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Seoul court orders Japan to compensate 12 Korean sex slaves

By Hyung-Jin Kim

AP News (08.01.2021) - <https://bit.ly/2XANrzB> - A South Korean court on Friday ordered Japan to financially compensate 12 South Korean women forced to work as sex slaves for Japanese troops during World War II, a landmark ruling that's set to rekindle animosities between the Asian neighbors.

Japan immediately protested the ruling, maintaining that all wartime compensation issues were resolved under a 1965 treaty that restored their diplomatic ties.

The Seoul Central District Court ruled the Japanese government must give 100 million won (\$91,360) each to the 12 aging women who filed the lawsuits in 2013 for their wartime sexual slavery.

The court said Japan's mobilization of these women as sexual slaves was "a crime against humanity." It said it happened when Japan "illegally occupied" the Korean Peninsula from 1910-45, and its sovereign immunity cannot shield it from lawsuits in South Korea.

The court said the women were the victims of "harsh sexual activities" by Japanese soldiers who caused them bodily harm, venereal diseases and unwanted pregnancies and left "big mental scars" in the women's lives.

The proceedings in the case had been delayed as Japan refused to receive legal documents. Seven of the 12 women died while waiting for the ruling.

Another 20 women, some already diseased and represented by their surviving relatives, filed a separate suit against Japan, and that ruling is expected next week.

The women were among tens of thousands across occupied Asia and the Pacific who were sent to front-line Japanese military brothels. About 240 South Korean women came forward and registered with the government as victims of sexual slavery, but only 16 of them, all in their 80s and 90s, are still alive.

Observers say it's unlikely for Japan to abide by the South Korean court ruling. A support group for women forced to work as sex slaves said it may take legal steps to seize Japanese government assets in South Korea if Japan refuses to compensate victims.

Japan's Foreign Ministry said in a statement that Vice Foreign Minister Takeo Akiba had summoned South Korean Ambassador Nam Gwan-pyo to register Tokyo's protest of the ruling.

Chief Cabinet Secretary Katsunobu Kato also called the ruling "extremely regrettable," saying "the Japanese government cannot accept this by any means."

South Korea's Foreign Ministry said later Friday it respects the ruling and will strive to restore the dignity of the women. It said it will examine the verdict's possible effects on ties with Japan and make efforts to maintain "future-oriented" cooperation with Tokyo.

Seoul and Tokyo, both key U.S. allies, are closely linked to each other economically and culturally. But their historical and territorial disputes stemming from Japan's colonial occupation have often complicated Washington's efforts to strengthen trilateral cooperation to deal with North Korea's nuclear threat and China's growing influence in the region.

Their relations plunged to one of their lowest levels in decades after South Korea's Supreme Court in 2018 ordered Japanese companies to offer reparations to some elderly South Korean plaintiffs for their wartime forced labor. The spat escalated into a trade war that saw both countries downgrade the other's trade status, and then spilled over to military matters when Seoul threatened to end a trilateral 2016 military intelligence-sharing agreement involving the U.S.

In 2015, South Korea's previous government reached a deal with Japan to resolve the sexual slavery dispute.

Under the deal, Japan offered a fresh apology and agreed to fund a foundation to support victims in return for South Korea stopping to criticize Japan over the issue on the world stage. But South Korea's current government, led by President Moon Jae-in, took steps to dissolve the foundation, saying the 2015 deal lacked legitimacy because officials failed to properly communicate with victims before reaching it.

Single women in South Korea have rights to a family too

TV star's parenthood choice highlights barriers to reproductive rights.

By Susanné Bergsten

HRW (23.11.2020) - <https://bit.ly/2HArjAW> - Recent news of a celebrity in South Korea giving birth after in vitro fertilization (IVF) treatment in Japan sparked debate in a country where single parents, especially unwed mothers, are often ostracized. Sayuri Fujita, a Japanese-born television star, seemed aware of this as she posted a joyful photo of herself and her newborn on social media, writing, "Becoming a single mother was not an easy decision, but it is also not a shameful decision. I want to thank my son for making me a proud mother."

Giving birth outside of marriage is often stigmatized due to the country's Confucian culture and patriarchal family structures in which women are seen as less valued.

An estimated 20,761 single-parent households are headed by unmarried mothers in South Korea. The actual number may be significantly higher, as stigma leads some to conceal their unmarried status. Lack of social acceptance for unwed mothers and their children means they are more likely to be living in poverty and be socially isolated.

Although South Korea's birth rate is among the lowest in the world, and the government is concerned about the country's aging population, artificial insemination and IVF treatments are not an option for unmarried women. Sperm banks set their own criteria for accepting patients and will not provide services to unmarried women.

But public attitudes towards single parenthood are changing; a recent survey found 31 percent of South Koreans accept having children without getting married.

South Korean women and girls have long faced violations of their reproductive rights as the government pursued policies seeking at different times to reduce and then increase the birth rate. Stigma against unmarried mothers—and severe restrictions on abortion--helped drive high rates of international adoption from South Korea. Women have long fought for access to abortion, and the country's Constitutional Court recently ordered the government to reverse its abortion ban.

It is high time for South Korea to fully respect reproductive rights. The government should eliminate barriers to accessing abortion and make assisted reproductive services available for everyone, no matter their marital status, sexual orientation, or family configuration. It should also act to eradicate all forms of discrimination and stigma against single parents, particularly unwed mothers. Everyone has a right to decide for themselves if they want a family or not.

Lee Hyo-jae, champion of women's rights in South Korea, dies at 95

Ms. Lee was a prominent activist and a founder of women's studies programs. She also stood up to the country's dictators.

By Michael Astor

The New York Times (14.11.2020) - <https://nyti.ms/3f86edt> - When Lee Hyo-jae learned of a university colleague's research into the Korean "comfort women" taken by the Japanese military for use as sex slaves during World War II, she came to view the government-sanctioned enslavement as one of history's most brutal war crimes.

She spent the next two decades fighting to bring attention to the issue and to secure redress from Japan. But that was only one of many causes taken up by Ms. Lee, one of South Korea's foremost activists on behalf of women's rights and democracy.

She helped abolish South Korea's patriarchal naming system, allowing people to use two surnames to reflect their heritage from both parents. She helped establish a quota requiring that half of a party's candidates running for the National Assembly be women. She pushed for equal pay for equal work.

Ms. Lee died on Oct. 4, 2020, at a hospital in Changwon, in the country's southeast. She was 95. The cause was sepsis, her nephew Lynn Rowe said.

"In the dark times when the stars were brighter, she was one of the most brilliant," President Moon Jae-in said in a statement after her death. He posthumously awarded her

a national medal, an honor she declined in 1996 because the same medal was being given to someone she believed to be a government agent planted within the women's movement.

Along with her work on behalf of women, Ms. Lee was also active in the struggle for democracy when South Korea was under dictatorial rule, and was a forceful advocate for the reunification of the two Koreas.

She was among a group of 30 female activists, including Gloria Steinem and the Nobel Peace laureates Leymah Gbowee and Mairead Corrigan-Maguire, who received international attention for making a rare trip in 2015 across the Demilitarized Zone separating the North and South to promote disarmament and peace between the two countries, which are technically still at war.

Ms. Lee was a professor emeritus of sociology at the prestigious Ewha Womans University, where she inspired generations of young women. Many became leading feminists and rose to key positions in liberal governments. Ms. Lee turned down a number of offers to enter politics, preferring her roles as professor and activist.

In her later years, Ms. Lee helped found the Miracle Library, a national network of libraries aimed at children and teens in rural areas.

Lee Hyo-jae was born on Nov. 4, 1924, in Masan, a precinct of Changwon in Gyeongsang Province, during the Japanese occupation of Korea. Her father, Lee Yak-shin, was a Presbyterian minister and leader in the church and her mother, Lee Oak-kyung, founded and ran an orphanage.

When she was a young woman, her parents brought her to Seoul for an arranged marriage but Ms. Lee ran away, believing it would interfere with her ambitions, Mr. Rowe said. She never married.

A few years later her father met Jobe Couch, an American serviceman attached to the U.S. Embassy in Korea. Mr. Couch, who was married but had no children, became impressed by Ms. Lee's younger sister Hyo-suk and offered to take her back with him to the United States to gain a college education. The sister, however, refused to go without Ms. Lee and so he brought them both in 1945.

It wasn't easy. Mr. Couch had to enlist the help of an Alabama congressman, Carl Elliott, to obtain visas and he had to lobby the University of Alabama to accept the sisters on full scholarships even though they did not speak English.

Ms. Lee earned a bachelor's degree at Alabama and went on to earn a master's in sociology from Columbia University before returning to South Korea in 1957.

She founded the sociology department at Ewha the following year. She began teaching the school's first course in women's studies in 1977, which led to the development of South Korea's first graduate level women's studies program.

"She was the most distinguished woman leader at that time," Jung Byung-joon, a history professor at Ewha, said in an email, and she became an advocate for human rights and democratization. "It was very challenging and dangerous choice for her to join the anti-regime movement."

She was fired from Ewha in 1980 for her opposition to the military regime in power at the time, but was reinstated in 1986 as the country was returning to democracy.

Ms. Lee is survived by her daughter Hee-kyung and her sister, who now goes by Hyo Suk Rowe, and two other sisters, Sung Suk Gaber and Unwha Shin.

She was especially passionate about the cause of the "comfort women." As many as 200,000 women from Korea and other Asian countries were conscripted as sex slaves for Japanese troops beginning in the 1930s.

After decades of denial, the Japanese government in 1992 acknowledged its involvement. South Korea and Japan reached a settlement in 2015 that involved an apology from the Japanese government and \$8.3 million to provide care for the surviving women, who numbered around 45 at the time.

"Japan's crime against the women is unprecedented, even among the brutal war histories of humankind, because this enslavement of Korean women was carried out systematically as an official policy of the Japanese government," Ms. Lee told the Los Angeles Times in 1994, when a memorial library was dedicated in Koreatown. "It's ironic that the first memorial to the women should be in America."

Shocked public wants Telegram trafficker identified

By Ser Myo-Ja

Korea Joongang Daily (23.03.2020) - <https://bit.ly/3adU5Ap> - Following the arrest of a 26-year-old who allegedly kept dozens of women, including underage girls, in sexual slavery and offered chats showing videos of violent sex through an instant messaging app, public demands rose for the release of his full name and those of his clients.

President Moon Jae-in ordered the police Monday to expand its investigation into his clients.

On March 16, the National Police Agency arrested the 26-year-old man surnamed Cho, who they had been investigating since September.

The man was accused of sex trafficking dozens of women, producing illegal pornographic materials and distributing them for profit through the Telegram instant messaging app, where he was known as "Baksa," meaning doctor or guru in Korean. He has not been formally charged.

So far, at least 74 victims, including 16 children and teenagers, were confirmed. The police also tracked down 13 possible co-conspirators of Cho and arrested four of them. Investigations are ongoing into the rest.

The Seoul Metropolitan Police Agency said Monday it is going after subscribers of Cho's bizarrely violent and gruesome video service.

"We are well aware of the public furor and that the people who joined Baksa's group chat rooms to watch videos are not simple bystanders but active accomplices in organized sex crimes," a police official said. "We will conduct investigations to punish them based on concerned laws."

The police estimated that Cho's chat rooms had about 10,000 subscribers.

For months, the police investigated the creation and distribution of illegal sex crime videos through Telegram, an encrypted instant messaging service that has been used by

protesters to avoid government surveillance in places like Hong Kong, but also by criminals, white supremacists and terrorists. According to the police, 124 suspects were charged with crimes including Cho.

According to police, Cho was a vicious sexual predator. He allegedly recruited women by offering part-time jobs and made them sex slaves by threatening to distribute their naked photos. He allegedly carved his nickname Baksa into the skin of some victims to claim them as his property, the police said.

According to the police, Cho also threatened to blackmail customers. He also ordered some of his customers to rape underage girls, police claim.

Cho's service offered free previews and a range of raunchy chats that got more expensive as they got more extreme. He was paid in cryptocurrencies.

He allegedly hired employees to rape victims and launder money. He communicated with them through Telegram messages and never met his employees, the police said.

Following Cho's arrest, the Blue House's public petition board received several demands for his full identity. One petition demanding full disclosure of his identity was signed by over 2.3 million people as of 5 p.m. Monday. Another petition, demanding the identities of accomplices and customers to be publicly released, was signed by over 1.6 million people.

If a Blue House petition gets more than 200,000 signatures within 30 days, the Blue House is supposed to formally respond.

"President Moon offered sincere words of consolation to the victims including the 16 children and teens," Blue House spokesman Kang Min-seok said Monday. "He said he agrees with the people's rightful rage."

Moon said the government will do its best to delete the digital videos and offer legal, medical and psychological support to the victims.

Noting that he takes seriously three million people signing petitions within a short period of time, Moon ordered the police to thoroughly investigate this heinous crime, Kang said.

Moon ordered the police to investigate not only the chat room operators, but all users, urging the police to create a special investigation team to do so.

The police said Monday it will decide Tuesday whether to disclose the full identity of Cho.

Meanwhile, the police are still investigating a separate but related Telegram sex crime case. The police are tracing a user nicknamed "GodGod," who is believed to be the pioneer of such sexual chat rooms in Korea.

He reportedly operated eight Telegram chat rooms from February through September last year and distributed hundreds of illegal sex videos.

According to women's rights groups, about 60 Telegram chat rooms exist to share sex videos that involve underage people or violence. In total, they have about 260,000 subscribers.

Korea has relatively mild punishments for cyberspace sex crimes. Clause 2 of Article 14 of the Act on Special Cases Concerning the Punishment of Sexual Crimes said a person who creates or distributes photographs or videos against the will of a person

photographed is punishable by up to five years in prison or a fine of up to 30 million won (\$23,700).

Clause 5 of Article 11 of the Act on the Protection of Children and Youth against Sex Offenses says, "Any person who possesses child or youth pornography knowing that it is child or youth pornography shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 20 million won."

South Korea to legalize abortion after 66-year ban

By Yoonjung Seo

CNN (11.04.2019) - <https://cnn.it/2UtD00R> - South Korea's 66-year abortion ban must be lifted by end of 2020 the country's Constitutional Court ruled Thursday, in a major win for pro-choice advocates.

Seven out of nine judges ruled that outlawing abortion was unconstitutional -- votes from six judges were needed to overturn the ban.

Lawmakers now have until December 31, 2020 to revise the law. Termination of pregnancy after 20-weeks will remain illegal.

Previously, women who had abortions in South Korea could face up to a year in prison and can be fined up to two million won (\$1,780), while doctors or healthcare workers who helped terminate a pregnancy could be jailed for up to two years.

While prosecutions were rare, they were not unheard of.

Three-quarters of women aged 15 to 44 regarded the law as unfair, according to results of a survey released this year by the Korea Institute for Health and Social Affairs. Around 20% of respondents said they had had an abortion despite it being illegal.

Recent pressure to decriminalize the practice, however, had seen pushback from conservative and religious groups, some of which have links to US anti-abortion campaigns.

Crime and stigma

When she was 40 years old, Kim Kyung-hee realized she was pregnant. The after-school teacher and her husband already had two daughters and so decided to have an abortion.

In many countries, this would be a simple medical procedure, undertaken with the support of the healthcare system. But in South Korea, Kim was left only with the option of an illegal operation.

While Kim's abortion took place 12 years ago, she said she is still haunted by the knowledge that she committed a crime.

"I felt guilty for getting rid of a life to begin with, but the fact that it was a crime made it emotionally much more difficult," Kim said.

Kim said finding a clinic to perform the operation wasn't particularly difficult. She simply went to a large obstetrician-gynecologist hospital. "After I had confirmation that I was pregnant ... I told the doctor I wanted an abortion so we scheduled the date and time," she said.

Kim said she left the hospital as soon as the operation was over.

"I wasn't very healthy, so I should have stayed longer to fully recover but I felt that I had to get out," Kim said. She didn't tell her mother or siblings about it at the time.

Kim is not alone. According to the Health Ministry, 50,000 women had an abortion in South Korea last year.

That's down from 168,000 in 2011, according to the official data -- but many doctors disputed these figures saying the criminalization of the practice had distorted reporting of it.

They estimated the actual figure could be 10 times higher than that recorded by the government.

Kim believed the law had put an unjust burden on women.

"Pregnancy doesn't come about by women alone -- but to hold only women responsible makes the law very unfair," she said.

Changing attitudes

In 1953, South Korea criminalized abortion in most circumstances, with exceptions granted to cases involving rape, incest and genetic disability.

But in the following years, the law appeared to contradict other government policies, social norms and technological advances.

In the early 1960s, for example, the government launched a campaign to reduce the number of children per household, in a bid to get the population size under control.

Traditionally, South Korean couples had preferred sons over daughters, as they could carry on the family name, and so would keep having children until they had a boy. The new policy combined with the abortion ban left them with fewer legal options.

Around the same time, however, access to ultrasound technology allowed more people to know the sex of their unborn child. Some parents began aborting female fetuses -- illegally. The severe social stigma against unmarried mothers was another factor that led women to seek abortions.

Even recently, women who had a child outside of marriage were often ostracized and cutoff from family support. Many chose to stay at shelters run by the government, religious groups and adoption centers.

Times changing

The Constitutional Court almost legalized abortion in 2012, said Cho Hee-kyoung, a law professor at Seoul's Hongik University. "The court was actually split. It was four to four and there was no deciding vote because, at the time, one seat was vacant."

Pressure to reform the law has been growing since then, both domestically and internationally. Pro-choice were emboldened by Ireland's landslide vote to legalize abortion, in a country where the stringently anti-choice Catholic Church has far more influence.

Current South Korean President Moon Jae-in, who is a Catholic, appointed six of the current nine Judges on the Constitutional Court. Though Moon has not spoken publicly about this issue, he has been supportive of gender equality and in favor of protecting rights for minorities.

In 2017, more than 235,000 people signed a petition to legalize abortion. In response, the government promised better sex education, more support for single mothers, and to research the issue.

Even some of the churches that oppose the legalization in principle disagree on imposing punishment solely on women.

Protests

The case before the Constitutional Court this week began after a doctor filed a petition against the law after he was indicted for carrying out an abortion of a less than three-month-old fetus in 2014.

The doctor claimed that the abortion ban violated his right to pursue happiness, to equality and freedom of occupation.

As ruling for the case approached, both anti- and pro-choice groups took to the streets of Seoul to make their case.

On April 6, about 1,000 anti-abortion protesters gathered in Seoul for a "March for Life," modeled on the US campaign of the same name. They bore placards with slogans such as "abortion is murder" and "both women and fetuses must be protected." Last week, Archbishop of Seoul, Andrew Yeom Soo-jung, said in a statement that "the pain for women derives from the situation that pushes them towards an abortion not from the criminal laws."

Yeom urged society "to focus on saving both women and fetuses rather than only focusing on the legalization of abortion."

Meanwhile, activist Hong Yeon-ji, who attended a pro-choice rally along with hundreds of women a week before, said the current law was "abused by male partners as it penalizes the women who have the operation and the doctors who perform the operation."

She said that many doctors who performed illegal abortions were not properly trained and the surgery methods they used had not been updated in years because the act itself was illegal.

At the Korea Womenlink center, one of the largest women's activist groups in South Korea, where she works, Hong said she had encountered cases of men threatening their partners with being reported to the police for having an abortion, either to hurt them when a relationship broke down or to blackmail them for money.

Last month, South Korea's own human rights watchdog, the National Human Rights Commission of Korea (NHRCK), said that the current law was unconstitutional.

"In a democratic nation, people are not coerced to get pregnant and therefore the rights to terminate pregnancy should be safeguarded too," the NHRCK said in a statement.

"All couples and individuals should be able to freely decide on the number of children they have and when to have them."

Women, doctors protest new South Korea abortion restrictions

Debate intensifies over anti-abortion law and women's reproductive autonomy.

By Wooyoung Lee

UPI (30.08.2018) - <https://bit.ly/2N5cfNc> - SEOUL - Women's rights groups and doctors have expressed fury over the government's decision to classify surgical abortions as "unethical," fueling debate on women's reproductive freedom in a conservative country with one of the world's lowest fertility rates.

Seoul's Ministry of Health and Welfare announced Aug. 17 a revised Medical Act, which lists surgical abortions as an unethical medical practice, along with sexual abuse, using unauthorized medicine, reusing single-use devices and ghost surgery (in which one doctor substitutes for another, without the patient's knowledge), among others.

Doctors would be suspended for one month in violation of the revised law as it takes effect this month.

Obstetricians have condemned the revisions, saying it portrays them as potential "criminals." Many are refusing to conduct any surgical abortion unless the ministry withdraws the new law.

"We refuse to be punished under the revised law, which fails to recognize the reality, in which surgical abortions are unavoidably carried out for so many reasons," a group of obstetricians and gynecologists said in a statement Tuesday.

In response to the immediate backlash, the health ministry decided Thursday to postpone implementing the one-month suspension.

A Seoul-based women's rights group, BWAVE, has criticized the government and doctors.

"The government has made it more difficult for women to have an abortion to raise the nation's fertility rate," the group said. "Doctors have taken women's health and life as a hostage for their own benefits."

The group staged a protest in Seoul on Saturday, calling for the termination of the current anti-abortion law and demanding women's reproductive freedom.

Doctors and women's rights groups have pointed out that the government's move to toughen punishment for abortion would limit women's access to safe abortion services.

"This could encourage unsafe, illegal surgical abortions underground," Lee Chung-hoon, head of the Korean Association of Obstetricians and Gynecologists told UPI.

Lee said the current law is too outdated to recognize circumstances women face in choosing abortion and therefore fails to respect women's reproductive autonomy.

"The law allows abortion in very limited cases that only cover a very slim percentage of surgical abortions being carried out today," Lee said.

South Korea allows selective abortion only in cases such as those involving rape and incest and fetal abnormalities.

"It's too selective to recognize various cases that need surgical abortions. If a fetus has a genetic disorder, the current law doesn't allow surgical abortions, but only for cases where parents hold the same genetic disorder," Lee said.

South Korea's fertility rate dropped to a record low of 1.05 last year, with a total of 357,800 babies born, a 12 percent drop from 2016. The total fertility rate in the second quarter of this year was 0.97, according to Statistics Korea.

In April, a Seoul-based think tank on women's issues conducted an online survey of women who had abortions or considered having one.

More than 30 percent said they decided to have an abortion as they were not financially ready to raise a child and 20 percent said they needed to continue study or work. Some 12 percent of respondents said they didn't want to marry because of pregnancy.

The survey, conducted by the Korean Women's Development Institute, also found that 77 percent of women supported legalizing abortion while 23 percent were against it.

Another survey by the health ministry and the graduate school of public health at Yonsei University in 2010 found that 77 percent of women surveyed decided to have an abortion because of unwanted pregnancy and concerns of being single and pregnant. Those who had an abortion due to fetal abnormalities consisted of 20 percent.

The ministry's latest survey to date found there were more than 168,000 cases of surgical abortions in 2010, down from some 350,000 cases in 2005.

The debate between pro-choice and anti-abortion advocates has been ongoing since the Constitutional Court sided with abortion restrictions in its 2012 ruling.

The court is expected to rule on the law once again later in the year in a case filed by a doctor who was criminally charged for carrying out abortions upon patients' requests.

Earlier this month, a group of some 400 women's rights activists and scholars submitted a petition to scrap the law.

"Keeping the anti-abortion law threatens women's health and life and breaches women's reproductive freedom," the group said in its statement.

South Korea: Decriminalize abortion

Court case could end risk of prison, recognize women's rights

Human Rights Watch (23.05.2018) - <https://bit.ly/2s1HzzM> - Criminalization of abortion is incompatible with South Korea's human rights obligations, Human Rights Watch said today in an amicus brief to the Constitutional Court of Korea. The court will hear a case on May 24, 2018, involving the country's laws on abortion. The court should decriminalize abortion, and authorities should ensure that safe and legal abortion is accessible.

South Korea's laws provide that procuring or providing an abortion in most circumstances is a crime. A woman who undergoes an abortion risks a prison sentence of up to a year

or a fine of up to 2 million won (US\$1,850). Healthcare workers who provide abortions can face up to two years in prison, though there are exceptions in cases of rape or incest if the pregnancy is between blood relatives who cannot marry legally, if continuing the pregnancy is likely to jeopardize the woman's health, or if the woman or her spouse has certain hereditary or communicable diseases. Married women must have their spouse's permission for an abortion.

"South Korean women are being denied reproductive choices that should be their right," said Liesl Gerntholtz, women's rights director. "South Korea should remove all penalties for women who seek an abortion and their medical providers, and ensure access to safe, legal abortion."

International human rights treaties require governments to respect women's reproductive and other human rights. Authoritative interpretations of these treaties by United Nations experts have said that governments should eliminate criminal penalties for abortion and take steps to ensure that legal abortion is accessible. The experts also have said that other barriers to abortion should be removed, including requirements for spousal consent.

The criminalization of abortion in South Korea negatively affects many human rights, Human Rights Watch said. The amicus brief to the Constitutional Court analyzes its impact on women's rights to life, health, nondiscrimination and equality, privacy, information, and freedom from cruel, inhuman, or degrading treatment, as well as the right to decide the number and spacing of their children.

UN human rights bodies and experts have criticized South Korea's punitive restrictions on abortion and have urged the government to modify these laws. In December 2017, a report by the UN working group on the Universal Periodic Review (UPR) of human rights conditions for South Korea said that it should "[r]espect reproductive rights of women, which include decriminalization of abortions" and "[r]emove all penalties for women who seek abortion, and for doctors and other medical personnel involved in providing these services."

In March 2018, the UN Committee on the Elimination of Discrimination against Women urged South Korea to "legalize abortion in cases of rape, incest, threats to the life and/or health of the pregnant woman, or severe fetal impairment, and to decriminalize it in all other cases, remove punitive measures for women who undergo abortion, and provide women with access to quality post-abortion care, especially in cases of complications resulting from unsafe abortions." The UN Committee on Economic, Social and Cultural Rights (CESCR) made similar recommendations in 2017, as did the Committee on the Rights of the Child (CRC) in 2012.

Unsafe abortions pose a grave threat to the health of women and girls. According to a 2017 report by the World Health Organization (WHO) and the Guttmacher Institute, 25 million unsafe abortions occurred every year between 2010 and 2014. The WHO has noted that the removal of restrictions on abortion results in reduction of maternal mortality.

"South Korea's Constitutional Court should protect women's health and safety by ruling in accordance with international law," Gerntholtz said. "Decisions about abortion belong to a pregnant woman, without penalty or interference by the government or anyone else."