**CEDAW – Report on the Sex Trade in South Korea**

Written by National Solidarity against Sexual Exploitation of Women

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1. **Prostitution-Related Legislations**
2. **The anti-prostitution law**

* The anti-prostitution law (2004- ) consists of the Act on the Punishment of Arrangement of Commercial Sex Acts (henceforth the punishment law) and the Act on the Prevention of Commercial Sex Acts and Protection of Victims (henceforth the protection law).
* The punishment law prohibits selling sex, purchasing sex, mediating, providing a venue, soliciting/enticing, and human trafficking for sexual exploitation; victims of prostitution are not penalized.
  + Victim of prostitution refers to: a) a person compelled to commercial sex acts; b) a person engaged in commercial sex acts while addicted to narcotics, psychotropic drugs, or cannabis by an intermediary; c) a minor, a person having no or weak ability to discern things or make decisions, or a person with serious disabilities; and d) a person trafficked aimed at sexual exploitation (Article 2-4).
  + The Nordic model of prostitution policy, which decriminalizes the selling of sex, was discussed at the time of legislation. Congress, however, passed a bill that penalizes both prostituted women and buyers with a provision that exempts victims of prostitution.
  + The protection law aims to uphold the human rights of those in prostitution and support their effort to exit the sex trade. It includes: a) mandatory prevention education at public institutions and schools; and b) establishment and operation of protection and aid systems (counseling centers, shelters, transition academies, alternative schools, and communal housing to protect and aid all persons in prostitution).
  + Regulatory provisions: Korea has operated various regulatory laws and policies since state-regulated prostitution during Japanese colonization. While many of them were abolished over time, some provisions remain.

1. **Anti-human trafficking legislations**

* Criminal Code
  + Article 288 (Kidnapping and Abduction for Purpose of Indecent Acts) (2) A person who obtains and maintains another under their control or a third person’s by means of the threat; use of force or other forms of coercion; or by means of fraud, deception, or enticement for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs, shall be punished by imprisonment with labor for at least two years, up to 15 years.
  + Article 289 (Trafficking in Persons) (3) A person who buys or sells another for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs shall be punished by imprisonment with labor for at least two years, up to 15 years.
* Anti-Prostitution Law
  + The punishment law prohibits “human traffic aimed at sexual traffic”
  + The punishment law permits “not issuing or suspending deportation when a foreign woman files a report or is investigated as a victim of sexual traffic.”
* Act on Prevention of Human Trafficking and Protection of Victims
  + The previous law had an extremely narrow definition of human trafficking that had never been effectively enforced. The new anti-trafficking legislation in 2021 only focuses on protecting victims, while neglecting penal provisions due to the opposition from the Ministry of Justice.
  + The main topics of the law include the definition of human trafficking, prevention measures, victim identification indicators and certificates, agencies for victims’ human rights and interests, and support measures for trafficking victims.

1. **Historical Context of the Sex Trade and Sex-Trafficking**

* Korea had state-regulated prostitution during the Japanese colonization in the early 20th century, during which prostitution and sex trafficking were prevalent. Since 1937, the Sino-Japanese War intensified Japanese military sexual slavery and forced labor.
* Prostitution was prohibited upon liberation but was still rampant, especially catering to foreign military men. Further explosive growth of the sex industry in the 1980s made trafficking, confinement, violence, and exploitation commonplace. Women’s debt bondage justified their being sold to numerous procurers nationwide. Although the law had always prohibited prostitution, the state not only condoned the industry, but also promoted it under the name of economic development. The de facto policy has resembled a regulatory model, considering the mandatory screening for sexually transmitted infections and sanitary certificates.
  + In 2014, 120 women prostituted in the U.S. military camptowns filed a suit against the Korean government for reparations, and the Supreme Court confirmed the ruling in favor of the plaintiffs in September 2022. The ruling stipulated that the South Korean government justified and promoted prostitution by forcing sanitary check-ups and inhumane treatment measures for sexually transmitted infections.
  + The government established a visa status for “entertainment” (E-6-2) so that adult establishment owners in the camptowns can hire women from Russia and the Philippines. The E-6-2 status remains to this day, despite the accumulating criticisms that it is another window for human trafficking.
  + E-6-2 Issuance in the past five years (Source: Korean Statistical Information Service)

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| --- | --- | --- | --- | --- | --- |
| **Year** | **2017** | **2018** | **2019** | **2020** | **2021** |
| **Total** | 928 | 946 | 1046 | 390 | 257 |
| **Female** | 660 | 657 | 751 | 262 | 128 |
| **Male** | 268 | 289 | 295 | 128 | 129 |

* Two fires in red-light districts that killed 19 prostituted women confined in brothels—five and 14, respectively—ignited a feminist movement against the sex trade which redefined prostitution as a human rights and gendered violence issue.
* The 2001 U.S. Trafficking in Persons Report categorized South Korea as a tier 3 country.
* The anti-prostitution law was legislated in 2004; the anti-trafficking provision was added to the criminal code in 2013. The anti-trafficking law was legislated in 2021.

1. **Varying Sectors of the Prostitution and Sex-Trafficking Economy**

* Red-light districts: Brothels in red-light districts offer prostitution as their primary service. The reports from the Ministry of Gender Equality and Family indicate the number of red-light districts has declined in the past couple of decades—35 districts in 2004, 25 in 2013, and 15 in 2021.
* Secondary providers: Legally registered businesses, such as karaoke rooms, massage parlors, motels, and tea houses, often provide prostitution as an add-in service. A report in 2015 estimated the scale of the sector to be worth 6 trillion KRW.
* Unregistered intermediaries: These venues provide prostitution as the primary service but are not officially registered as businesses. The common forms include studio apartments, outcall agencies, and intermediary websites. The exact scale of this sector is unknown.
* Individual exchanges: Social media and chat apps are the most common platforms on which individuals (especially adolescents) and small-scale intermediaries look for sex buyers.
* It has become increasingly common for massage parlors, outcall agencies, and karaoke rooms to hire migrant women on tourist visas. Many of them are mandated to give their passports to their procurers and become unregistered past the three-month expiration.
* The only police department that operates a prostitution-focused unit is the Gyeonggi Southern Provincial Police Agency. The unit apprehended a group of procurers for managing 49 studio apartments for prostitution and investigated 13,000 suspects for buying sex. The procurers hired Thai women through a broker in Thailand. They were found to have violated the women’s human rights in various ways, one of which was coercing them to take morning-after pills (Source: The Gyeonggi Southern Provincial Police Agency <https://www.ggpolice.go.kr/main/bbsview.do>).

1. **Current Conditions**
2. **The current scale of the sex trade**

* The 2007 government report on the sex trade estimates that there are 270,000 prostituted women, 46,247 businesses in which prostitution is available, and 94 million individuals who purchase sexual services in the form of prostitution each year. The annual nationwide sales estimate is 14 trillion KRW—200 billion KRW by brothels, 7.7 trillion KRW by secondary providers, and 6.2 trillion KRW in other forms of prostitution (including businesses mediated on the internet). The total scale of the sex trade accounts for 1.7% of the GDP in the previous year (2006).
* Havocscope.com (2015) estimated that the South Korean sex trade is worth 12 billion USD (14.8 trillion KRW), and the Korean Institute of Criminology (2016) estimated 30 – 37 trillion KRW.
* The 2019 government report found that 42.1% of Korean men have purchased sex at least once in their lifetime (2019 Prostitution Survey).
* The owner of South Korea’s largest prostitution intermediary website was convicted and sentenced to three years in prison. The website housed 700,000 users, 210,000 sex buyers’ review posts, and 10,000 advertisements for prostitution. In 2023, the police apprehended a group of men for operating an intermediary website with 320,000 users. They provided advertisement services to 5,400 businesses for prostitution and profited 7.6 billion KRW.

1. **Victimization in Prostitution**

* The vast majority of prostituted women are tied to debt bondage. Korean women in prostitution receive the advance payment, which is to be paid back as they continue to work.
* As the anti-prostitution law clarifies that any debt incurred to coerce commercial sex acts is invalid, prostituted women do not have legal responsibility to clear the debt. However, women are still expected and demanded to pay off the debt by selling sex.
* One loophole is to implicate third-party lenders so that the bondage would not appear as prostitution-related. These lenders deploy exorbitant interest rates to make clearing the debt implausible.
* For migrant women, debt bondage is in effect even before they first encounter their procurers due to travel expenses and broker fees. The debt is then used to coerce them to sell sex.
* Most women experience extreme financial difficulties and turn to prostitution as the last resort. They often have large amounts of debt accumulated before entering prostitution.
* Many prostituted women experience domestic violence, sexual abuse, and bullying in their childhood in the absence of social support.
* Some of the new forms of victimization include fraud and sex buyers filming sex acts without consent. It is difficult for prostituted women to report these cases due to the anti-prostitution law that penalizes selling sex.
* According to the records, the six counseling centers in Seoul received 12,771 cases in 2022. The most common topics include exiting prostitution (331), debt payment (548), battery (22), confinement (5), intimidation (116), rape (52), illness (107), alternative career (1,210), police investigation (467), and legal aids (2,696) (Source: <https://data.seoul.go.kr/dataList/10222/S/2/datasetView.do>).

1. **Support for Prostituted Women**
   1. **Support system for prostituted women**

* All persons selling sex are eligible for exit and restorative programs according to the protection law.
* South Korea has 29 counseling centers specializing in aiding prostituted women (decreased by two in 2023), 39 shelters, 13 transition academies, and two alternative schools. Central and local governments fund the operating expenses. There is only one support center and one shelter for foreign nationals. More transition academies and migrant-focused organizations are necessary.
* Organizations assisting prostituted women keep the client information confidential from the government or the police.
  1. **Support for sex-trafficking victims**
* The central and local support centers were established according to the anti-trafficking law but are not operating due to insufficient budget and expert staff. The government has entirely cut the budget for 2024.

1. **Necessary Improvements in Current Prostitution Policy**
   1. **Decriminalization of prostituted women**

* South Korea is not abiding by the recommendation from the Committee on the Elimination of All Forms of Discrimination against Women to repeal all provisions that criminalize women in prostitution.
* Few prostituted women find the immunity provision for “victims of prostitution” helpful because it is extremely difficult to prove the lack of voluntariness.
* The penalization further deepens the vulnerability of women in the sex trade as it deters them from reporting violence that occurs in the process of prostitution. The criminal history also makes it difficult for them to exit prostitution or look for other career options.
* The prostitution policy in South Korea lacks coherence, for it provides support to all women in prostitution while penalizing the “voluntary” selling of sex. The Ministry of Gender Equality recognizes prostituted women as victims in need of systematic support, but the Ministry of Justice defines them as criminals.
* The anti-trafficking law’s definition that all persons subjected to human trafficking for sexual exploitation are victims does not align with the anti-prostitution law that distinguishes coercion and voluntariness. Most women in prostitution, therefore, are penalized instead of being identified as victims.
* In October 2023, the CEDAW emphasized that the South Korean government penalized trafficking victims instead of upholding their human rights and recommended protective measures (CEDAW/C/86/D/139/2018). These cases are not out of the norm; most trafficking victims face penalization.

2. **Repealing regulatory laws**

* Prostitution is officially illegal, but laws that condone and/or encourage prostitution remain.
* The Food Sanitation Act allows businesses to hire “workers engaged in entertainment”—“women who provide amusement to customers by drinking alcoholic beverages with customers, singing, or dancing.” Prostitution is promoted as an add-in service in most of these businesses.
* The Infectious Disease Control and Prevention Act stipulates mandatory screening for sexually transmitted infections for particular occupations and/or industries: (a) “workers engaged in entertainment,” (b) certain restaurants including delivery tea houses, (c) certain massage parlors, and (d) those who work in red-light districts.

1. **Engendering the government’s effort to eradicate sexual exploitation**

* South Korea houses the world’s sixth-largest sex trade. This should be considered the result of the state’s condoning and encouraging prostitution for the past several decades. The size of the industry provides the basis for the increasing human rights violations of prostituted women.
* The sex trade does not naturally decrease or disappear. The state must take measures to address various issues related to prostitution, such as trafficking, human rights, and the expanding industry.
* The current government, however, refuses to take a perspective centering on women’s human rights and remains passive about establishing countermeasures. Over the years, the government’s disinterest has worsened and become more overt. The state is eager to apprehend and penalize prostituted women and turn a blind eye to procurers and sex buyers.

1. **Our Proposal**
2. Amend the anti-prostitution law to decriminalize all women in prostitution.
3. Repeal all regulatory provisions.
4. Establish an effective system to counter the sex trade and human trafficking and support it with adequate authority for consistent operation.
5. Adhere to the penal provision for procurement and buying sex.