전문성과 콘텐츠에 달려있다고 해도 과언이 아니다. 특히 성인 대상의 의무교육은 일방적인 지식이나 정보 전달로는 한계가 있으며, 자칫 교육의 형식주의에 빠질 우려도 있기 때문이다.

전문강사 양성

젠더 폭력 예방교육을 전문적으로 수행할 인력양성을 위해 한국양성평등교육진흥원은 ‘전문강사 양성과정’을 운영하고 있다. 교육과정은 공통기본-전문과정-강의력 향상과정-강의실전 과정 등 4단계로 진행되며, 최종 위촉된 전문강사는 매2년마다 보수교육을 통해 재위촉된다.

⁹⁹ 2012년 국회는 ‘아동·여성대상 성폭력 대책 특별위원회’를 구성하여 성폭력과 관련한 법 개정 추진을 통해 성폭력 교육 의무대상기관을 확대하고, 직장이나 학교 단위가 아니라도 일반 시민들이 예방교육을 받을 수 있도록 하였음(법률개정, 13.6.19 시행).

<표2> 전문강사 양성과정 단계별 교육 체계



현재 위촉되어 활동 중인 전문강사 중 폭력예방교육 분야에서 활동하는 강사는 2,907명이며, 대상별 맞춤형 교육을 위해 오피니언 리더 대상 명예강사, 특수 직군강사(경찰, 군인 공무원 등), 학관연계를 통한 대학 내 전문강사 등 보다 다각적으로 강사를 양성하고 있다.

<표3> 한국양성평등교육진흥원 위촉 전문강사 현황

구분	폭력예방교육 분야							기타		활동인원 총계
	성폭력 예방교육 전문강사	성희롱 예방교육 전문강사	성매매 예방교육 전문강사	가정폭력 예방교육 전문강사	폭력예방 통합교육 전문강사	성인지 인권통합교육 전문강사	폭력예방 교육 분야 소계	양성평등교육 전문강사	성별영향분석평가 교육 전문강사	
인원	1,194	738	333	446	128	68	2,907	287	59	3,253

교육 콘텐츠 개발 및 보급

공공기관 및 일반국민 대상 폭력예방교육 표준강의안을 개발·보급하여 전문강사의 현장 강의를 지원하고 있으며, 표준강의안은 편견깨기-인식전환-행동화의 3단계로 내용이 구성되어 있다. 2014~2015년 제작한 국민인식개선 홍보동영상은 성폭력(허락), 가정폭력(관심), 성매매(공감), 성희롱(존중)을 핵심메시지로 담고 있다. 또한 공공 및 민간 기관에서 개발한 콘텐츠를 수집, 발굴하고 내용을 분석하여 전문강사 및 교육기관에서 활용하도록 보급하고 있다. 2016년 현재 약 270여종(동영상, 교재, 리플렛, PPT, 사이버 교육 등)의 콘텐츠가 여성가족부 홈페이지의 교육정보 사이트(www.mogef.go.kr)에 탑재되어 있으며 누구나 활용 가능하다.

폭력예방은 체감도 높은 사례개발과 대중적 콘텐츠 개발이 효과적이다. 이를 위해 동영상 강의, 애니메이션, 인포그래픽 등 시청각적 교육 콘텐츠를 개발, 보급하고 있으며, 모바일 환경에서 접근 가능한 다양한 콘텐츠를 개발하고 있다.

특히 공중파 방송 등 대중매체를 활용한 <EBS 평등채널e>, <CBS 세상을 바꾸는 시간 15분>은 폭력예방의 파급력을 높이는 대표적인 콘텐츠로 자리잡았으며, 매년 약 10여종의 영상콘텐츠가 제작되고 있다. CBS'세바시'는, '올해의 강연'경연대회를 통해 선발된 폭력예방교육 강사 및 일반 시민이 직접 참여하는 방송 프로그램으로, SNS(페이스북), 팟캐스트, 유튜브 등을 통한 세바시 온라인 노출 도달수가 약 2백만에 이르고 있다.

<EBS 평등채널 e>



아동 학대



성매매



아동 성폭력



데이트 폭력

3. 교육 환류

공공기관 폭력예방교육은 각 주제별(성희롱, 성폭력, 가정폭력, 성매매)로 보통 1시간 내외의 짧은 집합교육으로 진행되지만, 교육의 내실화를 위해 교육만족도 조사 및 강의 모니터링 등 교육 환류에 노력하고 있다. 또한 '공공기관 현장점검 컨설팅 사업'을 통해 약 100여명의 전문 컨설턴트가 직접 기관을 방문하여 서면보고의 신뢰도를 점검하고, 교육 내실화를 위한 상호협력적 컨설팅을 실시하고 있다.

4. 젠더 폭력 예방교육의 향후 과제

한국양성평등교육진흥원은 「폭력예방교육 중앙지원기관」으로서 성희롱 · 성폭력 · 가정폭력 · 성매매 예방교육을 위한 콘텐츠 개발 및 지역기관 운영 지원을 하고 있다. 약 3,000여명의 폭력예방분야 전문강사를 배출하여 공공기관은 물론 일반 시민 대상 찾아가는 예방교육을 실시하고 있으며, 수요자 맞춤형 교육 콘텐츠를 개발·보급하고 있다. 이러한 노력이 범국민적인 인식전환으로 이어지기 위해서 향후 과제를 몇가지 제안하고자 한다.

폭력예방교육의 내실화와 교육 형태의 다양화

법적으로 의무화된 폭력예방교육은 교육이 반복될수록 형식화될 우려가 많다. 1시간 내외의 집합교육, 사이버 교육이 갖는 일방향성, 숫자 중심의 교육 이수현황 점검 등 실질적인 교육의 실효성을 기대하기에는 현실적 어려움이 있다. 따라서 교육 형태를 강의 일변도에서 워크숍, 토론, 세미나, 문화행사 등 다양하게 확대할 필요가 있으며, 강사와 교육 기관과의 사전 협의를 통해 단계별 교육을 추진하는 것도 고려할 수 있다. 또한 신입 또는 승진 시 폭력예방교육을 의무교육으로 포함할 수 있다.

또한 젠더 폭력은 다양한 권력관계에 의해 발생하기 때문에 직위, 직급, 연령, 성별, 경력 등 다양한 조직원의 참여가 중요하다. 조직 내 성평등 문화를 조성하기 위해서는 실질적으로 조직에 영향력이 큰 관리자나 고위직 참석과 함께, 신입직원, 비정규직 직원 대상 교육이 강화되어야 할 것이다.

폭력예방교육을 수행하는 전문강사의 지속적인 역량강화

현재 전문강사 대상 현장 강의 모니터링이 실시되고 있으나 전수 모니터링은 현실적 여건으로 부족한 실정이다. 향후 폭력예방교육은 성인지 관점의 통합교육으로 재편될 예정이다. 따라서 젠더 폭력에 대한 성인지 관점의 통합적 이해가 매우 중요하며, 대상의 특성과 교육니즈를 반영한 특화된 강의를 위한 역량강화가 지속되어야 할 것이다. 또한 통합교육을 효과적으로 수행할 수 있는 강의기법과 교육의 다양화(웍샵, 이슈 토론, 토크콘서트 형태 등)도 고민이 필요하다.

폭력을 허용하는 조직문화에 대한 인식 전환

성폭력 사건의 신고율이 폐지되었지만, 대학 현장이나 조직에서는 여전히 은폐되고 경직된 조직문화가 존재한다. 성희롱·성폭력의 경우 피해자들은 ‘그냥 참고’ 있다가 더 큰 피해를 겪거나, 2차 피해로 더 큰 어려움에 직면하기도 한다. 따라서 피해자들이 보호와 지원을 받고, 사건이 조직적으로 처리될 수 있도록 각 기관과 사회 전반의 분위기 조성이 중요하다.

폭력은 폭력을 허용하는 조직문화, 사회문화적 분위기에 의해 지속된다. 특히 조직 내 성폭력, 데이트 폭력 등 친밀한 사이의 폭력은 이를 용인하는 정서가 다른 폭력에 비해 더 일반화되어 있고 그로 인해 범죄 발생률과 재발률이 모두 높지만, 이를 드러내기는 더욱 어렵다. 따라서 성희롱(성폭력)문제를 제기하는 구성원을 소위 문제아로 보고, 성희롱(성폭력) 문제를 당사자 간의 사적인 문제로 결론 내리지 말아야 한다. 직원들은 행위자에 대한 온정주의에 빠져 피해자를 비난하지 않아야 하며, 피해자를 침묵시키고 오히려 행위자를 두둔하는 비정상적인 조직문화를 바꾸는 것이 필요하다.

폭력예방교육을 통한 지역사회의 안전망 구축 확대

성폭력, 가정폭력 등 젠더 폭력을 예방하기 위해서는 지역사회의 안전망 구축과 운영이 상시화되어야 한다. 폭력예방교육은 그 자체로서도 중요하지만, 지역주민의 인식과 교육 수요를 파악하고, 교육을 홍보하고, 지역 유관기관 간 협력을 통해 교육을 수행하는 과정에서 지역사회의 안전망이 확대되는 것이다. 현재 17개 시도 18개 기관이 지역 폭력예방교육 지원기관으로 활동하고 있으며, 찾아가는 교육을 통해 지역사회의 안전망 구축을 더욱 확대하기를 기대한다.

긍정적 접근의 폭력예방교육 강화

폭력예방교육의 목적은 성희롱, 성폭력, 가정폭력 사건 발생을 방지하는 데 있지만, 궁극적으로는 일반시민들의 폭력 감수성을 높이고, 폭력에 대한 허용 태도를 변화시키는 데 있을 것이다. 따라서 당위성 중심의 교육, 처벌 중심의 방어적인 교육에서 벗어나, 실천과 체감 중심의 교육, 예방의 필요성을 공감할 수 있는 긍정적 접근의 교육이 더욱 강조되어야 할 것이다.

결론적으로, 젠더 폭력은 분명한 사회범죄이라는 인식확산이 중요하며, 가정폭력, 성폭력을 피해자 유발론이나 사적 문제로 보는 통념을 변화시켜야 한다. 폭력을 용인하지 않는 조직문화, 사회문화 조성이 중요하며 이를 통해 방관자에서 조력자로의 태도 변화가 이루어진다면, 오늘의 폭력예방교육은 세상을 바꾸는 시간이 될 것이다.

Strengthening National and Regional Capacity for the Measurement of Violence against Women (VAW)

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Violence against women is a human rights violation with serious consequences for the health and well-being of women, their families, and communities. The costs of violence to economies and societies are significant, undermining progress towards sustainable development, peace and security, and the realization of women's human rights.

One in three women worldwide -- 35 percent -- experience physical or sexual violence in their lifetime, at the hands of a partner or someone other than a partner. In Asia-Pacific, survey data show that the proportion of women who report having experienced such violence in their lifetime ranges from 15 to 68 percent in different country contexts. While the extent of different forms of violence against women varies across countries, violence against women occurs in every society, at all levels of development, and happens to women of all status and backgrounds.

Reliable and robust evidence about the extent and nature of violence against women is a cornerstone of appropriate response to this challenge both domestically and internationally. Yet, despite growing awareness of the causes and consequences of violence against women (VAW), there remains a persistent lack of data on the *prevalence* of VAW. Furthermore, there remains a lack of technical capacity to *collect* these data. Taken together, this hampers sound programming, monitoring and evaluation.

With the adoption by Member States of Target 5.2 of the Sustainable Development Goals (SDGs), to *"eliminate all forms of violence against all women and girls in private and public spheres, including trafficking, sexual exploitation and other types of exploitation"*, demand for VAW prevalence data will only grow.

To date, at least 26 countries in the Asia-Pacific region have undertaken national or subnational prevalence studies on VAW. Twenty have used the methodology for the *WHO Multi-country Study on Women's Health and Domestic Violence* and 8 have used the Demographic Health Survey Domestic Violence module at least once, while a few other countries used different methods. In 16 of these countries, United Nations Population Fund (UNFPA) served as a technical partner to governments and National Statistical Offices; Australia supported more than 12 studies in the region, partnering with UNFPA for many of these studies.

The kNOwVAWdata Initiative

To address these obstacles, in August 2016, the UNFPA Asia-Pacific Regional Office and the Australian Department of Foreign Affairs and Trade (DFAT) launched an initiative that will scale up support to countries in the region to measure violence against women and monitor SGBV-related SDG goals. Over 3.5 years, until the end of 2019, this initiative will build on work already being supported by UNFPA to conduct VAW surveys and analysis in the Asia-Pacific region and to strengthen capacities for this.

Key features of the kNOwVAWdata initiative include:

- *Capacity building for conducting national prevalence studies.* UNFPA will identify and subsequently partner with a qualified institution to develop a high-quality curriculum on measuring VAW, building on existing materials and resources, and updating these with the latest approaches and experiences from the field.
- *Pilot and conduct recurrent trainings* by the partner institution, targeting staff of national statistical offices, government staff, researchers and other experts. Over the life of the project, the roll-out of training will be extended to other institutions.
- *Knowledge capture and sharing.* UNFPA will develop a repository of reference materials for practitioners, data and resources from country VAW prevalence studies, training materials, and methodological guidance. In addition, UNFPA will tell the story of data collection through audio-video vignettes, infographics and social media.
- *Technical assistance on national VAW data collection* in countries will be provided by the partner institution and a network of trained professionals who have participated in the course.

While VAW is common everywhere, levels and patterns vary and overall prevalence rates hide huge variations including between countries and regions. This exploration underlines the importance of understanding the context and the story that the data tells for policy, advocacy, legal reform and programme development.

Current challenges include that there are still countries without any data, while most countries have only one data point. There is limited national and regional capacity for data collection and interpretation and a new regional initiative (kNOwVAWdata) has been launched in 2016 to address this.

Presentation highlights

- The presentation will feature some of the key findings of the review of existing VAW prevalence studies in the Asia-Pacific region, including some specific peculiarities.

- Case study on Vietnam (video) to showcase how the VAW prevalence study and its findings contributed to a positive policy framework and programmatic action to address VAW.

Session 8

GBV against Children and Persons with Disabilities

- Prevention, Response and Consideration for Gender-based Crimes against Children (Korea)
- Gender-based Violence and Children (UNICEF)
- Legal and Social Systems to End Gender-based Violence against Adolescents (Korea)
- GBV against Children and Persons with Disabilities (Korea)

Prevention, Response and Consideration for Gender-based Crimes against Children

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Research Fellow, Korean Women's Development Institute (KWDI)

I. Introduction

To prevent sex crimes against children and their recurrence, policies for punishing child sex abusers and for victim protection and prevention have been established.

These specialized policies for victims regarding criminal procedures and penalties for criminals aim to prevent sex crimes against children and youth, and suggest responses and considerations. Unlike adults, children and youth are not physically or psychologically fully mature, and special support is needed in criminal procedures and to protect them from sexual violence.

II. Law and Policy for Prevention and Response to Sex Crime against Children and Youth

Legal provision that specifically provide for the age of children and youth

The Children and Youth Protection Law of Korea specifies that children and youth are those that are under 19 years old per international age. Legally establishing such an age helps to protect children and youth from sex crimes and allows them to become healthy members of society.

Sex crimes against children and youth are punished under the Sexual Crime Punishment Act and the Criminal Act, which sets out what constitutes a crime against a child or a youth. The rape of children or adolescents, forced molestation, quasi-rape, forced quasi-molestation, adultery or harassment by rank or power is subject to the Youth Protection Act, and rape against minors under the age of 13, forced molestation, and rape by relatives, which frequently happens to minors, are subject to the Special Act on the Punishment of Sexual Violence (hereinafter referred to as the Sexual Crime Punishment Act). Rape or molestation against those under 13 is subject to the Statutory Rape against Minors Act.

Legal provisions that specifically apply to sexual violence crimes against children and youth

Sexual violence crimes against children and youth incur heavier penalties than sexual violence crimes against adults. Adult rape incurs a prison sentence of three or more years, whereas the rape of a child or youth incurs a life sentence or a prison sentence of more than five years. The rape of minors under 13 incurs a life sentence or a term of more than ten years.

The protection of children and young victims in criminal procedure

A public defender is provided to sexual violence victims, a system which was introduced on March 16th, 2012 for children and young victims and was extended to adult victims on April 15th, 2013. For victims of child abuse, the Special Act on Punishment of Child Abuse was enacted on January 28th, 2014, offering the assistance of a lawyer to children and youth who have difficulty exercising their individual rights during the investigative procedure.

The video recording and preservation system (video ring) is designed to film and store the testimony of victims as well as aid the investigation process for victims under-19 or mentally challenged victims as these videos can be used as testimony in court.

Additionally, the testimony aider system aims to assist sexual violence victims who have difficulties in communication or with the declaration of will under the criminal justice procedure. This helps children under 13 or the physically or mentally challenged who struggle with the communication or expression of will. A professional who has expert knowledge in the mentality or communication of children or disabled persons, such as a mental health worker, psychologist, social worker, educator, or someone who has had an extensive career in a relevant field, should acquire an additional certificate through education.

An additional system allows a person who has a fiduciary relation to the victim to accompany him or her, and covers victims of all ages.

Post-management of sex offenders and crime prevention to protect children and young victims

A system that limits the jobs available to sex offenders aims to protect children and youth from sex crimes. Sex crimes against children and youth have continuously occurred in places where children and young people spend much of their time, such as kindergartens, schools, private educational institutes, apartment complexes, and gyms. In these circumstances, the system limits sex offenders from working with all age groups (including labor offers) or running child- and youth-related institutions for ten years, and has been enforced since June 30th, 2006.

Teachers at national, public and private schools who have received a criminal punishment shall resign and will be excluded from any future appointment. Teachers who have received criminal punishment for sex crimes against minors shall have their teacher's license revoked. The exclusion of sex offenders from academic professions and the introduction of stricter punishments was enacted on September 5th, 2015.

The obligatory report system for sex crimes against children and youth stipulates that the head of or staff from child- and youth-related institutions such as kindergartens, schools, and medical facilities should report any sex crimes against children and youth immediately after it has come to their

attention, otherwise they will be fined three million won or less. The system has been enforced since June 30th, 2006.

In addition, the registration and disclosure of personal information, notification system, electronic tagging system, and medication for sexual impulse system (such as a chemical castration system) have been carried out to prevent the recurrence of sex crimes and for the safety of local communities.

III. The State of Sexual Violence against Children and Youth

Occurrence of sexual violence against children and youth (2005-2014)

(Unit: incident, %)

Year	Number of occurrences			Growth rate	
	Under the age of 13	Ages 13 to 20	Total	Under the age of 13	Ages 13 to 20
2005	713	2,191	2,904	-	-
2006	946	3,607	4,553	32.7	64.6
2007	1,055	3,790	4,845	48.0	73.0
2008	1,208	4,522	5,730	69.4	106.4
2009	1,007	5,200	6,207	41.2	137.3
2010	1,180	6,218	7,398	65.5	183.8
2011	1,057	6,883	7,940	48.2	214.1
2012	1,127	7,834	8,961	58.1	257.6
2013	1,172	8,719	9,891	64.4	297.9
2014	1,208	8,322	9,530	69.4	279.8

Source: Supreme Prosecutor's Office (2015), Crime Analysis

* Nineteen and 20-year-olds were counted as youth in the data above, which covered victims between the ages of 16 and 20, unlike in the Youth Protection Act

Sexual violence against those under 13 increased 1.7 times over nine years, from 713 in 2005 to 1,208 in 2014. Sexual violence against 13-20 year olds increased 3.8 times over the same period, from 2,191 in 2005 to 8,322 in 2014. The number of victims aged 13 to 20 is rapidly increasing, calling for prevention measures for this target age range.

IV. Prevention of Sexual Violence against Children and Youth

Effective punishment of sex offenders against children and youth is more crucial than strengthening the punishment

Although sentences given in court have become tougher, many have pointed out that the actual delivery has been lenient. It is not right that 24.8 percent of child and youth rapists received probation in 2015.

Prohibition of lenient punishment

The Supreme Court allows for settlements to mitigate punishment regarding children and young sexual violence victims. However, those young victims can more easily accept the offender's call for settlement than adult victims without having a full understanding of the damage. Therefore, it is problematic to have a settlement reduce the sentence for sex offenders against children and youth.

Post-Traumatic Stress Disorder (PTSD) should be recognized as a part of injury. In cases of rape and the negligent infliction of bodily injury, not many people make charges against mental damage, but PTSD should be acknowledged as a legal injury as it is clear that young victims of sexual assault suffer from serious after-effects.

Improving victim support in criminal procedure

There are various support systems for victims, including those who are in fiduciary relation to a victim and protected under a criminal procedure, such as the victim's public defender and testimony aider, but they should not cause any confusion to the victim by being demanding at the same time. The systemic nurturing of public defenders and testimony aiders is necessary.

아동을 대상으로 한 젠더기반 폭력 예방 및 대응책과 고려사항

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1. 들어가며

아동대상 성폭력범죄의 예방과 재범방지를 위해서는 아동성폭력에 대한 처벌, 피해자 보호 및 예방의 3가지 정책이 적절하게 이루어 져야 한다.

여기서는 아동·청소년 대상 성폭력범죄 방지 및 예방을 위해 형사절차와 범죄자 처벌과 관련하여 피해자에게 특화된 정책은 무엇이 있는 지를 살펴 보고 성폭력 예방을 위한 대응책과 고려사항을 제시해 보고자 한다. 아동·청소년은 성인과 달리 신체적, 정서적으로 미성숙한 존재로서 형사소송 절차나 범죄피해를 예방하기 위해 특별한 지원이 필요하기 때문이다.

2. 아동·청소년 대상 성폭력범죄 예방과 대응을 위한 법·정책

○ 아동·청소년의 연령을 특별하게 규정한 법 존재

- 「아동·청소년의 성보호에 관한 법률」(이하 ‘아청법’이라 함)상 ‘아동·청소년’은 19세가 되는 해의 1월 1일을 맞이한 자는 제외함으로써 연나이 19세 미만의 자를 말함.

- 아동·청소년 연령을 따로이 정한 것은 차세대의 주역인 아동·청소년을 성범죄로부터 보호하고 아동·청소년이 건강한 사회구성원으로 성장할 수 있도록 하기 위한 것임.

○ 아동·청소년 대상 성폭력범죄를 특별하게 규정한 법 존재

- 아동·청소년 대상 성폭력범죄는 아청법, 성폭력처벌법, 형법의 적용을 받음.

-그 이외에도 성폭력범죄 피해자를 위한 신뢰관계에 있는 사람의 동석제도가 있으며, 아동·청소년과 성인 모두를 지원하게 됨.

○ **아동·청소년피해자 보호를 위한 범죄자 사후 관리 및 범죄예방정책**

-성범죄자 취업제한제도는 유치원, 학교, 학원, 아파트, 체육시설 등 아동·청소년들이 주로 생활하는 공간에서 아동·청소년 대상 성범죄가 꾸준히 발생하여 아동·청소년 대상 또는 성인대상 성범죄자를 아동·청소년 관련 기관 등에 일정기간 취업을 할 수 없도록 제한하여 아동·청소년들을 성범죄로부터 예방 및 보호하고자 도입된 제도로써 10년간 취업(노무제공 포함) 또는 운영이 제한됨(2006.6.30. 시행).

-성범죄로 형사처분을 받은 국·공·사립학교의 교사 등은 당연퇴직되고 신규임용도 배제하며 미성년자에 대한 성범죄로 형사처분 받은 교사 등은 교원자격증도 박탈함(2015.9.5. 교육부 성범죄 교원 교직 배제 및 징계강화 추진).

-아동·청소년 대상 성범죄 신고의무제도는 유치원, 학교, 의료기관 등 아동·청소년 관련 기관, 시설의 장이나 종사자는 그 직무상 아동·청소년 대상 성범죄의 발생사실을 알게 되었을 때 즉시 그 사실을 수사기관에 신고하여야 하고, 신고의무 위반시 300만원 이하의 과태료가 부과됨(2006.6.30. 시행).

-이외에도 성폭력범죄자의 재범방지와 지역사회 안전을 위해 신상정보 등록, 공개, 고지제도, 전자발찌제도, 성충동 약물치료제도(화학적 거세제도) 등이 시행되고 있음.

3. 아동·청소년 대상 성폭력범죄자 발생 현황

<표> 아동·청소년 대상 성폭력범죄의 발생건수 추이(2005-2014)

(단위 : 건, %)

연도	발생건수			증가율	
	13세미만	13세-20세*	계	13세미만	13세-20세
2005	713	2,191	2,904	-	-
2006	946	3,607	4,553	32.7	64.6
2007	1,055	3,790	4,845	48.0	73.0
2008	1,208	4,522	5,730	69.4	106.4
2009	1,007	5,200	6,207	41.2	137.3
2010	1,180	6,218	7,398	65.5	183.8
2011	1,057	6,883	7,940	48.2	214.1
2012	1,127	7,834	8,961	58.1	257.6
2013	1,172	8,719	9,891	64.4	297.9
2014	1,208	8,322	9,530	69.4	279.8

자료 : 대검찰청(2015), 「범죄분석」.

* 범죄발생통계원표에서 피해자 연령구분이 16세-20세로 되어 있어 아청법과 다르게 청소년에 19세, 20세를 포함하였음.

○ 13세미만 대상 성폭력범죄는 2005년 713명에서 2014년 1,208명으로 9년간 1.7배 정도 증가하였으나 13세-20세 대상 성폭력범죄는 2005년 2,191명에서 2014년 8,322명으로 9년간 3.8배 증가하였음. 13세-20세의 피해자 발생이 급격히 증가하고 있어 13세-20세 대상의 성폭력범죄 예방대책이 시급하게 요청됨.

4. 아동·청소년 대상 성폭력범죄 예방을 위한 대응방안

○ 처벌강화보다는 아동·청소년 대상 성폭력범죄자에 대한 확실한 처벌 필요

-법정형 강화에 비해 실제 처벌은 미약하여 솜방망이 처벌이라는 비판이 지적되고 있음. 아동·청소년 대상 강간죄의 경우 집행유예가 내려지는 경우가 2015년 24.8%에 이르고 있는데 적절하지 않다고 하겠음.

○ 관대한 양형 적용 금지

- 대법원의 성폭력범죄 양형기준에는 아동·청소년 피해자의 경우 처벌불원(합의)을 감경요소로 인정하고 있음. 아동·청소년 피해자의 경우 성폭력을 이해한 상태에서 가해자의 진정한 반성에 따라 가해자를 용서하였다기 보다 가해자의 합의요구를 성인 피해자보다 쉽게 받아 들일 수 있기 때문에 아동·청소년 대상 성폭력범죄자를 위한 양형요소로 적용하는 것은 문제가 있다고 하겠음.

- 외상 후 스트레스 장애에 대한 지속적인 상해죄 인정이 필요함. 아직까지 신체적 상해가 아닌 정신적 상해만이 발생한 경우 이를 적극적으로 강간치상죄로 기소하는 예가 많지 않은데 아동·청소년에 대한 성폭력범죄로 인해 발생하는 외상 후 스트레스 장애가 피해자에게 심각한 후유증을 주는 것은 분명하기 때문에 법률상 상해로 인정하는 것이 필요함.

○ 형사절차상 피해자 지원제도의 개선

-형사절차상 피해자 보호를 위한 신뢰관계에 있는 자, 피해자 국선변호인, 진술조력인 등 다양한 지원제도가 있으나 관계자의 다수참여로 피해자에게 혼란을 주는 일은 없어야 함.

- 피해자 국선변호인, 진술조력인의 양성이 체계적으로 이루어 져야 할 필요가 있음.

Gender-based Violence and Children

Ms. Mendy Marsh

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1. Introduction¹⁰⁰

Violence against women and girls is widespread, and affects women and girls throughout the world. Violence begins before and during childhood and lasts throughout their lives. Boys and men are affected by this violence, either indirectly witnessing violence or as perpetrators. This perpetuates cycles of violence, abuse and unequal gender relations across generations. Protecting women and girls from violence is critical in promoting the rights of girls, boys, women and men. Protecting children's rights and safety is impossible without protecting the rights and safety of women, including their mothers. There are important intersections, links and opportunities for addressing violence against children (VAC) and violence against women and girls, in both development and emergency settings.

2. Violence against women and girls

Violence against women and girls is a pervasive public health issue and violation of human rights. It affects females throughout the world and crosses all cultural and economic divides. Violence against women is any act of gender-based violence (GBV) that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.¹⁰¹

GBV is an umbrella term for any harmful act that is based on socially ascribed (i.e. gender) differences between males and females. It includes all forms of violence perpetrated against girls and women based on their gender and unequal power relations between men and women.¹⁰² The underlying cause of GBV is gender inequality, which means that girls and women have less power and control than men over their own bodies and over assets, resources and decision-making within the family and community. GBV is not only a consequence of gender inequality; it also reinforces it. Violence

¹⁰⁰ The biggest source of information for this paper is UNICEF's forthcoming Gender-based Violence in Emergencies Programme Resource Pack.

¹⁰¹ United Nations General Assembly, *Declaration on the Elimination of all forms of Violence Against Women*, A/RES/48/104, United Nations, 20 December 1993

¹⁰² Inter-Agency Standing Committee, *Guidelines for Integrating Gender-based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery*, IASC, 2015, p. 5.

prevents girls and women from raising their status and entrenches the power disparities between men and women.¹⁰³

Violence against girls and women occurs at different points in their lives. Many women and girls experience multiple episodes of violence, which may start in the prenatal period and continue through childhood to adulthood and old age. The changing nature of women's and girls' relationships (with family members, peers, authorities, etc.) and the different environments (home, school, work, community, etc.) in which they spend time expose women and girls to specific forms of violence during each phase of their life.¹⁰⁴ The experience or threat of GBV affects most girls and women, either directly or indirectly. One in three females will be targeted for violence simply because they are female.¹⁰⁵ Many more will be indirectly affected by GBV; for example, the threat of sexual violence can limit women's and girls' sense of safety and freedom of movement.

Global estimates by the World Health Organization (WHO) indicate that about one in three (35 per cent) women worldwide experience physical and/or sexual violence by an intimate partner or non-partner in their lifetime.¹⁰⁶ Approximately 20 per cent of women report experiencing sexual violence as children. About 100–140 million girls and women worldwide have undergone female genital mutilation/cutting (FGM/C) and more than 3 million girls are at risk for it every year in Africa alone. Nearly 70 million girls worldwide have been married before the age of 18, many of them against their will.¹⁰⁷ The costs of violence against women and girls, both direct and indirect, are a staggering burden for households and economies.¹⁰⁸

Protecting children's rights and safety is impossible without protecting the rights and safety of women and their mothers in particular. Protecting women of child-bearing age from GBV is essential to enhance child development, protection, health and education. GBV intersects with and exacerbates other human rights issues including HIV/AIDS, child survival and universal access to and participation in education. A woman's health and social and economic status – even before her child is born – is directly related to the child's prospects for survival and development. Around the world women are typically the primary caregivers of children, and resources in their hands are more likely

¹⁰³ United Nations Entity for Gender Equality and the Empowerment of Women, 'Ending Violence against Women and Girls: Programming Essentials', UN Women, New York, 2013, p. 8.

¹⁰⁴ <http://www.endvawnow.org/en/articles/298-the-life-cycle-and-violence.html>

¹⁰⁵ World Health Organization, London School of Hygiene and Tropical Medicine, South African Medical Research Council, *Global and Regional Estimates of Violence Against Women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*, WHO, Geneva, 2013.

¹⁰⁶ World Health Organization, London School of Hygiene and Tropical Medicine, and South African Medical Research Council, *Global and Regional Estimates of Violence Against Women: Prevalence and health effects of intimate partner violence and non-partner sexual violence*, WHO, Geneva, 2013.

¹⁰⁷ <http://www.who.int/mediacentre/factsheets/fs239/en/>

¹⁰⁸ Mary Ellsberg, Diana J Arango, Matthew Morton, Floriza Gennari, Sveinung Kiplesund, Manuel Contreras, Charlotte Watts 'Violence against women and girls Series 1: Prevention of violence against women and girls: what does the evidence say?' *The Lancet* Volume 385, No. 9977, p1555–1566, 18 April 2015

to benefit children than resources controlled by men. Discrimination against women is thus detrimental not only to women themselves, but also to the next generation.

Protecting women's rights is important as a goal in itself, but it also reaps benefits for children. Protecting the rights of children – particularly girls – is the first step in promoting gender equality for women. If the rights of women and children are considered together, they can reinforce each other.

3. GBV and children

Children are harmed by GBV both directly and indirectly. Boys and girls both experience violence, but their sex exposes them to certain types of violence.¹⁰⁹ Violence against children (VAC) is any violence experienced by a person under 18 years old, while GBV is linked to gender inequality. It results from girls' and women's lower status and lack of power over their own bodies and over assets, resources and decision-making within the household, the community and the wider society.

Girls are vulnerable to multiple forms of GBV from birth through adolescence. In fact, some types of GBV – such as female infanticide, FGM/C and child marriage – are specific to childhood. Child marriage, FGM/C and sexual assault and exploitation in the family, in schools and in the community are common forms of violence experienced by girls around the world. Many married girls experience intimate partner violence (IPV); one in three adolescent girls aged 15 to 19 has experienced emotional, physical or sexual violence committed by a husband or partner.¹¹⁰

Child marriage is marriage of a child under 18 years, and it disproportionately affects girls. It is a form of GBV that can affect all aspects of girls' well-being and development, such as by prematurely ending their access to formal education. Married girls are especially vulnerable to GBV, including physical, sexual, psychological and economic abuse within the family.¹¹¹ Globally, more than 700 million women alive today were married before their 18th birthday, and more than one in three (about 250 million) entered into a union before age 15. Child marriage has life-threatening effects on girls' health, protection and economic, social and psychological development and well-being. It limits their access to education and sexual and reproductive health care and increases their isolation. A girl under 15 years is five times more likely to die in childbirth than a woman; young girls are at increased risk of contracting HIV due to a lack of negotiating power for safe sex; and are more likely to experience domestic violence. Married girls are more likely to have children who are stillborn or die in the first month of life – children born to mothers under the age of 18 have a 60 per cent greater risk of dying

¹⁰⁹ Boys are more likely to experience harsh physical punishment within the family and other settings such as schools, as well as lethal peer-based violence perpetrated by other boys.¹⁰⁹ Girls are at higher risk for infanticide, sexual abuse, educational and nutritional neglect, forced prostitution and female genital mutilation/cutting.

¹¹⁰ UNICEF, 'Behind Closed Doors: The Impact of Domestic Violence on Children' *UNICEF, New York, 2006*. Because early marriage limits young married girls' knowledge and skills, resources, social support networks, mobility and autonomy, they often have little power in relation to their husband or his family.

¹¹¹ Because early marriage limits a young married girl's knowledge, skills, resources, social support networks, mobility and autonomy, they often have little power in relation to their husband or his family.

in their first year.¹¹² Even those children who survive are more likely to suffer from low birthweight, malnutrition and delayed physical and cognitive development.

Both boys and girls can experience sexual violence, although rates are higher for girls than for boys. Some groups of boys may be at higher risk of sexual violence than others, for example when unaccompanied and living on the street or in detention facilities. Boys and girls with disabilities face increased risk, and in many contexts so do those who identify as lesbian, gay, bisexual, transgender/transsexual and intersex.

IPV typically occurs in the home and exposes other family members to violence, including children. IPV is the most widespread expression of GBV globally, and it is increasingly recognized as one of the most prevalent forms of violence in emergencies. Children who grow up in violent households often witness violence. This is traumatic itself, but these children may also be verbally or physically assaulted or abused. Exposure to IPV is considered a form of child maltreatment.¹¹³ Children who witness IPV are at a higher risk of a range of emotional and behavioural problems, including anxiety, depression, poor school performance, low self-esteem, disobedience, nightmares and physical health complaints.¹¹⁴ Children whose mothers live with GBV also suffer ill-effects of the violence, and GBV has multiple detrimental and lasting impacts on their physical and psychological health, development and educational outcomes.¹¹⁵

Evidence suggests that violence may also directly and indirectly affect child mortality. Children of women who were physically and sexually abused by a partner were six times more likely to die before the age of 5 years than children of women who had not been abused.¹¹⁶ IPV during pregnancy increases the likelihood of miscarriage, stillbirth, pre-term delivery and low birthweight.¹¹⁷ Mothers whose physical and/or mental health is compromised by violence may be less able to care for their children or earn income to support their families, affecting children's nutrition and school attendance.

Researchers are learning more all the time about the impact of exposure to violence on children's brain development. One finding is that children's brain structures can be harmed by stress.¹¹⁸ Chronic stress caused by exposure to ongoing violence in the household can permanently damage the chemical and physical structures of a child's brain, impairing attention, concentration, memory and

¹¹² UNICEF, *State of the World's Children*, UNICEF, New York, 2009.

¹¹³ World Health Organization, 'Child Maltreatment Factsheet' WHO, Geneva, 2014.

¹¹⁴ In fact, studies from North America indicate that children who witness violence between their parents frequently exhibit many of the same behavioural and psychological disturbances as children who are themselves abused. For more information see: World Health Organization, *World Report on Violence and Health*, WHO, Geneva, 2002.

¹¹⁵ UNICEF, 'Six Strategies to End Violence against Children', UNICEF, New York, 2014.

¹¹⁶ WHO, *World Report on Violence and Health*, WHO, Geneva, 2002.

¹¹⁷ World Health Organization, 'Intimate partner and sexual violence against women', Fact Sheet No. 239, WHO, Geneva, 2014.

¹¹⁸ National Scientific Council on the Developing Child, 'Persistent fear and anxiety can affect young children's learning and development: *Working paper no. 9*, 2010. Retrieved from www.developingchild.net. See more at: <http://www.childtrends.org/?indicators=childrens-exposure-to-violence#sthash.IxkGHpsK.dpuf>

creativity.¹¹⁹ Children's core biology as well as their health, behaviour and ability to learn are therefore all directly affected by harmful and traumatic experiences such as violence. Children may be more deeply affected by trauma than adults, depending on their age and developmental stage.¹²⁰

There is evidence from some parts of the world of a link between child abuse and experiences of GBV later in life.¹²¹ Children who grow up with violence in the home learn early and powerful lessons about the use of violence to dominate others in interpersonal relationships. Boys exposed to IPV as children are more likely to grow up to perpetrate violence against their own partners, while girls are more likely to grow up to be abused themselves, entrenching a cycle of violence and abuse.¹²²

4. Consequences of GBV

GBV seriously undermines the physical, sexual, reproductive and mental health of those directly affected, as well as the well-being of survivors' children, families and communities. Violence can lead to death or permanent disability. In the long-term it can cause both acute and chronic illness, affecting the neurological, gastrointestinal, muscular, urinary and reproductive systems. Sexual and reproductive health effects include unwanted pregnancies, complications from unsafe abortions and sexually transmitted infections. Mental health effects may include somatic complaints, depression, anxiety, post-traumatic stress disorder, alcohol and drug abuse, and suicide.

Survivors of violence may also suffer from social consequences. For example, the stigma associated with sexual violence may lead to victim-blaming or ostracism by family and community members, putting survivors at greater risk of poverty, isolation and further violence. Survivors may be forced to marry the perpetrator of a rape or be subjected to physical violence by family members or supporters of the perpetrator as retaliation for reporting. In some cases the violence constitutes murder, such as in honour killing.

Sexual violence has both immediate and long-term effects on children. Immediate effects include early and unwanted pregnancy, sexually transmitted infection including HIV, and psychological

¹¹⁹ Anda, R. et al.; 'The Enduring Effects of Abuse and Related Adverse Experiences in Childhood: convergence of evidence from neurobiology and epidemiology', *Eur Arch Psychiatry Clinical Neuroscience*, Apr 2006; 256(3): 174–186. In this article, it is noted that raised levels of the steroid hormone cortisol are a normal response to stress in humans. Frequent and prolonged exposure to elevated cortisol levels may affect the development of a major stress-regulating system in the brain either heightening the stress feedback system (leading to hypervigilance, chronic fear and anxiety, negative mood and problems in attending) or reducing it, leading to depression. Chronic stress can cause depression of the immune function as well as other body systems controlled by the brain.

¹²⁰ Futures Without Violence, 'Safe, Healthy, and Ready to Learn: Policy Recommendations to Ensure Children Thrive in Supportive Communities Free from Violence and Trauma', Future Without Violence, San Francisco, 2015.

¹²¹ One study in North America found that children who were exposed to violence in the home were 15 times more likely to be physically and/or sexually assaulted than the national average. This link has been confirmed around the world, with supporting studies from a range of countries including China, South Africa, Colombia, India, Egypt, the Philippines and Mexico.

¹²² UNICEF, Behind Closed Doors.

trauma. In the long term sexual violence can impact survivors' capacity to care for themselves and others in adulthood.

Adolescent girls are the most at-risk populations, and sexual violence raises their risk of maternal mortality,¹²³ along with infant mortality and low birthweight of their children. GBV against younger girls can affect their survival and development and hinder their school participation, reducing their socioeconomic well-being throughout their lives. Pregnancy and childbirth are the leading causes of death among girls 15-19 years old in developing countries.

Girls are more likely than boys to be denied secondary education, which increases early marriage and early childbearing. Girls are far more likely to be socially isolated, depriving them of friends, mentors and role models to shape their self-esteem and enhance their future well-being. Children's health and development also suffer when their mother's capacity to provide care, support and protection are compromised due to the physical, mental and financial consequences of violence.¹²⁴

GBV remains one of the most serious threats to the health and safety of women and girls around the world. It is pervasive in times of peace and stability and becomes more extreme during crises. IPV is one of the most common forms of violence against women globally in all settings and among all socioeconomic, religious and cultural groups. Child marriage and early/forced marriage, trafficking for sexual exploitation, FGM/C and honour crimes are common forms of GBV in some countries and regions worldwide.

5. GBV in emergency contexts

GBV is exacerbated during conflict, displacement and natural disasters.¹²⁵ Armed conflict, natural disasters and displacement may increase violence in a community, raising risks and exposure for girls and women. In displacement settings, gaps in access to humanitarian assistance like water, shelter, food and health increase the risk of violence. These gaps also heighten the likelihood that women and girls will be forced to engage in harmful coping strategies like survival sex or early/forced marriage. Displaced women – especially widows, adolescent girls and women in female-headed households – are particularly vulnerable to GBV. Around the world, the following detrimental impacts have all been documented in settings affected by emergencies:

¹²³ Complications from pregnancy are the leading cause of death among girls under 15 in most developing countries. See Patton, G.C. et. al., 'Global patterns of mortality in young people: a systematic analysis of population health data,' *Lancet*, vol. 374, 2009, pp. 881–892.

¹²⁴ For more on the impact of transgenerational trauma, see Harvard Humanitarian Initiative, 'Characterizing Sexual Violence in the Democratic Republic of the Congo: Profiles of Violence, Community Responses and Implications for the Protection of Women', Harvard Humanitarian Initiative, August 2009.

¹²⁵ The Global Women's Institute and International Rescue Committee, 'Evidence Brief: What works to prevent and respond to violence against women and girls in conflict and humanitarian settings?', George Washington University, Washington, and IRC, London, 2016.

- Greater IPV due to coping pressures on individuals and families
- Marriage of girls at younger ages than normal as an economic coping or protective strategy
- Adoption of FGM/C by communities that don't traditionally practise it due to intermarriage with practising communities
- Targeting of vulnerable girls for organized sexual exploitation by human traffickers.
- Additionally, increased levels of sexual violence are common in emergencies. For example:
- Many armed groups deliberately use sexual violence to further military or political aims, such as rape as a tool of warfare and abduction of girls and women for sexual slavery.
- Girls and women might be forced to trade sex for food, money or other resources to survive.
- Displaced girls and women are at risk of rape or other forms of sexual assault by other displaced community members; girls who are separated from their families are at particular risk.

While GBV occurs in all countries across all societies, it remains widely underreported, especially among adolescent girls. Many factors contribute to underreporting and prevent survivors from accessing services and reporting their experiences. These include intense shame, stigmatizing attitudes and behaviours towards survivors, lack of access to quality services, impunity for perpetrators, and fear of reprisal, which at its most severe can include further violence and even death.

Furthermore, many forms of GBV (such as IPV and coerced sex) are not criminalized. In fact, they may be considered normal behaviour in many communities around the world. Reliable prevalence data on the scope of GBV in conflicts remain difficult to obtain, due to insecurity, lack of GBV services, lack of safety for survivors and lack of access to them, including isolation imposed by survivors or their families or other restrictions on movement.

6. Adolescent girls: most at risk

Adolescent girls aged 10 to 19 are the most at-risk groups for GBV due to their physical development and age. As a result they face a higher risk of sexual assault, sexual exploitation, child marriage, IPV and other forms of domestic violence. Girls are particularly vulnerable to sexual violence; the lifetime prevalence of childhood sexual abuse is 18 per cent for girls, compared to 8 per cent for boys. Girls are also more likely to experience IPV (sexual and/or physical), rape (by acquaintances or strangers), child or early/forced marriage, trafficking for the purposes of sexual exploitation and child labour, and FGM/C. Such violence occurs in many settings, including those where girls should be safe and nurtured — at home, at school (or travelling to and from school), in their communities, and in situations of humanitarian emergency, displacement or post-conflict settings.

Adolescent girls — who account for an increasing proportion of displaced persons — face a unique set of violence-related risks before, during and after crises. These include sexual violence, harmful traditional practices and human trafficking. During this transitional period between childhood and adulthood girls also begin to assume adult roles, but displaced adolescent girls are less likely to have

access to the live-saving information, skills and capacities they need to navigate the upheaval that follows displacement.¹²⁶

Engaging adolescent girls is critical – not only to reduce their exposure to harm, but to expand their participation in shaping their own lives and their communities. Services must be put in place that help them to develop in healthy ways and take into account their specific needs (e.g. child care responsibilities, obligations in the household, levels of literacy etc.).¹²⁷ These should include programmes based in schools and communities to increase their social skills and generate economic opportunities.

7. Violence against children and women – intersections, links and opportunities

One billion children experience some form of emotional, physical or sexual violence on a regular basis.¹²⁸ The pathways from childhood trauma to adulthood experiences and perpetration of violence are complex and multifaceted. A growing body of research demonstrates the links between childhood experiences of maltreatment and the perpetration or experience of violence against women (VAW) in adulthood. It also finds that the cycle of violence is facilitated and fuelled by gender inequality. Findings show the pathways through which experiences of childhood trauma contribute to VAW and further child maltreatment:¹²⁹

- When women are subject to IPV, their children face higher risk of sexual abuse.
- Children who witness abuse between their parents are more likely to experience or perpetrate violence as adults.
- Men who experience emotional abuse, neglect and sexual abuse in childhood are at increased risk of perpetrating rape, IPV and sexual assault.
- Women who experience IPV are more likely to physically abuse their children than women who do not.
- Recent research provides evidence on the intersections between VAC and VAW. Key correlates include:
 - VAC and VAW have many shared risk factors.
 - Social norms often support VAW and VAC and discourage help-seeking.
 - Child maltreatment and partner violence often occur within the same household.
 - Both VAC and VAW can produce intergenerational effects.

¹²⁶ I'm Here: Adolescent Girls in Emergencies. Women's Refugee Commission, 2014

¹²⁷ Ibid

¹²⁸ UNICEF. Hidden in plain sight: a statistical analysis of violence against children. UNICEF, New York, 2014.

¹²⁹ Emma Fulu, Stephanie Miedema, Tim Roselli, Sarah McCook, Ko Ling Chan, Regine Haardörfer, Rachel Jewkes. 'Pathways between childhood trauma, intimate partner violence, and harsh parenting: findings from the UN Multi-country Study on Men and Violence in Asia and the Pacific'. *Lancet Glob Health* 2017; 5: e512–22.

- Many forms of VAC and VAW have common and compounding consequences across the life cycle.
- VAC and VAW intersect during adolescence, a time of heightened vulnerability to certain kinds of violence.¹³⁰

This has significant implications for programmes, policies and research. Addressing VAW has positive outcomes for children, and addressing VAC has positive outcomes for women. Interventions to prevent and respond to both forms of violence should promote positive parenting, address inequality and the normalization of violence throughout the life cycle, and transform men’s power over women and children. To interrupt the cycle of abuse in families, it is crucial to overcome gender-inequitable social norms and attitudes and the normalization of violence.¹³¹

8. UNICEF’s GBV principles and programming

Addressing GBV is at the heart of UNICEF’s mission to protect the rights, health and well-being of children. UNICEF’s mission statement, informed by the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, commits the agency to special protection of children in crisis and the promotion of equal rights for girls and women.

UNICEF’s work on GBV is a top-level corporate priority, reflected in both the current strategic plan (covering 2014-2017) and the one under development (2018-2020). GBV in emergencies is also one of four priorities for UNICEF’s current gender action plan (2014-2017) and the next one (2018-2020). UNICEF’s Core Commitments for Children in Humanitarian Action also put children and women at the centre of humanitarian action and include a focus on addressing GBV in emergencies (GBViE). Through its broader work, UNICEF aims to promote the equal rights of girls and women and to support their full participation in the political, social and economic development of their communities.¹³²

In addressing GBViE, UNICEF focuses on the rights and needs of girls and women, recognizing their systematic exposure to GBV. Girls are especially vulnerable to many forms of GBV due to power inequalities resulting from both their gender and their age. While emphasizing interventions to address GBV against girls and women in emergencies, UNICEF recognizes and seeks to ensure that support is available for all survivors of sexual violence. As such, UNICEF’s GBV response programming also aims to ensure fulfillment of the care, support and protection-related needs of boys who have experienced sexual violence in emergency settings.

¹³⁰ Alessandra Guedes, Sarah Bott, Claudia Garcia-Moreno and Manuela Colombini. ‘Bridging the gaps: a global review of intersections of violence against women and violence against children’ *Global Health Action* Volume 385, No. 9977, p1555-1566, 18 April 2015

¹³¹ Emma Fulu et al. ‘Pathways between childhood trauma, intimate partner violence, and harsh parenting: findings from the UN Multi-country Study on Men and Violence in Asia and the Pacific’. *Lancet Glob Health* 2017; 5: e512-22.

¹³² United Nations Children’s Fund, ‘Gender Action Plan 2014-2017’, UNICEF, New York, 2014.

There is no single approach for addressing GBV. Its risks and drivers are complex and operate at many levels, from the individual to the broader community. Interventions must recognize the interplay between individual problems and social structures. Children and women face GBV at home, school and work and in the community. Addressing it requires both short-term and long-term strategies that acknowledge and respond to GBV throughout life.

Approaches must address the structural violence that women and girls in particular face. Prevention of GBV must be integrated into existing services, systems and institutions to create safe spaces for women and children. Approaches must also work on the individual level to help men and boys, for example, manage aggression, avoid perpetrating GBV and adopt behaviours that promote tolerance and non-violent conflict resolution, including positive discipline and care-giving practices.

A set of core principles underpin UNICEF GBV programming. They are grounded in a human rights-based approach and in evidence, experience and lessons generated from efforts to address GBV around the world. The principles for GBV programming are:

- GBV is a fundamental and unacceptable violation of human rights, and efforts to address it should be grounded in a rights-based approach.
- Ending GBV involves tackling gender inequality and harmful social norms.
- Comprehensive approaches are required to address GBV.
- Strong partnerships are essential for holistic, coordinated action against GBV.
- Participation is vital for effective GBV prevention.
- Ethical and safety considerations are paramount.
- A survivor-centred approach is a cornerstone of GBV work.

UNICEF implements specialized GBViE programming that ranges from immediate and life-saving response in a rapid-onset emergency through interventions during protracted emergencies and in post-conflict settings. In each phase of response, UNICEF's specialized GBViE programming emphasizes local and national ownership and systems-strengthening, working with both formal and informal systems for both prevention and response. Specialized GBViE programming may include any or all the components below, depending on the context:

- **Response** – Assisting and supporting survivors by ensuring that good quality, coordinated and age-appropriate health, psychosocial and safety services are available and systems to provide such services are developed.
- **Building safety for girls and women** – Delivering targeted interventions to make girls and women safer and less vulnerable to GBV. Examples include supporting community-based safety planning and action; distributing dignity kits to promote girls' and women's health, mobility and protection; and establishing safe spaces for women and girls in displacement settings.
- **Prevention** – Addressing the underlying causes and drivers of different forms of GBV to prevent this violence in the longer term. Examples include initiatives to prevent sexual violence and child marriage; supporting States to strengthen and enforce legal protections and systems; and efforts to transform harmful social norms.

- **Building accountability of duty-bearers** – This includes supporting monitoring and response to conflict-related sexual violence.

In non-emergency settings, UNICEF continues to address GBV through a multidimensional and multi-sectoral approach. The lives of women and children are tightly knit, as are their rights. Women and children also both share the experience of being subjected to discrimination. UNICEF's GBV programming builds on and complements its initiative on 'Ending Violence against Children: Six Strategies for Action'. These include supporting parents, caregivers and families; helping children and adolescents manage risks and challenges; changing attitudes and social norms that encourage violence and discrimination; promoting and providing support services for children; implementing laws and policies that protect children; and carrying out data collection and research.

Additionally, UNICEF GBV programming links with multi-sectoral programmes implemented by other partners to address both risk and protective factors at individual, relationship, community and societal levels. These partners include WHO, the US Centers for Disease Control and Prevention, US Agency for International Development, Global Partnership to End Violence against Children and international NGOs.

For example, in collaboration with the United Nations Population Fund, UNICEF addresses child marriage through strategies that work to empower girls with information, skills and support networks; educate and mobilize parents and community members; offer economic support and incentives for girls and their families; enhance the accessibility and quality of health services for girls and formal schooling, including making schools safer and reducing GBV against girls in schools; foster legal and policy frameworks; and improve the knowledge and evidence base.

9. Conclusion

Discrimination against women and girls is an issue that goes to the heart of UNICEF's mission to protect the rights of all children. Kofi Annan noted in the introduction of UNICEF's 2007 *State of the World's Children Report: Women and Children--the Double Dividend of Gender Equality*, "...discrimination against women of all ages deprives the world's children – all of them, not just the half who are girls – of the chance to reach their potential." Protecting women's rights is important as a goal in itself, but it also reaps benefits for children. Protecting the rights of children – particularly girls – is the first step in promoting gender equality for women. If the rights of women and children are considered together, they can reinforce each other.

VAW has multiple dimensions, characteristics and attributes, and is associated with complex risk factors that relate in different ways to influence vulnerability to victimisation. While VAW and GBV do not manifest in the same ways or necessarily always result in further violence, there are significant intersections, links and opportunities for addressing both. Protecting children's rights and safety is impossible without protecting the rights and safety of women and their mothers in particular. Protecting women of child-bearing age from VAW is essential to enhance child development,

protection, health and education. Discrimination against women is detrimental not only to women themselves, but also to the next generation. Addressing GBV has positive outcomes for children, and addressing VAC has positive outcomes for women.

Legal and Social Systems to End Gender-based Violence against Adolescents

Ms. Lee, Hyeonsook

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Gender-based violence against adolescents comes with exploitation of juvenile submissiveness to hierarchical age and the sensitive nature of their pubescent development. Since predators use such vulnerabilities to approach adolescents, it is difficult to distinguish between sexual violence and sex trafficking when it involves teenagers. Most adolescent victims do not think they are victimized nor recognize the exploitation, because they go through a “grooming” process designed by the predators. Yet in most cases, these special circumstances in sexual violence against adolescents are ignored. These days, sexual exploitation of adolescents such as child pornography, sex trafficking, trafficking of persons and sexual violence prevails using online tools, and the consequences are grave. Many of these juvenile victims are victims of domestic violence as well.

The following are some of the developments in regards to protecting adolescents from sexual exploitation.

I. Enactment and Amendments: “Act on the Protection of Children and Juveniles against Sexual Abuse”

After the 1980s, diverse forms of sex trafficking emerged as the prostitution industry boomed, and sex trafficking of adolescent victims became a serious social problem by the end of 1990s. At that point in Korea, teenage sex trafficking was known as a social phenomenon called “*Yong-gye* (young chicks) custom.” A lot of Korean media shed a light on this problem, describing the relationship in which adolescent girls received expensive gifts like cell phones or money from middle-age men in exchange for sex. The media reports, however, seemed to blame both parties, depicting the adolescent girls as “troubled teens who have extravagant spending issues on cell phones and so on.” Such view created a society-wide perception that the teenage girls are to be blamed for their own victimization and that it is part of juvenile delinquency issues.

Civic groups in Korea and the Commission on Youth Protection identified such a misconception as a critical problem, and they called for the enactment of the *Act on the Protection of Children and Juveniles against Sexual Abuse* (hereinafter “the Juvenile Protection Act”). Under the slogan, “Let’s end this despicable barter of teenage prostitution which gravely violates their human rights,” the campaign for Juvenile Protection Act highlighted the need to disclose personal information of the men who bought sex from minors.

That is why ECPAT¹³³ (currently “Korea Tacteen”), Seoul YWCA, Korea Women’s Hotline, Korea Sexual Violence Relief Center (KSVRC) and Korean Womenlink launched a series of discussions with other civil society members to protect our sons and daughters from prostitution (the theme was “What we must do about the sex industry that prostitutes teenagers”). Following are the main objectives of this Act that took effect as of July 2000.

The foremost objective was to protect teenagers from various sexual crimes, and to do so, there was an urgent need for tougher punishment against all perpetrators of sexual violence against adolescents including sex traffickers, prostitution brokers and rapists. To protect adolescent victims of sexual violence and sex trafficking, Korean civil society also called for protection and measures to defend adolescents’ rights and bring them back to their previous life as an ordinary teenager. The Juvenile Protection Act also incorporated disclosing personal information of sex traffickers and sexual predators to prevent recurrent exploitation.

The significance of the Juvenile Protection Act was creating stronger punishment for criminals of sexual violence who prey on teenagers. The act mandates people employing adolescents for prostitution to be sentenced minimum five to maximum fifteen years in prison and to disclose personal information to the public if the crime involved sexual violence against adolescents (e.g. solicitation of prostitution, arranging sex trafficking, producing/importing/exporting pornographic materials, committing sexual assault, etc.). Disclosing perpetrators’ personal information, especially, was an action unparalleled at the time.

The Juvenile Protection Act stresses the importance of protecting adolescents from prostitution, sex trafficking and sexual assault as well as ensuring their rights and supporting them to grow up as healthy members of society. This legislation made great strides as it identified the adolescents as “victims” for engaging in sex trafficking, which made it clear that the victims of unlawful deeds were the result of violation of their human rights and exploitation of their vulnerability by perpetrators. As the Juvenile Protection Act punished offenders by criminal law and disclosed their personal information, it protected adolescent victims with the non-penalization principle. According to the *Prevention of Prostitution and etc. Act* (hereinafter “the Prostitution Prevention Act”), both parties involved in the sex trafficking were considered offenders until the enactment of the Juvenile Protection Act. The Juvenile Protection Act ensured adolescent rights by seeing them as victims of a poor social system and male chauvinism and defined sex trafficking of minors as a form of sexual assault against adolescents.

However, even after the Prostitution Prevention Act was abolished and the Juvenile Protection Act took effect in 2004, there is a poison pill in this legislation that interferes with adolescent victims’ rights. The Juvenile Protection Act divides adolescent victims into “subject juvenile” and “victimized

¹³³ ECPAT: End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes

juvenile,”¹³⁴ and under the name of “protection measures,” the subject juveniles would be taken into custody for further education and protection. For this, the Juvenile Protection Act that intended to guide and decriminalize adolescent victims instead turned against them and ended up punishing them anyways. The underlying problem is that we still have this misguided perception that holding affected adolescents in custody is the way to protect and guide them, just as the previous Prostitution Prevention Act had.

Other issues need to be addressed as well. It took years with “offense subject to complaint” until the rule was finally abolished in 2013 for crimes of sexual violence against minors, and those years were filled with a stay period of “no punishment against will”. Investigations and trials still cause secondary damages to the victims even after all the cautionary measures such as no breach of confidence, caring for the victims’ state of mind, video recordings being allowed in court and so on. The debate is still ongoing about pornography involving children, and the criteria is still unclear for what actions constitute as sexual violence. There were also a series of disturbing cases¹³⁵. In one such case, an adult claimed that he had a consensual sex with a minor over 13. Some perpetrators were freed or merely charged with solicitation of prostitution because there was compensation involved. It was doubted whether one girl had really been sexually abused by her father, because she received allowances from him and went to meet him voluntarily. Such cases demonstrate that even with increased prison terms and stronger punishments, a number of legal obstacles are in the way of indicting and convicting perpetrators, and secondary damage to the victims continues to occur in due process.

In order to protect our adolescents from gender-based violence, we need to understand the nature of sexual violence crimes against juveniles and reform our legal and social systems accordingly. For example, we must make it harder to claim negligent rape or consensual sex by raising the minimum age of the victims to 18 from 13. In addition, Korea needs to introduce opportunity-type entrapment in investigation of sexual violence. To end online sex trafficking and exploitation of juveniles, we must improve legal measures to increase liabilities of the online business owners as well.

Even though certain institutional measures are in place, we still need to continue the campaign with organized plans of consistent aim and principles to end gender-based violence against women and protect the adolescents’ human rights.

¹³⁴ In order to be classified as a victimized juvenile, the adolescent has to prove that they were coerced into sex trafficking and were held against their will.

¹³⁵ Refers to court rulings of sexual violence cases that brought about public outcry in Korea: (1) consensual sex claim of an entertainment management company CEO assaulting a junior high-school girl, (2) six men who gang-raped a girl with an intellectual disability for five days were charged with only solicitation of prostitution because they bought her a plate of food

II. On victim support system

In 2003, the Comprehensive Youth Support Center in Korea opened up the “Hotline 1388” system to operate 24 hours a day and all year around for juveniles in crisis situations. When a call for distress came in, the hotline provided services such as urgently rescuing adolescents from danger, providing them with shelter and other needs, and accompanying them to the police as needed.

Emergency rescue operation teams were formed for swift action to help adolescents in danger. The team also consisted of local owners of internet cafe (PC rooms), dry sauna, convenient store and karaoke. As these are the places where adolescents frequent, and instead of seeing them as customers or a source of income, they would see them as someone to care for and share the social responsibility to protect them. As Korean Pharmaceutical Association and the Shin-chon¹³⁶ Merchant Association joined the system, pharmacies in neighboring areas also worked in urgent rescue operation teams, and local store owners in Shin-chon area further expanded the safety net for these operations. More speedy rescues were possible when taxi corporations cooperated with the team.

This Comprehensive Youth Support Center was providing these services from September 2003 to December 2005, and its work was carried onto a nationwide system called “Cys-net” after the establishment of Government Youth Commission. However, there are calls for return to previous model of local rescue operations. Since the launch of the Cys-net, adolescent victims of sex trafficking have gradually moved away from the focus group whereas in the previous system, the largest portion of the rescued adolescents were victims of sex trafficking.

III. A rights-based, inclusive sexuality education

When the Sexuality Education Center for Youth (currently, “SAY: Sexuality About the Youth”) opened in 1999 in Korea, the whole country was undergoing massive IT infrastructure construction. As digitals were replacing the analogues, we looked for a new way to provide sex education for the new generation of teenagers. Instead of the one-way, teaching and receiving type of education, we wanted two-way, interactive education programs with more participation from the adolescents as they see, touch, hear and feel the learning materials.

Around that time, the number of Korea’s young workers significantly dropped each year owing to the rapid economic development, and the support center for the young workers became almost obsolete. Thus, the Seoul Metropolitan Government accepted the suggestion to turn one of those centers into a sex education center for youth, and the Southern Seoul Young Workers’ Support Center building was chosen.

¹³⁶ part of Seoul where many adolescents in crisis hang around

Although the English name of the center has the word “education,” the Korean version don’t. “Youth Sexuality Culture Center” is the Korean name we decided to use, because it was imperative that we focus on cultural development and human rights issues as we talk about sexuality not in biological terms but from a gender-based perspective. The center took the cultural approach to campaign for a healthy conception of sexuality for adolescents.

With successful results of the programs, this new type of education gained more systematic support. In July 2006, the Commission on Youth Protection suggested a nationwide establishment of sexuality education centers for youth under the consult of the sexuality education division.

The principle policy of these centers took lessons from the education model used by ECPAT, the Aha-Center (run by Seoul Metropolitan Government & Korea YMCA), Young Women’s Center and other major organizations in Korea. These organizations had a variety of sex education programs based on a small-group participatory exhibitions. They also engaged in creating a new paradigm in sex education with a series of experimental education trials, initiating new conceptions of sexuality and initiated gender perception development programs. Such efforts resulted in positive feedback and great achievements, and the plan to establish nationwide sex education centers, the SAY centers, moved forward. The goal was to expand the success and provide equal, quality sex education to all adolescents in Korea.

SAY centers were unique in many ways, from the initial stages of planning to operating the system for designing educational courses. The main purpose of the SAY centers was to equally provide a quality sex education with participatory programs throughout Korea, and each of the local centers was designed the same way with an identical building structure, installments, exhibitions, organization of workers and education manuals. Sex education manuals are designed to instill the learners with the basic understanding on sexuality and move on to more profound issues such as pregnancy and child-birth, body image, sexual violence and sex trafficking, sexual self-determination rights and so on.

Korea’s experience in running the SAY centers for youth has been shared with the Dominican Republic in the form of ODA projects. In February 2015, a youth health center which benchmarked SAY opened up in Santo Domingo to focus on preventing teen pregnancy. The Dominican Republic and Korea are also working together on “peer gatekeeper” programs for adolescents. These peer gatekeepers are assigned to one of the 52 regional offices in Dominican Republic to learn about the latest peer support training programs, visit hospitals and schools to introduce peer support programs, launch and carry out various campaigns like marching for teen pregnancy prevention on the designated day, and provide musical, yoga or job training classes. One of the star programs of these peer gatekeepers is to build “Plan de Vida,” the plan of life. The plan helps adolescents to establish main goals for life on their own and make wise choices to achieve them.

청소년 대상 젠더 기반 폭력 근절을 위한 법·제도

이현숙 탁틴내일(ECPAT Korea) 상임대표

청소년을 대상으로 한 젠더기반 폭력은 연령이라는 위계와 청소년기 발달 특성이 결합되어 나타난다. 청소년의 취약함을 이용하여 접근하기 때문에 성폭력과 성매매의 경계가 불분명하며 스스로도 피해자라는 인식이 없고 이용당하고 있다는 사실을 인지하지 못하는 경우도 많다. 특히 청소년 대상 성범죄에서 나타나는 특징인 ‘그루밍’을 고려하여함에도 현실은 그렇지 못하다.

최근에는 온라인을 매개로 한 아동포르노그래피, 성매매, 인신매매, 성폭력 등 청소년의 성적 착취가 광범위하게 나타나고 있으며 그 피해도 심각하다. 성매수 피해 청소년의 상당수가 가정폭력의 피해자이기도 하다.

이러한 청소년들을 성적 착취로 보호하기 위해 국내에서도 노력을 기울이고 있는데 그 중 몇가지를 소개하면 다음과 같다.

청소년 성보호법 제·개정

1980년대 이후 향락산업이 발전하면서 갈수록 성매매의 형태는 다양화되었고 1990년대 후반부터는 10대 청소년들의 성매매가 사회적인 문제로 자리하게 되었다. 당시 소위 ‘영계문화’라는 이름으로 청소년을 대상으로 하는 성매매가 당연한 문화로 자리잡고 있었고 이를 다루는 언론의 보도 태도는 여학생들이 고액의 휴대폰 구입 등과 같이 중년남성으로부터 경제적 도움을 받는다는 내용의 뉴스가 연일 보도되고 청소년과 중년남성을 싸잡아서 비판하는 듯이 보이지만 실제로는 ‘청소년들이 원조교제의 유혹에 넘어가는 것은 휴대전화와 같이 분에 넘치는 씹씹이가 큰 원인’이라는 식으로 청소년 문제화하는 현상들이 나타나고 있었다.

이러한 문제의 심각성을 인식한 시민단체와 청소년보호위원회는 협력하여 ‘성인이 청소년에게 금품을 제공하고 청소년의 성을 사는, 청소년의 인권을 유린하는 파렴치한 행위를 끝장내자’는 취지

에서 청소년의 성을 산 자에 대한 신상공개 등을 주요 내용으로 하는 '청소년성보호법' 제정을 위한 활동에 나섰다.

청소년을위한내일여성센터(현 탁틴내일), 서울YWCA, 한국여성의전화연합 한국성폭력상담소, 한국여성민우회 등은 '청소년을 사고파는 향락산업, 어떻게 할 것인가'를 주제로 향락산업으로부터 딸·아들 지키기 연속토론회를 개최하였다.

2000년 7월부터 시행된 청소년성보호법 제정 취지는 다음과 같다.

성관련 범죄로부터 청소년을 보호하는 것을 주목적으로 청소년의 성을 사는 행위, 성매매를 조장하는 온갖 형태의 중간매개행위 및 청소년에 대한 성폭력 행위자들을 강력하게 처벌하고, 성매매와 성폭력 행위의 대상이 된 청소년은 보호·구제를 위한 장치를 마련함으로써 청소년의 인권을 보장하고 건강한 사회구성원으로 복귀할 수 있도록 하는 한편, 청소년을 대상으로 하는 성매매 및 성폭력 행위자의 신상을 공개함으로써 범죄예방효과를 극대화하려는 데 있었다.

성매매 업소에 청소년 고용 시 5년 이상 최고 15년 징역형을, 청소년 대상 성매수자는 3년 이하의 징역에 처하도록 하여 처벌이 강화되었으며, 청소년의 성을 산 자, 청소년 성매매를 알선한 자, 청소년을 이용해 음란물을 제작·수입·수출한 자, 청소년을 성폭행한 자의 신상을 공개하는 것을 포함하고 있어 성범죄자에 대한 신상공개는 당시로는 파격적인 조치라고 할 수 있다.

청소년성보호법은 청소년 대상 성매수 및 알선행위, 청소년에 대한 성폭력행위로부터 청소년을 보호·구제하고, 청소년의 인권보장과 건전한 사회구성원으로서의 성장지원을 강조하고 있다. 또한 청소년성보호법은 청소년들이 성을 파는 행위를 피해청소년의 인권침해·성 착취로 규정하고 비범죄화 하였다는데 의의가 있다.

청소년 대상 성범죄자에 대해서는 '형사처벌과 함께 신상공개'를 하는 반면, 성매수 대상 청소년에 대해서는 청소년 불처벌주의 원칙을 수립하여 「윤락행위방지법」에 따라 성매매를 윤락행위로 규정하고 여성과 매수자 쌍방을 처벌하였던 당시 상황에서 성매매 피해청소년을 사회 구조의

희생자이며 잘못된 남성문화의 피해자로 본 점, 청소년의 성을 사는 행위를 청소년에 대한 성폭력에 준하는 것으로 규정한 것 등에 입법 의의가 있었다.

그러나 윤방법이 폐지되고 2004년 성매매 방지법이 시행되면서 청소년은 피해자로 규정하였음에도 불구하고 아청법은 여전히 대상 청소년으로 보고 있어 개정을 시도하고 있지만 정부의 반대로 여전히 '대상 청소년'이라는 독소조항이 남아있다. 성매매 대상 청소년이라는 개념으로부터 성매매 피해청소년에게 형사 처벌을 면제하고 선도보호를 위해 내리도록 한 명분상의 '보호처분'이 실질적으로는 성매매 피해청소년을 처벌하게 되는 태생적 한계를 가지고 있었으며 그 근원에는 기존 윤락행위방지법이 가지고 있던 선도보호처분 문제에 대한 부정확한 인식의 한계를 극복하지 못한 데 있다.

청소년 대상 성폭력 사건의 친고죄 폐지는 반의사불벌 등 장기간의 유예기간을 거쳐 2013년 개정 에 이르러 비로소 실질적으로 이루어지게 되었고, 비밀누설 금지, 수사절차에서의 배려, 진술녹화 등 다양한 조치에도 불구하고 피해자의 2차 피해 역시 여전히 여전하며, 아동청소년 이용 음란물은 여전히 논쟁중이다. 또한 성폭력을 판단하는 기준도 계속 문제가 되고 있다. 연예 기획사 사장의 여중생 성폭력 사건, 떡볶이 화대 사건, 여중생과 교사의 성폭력 사건 등에서 성인이 13세 이상의 미성년자와 동의하에 성관계했다고 주장하거나 대가를 제공했다는 이유로 무혐의 되거나 성매수로 기소되는 사례들이 보고되고 있다. 심지어는 친아버지에 의한 성폭력이었음에도 용돈을 받았다는 이유로, 자기 발로 아버지를 만나러 갔다는 이유로 성폭력에 대해 의심하기도 하는 등 형량은 높아졌지만 실제로 기소되거나 유죄 판결까지 가기에는 어려움이 많고 이 과정에서 2차 피해가 발생하기도 한다. 젠더 기반 폭력으로부터 청소년을 보호하기 위해선 청소년 대상 범죄의 특성을 이해하고 이에 맞는 법과 제도의 정비가 필요하다. 이를 위해서는 의제 강간 연령을 현행 만13세 미만에서 18세 미만으로 상향 조정해야 할 것이다. 또한 기회제공형 수사기법 도입, 사업자의 의무 확대 등으로 온라인을 매개로 발생하는 성적 착취 근절을 위한 법적 제도적 보완이 필요하다.

법이 마련됐지만 '여성폭력 근절', '청소년 인권'이라는 원칙하에 일관성 있게 방향을 가지고 체계적인 계획을 수립하고 진영을 꾸려 여전히 지속되는 문제를 풀어갈 운동이 필요하다.

피해자 지원 체계

2003년 청소년종합지원센터는 위기청소년전용 핫라인 1388을 24시간 365일 운영하면서, 청소년이 도움을 청하면, 청소년이 있는 위치까지 직접 찾아가서 긴급구조 하고, 긴급한 의식주를 제공하고 아울러 청소년의 위기상황에 따라 당일로 경찰조사를 동행하는 등의 수요자에게 맞는 맞춤형 서비스를 제공하였다.

좀 더 신속히 위기청소년을 구조할 수 있는 시스템을 만들기 위해 pc방, 찜질방, 편의점, 노래방 등이 참여하는 긴급구조 지원단을 구성하였다. 이는 청소년들을 상업의 대상으로만 인식하는 업주들에게 보호의 시각을 갖게 하고 사회적 책임을 함께 하자는 의미도 함께 있었다. 서울시 약사회 협력으로 서울시내 약국 역시 긴급구조 지원단으로 활동하였으며, 위기청소년들이 밀집되어 있는 신촌상인회에서도 협조를 하면서 긴급구조안전망이 더욱 확대하였고 택시회사와 연계하여 긴급구조 시간을 단축하였다.

2003년 9월부터 2005년 12월까지 시범 운영되었던 청소년종합지원센터는 2005년 국가청소년위원회 출범과 함께 정책 사업으로 확대되어 Cys-net으로 시행하고 있다. 그런데 초기 시범운영 기간에는 서비스 대상에 성매매 피해 청소년이 가장 많은 비중을 차지하였으나 이후 전국에 Cys-net으로 확대 재편하여 운영하면서 성매매 피해 청소년은 서비스 대상에서 점차 소외되고 있어 일선 현장에서는 초기의 청소년종합지원센터와 같은 서비스를 다시 시행할 것을 요구하고 있다.

권리에 기반 한 포괄적성교육(Sexuality education)

청소년성문화센터가 처음 문을 연 1999년 당시는 인터넷 인프라가 급속도로 확산되고 아날로그 세대에서 디지털 세대로 전환하는 시기였고 새로운 세대에 맞는 새로운 방식의 성교육을 고민할 때였다. 일방향이 아닌 쌍방향 방식의 교육, 보고 만지고 듣고 느끼는 체험형 성교육을 하면 좋겠다 싶었다.

당시 서울시는 경제의 발전으로 근로 청소년의 수는 해마다 줄어들어 들면서 근로청소년회관의 존

립할 이유가 없어지자 다른 용도로 전환하기 위한 방안을 모색하고 있었다. 체험형 성교육센터를 만들면 어떨겠냐는 제안이 받아들여졌고 영등포에 위치한 서울시 남부근로청소년 별관을 청소년 성문화센터로 전환하게 되었다.

성교육센터가 아닌 성문화센터로 이름 지은 것은 생물학적인 성이 아닌 문화와 인권을 이야기하는 교육이 더 중요하다고 보았기 때문이다. 건강한 성문화를 만드는 문화운동 차원에서 접근하고자 한 것이다.

이후 청소년성문화센터 프로그램의 성과를 바탕으로 새로운 방식의 성교육서비스구축체계의 필요성에 대한 인식이 확산되었고 2006년 7월, 당시 청소년 정책 주무부서인 청소년 보호위원회의 소속의 청소년정책자문위원회의 성문화분과위원회에서 청소년성문화센터사업 시행을 건의한 것이 모태가 되어 전국에 청소년성문화센터가 설립되었다.

당시 서울에 소재 한 <청소년을위한내일여성센터(현 탁틴내일)>, <아하청소년성문화센터>, <서울시늘푸른여성지원센터> 등 몇몇 기관에서 시행하고 있었던 성교육모델을 원형으로 하여 확대 발전된 정책이다. 특히 이들 기관은 소규모 체험형 성교육모델에 기반 해 다양한 성교육 프로그램을 운영하고 있었으며, 섹슈얼리티 개념이나 성인지적 성교육 개념을 적용한 성교육프로그램을 개발하는 등 새로운 성교육패러다임을 실험적으로 운영하고 있었다. 이러한 소규모 그룹을 대상으로 한 참여형 성교육프로그램과 새로운 성교육 패러다임의 도입은 상당한 성과와 긍정적 평가를 받고 있었고, 이를 모델로 보다 양질의 균질적인 성교육 서비스를 확대 제공하고자 하는 목적으로 전국 단위의 청소년성문화센터의 설립이 기획되었다.

따라서 SAY는 청소년성문화센터 설립 기획단계 부터 운영체계나 교육프로그램의 구성에서 독특한 특성을 지니게 되었다. SAY는 전국 공통 모델로 기획되어 지역 별 격차 없이 균질적인 성교육 서비스를 제공하기 위해 만들어진 성교육 프로그램으로서, 체험형성교육관의 형태를 갖게 되었으며 운영조직 및 인력은 물론 시설규모, 설치물, 각 코너의 디자인에 이르기까지 동일한 형태로 배치되었고, 공통의 매뉴얼에 따라 성교육 서비스를 제공하는 것을 기본으로 하였다. 성교육매뉴얼은 기본적으로 섹슈얼리티의 이해를 기반으로 하며, 임신과 출산, 몸에 대한 인식, 성폭력과 성

매매, 성적자기결정권 등의 개념을 핵심으로 구성되었다.

한국에서 시작한 청소년성문화센터는 ODA 사업으로 도미니카공화국에서도 운영하고 있다. 2015년 2월 산토도밍고에 한국의 청소년성문화센터와 유사한 미성년성보건센터를 건립하여 미성년 임신방지 사업에 힘쓰고 있다. 또한 또래 지킴이 활동을 함께 하고 있다. 전국 52개 여성부 지역 사무실에서 활동 중인 또래 지킴이들은 새로운 또래 지킴이 교육, 강의 참석, 학교나 병원을 방문하여 교육 실시, 미성년 임신 방지 주간과 같은 특정일을 정해 걷기 행사등 다양한 캠페인 실시하고 있으며, 음악, 요가 및 직업 교육 등이 있다. 또래 지킴이 활동 중 가장 중요한 활동 하나는 인생계획 (Plan de vida) 수립이다. 청소년들이 자주적으로 자신의 인생 계획을 수립해서 그것을 위해 현명한 선택을 하도록 도와주고 있다.

GBV against Children and Persons with Disabilities

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Persons with disabilities comprise 15 percent of the world's population or 1 billion people of whom 80 percent live in low- and middle-income countries. Women and girls with disabilities make up at least 50 percent of this population. The World Health Organization estimates that 35 percent of women worldwide experience gender-based violence in their lifetime. Women and children with disabilities are disproportionately vulnerable to violence. People with disabilities are up to three times as likely as others to be victims of physical abuse, sexual abuse, and rape. They face multiple forms of discrimination, including on the basis of their gender and disability – making them more isolated, marginalized, and vulnerable to violence. Adults and children with psychosocial or intellectual disabilities are among the most vulnerable – with nearly four times the risk of experiencing violence. Women with disabilities are significantly exposed to sexual violence. There is a tendency that the victim of sexual violence is persistent and extreme, and the ability of coping after sexual violence damage is very weak. As a result, sexual harassment is revealed by the surrounding people rather than the person. In fact, there are many cases where the perpetrator is a close person. Sexual violence against women with disabilities is different according to the type of violence as well as the types of violence. Therefore, it can be said that a differentiated approach considering the concept of sexual violence and the intervention method according to victim characteristics is needed.

The United Nations Convention on the Rights of Persons with Disabilities strongly urges countries to take strong action on violence and exploitation of women with disabilities and children with disabilities.

According to Preamble (q) and (r) of the UN CRPD, States Parties to the present Convention should recognizing that women and girls with disabilities are often at greater risk, both within and outside the of violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation and recognizing that children with disabilities should have full enjoyment of all human rights and fundamental freedoms on an equal basis with other children, and recalling obligations to that end undertaken by States Parties to the Convention on the Rights of the Child. And the UN CRPD has requested each country to take action under Article 16 of its sole discretion to protect against the exploitation and violence of persons with disabilities.

The contents are as follows:

1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

2. States Parties shall also take all appropriate measures to prevent all forms of exploitation, violence and abuse by ensuring, inter alia, appropriate forms of gender- and age-sensitive assistance and support for persons with disabilities and their families and caregivers, including through the provision of information and education on how to avoid, recognize and report instances of exploitation, violence and abuse. States Parties shall ensure that protection services are age-, gender- and disability-sensitive.

3. In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.

4. States Parties shall take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities who become victims of any form of exploitation, violence or abuse, including through the provision of protection services. Such recovery and reintegration shall take place in an environment that fosters the health, welfare, self-respect, dignity and autonomy of the person and takes into account gender- and age-specific needs.

5. States Parties shall put in place effective legislation and policies, including women- and child-focused legislation and policies, to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and, where appropriate, prosecuted.

Domestic laws to prevent sexual violence and domestic violence of disabled women in the Republic of Korea include the Act on the Prohibition of Discrimination against Persons with Disabilities and Remedies for Rights, the Act on Prevention of Domestic Violence and Protection of Victims, the Act on the Punishment of Sexual Crimes and Protection of Victims. In addition, in Article 59 (4) of the Welfare for the Disabled Act, the abuse of persons with disabilities and sex offenses are reported to the advocacy organization or investigative agency for persons with disabilities,

According to the recommendations of the United Nations, Korea is more proactive in dealing with violence based on the gender of women with disabilities and children with disabilities than any other country in the world.

Currently, there are 24 disabled women sexual violence counseling centers supported by the Ministry of Gender Equality and Family in Korea, and most of them are operated by groups of women with disabilities. However, counseling centers are still lacking in consideration of various types of disabilities such as visual, hearing and mental disorders.

In addition, victims of sexual violence, domestic violence and prostitution are provided with counseling, medical care, legal, and investigation support 24 hours a day, 365 days a year to help victims cope with the crisis caused by violence. The Sunflower Center, which provides medical and psychological diagnosis, evaluation and treatment, case investigation, legal support, social support, and counseling services for strengthening family function as a support system to children and adolescents with intellectual disabilities.

Nonetheless, violence against Korean women and girl with disabilities and children with disabilities is not decreasing, and the realization is getting worse every day. Numerous women with disabilities are exposed to violence such as sexual violence, domestic violence and prostitution, but the damage is increasing due to lack of social support and awareness.

The reality of violence is even severe, especially in facilities and institutions where people with disabilities and children with disabilities need to be cared for and protected. Therefore, women and girls with disabilities in Korea are urged to continue national preventive efforts and to cope with urgent situation in order to prevent various exploitation and sexual offenses such as sexual violence and domestic violence of disabled women in the future. Above all, counseling and support systems based on the type of disability and accessible shelters that allow victims to evacuate from the violent environment in an urgent situation are required to be installed in the community.

Session 9

GBV in the Context of Forced Migration and Sex Trafficking



- Human Trafficking in the 2030 Agenda for Sustainable Development
- Key Causal Factors of Sex Trafficking in Vietnam and Recommendations on Solutions

Human Trafficking in the 2030 Agenda for Sustainable Development

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The 2030 Agenda for Sustainable Development (hereafter 'SDGs') recognizes human trafficking¹³⁷ and related forms of exploitation as key developmental considerations, with targets under 3 of the 17 Goals – namely, Goal 5 on gender equality, Goal 8 on decent work and economic growth, and Goal 16 on peace, justice and strong institutions – directly referencing such phenomena. Whereas target 5.2¹³⁸ is specific to violence against women and girls, and human trafficking is addressed as a sub-set of that, targets 8.7¹³⁹ and 16.2¹⁴⁰ deal with trafficking in persons irrespective of gender and forms of exploitation.

There is one indicator on human trafficking in the current SDG monitoring framework, namely 16.2.2 on the number of victims of human trafficking per 100,000 population, disaggregated by sex, age and form of exploitation. In the latest list of tier classifications of the indicators, which ranks these based on the level of current methodological development and data availability, 16.2.2 received a tier 2 listing, meaning that it is conceptually clear, has an established methodology and standards are available but data are not regularly produced by countries for monitoring purposes.

Depending on how the indicator is interpreted, this may be a surprising ranking for there is not currently a widely accepted and used design on how to measure the prevalence of human trafficking,

¹³⁷ Human trafficking is internationally defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (hereafter 'Palermo Protocol'), supplementing the United Nations Convention against Transnational Organized Crime. Adopted in 2000 and entering into force in 2003, it states that "(a) 'Trafficking in persons' shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered 'trafficking in persons' even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) 'Child' shall mean any person under eighteen years of age."

¹³⁸ Target 5.2 reads: "Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation."

¹³⁹ Target 8.7 reads: "Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms."

¹⁴⁰ Target 16.2 reads: "End abuse, exploitation, trafficking and all forms of violence against and torture of children."

and there continue to be debates about key terms in its definition under international law, and indeed on how human trafficking relates to other phenomena such as forced labor, debt bondage or forced marriages. Whilst efforts are under way at the global level to provide guidance on research for national prevalence estimates with UN-ACT's involvement, there is a risk that monitoring against indicator 16.2.2 be limited to reporting on identified cases of human trafficking.

It is understood that the discrepancy between identified cases of human trafficking and the number of people in such conditions is very significant. In 2015, authorities around the world reported having identified 77,823 persons as trafficked – and 18,930 prosecutions as well as 6,609 convictions of perpetrators – whilst global estimates, with all their flaws to date, suggest that the actual numbers are in the tens of millions. This leaves us with a heavily skewed understanding of human trafficking, because the experiences of those identified cannot be taken to represent the lives and experiences of others not identified. It also does not credibly help our efforts to measure whether we are making progress in reducing the phenomenon's prevalence, as required by the SDG framework.

1. The Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT) as a Regional Mechanism Countering Human Trafficking

Implementation and reporting of the SDG framework is primarily a national affair, however with a global superstructure – especially through the High-Level Political Forum on Sustainable Development – and regional monitoring systems, the latter supporting knowledge-sharing, learning and shared accountability. In relation to human trafficking in Southeast Asia and China, two bodies are likely to play an important role at the regional level, namely the Association of Southeast Asian Nations (ASEAN) and the Coordinated Mekong Ministerial Initiative Against Trafficking (COMMIT).

COMMIT is a formal, sub-regional mechanism based on a 2004 Memorandum of Understanding between the countries of the Greater Mekong Sub-region (GMS), namely Cambodia, China, Lao PDR, Myanmar, Viet Nam and Thailand, to jointly counter the significant human trafficking patterns affecting its members. UN-ACT and its predecessor – the UN Inter-Agency Project on Human Trafficking (UNIAP) – have served as the COMMIT Secretariat since its inception, providing technical, coordination and financial support. COMMIT works on the basis of so-called Sub-Regional Plans of Action (SPAs), which are multi-year, multi-stakeholder agreements for implementation and monitoring across the areas of Policy and Cooperation, Prevention, Protection, Prosecution and Monitoring & Evaluation.

The fourth and current SPA, SPAIV (2015-2018), was developed in a year-long process that set new standards for inclusivity and participation in COMMIT, and is significantly more results-oriented than any of its predecessors. It contains a series of indicators to measure progress against the defined objectives, which countries have provided baseline data and milestones for, with guidelines and templates in place for reporting. Non-state actors, especially civil society organizations, are recognized as key partners in the implementation and monitoring of SPAIV, and in some cases have full

membership on the national COMMIT Task Forces, which oversee interventions and the review of progress at the national level.

2. Sex Work in the Context of Human Trafficking

The nexus between trafficking for purposes of sexual exploitation – a subset of broader patterns of human trafficking – and sex work¹⁴¹ continues to be the subject of heated discussions. On one side is the perspective that all forms of sex work are inherently exploitative, and because no individual would ever voluntarily render themselves to exploitation, some level of deception or coercion – or at least the abuse of a situation of vulnerability – is always involved in exposing a person to such environments. Hence, all sex work is human trafficking. On the other side is the view that providing sexual services is a legitimate form of work that needs to be recognized and regulated accordingly, and workers in the sector – just like their counterparts in other industries – have the agency to make choices about the profession they enter into.

It is not the intention of this paper to contribute to the discussion about whether or not sex work is inherently exploitative. It will note though that, irrespective of these considerations, the first perspective has an important conceptual flaw with respect to the definition of human trafficking in international law. The Palermo Protocol¹⁴² separates exploitation and the deceptive or coercive means by which people are exposed to, and/or maintained in, such conditions. The ‘means’ component is a fundamental and required part, in addition to exploitation, for human trafficking as a legal concept to be constituted, except in cases involving children. Thus, even if one considers adult sex work as inherently exploitative, the existence of deceptive and/or coercive practices remains to be identified separately to make it a case of trafficking in persons.

It is worth highlighting that a person can choose to expose themselves to exploitation – their agency grants them the right to make this choice – and millions of migrant workers across Southeast Asia in fact do so on a day to day basis. Their working hours may be excessive, the salaries below minimum wage levels, the accommodation provided not in line with minimum standards – and still they determine these conditions to be more favorable than all alternatives. Of course, such circumstances are wrong, in breach with various labour laws, and require addressing. However, they do not themselves constitute human trafficking as per the definition enshrined in international law.

¹⁴¹ The World Health Organization defines ‘sex work’ as “the provision of sexual services for money or goods”, ‘commercial sex’ as “the exchange of money or goods for sexual services” and ‘sex workers’ as the “women, men and transgendered people who receive money or goods in exchange for sexual services, and who consciously define those activities as income generating even if they do not consider sex work as their occupation”, with women, men and people including ‘sexually active adolescents’ but not children who have not reached the age of puberty.

¹⁴² See footnote 1.

3. Vulnerability Factors Contributing to Trafficking in the Context of Sex Work

There is no one-fits-all framework for the causes that result in a person being trafficked, let alone for a particular purpose such as sexual exploitation. However, there are factors that leave people more vulnerable, such as gender and other inequalities resulting in limited educational and professional opportunities coupled with high pressures to contribute economically to a family's life. In other instances, weak governance systems and broader human rights violations, including at times persecution, force people to move to places where they have limited or no access to services and employment opportunities, causing them to make desperate and risky choices.

Further, human trafficking is often, and particularly in Southeast Asia, embedded in dysfunctional labour migration regimes, limited employment rights and standards as well as inadequate monitoring and enforcement, the latter at times due to endemic levels of corruption. These aspects are particularly relevant in the context of informal sectors, which sex work is a part of in all of the Greater Mekong Sub-region countries. In fact, different aspects, often all aspects, of commercial sex are criminalized in each of the GMS states, with potentially severe repercussions for those involved in the sector.

The abovementioned, structural nature of the phenomenon makes human trafficking a developmental challenge – as recognized in the SDG framework. The long-term objective is to provide people with more opportunities and viable professional alternatives. In the meantime though, the task is to help improve the conditions in the sectors they find themselves in including the sex industry. In doing so, human trafficking needs to be seen as the extreme end of a continuum of exploitation. There are various other exploitative practices, and people experiencing these are still in need of support. It is important to address all such patterns, partly because continued low-level violations of standards may contribute to an overall undermining of the conditions of decent work and enable more extreme forms to flourish including human trafficking.

4. Best Practices in Preventing and Addressing Human Trafficking in Commercial Sex

The above deliberations suggest that, in preventing and addressing conditions of human trafficking, an empowerment framework should be considered. Such an approach may set standards for acceptable conditions of work in the sex industry and ensure their monitoring, including fundamentally by providing workers with opportunities to organize and voice concerns about abuse and exploitation without fear of adverse repercussions. Human trafficking is complex, and forms of exploitation as well as the deceptive and coercive means applied including manipulated debt or threats against family members are difficult to identify without the involvement of the individuals affected.

Interventions may therefore be best addressed at strengthening community and network building, including by engaging workers as agents of change in setting standards that their industry is to abide by, and in transferring knowledge among their peers about the rights that they have as workers and human beings. This needs to be coupled with channels to report violations that are reliable and capacitated to respond. The repertoire of interventions requires expanding to be able to draw upon protections granted under civil law and apply labour mechanisms. Given the array of problems that sex workers often experience when facing authorities, the involvement of civil society organizations is critical in these efforts.

An interesting example from the GMS is the so-called 'Can Do' bar in Chiang Mai/Thailand, owned and managed by a group of sex workers from a civil society organization, Empower. A community fund allows any sex worker to become part of the collective ownership of the business. The bar pays at or above minimum wage and has staff work a maximum of 8 hours per day with one day off per week, in accordance with Thai labour law. There are no salary cuts or withholding of wages for any reasons and all overtime work is voluntary and fully compensated. Staff are encouraged to form or join workers' associations or unions, with disputes over working conditions being settled in labour courts. The bar also provides trainings as well as opportunities for further education to its employees.

Sex worker organizations in other countries in the Greater Mekong Sub-region including Cambodia and China have also adopted empowerment approaches based on community mobilization and self-regulation as well as efforts to advocate for policy reform and engage on enforcement-related concerns. Whilst punitive laws continue to affect such strategies, positive examples in preventing and addressing abuse can be cited in environments where sex workers are engaged in and drive responses, thereby shifting the power balance in favour of those vulnerable to human trafficking and helping change negative societal attitude, which often provide a conducive environment for exploitation to flourish.

Ultimately, if more support was provided to such an approach, including with relevant government agencies from law enforcement, social protection and labour ministries, trafficking for purposes of sexual exploitation may be more effectively addressed.

Key Causal Factors of Sex Trafficking in Vietnam and Recommendations on Solutions

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Sex trafficking is one type of human trafficking. The victims are employed for the purpose of sexual slavery or commercial sexual exploitation for the traffickers or others. Thus, the victims of sex trafficking are mostly women and children.

According to sex trafficking cases discovered over the last years, Vietnam appears to be the source country of victims. In other words, Vietnam is the country of origin in terms of net sex trafficking flows. With a dense and poor population, young women and children in the underdeveloped provinces of Vietnam, both in the North and South, have been targeted by sex traffickers. The majority of victims are sent to neighboring and close countries, such as China and Thailand; a number of them are trafficked to countries within the region, such as Malaysia and Indonesia.¹⁴³

Within this summary, key causal factors of sex trafficking in Vietnam are briefly analyzed and recommendations to enhance the efficiency in addressing sex trafficking are provided.

Lack of awareness

In terms of human trafficking in general and sex trafficking in particular, the behavior of potential victims plays a significant role in preventing as well as detecting crime. Thus, their awareness with respect to traps set up by traffickers, how to survive after falling victim to sex trafficking, and how to find the way out and the way home is essential to early prevention of and to fight against this crime.

Recommendations

There are certain means of raising awareness that are particularly more suitable than others with respect to the Vietnamese lifestyle and traditions. Among them, in my personal view, “word-of-mouth” is an important way to spread awareness. From past cases, it is observed that criminals used this means to trap their victims, especially in southern communities where people generally have low level of education and are not equipped with the necessary knowledge on this crime. To explore this means of raising awareness, group meetings and experience-sharing are helpful. In addition, simple language, clear and memorable information are some key successful factors.

¹⁴³ See United Nations on Drug and Crime, *Global Report on Trafficking in Persons 2016*, p. 104-5.

On the other hand, new technology has changed people's lifestyles and behaviors. In a number of cases detected recently, making friends via the internet is one of the tactics used by trafficking criminals. Thus, other means of raising awareness as well as to help potential victims are also important, particularly through setting up websites and hotlines catered to these victims. Media content should be conveyed in simple language and especially focus on tactics used by the criminal, survival strategies, and helplines.

Weakness in statistical data

To foster the fight against human trafficking in general and sex trafficking in particular, it is very important to disclose the true picture of who are general victims of sex trafficking (profiles of victims), who generally are criminals and their tactics (profiles of criminals), the routes of traffic flows (origins and destinations).

However, in Vietnam, it is regretful that statistical data as well as data analysis are very limited. Even in the area of academic research, due to the lack of available data, it is very hard to approach the true picture of sex trafficking.

Recommendations

It is highly recommended that database on sex trafficking should be established and made available to policymakers, researchers and officials. Although in Vietnam, the People's Supreme Prosecution Office has been assigned as the focal point in collecting and storing data on crimes, the database is still not available and sufficed. It is very hard to assess those data. Thus, to overcome this weakness, it is essential for the Government to provide a clear regulation on this matter. Such data should not be considered confidential and academic experts should be included in providing data analysis to combat sex trafficking.

Weakness in domestic legislative frameworks on trafficking crimes

Under the Criminal Code of Vietnam 1999, women trafficking and children trafficking were established as crimes against persons. In 2009, the crime of "women trafficking" was revised as "human trafficking" which covers the broader scope of victims, i.e. both women and men. However, under the Criminal Code of Vietnam 1999 (amended in 2009), the definitions of human trafficking and children trafficking are not provided, causing vagueness with respect to the elements of these crimes.¹⁴⁴

¹⁴⁴ The Criminal Code of Vietnam 1999 comes into force on 1 July 2010.

In 2011, the Law on Prevention of Human Trafficking was enacted to prescribe various specific conducts which are in line with the Palermo Protocol on Human Trafficking.¹⁴⁵ Nonetheless, this Law does not establish elements of human trafficking crimes because, within the Vietnamese legal system, only the Criminal Code sets forth elements and punishments applicable to specific crimes. This, again, cannot solve the existing problems concerning elements of human trafficking crime.

In 2015, the National Assembly of Vietnam passed the new Criminal Code. This Criminal Code, however, due to some serious faults, has not come into force. Under the Criminal Code 2015, elements of human trafficking and children trafficking crimes are prescribed. However, compared with the definition of human trafficking in the Palermo Protocol on Human Trafficking, it is still problematic.

Recommendation

To foster an effective fight against human trafficking, including sex trafficking and to punish traffickers, improving domestic legislative frameworks to meet international standards for criminalizing trafficking in persons is required.

Weakness in international cooperation (criminal mutual legal assistance and extradition)

Criminal mutual legal assistance plays a very important role in investigating cross-border trafficking cases. However, due to shortcomings in terms of knowledge on criminal mutual legal assistance procedures as well as extradition, cooperation between Vietnam and other countries in sex trafficking investigation is still very limited. Other shortcomings also exist, such as language barriers, internal connection and focal points for international cooperation.

Recommendations

Training materials need to be developed to help investigating officials with cross-border trafficking cases. Furthermore, cooperation among governments needs to be strengthened not only on commercial issues but also on crime control and prevention.

¹⁴⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Weakness in border controls

Vietnamese territory features long land and sea borders. The country shares its border with China, which is opened to commercial and tourist activities. Many Vietnamese women have been trafficked to China because of China's one-child policy and the demand for women.

Recommendations

As many victims from Vietnam are trafficked transnationally, the weak border controls should be addressed with greater efforts from the Government. In our point of view, increased awareness and training on human trafficking is necessary for all officials serving along the borders. Furthermore, better technological measures should be invested in border controls, such as remote sensing video cameras, radiation detectors, unmanned aerial vehicles, and fingerprints database.

Weakness in human resource and capacity

Knowledge and awareness of human trafficking among enforcement officials with respect to various aspects, as described below, are still very limited:

- Criminal law, especially elements of human trafficking crimes
- Procedures on criminal mutual legal assistance and extradition
- Techniques to help victims and to investigate trafficking cases

Recommendations

As a lecturer who has been working with a number of officials, including investigators, I would recommend that it is very important that a successful fight against sex trafficking begins with training the trainers by organizing workshops where experts (both domestic and international) can share their knowledge and experience with officials. The content of those workshops should be designed in the form of problem-solving with practical cases.

In practice, there is a common misidentification of trafficked persons flowing from the conceptual dichotomy of trafficked persons and smuggled or illegal migrants. Such misidentification can cause negative impacts on trafficked victims, as they are denied the special protection and support.¹⁴⁶ Thus, this is also an important issue that officials should be trained on during sex trafficking investigation.

¹⁴⁶ Hoang Thi Tue Phuong (2010), *An Analysis of the Protection Regime for Trafficked Persons - From the International to Vietnam*, (Ph.D Thesis), p. 74.

Session 10

Community Empowerment to Fight GBV

- The Establishment and Progress of the Coordinated Community Response Mechanism (CCR) in Municipalities/Challenges and the Role of the Civil Society Organizations in Implementing the Legal Instrument to Combat GBV in Albania
- Community Empowerment to Fight GBV: BRAC's Experience

The Establishment and Progress of the Coordinated Community Response Mechanism (CCR) in Municipalities/ Challenges and the Role of the Civil Society Organizations in Implementing the Legal Instrument to Combat GBV in Albania

Ms. Entela Lako

UNDP Albania Programme Specialist

Ms. Fabiola Laço Egro

Community Development Center – Today for the Future

Dear ladies and gentlemen,

I would like to start by expressing my gratitude to the organizers of this very important event, as well as to all colleagues and friends here, who have already or will share with us their experiences, good practices, challenges and possible strategies for enhancing women's security and access to justice, as well as for preventing and combating sexual violence and gender-based violence. The 2017 Seoul Debates is an excellent opportunity to take stock of the lessons learnt from all countries representative in this event. The experience of Albania in addressing GBV highlights that it has not been easy to prioritize GBV in the public agenda aiming for a society free from violence. During the last decade in Albania, persistent and targeted efforts are undertaken to recognize and fight GBV by state, civil society organizations, independent human rights bodies, supported by international development partners like UNDP and other UN agencies.

Despite the countries or organizations we represent, we all have a joint goal: improving women's security, access to justice and putting an end to GBV. Albania was selected as one of the eight pilot countries around the world to implement the Delivering as One UN initiative since early 2007. The Programme of Cooperation (PoC) 2012-2016 and the current PoC 2017-2021 between the Government of Albania and United Nations aims at promoting sustainable and equitable development, social inclusion, gender equality and the adherence to international norms and fulfilment of international obligations, in support of the integration of Albania into the EU. The Programme of Cooperation supports national priorities and development challenges of the country's commitment to international and regional human rights, equality and non-discrimination standards¹⁴⁷.

¹⁴⁷ UNDP Albania Gender Equality Programme is financially supported by the Government of Sweden.

Violence against women and girls is not a new phenomenon in Albania - such violence is rooted deeply in the patriarchal¹⁴⁸ traditions and customs, which have long shaped the Albanian society, such as strict gender roles and identities, patriarchal authority, respect for the code of honour and shame, and control of several generations in the family, poverty, inequality in the area of employment or education, migration as a phenomenon, etc. During the last ten years, two national surveys on domestic violence were conducted. The first population-based national survey on domestic violence in Albania was carried out by INSTAT in 2007¹⁴⁹, followed by a second one in 2013¹⁵⁰. The trend of this phenomenon during the period 2007 - 2013 can be summarized as follows¹⁵¹:

- The percentage of women who had experienced domestic violence (all forms of violence) “during their lives” **increased** from 56.0¹⁵² to 59.4 percent.¹⁵³
- The percentage of women who had experienced physical violence “during their lives” **decreased** from 31.2 to 23.7 percent.¹⁵⁴
- The percentage of women who had experienced sexual violence “during their lives” **decreased** from 12.7 to 7.9 percent.¹⁵⁵

A comparison of the findings in 2007 and 2013 draws attention to several important aspects: a) the increase of reported cases reflects an increase of public trust in the respective state bodies, as more people now report cases of violence and ask for help, and are increasingly aware that domestic violence is a crime, and as such, should be reported; b) latest improvements in legislation have resulted in significant improvement in how institutions deal with VAWG&DV cases, further increasing trust; c) the reduction in the percentage of cases of physical violence does not necessarily mean an overall reduction in violence acts¹⁵⁶; d) when analyzing figures and providing conclusions for sexual violence, caution is

¹⁴⁸ Domestic violence in Albania: Population-based National Survey 2013, p.9

¹⁴⁹ http://www.google.al/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CC8QFjAA&url=http%3A%2F%2Fmdhamo.files.wordpress.com%2F2010%2F01%2Fdomestic_violence_robin_final_5_24_09.doc&ei=lxZNU4WnGqTrywPy_IKwBQ&usg=AFQjCNFr_zZIHJeZx6w1D2LaYXV6b6AGbQ&bvm=bv.64764171,d.bGQ

¹⁵⁰ <http://www.instat.gov.al/en/publications/books/2013/domestic-violence-in-albania-2013.aspx>

¹⁵¹ As analyzed in “Albania: National report on the Implementation of Beijing +20 Platform for Action”, April 2014. Full version is presented on: http://www.un.org.al/editor-files/file/Beijing+20_ALB%20National%20Report_Apr%202014_En.pdf

¹⁵² Domestic violence in Albania: Population-based national survey 2013, page 14. The target group was composed of women and girls of age from 15-49 years old. http://www.instat.gov.al/media/225812/dhuna_ne_familje_ne_shqiperi_2013.pdf

¹⁵³ Domestic violence in Albania: Population-based national survey 2013, page 33. The target group was composed of women and girls of age from 18-55 years old. The survey showed that 53.7% of the women were “currently” or “some months prior to the interview” experiencing domestic violence in 2013.

¹⁵⁴ The survey showed that 14.7% of the women were “currently” or “some months prior to the interview” experiencing this form of violence in 2013.

¹⁵⁵ Domestic violence in Albania: Population-based national survey 2013, p.63. The survey showed that 5% of the women were “currently” or “some months prior to the interview” experiencing this form of violence in 2013.

¹⁵⁶ From the informal discussions with women victims of violence it is also made evident the situation where perpetrators are also very “careful” while exercising physical violence, because they punch in those body’ parts where signs are very difficult to be visualized, or when additional examinations are needed.

needed - this form of violence continues to be a taboo and remains underreported especially in the case of sexual violence between spouses.

To respond to such a pandemic phenomenon, the GoA, with the UNDP support, have reached some positive developments, as per the harmonization of the national legislation with the international standards, improvement of the specific laws and other policy documents, investing in resources, law enforcement and relief services through community coordination, capacity building, services and awareness raising activities, etc. The GoA has identified gender equality as a cross-cutting strategic priority in the realization of democratic governance and sustainable development, and as confirmed in many policy documents, the eradication of gender-based violence and domestic violence is among the main national priorities for the advancement of gender equality.

More concretely, significant progress has been made, starting from 2006 with the approval of the Law on Domestic Violence¹⁵⁷, a proposal sent to the Parliament in close collaboration with civil society, supported by 20,000 signatures of the community members. This was a clear sign of changing attitudes and shifting the issue from “a phenomenon of the closed doors” to an open public debate. This law was improved twice (in 2008 and 2010). In parallel, a series of international conventions¹⁵⁸ and directives were ratified; national legislation harmonized¹⁵⁹; data-collection improved¹⁶⁰ and standards of services increased. Taken together, a wealth of GoA concrete actions, supported strongly by UNDP and many others, has been implemented to build the basis to effectively address GBV&DV in Albania¹⁶¹.

¹⁵⁷ The Law no.9669 date 18.12.2006 “For Measures against Violence in Family Relations”, published in the Official Gazette No 150, dated 18.01.2007 in force since 01.06.2007 <http://www.osce.org/albania/30436>. This was the first law in Albania approved as a proposal sent to the Assembly from the civil society, supported by 20,000 signatures of the community members - a clear sign of changing attitudes and shifting the issue from “a phenomenon of the closed doors” to an open public debate.

¹⁵⁸ Albania ratified the CEDAW Convention in 1993 and its optional protocol in 2003 Albania ratified the CEDAW Convention in 1993 and its optional protocol in 2003; has signed the CoE Convention for the Prevention and Combating of Violence against Women and Domestic Violence on 19.12.2011 and has ratified it on 04.02.2013. See: <http://www.conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=210&CM=&DF=&CL=ENG>

¹⁵⁹ The approval of Law on Domestic Violence improved in 2008 and 2010, was followed by the approval of a Council of Ministers’ Decision no.334, dated 17.02.2011 “On the establishment of the national referral mechanism for the treatment of domestic violence’ cases and its way of functioning”. A major step was the amendment of Criminal Code in 2012 and 2013 which touched upon domestic violence and the protection of women and girls from violence and abuse.

¹⁶⁰ National researches conducted in 2009 and 2013, improvement of the reporting section for VAW&DV in the INSTAT publication “Women and Men in Albania” is also improved; different costing exercises focused on GBV&DV cost undertaken with support of UN Agencies, etc.

¹⁶¹ The concepts of VAW, GBV and DV are all used in different policy papers in Albania, although the primarily focus remain GBV&DV. It is important to explain also that VAW&DV have been treated also as separated issues: at the beginning of NGOs’ efforts VAW was the primarily focus of intervention, then with the approval of the Law on DV the attention was more focused on DV cases; later the focus on GBV appeared to be important, while GBV&DV looks to be frequently used even after the signing of the Istanbul Convention. Despite the wording and the number of cases when each of these concepts is used, it is very important to clarify that VAW, GBV&DV must be used and addressed in accordance with international obligations.

On December 19th, 2011, the Government of Albania signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), and ratified it on 04.02.2013. This Convention entered into force on August 1st, 2014¹⁶². This Convention is a comprehensive and complex treaty, which makes unprecedentedly detailed provisions for measures that should be taken by States Parties to prevent violence against women and domestic violence, protect the victims, and punish the perpetrators. It was developed to be a human rights treaty, a criminal law treaty, and an instrument for greater gender equality and is characterized by an integrated and holistic approach. In addition to the principles of the Istanbul Convention, the Recommendation Rec(2002)5 of the Council of Europe on the protection of women against violence are of additional relevance in Albania¹⁶³.

The challenges raised by the phenomenon of gender-based violence (GBV) are impossible to be solved by isolated approaches, when different actors operate in isolation. Meaningful and effective responses to GBV pursue and adhere to already well-established concepts, principles, and norms. These provide a solution-generating framework by stipulating cooperative behaviour and attitude, and the integration and organization of specific actions. In such a holistic and multi-sectoral response to GBV, programmes and actions need to be harmonized and implemented by a variety of institutions engaged in areas such as law enforcement (police, prosecutors and justice departments), psychosocial welfare, and health. The coordinated community response (CCR) mechanism¹⁶⁴ to GBV is based on inter-institutional partnership and cooperation, requires a common multi-sectoral philosophy for addressing GBV and follows the principles and standards determined by the partners involved. The goal of the referral system is to respond to the immediate and multiple needs of the victims/survivors in a manner that ensures the safest and most effective way of reporting, and is in accordance with the preference of victims/survivors for care and treatment. This implies that referral is about coordinating respectively required service delivery.

Despite good experience in multi-agency collaboration, this mechanism is not operating at the same level of efficiency across the municipalities where they have been established – sometimes, interventions through outside support, e.g. international agencies or by projects implemented in collaboration with NGOs, have been more effective¹⁶⁵.

¹⁶² See: <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>

¹⁶³ This recommendation sets out a series of measures to end all forms of violence against women, including legislative and policy measures to prevent and investigate violence against women, assist victims, work with perpetrators, increase awareness, education and training, and collect relevant data.

¹⁶⁴ Established following the Council of Ministers Decision no 334 dated 17.02.2011 “For the Mechanism of Cooperation of Work for the Referral of cases of violence in family relation and its way of proceeding”.

¹⁶⁵ For details see the Final Report “Analysis of the functioning of the coordinated community response to domestic violence at the local level in Albania”, prepared by E. Metaj, June 2015, upon request by the Ministry of Social Welfare and Youth and funded by UNDP.



In order to be truly effective in ending and preventing future violence, the CCR mechanism needs to address the inter-connected social issues of poverty, economic dependence, inadequate housing and other issues that affect the victim/survivor and family members dependent on her/him. Since violent incidents can and do occur at all times of the day and night, having the ability to meet the immediate needs of a victim is a vital component of such a mechanism. Victim/survivor-centered decision-making is one of the core principles of such a mechanism, together with the coordination among the institutions involved in supporting and resolving a case. Although the Municipality

is responsible for undertaking the required steps to establish the referral mechanism, all its members must take ownership of their part and effectively contribute to its functioning of it, as depicted in the chart.

To date, it has been established in 31 out of the 61 municipalities in the country¹⁶⁶. Services for DV victims/survivors are both short-term (emergency protection, safety, medical assistance, accommodation, transportation to safe accommodation, information on/assistance with obtaining protection orders, referral to further services) and long-term (support employment, social assistance, accommodation, legal advice and assistance with divorce procedures, counselling and psycho-therapy, help with children, etc.). From the UNDP supported assessment of the functioning of this mechanism conducted in 2015, it becomes apparent that while progress has been made, there is still a long way to go until it turns fully functional, effective and sustainable¹⁶⁷.

Documenting as well as monitoring and evaluation are key processes in support of an effective cooperation of the multi-sectorial institutional mechanisms and the GoA is putting serious efforts in these directions. Therefore, in July 2014, the Ministry of Social Welfare and Youth (MSWY) with the support of the UNDP started to implement an online data-base system for registering and monitoring cases of domestic violence addressed through local referral mechanism and treated in a multi-disciplinary way¹⁶⁸. Since the establishment of the online data-base system, there is a total 2295

¹⁶⁶ The Mechanism has started to be piloted since earlier 2008, with support of UN Trust Fund. In 2009, with request of the Ministry of Labour, Social Affairs and Equal Opportunities (or Ministry of Social Welfare and Youth as it is called since 2013) and supported by UNDP, it was prepared the National Platform for the Establishment of the Coordinated Community Response in Albania (prepared by T. Gentle and M. Kocaqi), followed by the extension of piloting of this multi-sectorial institutional mechanism in four more municipalities in the frame of UN Joint Programme. The model was established in 5 additional municipalities, in the frame of a second grant from Un Trust Fund (2010-2013). The establishment of the referral mechanism in different municipalities has been supported also from other donors i.e. ADA through EiG project (2011-2012), American Embassy small grants, etc.

¹⁶⁷ For details see the Final Report “Analysis of the functioning of the coordinated community response to domestic violence at the local level in Albania”, prepared by E. Metaj, June 2015, upon request by the Ministry of Social Welfare and Youth and funded by UNDP.

¹⁶⁸ http://www.al.undp.org/content/albania/en/home/operations/projects/poverty_reduction/gender-equality-and-gender-based-violence-programme-.html

domestic violence cases registered. The Local Coordinators at each municipality are also trained on how to use the system, while next year we expect to see concrete results from the functioning of such system related with an improvement of the multi-sectorial institutional collaboration. The performance monitoring reports which will be produced by this system in parallel with many other types of reports related to situation and cases' managements will guide further actions towards the enhancement and empowering of these multi-institutional arrangements in the future.

Capacity-building activities among professionals are very important in improving the effectiveness of the multi-sectorial institutional mechanisms. MSWY has worked a lot with the support of UNDP, other UN agencies and local CSOs, in capacity-building of professionals (judiciary, lawyers, law students, public administration, independent human rights bodies etc.).

Addressing domestic violence requires long-term commitments, human and financial resources, capacities, as well as keeping the referral mechanism high on the political agenda of central government, local government, and international donors. Establishment of the referral mechanisms in all local government units in Albania is strongly recommended in order to provide services which female citizens and all victims of domestic violence across the country are entitled to by law. Existing referral mechanisms need to be strengthened through (i) improved inter-institutional and multi-agency cooperation and coordination to better implement relevant legislation; (ii) allocation of resources for continuous capacity building, adequate staffing, public awareness raising and the provision of a comprehensive package of services to victims of domestic violence to ensure their safety, protection and long-term rehabilitation and integration into mainstream society; (iii) capitalizing on experiences and lessons learnt from existing mechanisms to respond to domestic violence – particularly in the framework of Territorial Administrative Reform, so as to improve accessibility, quality and timely delivery of services to victims of domestic violence.

We are all aware that despite all the efforts and continued commitment, the more women and girls approach the institutions to seek help, the more violence intensifies and its lethality grows as we have witnessed in the last years. It is therefore imperative to have a stronger response from the justice system to harshly punish perpetrators, a stronger and specialized support system for survivors and a continuous and intense focus on societal awareness and education in zero tolerance towards violence.

Thank you for your attention!

Community Empowerment to Fight GBV BRAC's Experience

Ms. Anna Minj
Director, BRAC

GBV situation in Bangladesh

Despite of having more than 25 existing legal frameworks and policy instruments to protect women rights in Bangladesh, police and newspaper reports and hospital statistics indicate that GBV is still a very serious issue in the country, including domestic violence, rape, acid-throwing, dowry-related violence, fatwa-instigated violence and sexual harassment in the workplace.

- BBS survey on VAW 2015 says 80% of married women in Bangladesh experienced violence by their husbands.
- Database on GBV by CEP, BRAC indicates an average of 1.7 rapes per day were reported by girls under the age of 18 – an alarming rate.

These two statistics are only about brutal cases where women's right to a secured life is being violated. Women cannot be empowered when they face different forms of violence that violates their right to secure social, political and economic rights. **The lives of women in Bangladesh are shaped by the potential risk of GBV and thus the fear to the risk of GBV restricted them to be involved with the empowerment process. GBV restricts women's mobility and thus, their economic empowerment and leadership role is becoming a challenge.**

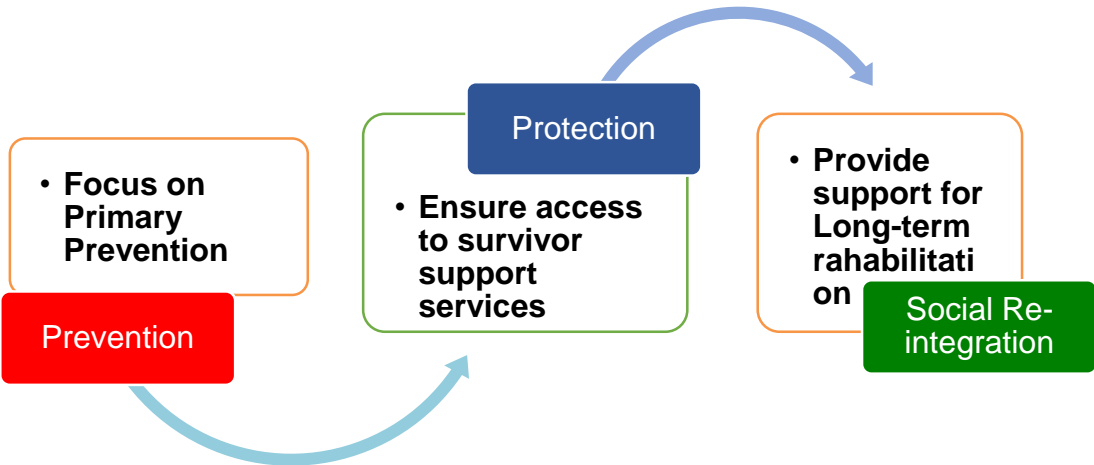
Where does BRAC's Community Empowerment Programme stands with regards to addressing GBV?

The poor people, particularly women, can gain power over their lives by receiving the benefits from exercising equal rights and entitlements.

BRAC's Community Empowerment Programme (CEP) believes in the need to strengthen women's empowerment, building women-led community institutions through promoting women's agencies and integrating women's leadership in community mobilization, which is highly needed to address gender-based violence. This approach involves strengthening the capacity and leadership of right holders, motivating them to take collective action to prevent and protect women from GBV, as well as strengthening duty bearers, from the local government to social service providers, to provide more gender responsive support and services to women who are victims of GBV.

CEP's Transformative Approach to Address GBV

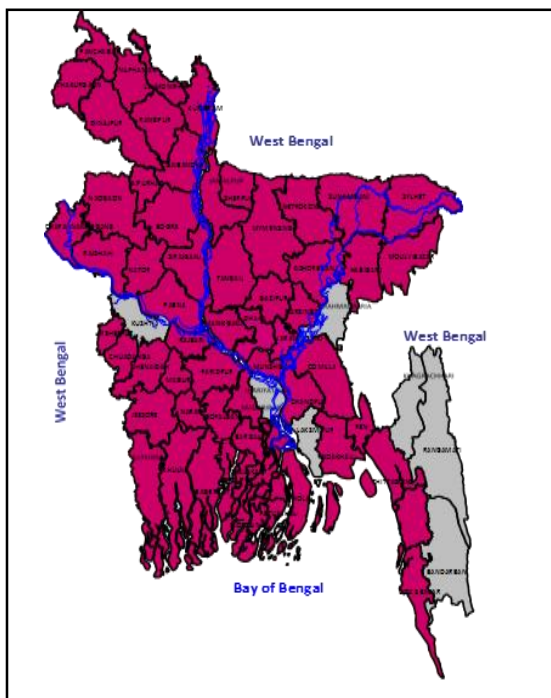
BRAC considers a multi-layered approach to be transformational. This approach promotes change at the individual and collective levels, as well as in the legislative-political and social levels. BRAC also recognizes that there is no simple "one-size-fits all" solution to end violence. Hence, BRAC follows a comprehensive approach called Prevention-Protection-Social Re-integration to address GBV in a way that will bring about transformational and lasting change.



CEP’s Transformative Change Model of Programme Initiative in Addressing GBV

INDIVIDUAL LEVEL			
INFORMAL	<p>Strategy 1: Changing women and men’s consciousness to reduce GBV</p> <p>Raising awareness and understanding among women’s led platform as POLLISHOMAJ to claim their rights in the individual and family level and advocate for women’s rights.</p> <p>Engage adolescent, youth, men and boys to become anti-violence advocates and change makers. (e.g. MEJNIN as safe spaces and safe citizenship for girls, Engaging Men and Boys initiatives).</p> <p>Support social animators and local government representatives for their individual level change through raising awareness and promoting activism.</p> <p>Integration of GBV agenda in BRAC’s other sectoral programmes for wider coverage/impact.</p>	<p>Strategy 2: Increasing women’s access to services, resources and greater voice in different power structures</p> <p>Raise awareness about services available to survivors of violence, provide support to primary health services, link with legal and other support services for survivors.</p> <p>Support mapping of available social services to inform women in order to ensure accessibility and facilitate campaigns on promoting women’s leadership to secure services for community.</p> <p>Promote women’s leadership and women’s active presence in different power structure.</p> <p>Develop a cadre of community-based psychosocial first aid provider called ‘<i>Monobondhu</i>’ who are providing basic psychosocial support to VAW survivors in their own communities.</p>	FORMAL

	<p>Strategy 3: Challenging societal norms to reduce acceptance of GBV</p> <p>Mobilize community through raising awareness and disseminating message through Popular Theater.</p> <p>Facilitate community-based campaigns and activism during International Women’s Day, 16 days activism and different VAW incidents against women and girls.</p> <p>Build leadership capacity of POLLISHOMAJ leaders to challenge societal norms and advocate for women’s rights in community level.</p> <p>Influence local governments and others in different power structures to act against GBV and gender discrimination (function of Standing Committee on VAW by UP).</p>	<p>Strategy 4: Influencing formal institutions, laws and policies to uphold legislation and to provide accountable services to survivors of GBV</p> <p>Maintain database on reported cases of GBV supported by POLLISHOMAJ.</p> <p>Conduct research and share lessons learnt for new policy agenda/reform.</p> <p>Support national and local level advocacy for better coordinated approach in addressing GBV.</p> <p>Link and network with other likeminded organizations and platforms. (Social Action Committee, Girls Not Brides, Men Engage, etc)</p> <p>Partner with GO and other NGOs for more accountable and gender - responsive mechanism for wider positive impact.</p>	
SYSTEMATIC LEVEL			



Community Empowerment to Fight GBV: At a Glance

- Area Coverage: 55 Districts
- 12,350 Polli Shomaj (community institution) with membership of about 700,000 women who are involved with addressing GBV at their local level
- Total 7, 489 incidents of violence reported in 2016
- Psychosocial support to 2,726 violence survivors through community-based para counselors
- 36,840 survivors received medical, legal aid services and rehabilitation support from BRAC and other organizations
- 24669 Child marriage prevented by Pollishomaj

Good Practice of CEP in ending Child Marriage

CEP initiated a project named “Partnership with Government and Civil Society to End Child Marriage” as an appropriate model for preventing child marriage in Badarganj, a sub district in the northern region of Bangladesh, where child marriage is prevalent. The 18-month long project aimed to prevent child marriage through changing the perception of early marriage among all stakeholders of the community and empower women in the society. CEP had taken the **TIC (Triangular Institutional Coordination) Strategy** to end child marriage at Badarganj. The strategy focused on a coordination mechanism amongst state institutions, community/civil society and the families for better results in addressing child marriage. According to the pre-project situational report, the **rate of child marriage was 53.62%. which fell to 4.25%** because of the interventions. It is evident that addressing child marriage works well if a programme design can consider the local contexts appropriately, and here, BRAC can be an example for others who are working on this issue. BRAC’s TIC Strategy, partnering with government and civil society along with the families, can be a model for other organizations to replicate, especially in rural Bangladesh.

Info on Speakers

[In the order of appearance in the meeting programme]





Name: Mr. Balázs Horváth

Nationality: Hungarian

Position: Director

Organization: UNDP Seoul Policy Centre (USPC)

Contact Information: balazs.horvath@undp.org

Mr. Balázs Horváth took up his post as Director of the UNDP Seoul Policy Centre in June 2016. Prior to joining the Centre, he served as the Country Director in UNDP's South Sudan Country Office since 2012. Prior to that, he worked in the Europe and CIS Regional Center of UNDP as Poverty Reduction Practice Leader, then as Acting Director. This followed 18 years in various positions in the International Monetary Fund. He has dealt with diverse aspects of economic policy and complex development situations, including poverty and inequality reduction, social programmes, global climate change, good governance and rule of law. He is an experienced leader with a strong analytical economic and development background and has a compelling record in management and resource mobilization. He was the lead author of flagship publications on Human Development, on MDGs and Sustainable Development, and well-received papers on the impact of global crises on human development, on the role of governance in development, and on the causes of South Sudan's crisis. Balázs is Hungarian, speaks English, Russian and German, and holds a PhD in Economics from the University of Pennsylvania.




Name: H.E. Choi, Jong-moon

Nationality: Korean


Position: Deputy Minister for Multilateral and Global Affairs

Organization: Ministry of Foreign Affairs

Deputy Minister Choi has worked for the Korean Foreign Ministry since 1983. Before holding his current position, his posts included (in chronological order): Counsellor, Korean Embassy in the United States of America; Minister-Counsellor, Korean Embassy in the Republic of the Union of Myanmar; Senior Assistant Secretary to the President for Protocol Affairs, Office of the President; Director-General for Planning and Management; Director-General for South Asian and Pacific Affairs; Ambassador Extraordinary and Plenipotentiary to the Democratic Socialist Republic of Sri Lanka; and Special Advisor to the Foreign Minister and Government Representative for UNESCO Affairs. He holds a B.A. in Political Science and International Relations, Yonsei University, Seoul, Korea.

	<p>Name: H.E. Kang, Eun-hee Nationality: Korean</p> <p>Position: Minister</p> <p>Organization: Ministry of Gender Equality and Family</p>
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H.E. Kang is the Minister of Gender Equality and Family. Prior to the appointment, she was the Chair of Subcommittee on Safety of Women and Youth, Gender Equality and Family Committee, and National Assembly of the Republic of Korea. Prior to that, she was the Deputy Chair of Education, Culture, Sports, Tourism Policy Coordination Committee, Saenuri Party. She also served as the Chief Floor Spokesperson for Saenuri Party from 2013 to 2014. Moreover, she was a member of Natural Science Subcommittee, Korean National Commission for UNESCO for 3 consecutive terms from 28th to 30th. She is a leader with diverse background experiences. She served as a lawmaker of the 19th National Assembly of the Republic of Korea, a member of Presidential Council on National ICT Strategies, a member of Presidential Council on National Competitiveness, a president of Korea IT Business Women's Association, a member of Presidential Advisory Council on National Economy, and a CEO of Wintech Co.. She also worked as a teacher in Dongmyung Middle School.

	<p>Name: H.E. Oh, Youngju Nationality: Korean</p> <p>Position: Ambassador and Deputy Permanent Representative of the Republic of Korea to the United Nations in New York</p> <p>Organization: Ministry of Foreign Affairs</p>
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H.E. Oh Youngju is currently Ambassador and Deputy Permanent Representative of the Republic of Korea to the United Nations in New York (2015-). She was Director-General for Development Cooperation at the Ministry of Foreign Affairs (MOFA) from May 2013 until her appointment to the Korean Mission to the UN in September 2015. Previously she held positions at the Ministry of Foreign Affairs as Deputy Director-General for Development Cooperation (2012-2013) and Director, United Nations Division (2005-2007), as well as being Director-General at the Nuclear Security Summit Preparatory Secretariat (2011-2012). Ambassador Oh's other diplomatic postings include serving at the Korean Embassy in the People's Republic of China (2007-2011) and the Korean Consulate General in Fukuoka, Japan (2000-2005). Ambassador Oh received her Masters in Pacific International Affairs at the University of California, San Diego and graduated from the Department of Politics and Diplomacy at Ewha Womans University, Seoul.

	<p>Name: Dr. Diani Sadiawati Nationality: Indonesian</p> <p>Position: Senior Advisor</p> <p>Organization: Minister of National Development Planning on Institutional Relations, National Development Planning Agency (BAPPENAS), Indonesia</p> <p>Contact information: diani@bappenas.go.id</p>
<p>Dr. Diani Sadiawati currently serves as a senior Advisor of Minister of National Development Planning on Institutional Relations in National Development Planning Agency (BAPPENAS).</p>	


	<p>Name: Ms. Randi Davis Nationality: Canadian</p> <p>Position: Director</p> <p>Organization: UNDP Gender Team</p> <p>Contact Information: randi.davis@undp.org</p>
<p>Randi Davis is Director of UNDP's Gender Team, based in New York. Ms. Davis' expertise lies in the areas of gender equality, women's empowerment, democratic governance and local urban development. She was part of the founding team that designed and launched the United Nations Democracy Fund and she spearheaded UNDP's global practice on parliamentary development. She also was responsible for bringing gender equality and women's empowerment into UNDP's electoral support. Randi was the founder of iKNOW Politics, a global knowledge portal for women in politics. She spent nearly a decade working in Asia on issues of local development, housing and urban settlements and more recently, she has been working on gender equality and democratic development in the Arab region. She has contributed to publications on Gender and Political Parties, Gender and Elections, Women in Parliament, and Local Urban Development. She holds a Master's Degree in International Affairs, with a specialty in International Political Economy, from Columbia University in New York; a Diploma from L'Institut D'Etudes Politiques in Paris; and an undergraduate degree in Economics from York University in Toronto.</p>	

	<p>Name: Mr. Md Aynul Kabir Nationality: Bangladeshi</p> <p>Position: Joint Secretary</p> <p>Organization: Ministry of Women and Children Affairs, Government of the People's Republic of Bangladesh</p> <p>Contact Information: kabir_1962@yahoo.com 880-1552-325355</p>
<p>Date of Joining in the Service: 26.01.1991 (Statistical Service) Promotion in Deputy Secretary: 15-12-2010. Promotion in Joint Secretary: 06.04.2015 Highest Degree: Master's from Dhaka University in the field of Management, Master of Business Administration (MBA), Diploma in Population Science Specialization area: Project planning and management, Parenting education and child protection Present Responsibility : Project planning and management</p>	

	<p>Name: Mr. J.P.S. Jayasinghe Nationality: Sri Lankan</p> <p>Position: Director (Planning & Monitoring)</p> <p>Organization: Ministry Of Women and Child Affairs</p> <p>Contact Information: jpsjayasinghe@gmail.com +94 11 218 7275 / +94 71 810 2952</p>
<p>Education Background:</p> <ul style="list-style-type: none"> • BA (Hons) Geo. (Sp) • PGD - Development Planning • Certificate - Resource Surveying <p>Work Experience:</p> <ul style="list-style-type: none"> • Rural Development (IFAD Project) – 8 years • Gender & Women Development and Child • Development (Ministry of Women and Child Affairs) – 15 years <p>Major responsibilities: Project Planning, Monitoring and Evaluation</p>	

	<p>Name: Dr. Shin, Heisoo Nationality: Korean</p> <p>Position: Professor; Representative, Korea Centre for UN Human Rights Policy; Member of the UN Committee on Economic Social and Cultural Rights</p> <p>Organization: Graduate School of International Studies, Ewha Womans University, Seoul; Korea Centre for UN Human Rights Policy (KOCUN); UN Committee on Economic Social and Cultural Rights</p> <p>Contact Information: heisoo@gmail.com 02-3277-3652,3956; 02-6287-1210</p>
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Dr. Shin has extensive experience in women’s rights and is actively engaged in advancing women’s status. Dr. Shin currently serves as a Representative of the Korea Center for UN Human Rights Policy and a Member of UN Committee on Economic, Social and Cultural Rights. She is a visiting Professor of the Graduate School of International Studies in Ewha Womans University. Since 2014, she is serving as the Director of the Secretariat, International Committee for Joint Nomination of the Japanese Military ‘Comfort Women’ Related Documents to the UNESCO International Memory of the World Register. Previously, she served as a Member (and Vice-Chair in 2003-2004) of the Committee on the Elimination of Discrimination against Women (CEDAW) for the terms of 2001-2004 and 2005-2008. She also served as the Commissioner of the National Human Rights Commission of Korea.

	<p>Name: Mr. Artemy Izmetiev Nationality: Russian</p> <p>Position: Policy Specialist</p> <p>Organization: UNDP Seoul Policy Centre (USPC)</p> <p>Contact Information: artemy.izmetiev@undp.org</p>
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Mr. Artemy Izmetiev works on research, policy dialogue and sharing Korea’s development experience with developing countries to help their own efforts to eradicate poverty and ensure sustainable human development through UNDP’s networks. Artemy has worked for UNDP for over eight years, supporting the coordination and management of development assistance in a number of countries in Africa, Eastern Europe and CIS and the Arab States. His work has focused on the development of aid policies, joint development assistance programmes and in promoting knowledge exchange for development results between developing countries. Artemy has MA in Economics from Moscow State University and MA in European Studies from the Institute of European Studies “Alcide de Gasperi” in Rome, Italy.



Name: Mr. Diego Antoni

Nationality: Mexican

Position: Policy Specialist on Gender, Governance and Crisis Response, Bureau for Policy and Programme Support (BPPS)

Organization: UNDP New York

Contact Information: diego.antoni@undp.org

Diego Antoni has more of 12 years of experience as a development professional with managerial and policy experience. Diego has worked in various Latin American countries, involving 8 years of senior postings in the field with UNDP. From this experience, in particular in Mexico, Diego gained solid substantive knowledge in peace and development focusing on strengthening capacities for dialogue, supporting rule of law, access to justice, and promoting socio economic alternatives for social inclusion. Diego is now the Policy Specialist on Gender, Governance and Crisis Response in the Bureau for Programme and Policy Support. He assumes the role of UNDP's GBV global focal point



Name: Dr. Lee, Mijeong

Nationality: Korean

Position: Director

Organization: Research Center for Women's Human Rights, Korean Women's Development Institute

Contact Information: mjnglee@kwdimail.re.kr

Dr. Lee, Mijeong received a Ph. D in Sociology from University of California at Los Angeles. She has been active in devising policy reports on victims of sexual violence and laws to prevent sex trafficking. Moreover, her publications discuss issues on Korean Women's Education and Korean women in Labor Market. She continues to be actively engaged in various foundation and institutions regarding women issues. Currently, she is a member of board of directors in Korean Unwed Mothers Support Network, a member of grants committee in Korea Foundation for Women, an editor in chief in Gender Studies and Policy Review, and a member of policy committee in Korean National Council of Women. Moreover, she is a chairperson of a Monitoring Committee of Headquarter to Prevent Sex and serves as a director of Research Center for Women's Human Rights in Korean Women's Development Institute.



Name: Dr. Um, Kyusook

Nationality: Korean

Position: Assistant Mayor, Women & Family Policy Affairs

Organization: Seoul Metropolitan Government

Dr. Um, Kyusook received a Ph.D. in Social Policy from University of Marburg. She was a researcher in the Research Institute of Korean Studies. She worked as an adjunct professor in the Department of Public Administration at Sejong University and the Graduate School of Public Administration at Inha University. Recently, she served as a professor in Kyunghee Cyber University, where she lectured on Social Welfare.



Name: Ms. Allison Hope Moore

Nationality: USA

Position: Programme Specialist/Gender Focal

Organization: UNDP Myanmar

Contact Information: allison.moore@undp.org

Ms. Allison Hope Moore is UNDP Myanmar's Gender Focal and Programme Lead for work with Civil Society and Media. She has worked in Myanmar since November 2013 where she has been focused increasingly on innovations for rural women's empowerment and social and financial inclusion. Ms. Moore has 15 years of professional experience in law/government and international development, with 10 years in management and technical advice in East and Southeast Asia on international programs for civic engagement, gender equality, legal empowerment, rights protection and rule of law. She has previously worked as programme manager for UNDP in Indonesia (2009-2011), and as country director for INGOs in China (2003-2007, 2011-2012) and Vietnam (2007-2009). Ms. Moore and her family call Vancouver Island, Canada, their home. Before beginning international development work, Ms. Moore was a constitutional lawyer in the U.S. She holds a J.D. from Yale Law School (1998), Master's in Development Economics from University of Cambridge (1994), and Bachelor's from Stanford University (1993).



Name: Dr. Lee, Mi Kyoung

Nationality: Korean

Position: Director

Organization: Korean Sexual Violence Relief Center (KSVRC)

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She is the Founding Member of the Korean Sexual Violence Relief Center and has actively worked in the field for over 26 years. She served as the Chair Person of the Korea Association of Sexual Violence Relief Centers and is currently serving as the Director of the Korea Sexual Violence Relief Center.

She received a Ph.D degree in Women's Studies from Ehwa Women's University.

She was a Special Professor at Ehwa Institute for Leadership Development.

Her publications include "Expanding Support Systems for Survivors of Sexual Violence and Improving Legal & Institutional Infrastructure".



Name: Ms. Song, Ranhee

Nationality: Korean

Position: General Secretary

Organization: Korea Women's Hotline

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Ms. Song currently serves as the General Secretary of Korea Women's Hotline and a Regional Council member of Asia Pacific Forum on Women, Law and Development. She worked in Seoul Women's Hotline, a branch of Korea's Women's hotline since 2003. She received her M.A. in Women's Studies from Hanyang University.



Name: Ms. Jung, Mi Rye

Nationality: Korean

Position: Representative

Organization: National Solidarity against Sexual Exploitation of Women

Contact Information: goodmirye@hanmail.net

She graduated from the history department in Korea University, and received an M.A from Sungkonghoe University NGO Graduate School. Her M.A. paper discusses necessity for decriminalization of prostitution. She has actively engaged in various federations to solve prostitution issue and promote women's rights. She was the head of Jeonbuk Women's Rights Support Centre and also served as the director of Human Rights Bureau in Korea Women's Hotline.



Name: Ms. Maria Carolina Melo Venegas

Nationality: Colombian


Position: Gender Officer

Organization: UNDP Columbia


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M.A. in Public Policy and M.A. on International Relations, with 11 years of working experience on the governmental level, with international cooperation agencies and civil society organizations, in the areas of gender, social inclusion and development. She has extensive field work experience with women from indigenous communities, Afro descendants, victims of armed conflict, LGBTI communities and those in extreme poverty conditions. Ms. Melo worked for 7 years at the Office of the Presidency of Colombia: first at the Human Rights Program and later as Head of the Observatory for Gender Issues at the women's national mechanism in the country. She has also worked as a consultant on gender, diversity and social inclusion for international cooperation agencies and NGOs, as gender expert at USAID and since September 2015 as Gender Officer at the UNDP county office in Colombia. Her specific experience with GBV includes the design and implementation of training workshops to develop and improve capacities of local authorities in the response to GBV cases; empowerment of women victims and their organizations, the design of gender observatories, and the creation and strengthening of institutional roundtables to promote the improvement of mechanisms to effectively attend victims of GBV.

	<p>Name: Ms. Park, Hyunju Nationality: Korean</p> <p>Position: Vice Chief Public Prosecutor</p> <p>Organization: Busan District Prosecutor's Office Investigation, Department of Crimes against Women and Children</p> <p>Contact Information: angela2@spo.go.kr 010-3753-2005</p>
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She was commissioned as a prosecutor of Suwon District Prosecutor's Office in 2002. She attended study program in Chile Catholic University from 2007 to 2008 and also attended study program in Duke University from 2011 to 2012. From 2014, she was a member of Women's Policy T/F Team in the Seoul Central District Prosecutor's Office and was certified as an officially specialized prosecutor in crimes on sexual violence (level 2). She served as the head of the Women's Policy T/F Team in the Seoul Central District Prosecutor's Office, and then moved to the Busan District Prosecutor's Office as a Vice Chief Public Prosecutor. During her visit to the Dominican Republic, Honduras, she made a lecture on Korea's criminal investigation of crimes against women and children. Moreover, in May 2016, she was selected as level 1 prosecutor who is officially specialized in crimes on sexual violence by the Seoul Central District Prosecutor's Office. In February 2017, she was reappointed as the Vice Chief Public Prosecutor of Busan District Prosecutors Office of "Women and Children Criminal Investigation Department"

	<p>Name: Mr. Im, Won Hyuk Nationality: Korean</p> <p>Position: Head, Center for International Police Training and Research (CIPTR)</p> <p>Organization: Korean National Police University</p> <p>Contact Information: wonhyuk.im@gmail.com</p>
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Mr. Im, Won Hyuk has worked for the Korean National Police (KNP) for 20 years, including 10 years of international cooperation and overseas deployment. He served in Afghanistan (Korean Provincial Reconstruction Team (PRT) 2010-12 and UNAMA 2014), South Sudan (UNMISS 2015) and Sierra Leone (UNDP 2016). For 2013-16, he was the Community Policing Officer at the UN DPKO's Standing Police Capacity (SPC). He holds a Master of Arts in Law and Diplomacy (MALD) from the Fletcher School, Tufts University, USA. He plans to pursue his passion for Social Anthropology grounded in his field experiences.



Name: Ms. Nway Ywet Wah Soe

Nationality: Myanmar

Position: Programme Officer

Organization: Legal Clinic Myanmar

Contact Information: legalclinicmyanmar@gmail.com

Ms. Nway Ywet Wah Soe is Programme Officer for Legal Clinic Myanmar. With a far-reaching goal of intervening in communities as well as legal and policy framework, Legal Clinic Myanmar is a rights and justice-based legal organization which builds on legal capacity and understanding of the community and bridging the community with regional, national and international legal understandings and international norms. Legal clinic mobilizes the community people and fosters their legal empowerment so they can utilize their knowledge to educate their fellow citizens and claim their rights, help them build social capital and activate their social networks. Legal Clinic Myanmar promotes and strengthens the rule of law, democracy and human rights in Myanmar by providing legal awareness trainings and paralegal trainings standing for violated and unjustly treated people, especially for women in the courts, and by providing free legal aid services and social support for them in the cooperation with other legal organizations and law firms. In her role as Programme Officer, Ms Nway Ywet Wah Soe is implementing projects for Women's Access to Justice, Breaking the Silence and Promoting Rule of Law.



Name: Ms. Awa Tounkara

Nationality: Senegalese

Position: Executive Secretary

Organization: Women Jurist Association, Senegal

Contact Information: awatoucisse@yahoo.fr

Ms. Awa Tounkara currently serves as the Executive Secretary of Women Jurist Association, Senegal.



Name: Ms. Mariama Dieng

Nationality: Senegalese

Position: Sociologist

Organization: Ministry of Women, Family and Children/Head of the Family

Contact Information: diengmariama@yahoo.fr

- Diploma in Advanced Studies (DEA) in Sociology
- Participation in several gender trainings
- Participation in several Advocacy for the promotion of sexual and reproductive health and rights trainings
- 2011-2014 : Deputy Program Officer, Communication and Promotion of Reproductive Health and Child Survival /Directorate of Reproductive Health and Child Survival/ Ministry of Health and Social Welfare of Senegal
- 2014 : Assignment to the ministry of the woman of the family and childhood/Head of the family
- In charge of the joint program "Eradication of gender-based violence and the promotion of human rights" initiated by five United Nations agencies: UNFEMMES, UNFPA, UNESCO, OHCHR and UNICEF
- Responsible for monitoring the implementation of GBV activities as well as the National Multi-Sectoral Action Plan for the Eradication of Gender-Based Violence and the Promotion of Human Rights (2017-2021)



Name: Ms. Aiman Umarova

Nationality: Kazakhstan

Position: Attorney at Law, Co-founder PF «Human rights lawyers»

Organization: The Regional Bar Association, PF «Human rights lawyers»

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Ms. Aiman Umarova is an Attorney at Law with more than 15 years experience. She is a member of the Regional Bar Association of Almaty, Council of National Bar Association, Council of Experts of National Committee on Human Rights under the President of RK and Co-founder of PF “Human Rights Lawyers”. She practices criminal law. Aiman has worked extensively on criminal cases such as human traffic, terrorism, extremism, GBV (including rape) cases. Due to a few landmark cases on rape in 2016, she was named as the Best Lawyer in Kazakhstan. Before starting the attorney practice, she worked as a lawyer and investigator on grave criminal cases. Aiman holds a Law Degree from Kazakh National University and International Academy of Law and Market, as well as a translator degree from Kazakh National University of International Relations and World Languages.



Name: Mr. Hakki Onur Ariner

Nationality: Turkey


Position: Cluster Lead, Human Rights and Rule of Law

Organization: UNDP Turkey


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Dr. Hakki Onur Ariner holds a Ph.D. in Political Science and Public Administration from METU, having focused in his thesis on the institutionalization of human rights in Turkey through the experiences of deliberative democracy from the perspective of women's human rights NGOs and governorates. Dr. Ariner has worked as a consultant of the UNHCR and the IOM to the Asylum and Migration Bureau of the Ministry of Interior of Turkey throughout the drafting process of the Law on Foreigners and International Protection, and was responsible mainly for harmonizing the law with international human rights standards, the EU Acquis and requirements resulting from ECtHR decisions and case law. He also worked as a National Programme Officer on judicial and public administration reform in Turkey for the Swedish International Development Cooperation Agency. Here he was responsible for monitoring, appraising, and evaluating programs funded by Sida and implemented by IGOs such as the UNDP and the Council of Europe, along with Swedish agencies such as the Swedish Migration Agency and the Swedish National Courts Agency. Presently Dr. Ariner works as the Cluster Lead for Human Rights and Rule of Law under the Inclusive and Democratic Governance Portfolio of the UNDP Turkey Office. Projects under his responsibility include strengthening the capacity of the Ombudsman Institution, the drafting of a code of ethics for the Court of Cassation, and enhancing the quality of legal aid services for disadvantaged groups with the Union of Turkish Bar Associations, which includes access to justice of disadvantaged groups among the Syrian community in Turkey.

	<p>Name: Dr. Yoon, Sun Young Nationality: U.S.A.</p> <p>Position: President</p> <p>Organization: Korea Support Center for Women and Children Victims of Violence, Women’s Human Rights Institute of Korea</p> <p>Contact Information: syoon@stop.or.kr</p>
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Dr. Yoon is an academic and a violence against women and children expert. She has participated in international conferences and presented widely for more than 20 years on the issues linked to VAW and VAC. She is currently serving as the President of Korea Support Center for Women and Children Victims of Violence. She is in charge of diverse projects including supporting regional Sunflower Centers and training and education to service providers at the regional centers and community organizations. Previously, she worked as a Research Associate for the Cutler Institute for Health and Social Policy at the Muskie School of Public Service (University of Southern Maine) and led projects on “VAWA Measuring Effectiveness Initiative” and “Children at Risk in the Child Welfare System.” She holds a Master’s degree in Child and Family Studies from Ewha Womans University in Seoul and a Doctor of Child and Family Studies degree from the University of Wisconsin-Madison.

	<p>Name: Ms. Park, Ji-Eun Nationality: Korean</p> <p>Position: Forensic Nurse</p> <p>Organization: Gangwon Sunflower Centre</p> <p>Contact Information: janny1215@hanmail.net +82 (0)10-9733- 8818</p>
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Ms. Park holds a Master’s degree in Nursing Science from Gangwon University and also holds a Master’s degree in Forensic Nursing from Kyungpook National University. She has been working in Gangwon West Sunflower Center since 2016. She holds a license (level 2) of social worker, and a childcare teacher education (level 1) as well as qualifications of health education teacher and forensic nurse. She has written and supervised the instruction manual for the emergency kit, and has also written and administered the medical instructions designed for victims of sexual violence. As a commissioned member of the Korean Institute for Gender Equality Promotion and Education, she has various experiences as a professional instructor for prevention of sexual violence, and has done many lectures on military investigation and forensic medical evidence. Furthermore, she also teaches basic introduction program for all new nurses countrywide.



Name: Ms. Kang, In Sook

Nationality: Korean

Position: Counseling Team Leader

Organization: Daegu Sunflower Center

Contact Information: joljole@nate.com
+82(0)10-2070- 0065

Ms. Kang holds a Master's degree in Social Welfare in Daegu Catholic University. She entered Daegu Sunflower Centre in May 2006, and is currently working in the Centre as a Counselor.



Name: Ms. Chang, Yun Jeong

Nationality: Korean

Position: Leader of Investigation Team; Inspector

Organization: Gyeonggi Bukdongbu Sunflower Center; Gyeonggi Bukbu Provincial Police Agency Women and Juvenile Affairs Division

Contact Information: yunj0704@naver.com

Ms. Chang, Yun Jeong is the leader of Investigation Team, Gyeonggi Bukdongbu Sunflower Center. She is an inspector of Gyeonggi Bukbu Provincial Police Agency Women and Juvenile Affairs Division dispatched to work at the Sunflower Centre.



Name: Ms. Shafiga Murebwayire

Nationality: Rwandan

Position: National Coordinator, Isange One Stop Center

Organization: Rwanda National Police

Contact Information: smurebwayire@police.gov.rw;
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Ms. Shafiga Murebwayire is a Rwandan Senior Police officer who joined Rwanda National Police in 2001. She has undergone various professional training, most especially in criminal investigations, as well as prevention and response to gender-based violence and child abuse cases. She has been involved in investigations of GBV and child abuse cases. She is also an expert trainer in the management of GBV at both national and regional level. As the focal person in the National GBV Steering Committee, she provides technical assistance in the formulation of strategies to prevent and respond to gender-based violence cases in Rwanda. She is currently the National Coordinator for the Isange One Stop center (comprehensive support for victims of GBV and child abuse) program in the Rwanda National Police. She is a member of the committee for the National Scale up of the IOSC model to different hospitals across the country. Shafiga holds a Masters degree in Gender and Development studies. She is a married and a mother of two children.



Name: Ms. Nhora Lucia Alvarez Borrás

Nationality: Colombian

Position: CEO

Organization: Círculo de Estudios Foundation

Contact Information: nhoraalvarezb@gmail.com
(+51) 3124519113

Psychologist, specialized in systemic coaching and CEO of the Circulo de Estudios Foundation with 15 years of professional experience in psychosocial work with victims of violence within the internal armed conflict in Colombia. With a life dedicated to the defense and vindication of human rights, she has worked with displaced population, victims of massacres, and from 2010 onwards, with victims of sexual violence. She has also done consultancies with the Office of the Vice-presidency of Colombia and the Ombudsman Office towards the recognition of the psychosocial dimension in the access to justice and training of civil servants on the improvement of tools for the attention of victims, especially victims of sexual violence.



Name: Ms. Savithri Wijesekera

Nationality: Sri Lankan

Position: Executive Director

Organization: Women In Need - Sri Lanka

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+94+1+722246760

An Attorney-at- Law and the Executive Director of Women in Need (WIN), Sri Lanka. An advocate on women's rights, gender equality and foremost advocate to end gender-based violence with extensive hands on experience on several interventions to assist survivors of SGBV. Member of the Police Commission, Sri Lanka. Recipient of several awards for the work done in the area of supporting survivors of violence, and for empowering and preparing future generations to have zero tolerance for violence. Engaged in empowering women, educates public and civic leaders, and mobilizes youth and men for the protection of women's right to live free of violence. Experience and knowledge on programmes to sensitize law enforcement officers and the judiciary.



Name: Ms. Bimali Ameresekere


Nationality: Sri Lankan


Position: Technical Coordinator – Gender & Women's Empowerment (SELAJSI Programme - Response to SGBV)


Organization: UNDP Sri Lanka

Contact Information: bimali.ameresekere@undp.org
+94+1+777331710

Over 10 years of experience addressing sexual and gender-based violence (SGBV) in Sri Lanka including SGBV programming & coordination. These range from: Technical Coordinator – Gender & Women's Empowerment, UNDP Sri Lanka (SELAJSI Programme) 2014-to date -Key initiatives include technical/ coordination lead on the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence in Sri Lanka 2016-2020 (led by the Ministry of Women and Child Affairs), technical lead on the development of the SGBV Referral Model and initiating discussions based on the referral system, technical input & coordinating efforts towards the development of a training module on police training on SGBV. Coordinated the UN Joint Programme on GBV in Sri Lanka (attached with UNFPA, Sri Lanka - 2013) with the participation of 6 UN agencies and Government supported by the UN Trust Fund / UN Women, New York. Coordinated 7 national UN led national campaigns of the Forum against GBV during the 16 days of activism against GBV (from 2005 – 2012, attached to UNFPA, Sri Lanka). She has a Masters in Sociology – Univ. of the South Pacific, Fiji; Postgraduate Diploma in Sociology – Univ. of the South Pacific, Fiji; B.A. double major in Sociology, Management and Public Administration – Univ. of the South Pacific, Fiji.

	<p>Name: Ms. Melissa Alvarado Nationality: USA</p> <p>Position: Ending Violence against Women Programme Manager</p> <p>Organization: UN Women</p> <p>Contact Information: melissa.alvarado@unwomen.org</p>
<p>Melissa Alvarado is the Ending Violence against Women (EVAW) Regional Programme Manager at UN Women, Asia-Pacific Regional Office. Melissa has been working specifically on ending violence against women and children for over 18 years, through programme management and design, policy and legislative development and implementation, interagency response system development, technical assistance, capacity building, advocacy and research. Prior to joining the Asia-Pacific office, Melissa managed UN Women’s EVAW portfolio in the Pacific and subsequently provided dedicated technical support to UN Women in Afghanistan. Melissa worked for UN Women headquarters in the Policy Division on EVAW; for UNFPA in Sudan, managing gender-based violence programmes in conflict settings; and with international NGOs in Thailand and Kosovo working with refugees and people affected by conflict. Melissa has experience in addressing child abuse, particularly multi-disciplinary approaches to prevention and investigation of child sexual abuse and fatalities. From the United States, Melissa holds a Master’s degree in Social Work and a Bachelor’s degree in Psychology, and was drawn to this work by her experiences advocating for and supporting survivors of violence against women and children in crisis.</p>	

	<p>Name: Ms. Ahjung Lee Nationality: Korean</p> <p>Position: Policy Specialist</p> <p>Organization: UNDP Seoul Policy Center (USPC)</p> <p>Contact Information: ahjung.lee@undp.org</p>
<p>Ahjung Lee works on various aspects of the Centre’s knowledge-sharing work, including on the development and solidification of knowledge partnerships with key stakeholders in Korea and abroad. With her expertise on governance issues, she has worked for UNDP in different capacities for almost seven years, including for UNDP Indonesia Country Office and the UNDP Bangkok Regional Hub. Outside of UNDP, Ahjung worked on research and policy analysis for effective development cooperation in Korean Government institutions; managed a training programme on the rights-based approach to development at a Korean NGO; and worked as a research consultant at the University of Oxford. Ahjung holds a Master’s Degree from the University of Oxford in the UK, and an Honours Bachelor of Arts from the University of Toronto in Canada. She has lived and/or worked in Korea, Canada, Hong Kong, UK, Indonesia, and Thailand.</p>	

	<p>Name: Ms. Koh Miyaoi Nationality: Japanese</p> <p>Position: Asia-Pacific Gender Team Leader</p> <p>Organization: UNDP Bangkok Regional Hub</p> <p>Contact Information: koh.miyaoi@undp.org</p>
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Koh Miyaoi has worked as gender expert in the UN Division for the Advancement of Women, UN Economic and Social Commission for Asia and the Pacific, UNDP Thailand Country Office, UNDP Regional Centre Colombo, UNDP Bratislava Regional Centre, and UNDP Sub-Regional Response Facility for Syria-related Crisis. She became UNDP’s Asia-Pacific Gender Team Leader, based in UNDP Bangkok Regional Hub, in December 2014. Koh brings to her current position a wide range of skills, insights and experiences to support UNDP Country Offices in the region in delivering gender equality results. Her expertise includes analysis and development of policies, programming and project management, advocacy, and institutional capacity development, for the advancement of gender equality and empowerment of women, in the broader context of sustainable development.

	<p>Name: Ms. Byun, Hyun Ju Nationality: Korean</p> <p>Position: Director General</p> <p>Organization: Domestic Violence Prevention Headquarters, Women’s Human Rights Institute of Korea</p> <p>Contact Information: luckybhj@stop.or.kr +82-2-735- 7302; +82-10-6371- 8716</p>
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She is currently the Director General of Domestic Violence Prevention Headquarters, Women’s Human Rights Institute of Korea, and a member of the Seoul City Public Safety Council. She is also an advisor of Seoul Detention Center. Previously, she was a consultant of Suwon Family Court Consensual Divorce Committee. She also served as a member of the Human Rights Committee of Gyeonggi Provincial Police Agency and as a director of the “1366” Women’s Emergency Call Center. She was the director of Anyang Women’s Hotline Domestic Violence Counseling Center. She also conducted research in 2011 on the topic of ‘Domestic Violence Offender Treatment Program Operation Status and Improvement Plan’.



Name: Mr. Fidele Rutayisire

Nationality: Rwandan

Position: President

Organization: Rwanda Men's Resource Center (RWAMREC)

Contact Information: : fidele@rwamrec.org, www.rwamrec.org
+250788381183

Mr. Fidele Rutayisire is the founder and president of the Rwanda Men's Resource Center, a Rwandan local NGO that mobilizes men to support women's leadership, to address issues of negative masculinity, gender inequality, promotion of healthy families, women's rights and prevention of gender-based violence. He is also the executive director of Servas Rwanda, a nonprofit membership organization which fosters understanding of cultural diversity through a global person to person network promoting a more just and peaceful world. He has served as the national director of the community-based sociotherapy consortium and also worked as a civil society expert with USAID in Rwanda. A lawyer by education, Fidele is a passionate and articulated women's rights activist in Rwanda. He holds a Master's Degree in Gender and Development and a postgraduate degree in Peace-building and he is involved with many women's organizations in Rwanda. He is currently a board member of various national and international organizations including Servas International, PROMUNDO Great Lakes, BENIMPUWE, Living Peace Rwanda, Hope Assistance Foundation and Africa MenEngage Network. He was also a board member of PROFEMMES TWESE HAMWE an umbrella of 67 Women's organizations in Rwanda and the East African Civil Society Organization Forum (EACSOF). Fidele Rutayisire is a Rwandan who initiated and rallied the world to sign the petition against Sexual and Gender-based Violence in Kenya during the post-election violence held in early 2008. He was also the winner of the 2011 GBV Prevention Network 16 days of activism named what's your way competition on how to prevent violence against women.



Name: Dr. Choi, In Sook

Nationality: Korean

Position: Director/Professor, Prevention Education of Violence Dept.

Organization: Korean Institute for Gender Equality Promotion and Education (KIGEPE)

Contact Information: cis99@kigepe.or.kr

In Sook Choi received her Ph.D. in Public Administration from Ewha Womans University and served as a director in an NGO since 1991. Since 2003, she has been teaching and researching as a professor at the Korean Institute for Gender Equality Promotion and Education. Currently, she is the Director of the Prevention Education of Violence Department, KIGEPE. She served as a member of the Gender Equality Committee in Paju City, Seoul, and is the Chairman of the YWCA Human Rights Project Committee.



Name: Dr. Robert Rudolf

Nationality: German

Position: Associate Professor

Organization: Division of International Studies, Korea University

Contact Information: rrudolf@korea.ac.kr

Dr. Robert Rudolf is currently Associate Professor at the Division of International Studies, Korea University. Dr. Rudolf received his Diploma in International Economics from the University of Tuebingen in 2007 and his Ph.D in Development Economics from the University of Goettingen in Germany under the supervision of Stephan Klasen in 2011. His major research interests are in economic and human development, gender studies, happiness, and poverty/inequality. In the past, he was a visiting fellow at research institutes in Chile, Singapore, and Mexico. His work has been published in renowned international journals such as World Development, Feminist Economics, Review of Economics of the Household, and the Journal of Happiness Studies. In 2015, he and his colleague showed empirically that Korean men benefit more from marriage than women.



Name: Ms. Sujata Tuladhar

Nationality: Nepalese

Position: Technical Specialist – Gender-based violence

Organization: United Nations Population Fund, Asia-Pacific Regional Office

Contact Information: stuladhar@unfpa.org

Ms. Sujata Tuladhar is the Technical Specialist on Gender-based Violence (GBV) for UNFPA Asia-Pacific Regional Office. Prior to UNFPA APRO, Sujata worked with the Asian Development Bank (ADB) and UNFPA country offices in the Philippines, Pakistan and Nepal on gender and GBV programming and coordination in both development and humanitarian settings. Sujata received her M.A. in International Relations from The Fletcher School, Tufts University, and her B.A. in International Relations from Connecticut College, USA.




Name: Ms. Francine Pickup

Position: Deputy Country Director


Organization: UNDP Indonesia

Contact information: francine.pickup@undp.org

Francine assumed her position as Deputy Country Director in UNDP Indonesia in February 2016. Prior to this, she worked as Strategic Planning Advisor in UNDP's Regional Bureau for Asia and the Pacific based in New York. Here she focused on strengthening RBM and quality assurance, as well as innovation and scaling up, spending significant time in countries such as the Democratic People's Republic of Korea, Bangladesh and Afghanistan. Between 2008-2012, she headed the UN Inter-Agency Information and Analysis Unit in Iraq. Francine has worked with organisations including Amnesty International, Oxfam, the World Bank and the UN. She has worked with the UN (including ILO, FAO, OCHA, UNSCO and UNDP) both in the humanitarian and development fields at UN HQ in New York as well as in the field, in country offices including Russia and Central Asia, occupied Palestinian territory, Lebanon and most recently, Iraq. Francine Pickup received her undergraduate degree in Social Anthropology from Cambridge University and her Masters and Ph.D in Development Studies from the London School of Economics. Her Ph.D was on local level responses to new market forces in the industrial Urals of Russia. She has publications on topics including aid effectiveness, humanitarian aid policy, livelihoods, the informal economy and gender and development and a book, 'Ending Violence Against Women: A Challenge for Humanitarian and Development Work'.

	<p>Name: Ms. Mendy Marsh Nationality: USA</p> <p>Position: Specialist, Gender-based Violence in Emergencies</p> <p>Organization: United Nations Children's Fund (UNICEF)</p> <p>Contact Information: mmarsh@unicef.org 212-824-6313</p>
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Mendy Marsh is a practitioner on addressing gender-based violence in emergencies. Over the last 18 years she has worked for non-governmental agencies and the UN on GBV, reproductive health, and HIV/AIDS. She has worked on GBV in conflict and disaster-affected countries in Asia, Africa and the Middle East. She is currently based at UNICEF headquarters, and assists regional and country offices with strategic technical direction to ensure that UNICEF programmes are in place to prevent and respond to GBV in emergency contexts around the world. In this role she supports UNICEF and other partners on human resource capacity development for the prevention of and response to GBV in emergencies. She works on advocacy within UN and with other partners to position GBV as a life-saving element of emergency response. And, among other things, she also builds capacity on meeting the needs of child survivors of sexual abuse, livelihoods/economic strengthening programming, and other risk reduction strategies for women and girls. She has Master's Degrees in Public Health and Social Work from Columbia University.

	<p>Name: Dr. Yoon, Deuk-Kyoung Nationality: Korean</p> <p>Position: Research Fellow</p> <p>Organization: Korean Women's Development Institute</p> <p>Contact Information: dkyoon@kwdimail.re.kr (+82)-10-3244- 6732</p>
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Dr. Yoon, Deuk-kyoung is a Research Fellow of the Korean Women's Development Institute. She is a part-time professor at Ewha Womans University. She is also serving as an expert member of the Government Performance Evaluation Committee of the Office for Government Policy Coordination and a member of the Policy Advisory Committee of the Korean Ministry of Gender Equality.



Name: Ms. Lee, Hyeonsook

Nationality: Korean

Position: Executive Director

Organization: Tactennaeil ECPAT Korea

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- Ministry of Gender Equality and Family. Evaluation Committee Member, Ministry of Government Administrator and Home Affairs. Evaluation Committee Member
- Former Korea Youth Center Association for Sexuality Culture Education. Executive Director
- Former Tactennaeil Counseling Center against Sexual Violence. Director
- Former Korea Media Rating Board Member (June 2005 ~ June 2008)
- Former Korea Communication Standard Commission. 2nd Subcommittee Broadcasting Special Committee member (July 2008 ~ September 2009)
- Former Naeil Daily Journal. Department for Women and Youth. Journalist (March 1995 ~ December 1997)



Name: Ms. Kim, Mi Yeon

Nationality: Korean

Position: President

Organization: Women with Disabilities Arts and Cultural Network

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Ms. Kim Mi-Yeon has been a pioneer in initiating the human rights movement for women and girls with disabilities in Korea for the past 25 years, contributing to the promotion of human rights for women with disabilities and disabled women through the United Nations-based disability movement and international women's activities. She contributed to the inclusion of Article 6 of the UN Convention on the Rights of Persons with Disabilities, which was enacted in December 2016. She was also an International Planning Committee Member of the AWID Forum in 2008, granting disabled women an issue in the area of international women human rights. She currently serves as moderator of the Women and Girls with Disabilities International Action, which was formed in 2016, with President, Women with Disabilities Arts and Cultural Disabilities. She is an international Technical Advisor for Handicap International's Gender and Disability Project.



Name: Dr. Lee, Jeong-shim

Nationality: Korean

Position: Director General

Organization: Ministry of Gender Equality and Family

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- 2016.7 – Director General, Women’s and Youth Rights Promotion Bureau
- 2010 – Director, Youth Self-Reliance Support Division, Youth Affairs Bureau
- 2008 – 2010 Assistant Secretary to the President for Gender Equality and Family Affairs, Presidential Office
- 2004 – 2008 Director, Gender Impact Analysis Division & Women’s Resource Development Division & Women’s Right Promotion Division
- 2001 – 2004 Research Associate, Campbell Public Affairs Institute, Maxwell School of Citizenship and Public Affairs, Syracuse University
- 1998 – 2000 Deputy Director, Gender Equality Promotion Division & Policy Planning and Budget Division, Presidential Commission on Women’s Affairs
- 1989 – 1998 Staff/Deputy Director, International Cooperation Division & General Affairs Division & Women’s Policy Division, Ministry of Political Affairs(II)



Name: Mr. Sebastian Boll

Nationality: German

Position: Regional Research Specialist

Organization: United Nations Action for Cooperation Against Trafficking in Persons (UN-ACT)/UNDP

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Mr. Sebastian Boll is the Regional Research Specialist at the United Nations Action for Cooperation against Trafficking in Persons (UN-ACT), a regional anti-human trafficking project of the United Nations Development Programme (UNDP) based in Bangkok and with offices in the 6 Greater Mekong Sub-Region countries (Cambodia, China, Lao PDR, Myanmar, Thailand and Vietnam). Mr. Boll has worked on research with UN-ACT and its predecessor, the United Nations Inter-Agency Project on Human Trafficking (UNIAP), for the past 6 years, originally in Lao PDR and later from the Regional Management Office in Thailand. Prior to that, he worked with an international foundation on labour issues in Hanoi, Viet Nam and then joined the Mercator Fellowship on International Affairs with a human trafficking project in Lao PDR. Outside Southeast Asia, Mr. Boll has worked in India, Mexico and Tanzania as well as various countries across Europe.



Name: Dr. Nguyen Thi Phuong Hoa

Nationality: Vietnamese

Position: Vice Director, Center for Legal Research on Human and Citizen Rights
Vice Dean, Faculty of Criminal Law

Organization: Ho Chi Minh City University of Law

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Assoc. Prof. Dr. Nguyen Thi Phuong Hoa received a Ph.D in Law from Wollongong University in Australia. She has researched crime and punishment in Vietnam, and, in particular, on transnational crimes, the subject of her Ph.D thesis. She has a strong interest in international criminal law and her publications reflect this. Holding a position as Vice Director of the Center for Human and Citizens' Rights of Ho Chi Minh City University of Law, she has conducted research on human rights issues in criminal law.



Name: Ms. Dwi Rubiyanti Kholifah

Nationality: Indonesian

Position: Country Representative

Organization: The Asian Muslim Action Network

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Born and raised in Indonesia, Dwi Rubiyanti Khalifah is currently the representative of the Asian Muslim Action Network (AMAN) in Indonesia, which focuses on strengthening leadership of grassroots interfaith women and consolidating progressive voices to advocate the rights of minority groups. She earned her Master's degree in Health and Social Sciences at Mahidol University in Thailand.

She engages interfaith women in 24 communities in 7 provinces to learn about the perspective of gender and peacebuilding. With AMAN Indonesia, she also promotes protection of minorities group and freedom of religion. She is part of the drafter committee of NAP 1325 in Indonesia. She received several awards as a fellow of Asia Development Fellows (2014), 100th woman by BBC in 2015, 23rd of the most inspiring women by Salt Magazine in 2015, and N-Peace Award in 2016.



Name: Ms. Fabiola Laco - Egro

Nationality: Albanian

Position: Executive Director

Organization: Community Development Center "Today for the Future" (CDC-TFF)

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Fabiola Laço Egro is the founder and Executive Director of the Community Development Network "Today for the Future" that aims to strengthen gender equality and integrity, as well as to improve the social, economic, cultural and political situation of vulnerable groups, such as women, youth children and migratory groups, in the frame of Albanian society integration to the great European family.

During the first years of Albanian democracy, characterized by rapid changes in society and advancement of human rights activists, Fabiola Laço Egro was a spokeswoman of Independent Trade Unions of Albania. She emphasized and worked for women's rights, focusing on social issues and challenges, human rights, social and economic issues of women, and contributed to give voice to the expectations and hopes of an entire generation and social identity to women. Following her vision, she founded and directed during the first four years the Association of Young Christian Women Albania and represented it in the International Young Christian Women Network, by raising women's movement in Albania at the international level. Since then, she is one of civil society leaders on women rights and empowerment.

Fabiola Laco-Egro holds a Master's degree in Literature & Language and a Master's in Human Rights from Boldern Academy – Switzerland.



Name: Ms. Entela Lako

Position: Programme Specialist

Organization: UNDP Albania

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Currently Ms. Entela Lako is a Programme Specialist on Gender and Social Inclusion in UNDP Albania.



Name: Ms. Anna Minj

Nationality: Bangladeshi

Position: Director

Organization: BRAC

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Ms. Anna Minj is one of the Programme Directors of BRAC and leads three of its large scale core programmes named Community Empowerment, Gender Justice Diversity and the Integrated Development Programme. These main programmes include various sub-projects under them which she directs for ensuring successful achievement of its expected outcomes towards contributing for the organization's overall goal.

She has a Master's degree (MSc) in Zoology and a Post-Graduate diploma in Project Planning and Management from IDPM, Manchester University, UK. On the professional side, she has over 26 years of extensive in-depth professional experience in leading and managing programmes with strong key expertise in initiating, developing, running and demonstrating ability to deliver results and impacts on comprehensive areas of institution building, social mobilisation, women's empowerment, gender mainstreaming, livelihood development of the ultra poor, integrated development and indigenous peoples rights.

She has worked leading positions in different national and international organizations including CARITAS and CARE Bangladesh, where amongst a number of senior positions, she managed the Gender & Diversity and HR department's functions as a Team Leader.

Ms. Minj is also affiliated with numerous nationwide and worldwide forums and networks related to the field of development, gender and indigenous peoples' rights. Furthermore, she also serves as the Executive Board Member of Stromme Foundation- Norway, Vice Chair of National Coalition of Indigenous people in Bangladesh, Chairperson of Bangladesh Community Radio Association and National Coordinator for Girls Not Brides Bangladesh partnership.



Name: Ms. Nadine Umutoni Rugwe

Nationality: Rwandan

Position: Program Specialist and Team Leader- Democratic Governance and Peace Consolidation Unit

Organization: UNDP Rwanda

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Nadine is working at the UNDP Rwanda Country Office as the Team leader for Democratic Governance since March 2012 when she joined UNDP. In addition to managing the governance portfolio, she is also in charge of gender mainstreaming and she is the Deputy Chair of the One UN Rwanda Programme and Policy Oversight Committee (equivalent to the PMT). Based on her professional experience, Nadine gained expertise in promotion of rule of law and justice, democratic governance, decentralization and local governance, gender mainstreaming and women empowerment, leadership and development. Prior to joining UNDP, Nadine worked with the Embassy of the Netherlands (Development Cooperation section) as the Governance advisor managing their justice and decentralization portfolio. Before that, she worked as legal and policy specialist for the Umbrella of local government in Rwanda (RALGA). Nadine holds an MBA in Project Management and a Bachelor's degree in Law. She speaks French and English.



Name: Dr. Chang, Eun Ha

Nationality: Korean

Position: Director, Centre for International Development and Cooperation

Organization: Korean Women's Development Institute (KWDI)

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Eun Ha Chang is the Director at the Center for International Development and Cooperation, KWDI. Prior to joining KWDI three years ago, she was a Research Fellow at the Center for International Studies at Yonsei University. She was also a lecturer at Yonsei and Korea University. Her research interests include gender and development, international humanitarian assistance, and refugee policies. Eun Ha holds a Bachelor's degree in French Language and Literature from Yonsei University, a Master's degree (MALD) from the Fletcher School of Law and Diplomacy, Tufts University, and a doctoral degree from the Graduate School of International Studies, Yonsei University. She was a Visiting Fellow at Harvard Yenching Institute (2008-2010), and also worked as a Communication Specialist at McKinsey & Company (1997-1999). Eun Ha won the *Seoktop Teaching Award* from Korea University in 2012.



Name: Ms. Hye-Jin Park

Nationality: Korean

Position: Communications Analyst

Organization: UNDP Seoul Policy Centre

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Hye-Jin Park is responsible for executing UNDP and the Seoul Policy Centre's internal and external communications through a variety of knowledge dissemination and awareness-raising methods.

She comes with over ten years of global work experience, and was directly involved in field projects in Indonesia, Brazil, Senegal, Tanzania and Nepal, among others. Previously, Hye-Jin was Programme Officer at UNESCO Headquarters in Paris, working in the field of international education development.

Hye-Jin holds a Master's degree from Duke University (USA) and Yonsei University (Korea) in International Development and International Relations, and has also studied at the Institut d'Etudes Politiques (France) and the University of Michigan in Ann Arbor (USA)



Name: Mr. Jeong, Jinkyu

Nationality: Korean

Position: Director-General, Development Cooperation

Organization: Ministry of Foreign Affairs, Republic of Korea

Director-General Jeong has worked for the Korean Foreign Ministry since 2005. Before holding his current position, he was Deputy Director-General of the Overseas Koreans and Consular Affairs Bureau, Minister-Counsellor in Kenya, Counsellor in the Korean Permanent Delegation to the OECD, and Director of the Development Policy, Economic Organizations and Trade Policy Divisions. He also worked for the Korean Ministry of Information and Communication for over a decade prior to joining MOFA. He holds a B.A. in Public Administration from Yonsei University in Seoul and an M.P.A. from Cornell University in the U.S.A.



Name: Mr. Ashekur Rahman

Nationality: Bangladeshi

Position: Urban Programme Specialist

Organization: UNDP Bangladesh

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Mr. Ashekur Rahman is an urban specialist leading UNDP's Pro-Poor Urban Development portfolio in Bangladesh. He has been in this sector over a decade with various national and international organizations and offers top quality policy analysis, cutting edge advisory services and implementation of programme strategies focusing on evidence and results. He has produced enhanced organizational performance, dynamic change processes and strategic positioning of organization including constituency building and business development. He has extensive experience and success in managing high impact development projects. He holds M.A. in Economics as well as received international training and courses in leading the change, urban governance and land use planning.



Name: Ms. Seynabou Diaw Ba

Position: Governance Team Leader

Organization: UNDP Senegal

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Ms. Seynabou Diaw Ba is a Governance Team Leader at UNDP Senegal. She was involved in diverse programs including Governance for Achieving the MDGs Program, Women's Leadership for Gender Caucus Support Initiative, Local economic development support project in the local development program, and Support to Territorial and Thematic Networks for Local Governance for Development Program. She also served as a program officer of UNDP program called "Humanitarian demining project in Casamance".



Name: Gen. Joseph Kallas

Position: Inspector General

Organization: Internal Security Forces, Lebanon

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General Joseph Kallas is currently the Inspector General of Lebanon's Internal Security Forces.