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Expert Group Meeting on indicators to measure violence against women

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VIOLENCE AGAINST WOMEN IN KOREA AND ITS INDICATORS

Invited Paper

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I. Prelude

II. The first national survey on Domestic Violence in Korea (2004)

III. Comparison of the previous research on domestic violence in Korea

IV. Domestic Violence Legislation in Korea

V. Indicators of survey 2004 in Korea

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I. Prelude

Women are not free from fear of physical and sexual violence. Violence in many forms threatens women indiscriminately, regardless of age, class, and when or where they may be. Women's rights must be established as a component of human rights (Byun, 1998).

In Korea, two pieces of domestic violence legislation were introduced in 1997: the Special Act on Domestic Violence (referred to as the "Punishment Act"), and the Prevention of Domestic Violence and Victim Protection Act ("Protection Act"). Once the 'Punishment Act' and the 'Protection Act' were enacted, the government, police, prosecutors' office, courts, counseling centers and various types of shelters for victims all worked together to put these laws into practice. However, the rate of domestic violence has not decreased. Rather, it has increased. This is not because domestic violence itself has increased but because women no longer tolerate male violence and are more likely to report it to the police.

As a way of implementation of the law, the Ministry of Gender Equality in Korea investigated the first national survey of domestic violence in 2004, and is doing the second survey in 2007.

There have been several investigations of domestic violence, which dealt mainly with spouse-violence at home or investigated only limited areas or had a few samples as a individual level. On the other hand, this was the first time on a national basis for the actual condition of domestic violence including couples and children, and elderly parents.

The investigation was performed on a national household basis on 6,156 adults (male: 3,071, female: 3,085) who have or have been married to examine the actual condition of spouse-violence, violence against children, and violence against parents per household. The investigation was performed on a one-to-one individual interview method.

In addition, the actual condition of violence against children was investigated with 1,047 individuals under 18 years of age for the viewpoint of victims to supplement the results from adult respondents. .

In this paper, in accordance with the purpose of the meeting, I'd like to present, firstly, the results of the national survey in Korea, secondly, the processing of the law enactment with the view of the victim, and finally the indicators of the survey for this meeting,

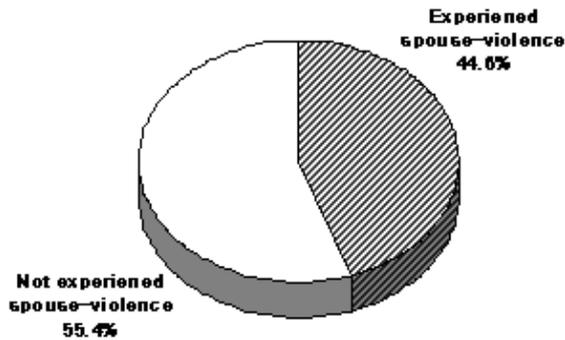
II. The first national survey on Domestic Violence in Korea(2004)

A. Actual condition of spouse-violence

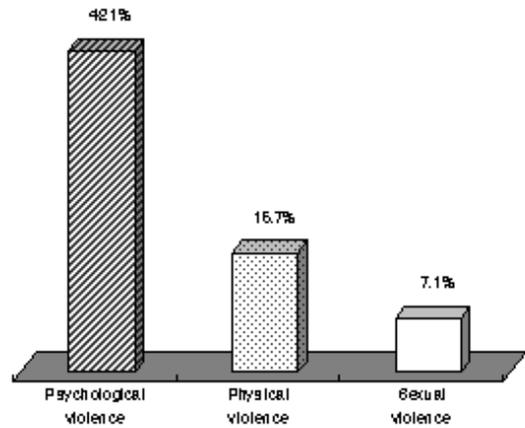
The investigation showed that 44.6% of total households experienced at least one of the above types of violence during the previous year violence from their spouses, and 15.7% of them experienced physical violence during the same period. This means that one out of six married households in the country experience physical violence between husband and wife. The investigation results by age showed that husband-to-wife violence was mostly shown in males in their 30s and 40s, but it was not greatly different by education levels, income levels, or type of occupation.

In this investigation, the actual condition of spouse-violence was divided into three types: psychological, physical, and sexual violence. Broken down by type of violence, 42.1% of households experienced psychological violence, 15.7% experienced physical violence, and 7.1% experienced sexual violence. For references, the analysis of this investigation hereafter was performed mainly on the physical violence type of violence among three types.

- Actual condition of spouse-violence -



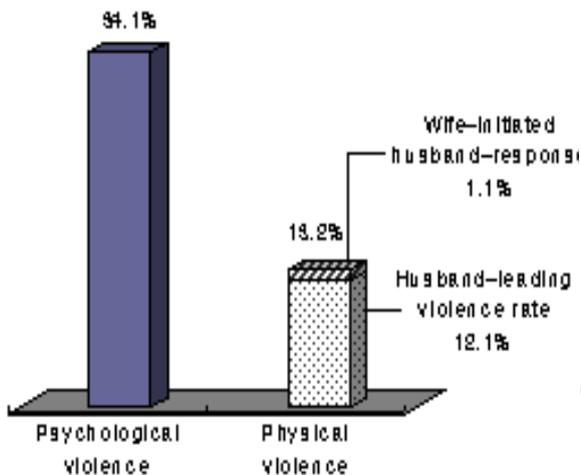
- Spouse-violence by type of violence (during the previous year)



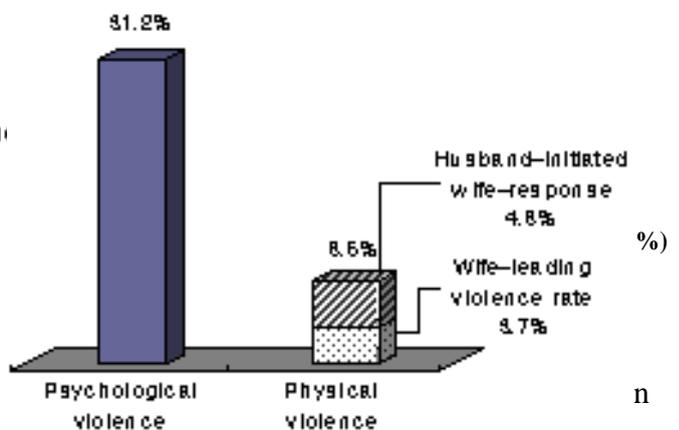
? Total spouse-violence rate = psychological violence ? physical violence ? sexual violence

When the spouse-violence was divided by leading violence offender exclusive of defensive violence, husband-to-wife violence was 12.1% and wife-to-husband violence was 3.7%. In particular, on the basis of severe violence such as kicking or hitting with a fist or objects like a belt or a stick, or threatening with a knife or similar weapon, the males showed more than 3 times the rate (3.7%) compared to females (1.2%). This suggested that most spouse-violence in the country could be considered husband-to-wife violence.

- Husband-to-wife violence -



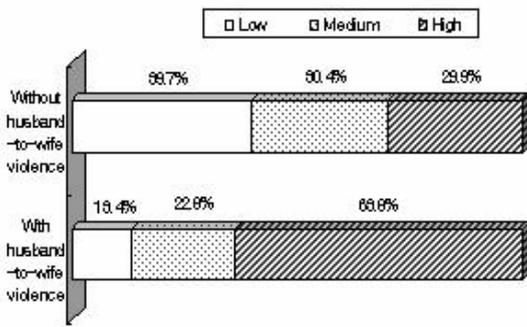
- Wife-to-husband violence -



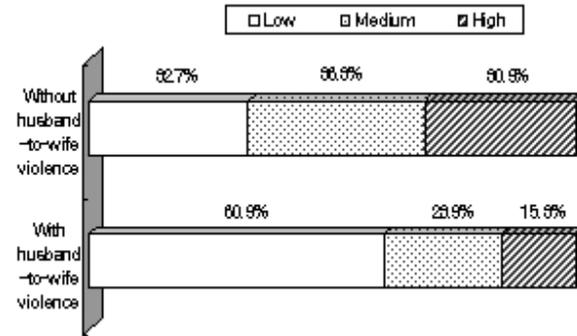
63.8% of female respondents showed higher depression than those who had experienced no violence (29.9%).

Also, the percentage of low marital satisfaction was in 60.9% of the female respondents in the presence of violence, while it was 32.7% without husband’s violence, suggesting that the presence of violence greatly affected the satisfaction of marital life.

-Depression level of women-



-Marital satisfaction of women-



B. Violence against children

The rate of parents who have been psychologically or physically violent to their children during the previous year was 69.2% of the total respondents, among which physical violence only was 51.9%, suggesting that one out of two households showed physical violence perpetrated on children by their parents.

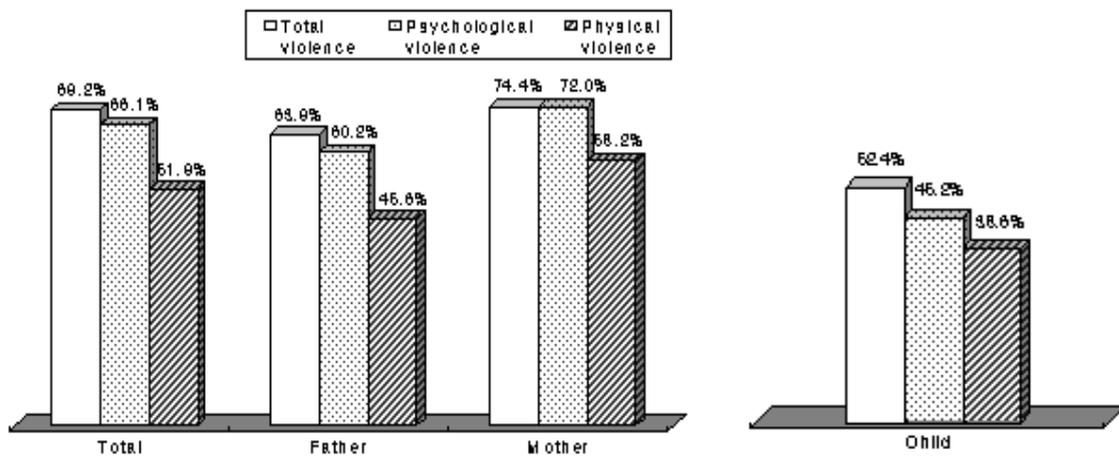
Types of violence against children		
Psychological violence (66.1%)	Physical violence (51.9%)	
	Less severe violence (51.5%)	Severe violence (9.1%)
- Leaving alone in a room - Yelling with loud voice - Cursing - Threatening to send a child away or go out of the house	- Hitting on the back with a hand or a rod(whip) - Hitting in the heat of the moment with a fist - Shoving(pushing) hard - Hitting on the face with a hand(palm)	- Kicking or punching with a fist - Hitting the body except the back with objects things(belt, stick, or golf club) - Beating severely

On the other hand, the degree of violence answered for the same questionnaire by children was 52.4% on the basis of the total and 38.6% on the basis of physical violence, showing different answers from their parents. Also, the rates of less severe physical violence and severe physical violence in a parent's responses were 51.5% and 9.1% respectively, while children

answered 38.2% and 11% respectively, showing higher responses for severe physical violence in children.

Psychological or physical violence perpetrated on children was performed more by the mother (74.4%) than the father (63.9%), suggesting that this was usual because mothers spent more time with their children and generally took care of raising and educating their children in many households.

-Actual condition of child-violence- (Response of parents) **-Actual condition of child-violence- (Response of child)**

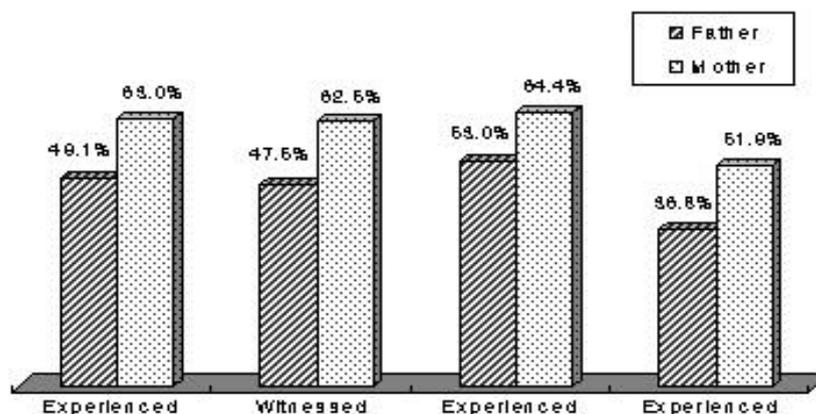


? Total child-violence = psychological violence + physical violence

It was found that the type of childhood experience of parents affected the degree of child-violence when raising their own children.

The child-violence rate according to experience either of witnessing the spouse-violence of their parents or of experiencing child-violence from their parents, showed that the child-violence rate was the highest in the case with both experiences (father 53.0%, mother 64.4%) and the lowest in the case with neither of the two experiences (father 36.8%, mother 51.9%).

- Child-violence rate by childhood experience of parents - (based on physical violence)



The inferiority complex of parents or the amount of alcohol consumption did not greatly influence child-violence as a whole, which was different from spouse-violence.

C. Parents Violence

In this investigation, the actual condition of parents-violence was divided into four types: male to his own parents, male to his parents-in-law, female to her own parents, and female to her parents-in-law depending on the subject of violence as well as psychological violence, physical violence, and financial violence depending on the type of violence.

As a result, most parents-violence in the country was largely psychological violence, and both males and females showed more violence to their own parents than their parents-in-law.

For individual cases, the violence rate of male respondents to his own parents was 33.1% and mostly psychological violence, while physical violence or financial violence was less than 0.7%. Also, the violence rate for parents-in-law was relatively low (7.3%).

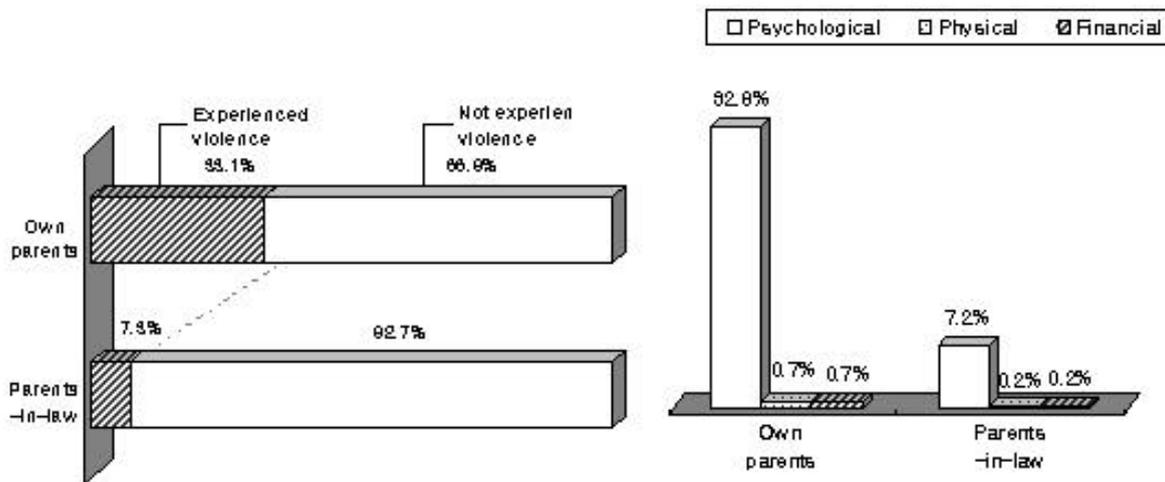
-Parents-violence by men-

(Male response)

-Parents-violence by violence type-

(Male response)

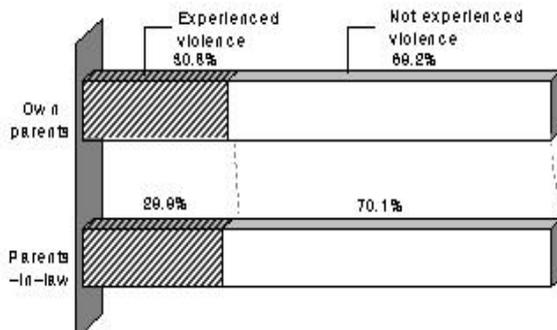
During the previous year



On the other hand, women showed a similar violence rate for both their own parents (30.8%) and parents-in-law (29.9%), and it consisted mostly of psychological violence. Physical violence or financial violence (restriction) for parents was less than 0.4%, which was lower than that of men (about 0.7%).

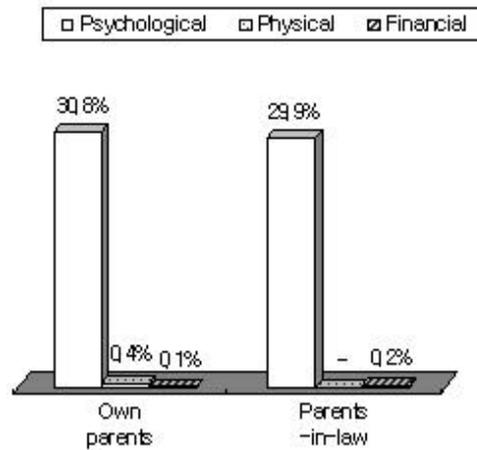
-Parents-violence by women-

- Female response -
(during the previous year)



-Parents-violence by violence type-

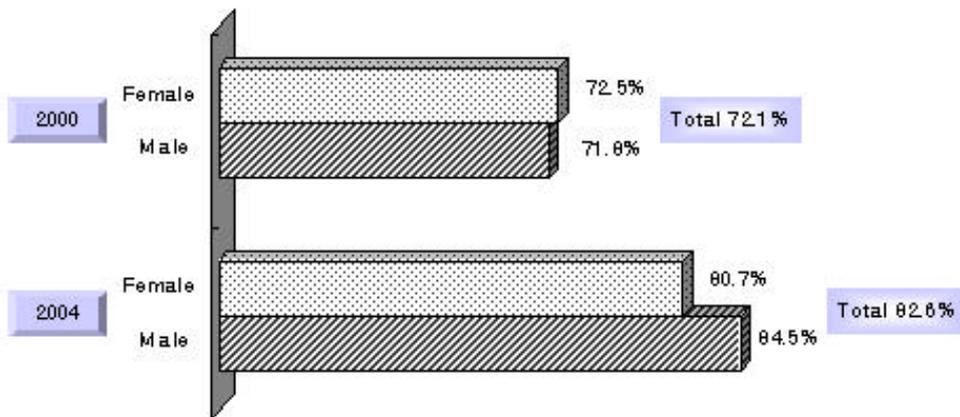
- Female response -



? Total parents-violence rate= psychological violence? physical violence? financial restriction

D. Effects of the Domestic Violence Act

-Recognition of the Domestic Violence Act-



In this investigation, 82.6% of the total respondents answered that they knew about the Domestic Violence Act, which showed a 10.5% point increase recognition by compared to that in 2000(Byun et al). By gender differences, 84.5% of male respondents and 80.7% of female respondents recognized the Domestic Violence Act at the present moment in 2004.

It is revealed that men were more positive than women on the question of which the Domestic Violence Act contributed to the reduction of domestic violence (female 47.3%, male 49.3%), and about half of the total respondents (48.3%) answered that the effect of the Domestic

Violence Act was generally positive.

The husbands who thought that the Domestic Violence Law 'did not contribute' to the reduction of domestic violence perpetrated more than twice the severe physical violence to their wives (5.4%) than those who thought that it 'contributed' (2.3%).

In the case of women with violence experiences, the violence experience rate was 1.5 times higher for the female respondents who did not recognize the effects of the Domestic Violence Act (severe physical violence rate of 4.9%) than those who recognized it (severe physical violence rate of 3.4%). Therefore, the promotion and the awareness education of the Domestic Violence Act are necessary for both men and women, which are considered to be very important at the preventive level of domestic violence.

In addition, the recognition of the emergency number 1366 for domestic violence was very low (female 32.8%, male 31.0%) and thus promoting this knowledge is necessary.

E. Current Juridical and Service Delivery System for victims

The percentage of female respondents who went for counseling to the related service organization when confronted with domestic violence was 37.5%, while the rate of respondents who 'thought about it but did not try' or 'did not think about counseling' was 57.8%. The counseling experience among male respondents was very low, at 8.3%.

The major reasons for not going to the counseling organization were 1) no expectation for great help after counseling (female 50.2%, male 35.7%), 2) shameful feeling for needing counseling (female 21.6%, male 20.6%), and 3) simple annoyance (female 11.8%, male 19.0%). Only 11.8% of women and 6.7% of men reported the incident to the police when confronting domestic violence. The main reason for not reporting it to the police was that 'it did not seem to be much help', which showed the highest rate in females as 44.3%, with males as 39.5%.

III. Domestic Violence Legislation in Korea

A. Domestic Violence Law

Korea now has two main acts dealing with domestic violence. The "Special Act for the Punishment of Domestic Violence" (from this point The "Punishment Act") and the "Prevention of Domestic Violence and Victim Protection Act" (The "Protection Act") came into effect in December 1997. The two acts together are referred to as "Domestic Violence Prevention Laws". The government, police, prosecutor, the courts, counseling centers, and various types of shelters for victims all worked together to make these laws effective.

The purpose of the Punishment Act is to restore peace and stability to a family that has been torn apart by domestic violence. This is achieved through special legal proceedings that include protective custody but emphasizes the reeducation of those guilty of domestic violence (Article 1, Punishment Act). The purpose of the Protection Act is to protect victims and then recreate healthy families through a change of environment and education rather than punishment (Article 1, Protection Act). The most crucial task after the enactment of the laws was to encourage the government to quickly put into effect domestic violence prevention and victim protection. The successful implementation of the law required organizations in charge to take up

swift and positive action to elevate domestic violence to the same level as other violence in society.

The main feature of the Punishment Act is that the government (police, prosecutors, and courts) must recognize that domestic violence calls for intervention. That is, the police are bound to investigate any report of domestic violence. They have a duty to stop the violence. They must take the victim to a counseling center, protective facilities, or medical facilities, as is appropriate. If the violence reoccurs, they must give the victim information on legal separation and restraint orders.

To protect victims, the state and local government must establish or manage counseling centers or protective facilities for victims. Also, medical institutions have a duty to help victims with counseling and health guidance, as well as treatment for physical and mental injuries. This can be done on request from the victim, the victim's family or relatives, and advice centers or shelters.

The most frequently-reported problem was police negligence, because of the sexist views of the police in the early stages of these Acts. The police often arrived on the scene and left, saying family problems should be left to the family. The second problem was that the police took the offender to the police station, but later released him. The third problem was that instead of helping the victim, the police humiliated and intimidated her. One situation entailed a son who went to the police to report that his mother had been severely beaten by his father who injured her pancreas. He had to leave the police station, having been reprimanded by the police who said no good son would report his own father. Later, the report was filed by a neighbor.

B. Process of Handling the Domestic violence Crimes in Korea

Report --- Counseling center

- ? Counseling
- ? Mandatory report to the police

Police

- ? Emergency action
 - . Stop the offender's violence
 - . Support for victim: i.e. protection against offender
 - . Referral to emergency medical services
 - . Inform offender of police authority to apply to courts for emergency orders
- ? Application to courts for emergency order
- ? Charge offender and send to prosecutor for appearance in court prosecutor
- ? Evaluate the merits of the case and decide to place it before the courts or not
- ? Apply to courts for emergency orders and protection orders
- ? Do not prosecute
- ? Taking an action before the courts against the accused and decide whether offender should be accused under the 'Punishment Act'.
- ? In cases where violence does not result in serious injury, and where the offender should remorse, the case is brought before the Family Courts under the 'Protection Act' Courts
- ? Emergency orders
 - . Order for offenders to leave the home and separate from victim
 - . Restraining order prohibiting offender from approaching victim's home or workplace

- . Referral of offender to medical facilities
- . Order for offender to be detained in a detention centre
- ? Transfer of charge
 - . If the offender, for example, is charged under the 'Punishment Act' (criminal act), the judge may change to the more lenient and rehabilitation-oriented 'Protection Act', and vice versa
- ? Court refers offender back to prosecutor in the following instances:
 - . Where the offender has disappeared for one year or more
 - . Where the court decides the charge is inappropriate
 - . Where the offender broke the restraining order
- ? Trial 1
 - . Hears the facts of case with evidence from witnesses such police, Doctors, and psychiatrists
 - . Finally subpoenas offender to appear before the court
 - . Hears the testimony of the victim
- ? Judgment
 - . In favor of a protection order or not under a "protection order," the restraint of the offender is emphasized as follows:
 - Restricting access to victim
 - Restricting authority of offender over children
 - Mandatory participation in a violence awareness program or community service
 - Probation for offender who must go to authorities designated by court
 - Referral to a residential rehabilitation program
 - Referral to a medical center
 - Referral for counseling
- ? The court can decide against a protection order in the following circumstances:
 - Where the victim has withdrawn the charges, the victim cannot withdraw that charge since the crime is perceived to belong to the public domain.
 - Where the offender's transgression is deemed to fall outside the jurisdiction of the 'Punishment Act'
 - Where the court deems the offence irrelevant

Considering that the country has a counseling and juridical system, I'd like to suggest to make a universal and particular indicator for the countries based on the system.

IV. Indicators of survey 2004 in Korea

In this chapter, we'd like to mention about the survey 2004 in Korea and others with respect to the following criteria that was provided in the report of 2005(DAW, 2005).

? Type of violence according to subjects: Survey 2004 in Korea, population-based survey, has been examined many different types of violence against women, including psychological, physical, and sexual assault within intimate partner.

It also dealt with the other types of violence occurring in the households, such as child violence and elder violence including in law. As to the type of child violence in this survey, it dealt with mental abuse and physical violence not only by the side of the adults (potential offenders) but by the students (passive injured). For the elderly violence, there are three types measured in this investigation: mental abuse, physical abuse, and financial

abuse. Questionnaires were designed for the violence toward both parents and parents in law considering both sides of partners.

? **Population Sub-group:** Survey 2004 in Korea also estimates on the population of sub-group of 3,085 women and 3,071 men (currently married or partnered) over the age of 20 to 65, who are victimized or offenders both over the lifetime after marriage, and during the last year. For the children, they are the students of element school (under the 12 years old), middle school (13-15 years old), and high school (16-18 years old).

? **Time period of victimization:** The common time frames for measuring the prevalence of this survey can be divided into 3 types: before last year, during last year, and from marriage to present. However the survey was mainly analyzed by the period 'during the last year'

? **Frequency/duration:** The frequency include the measure of the number of the incidences such as 'none', '1~2 times', '3~5 times', '6~10 times', 'more than 11 times' during 12 months. For the previous 12 months, the answer was divided into 'yes' or 'no'.

? **Severity:** The survey used the measures of severity of spouse violence into 3types; psychological, physical, and sexual violence, determined by classifying the acts according the risk or injury by the modified version of Conflict Tactics Scale of Straus and Gells. It dealt also the emotional impact of the violence, e.g. depression, self-respect, marital satisfaction, and frequency of social relationships.

? **Perpetrators :** Recognizing that the relationship between victim and perpetrator is a key category for classifying the types of violence, the survey measured intimate partner violence by current and former spouses, cohabiting partners. Parents to the children, adult child to the parents and parents in law for the respondents (male and female).

? **Setting:** The survey look at violence committed in the home.

? **Dedicated versus general surveys:** The survey is specifically designed to measure various forms of violence against women and men, children, and elderly.

? **Modes used in administering the questionnaire :** The survey is conducted as face-to face interviews with the self-filling up and telephone interviews.

? **Coverage:** The survey is national household basis in coverage with the proportional allocation method

? **Study organization:** It is conducted independent research institute with funding from government, Ministry of Gender Equality. With collaboration of the researcher (Korean Women's Development Institute) and the professor of University.

The following are the major lessons for facilitating further policy efforts to realize equal rights for women. The improvement of linkage between services dealing with abused women must begin with a clearer perception of the problems of violence against women and a drive for greater understanding between the agencies involved. More resources should be made available for programs supporting linkage, and more systematic and specialized inter-agency relationship

should be put in place. Continued networking and advocacy with international communities and international organizations relevant to the issues of violence against women will enhance the quality of women, and also may contribute to fostering cooperative efforts to eliminate the problems at regional and international levels. (Park et al, 1999)

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