



Cornell Law School
Cornell Center on the Death Penalty Worldwide



The Republic of Korea's Compliance with the Convention on the Elimination of All Forms of Discrimination Against Women

Suggested List of Issues Relating to the Death Penalty

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The World Coalition Against the Death Penalty

and

The Cornell Center on the Death Penalty Worldwide

for the

86th Session of the Committee for the Elimination of Discrimination Against Women (Pre-Sessional Working Group)

27 February–3 March 2023

Submitted 30 January 2023

The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty is a volunteer-based non-governmental organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

The Cornell Center on the Death Penalty Worldwide is a US-based research, advocacy, and training center focused on capital punishment and international law. It publishes reports and manuals on death penalty issues, provides transparent data on death penalty laws and practices around the world, trains capital lawyers in best practices, and engages in targeted advocacy and litigation. Its staff and faculty advisors have collectively spent more than eight decades representing hundreds of prisoners facing the death penalty. In 2019 it was awarded the World Justice Challenge Award in recognition for its work on behalf of death-sentenced prisoners in Malawi.

EXECUTIVE SUMMARY

1. This report highlights issues concerning discrimination against women as they pertain to the death penalty in the Republic of Korea (South Korea). Although South Korea is abolitionist in practice, the country has not formally abolished the death penalty, so women remain at risk of being sentenced to death. The report highlights that gender-based violence and discrimination against women put women in South Korea at higher risk of facing discrimination in death penalty proceedings.

South Korea fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women

I. South Korea does not limit the death penalty to the most serious crimes, does not provide sufficient information about who is under sentence of death, and is at risk of resuming executions.

2. South Korean law authorizes the use of the death penalty, but the country is abolitionist in practice. The country held its last executions on December 30, 1997, when authorities executed 18 men and 5 women in prisons across the country.¹ In 1998, then-President Kim Dae-Jung established a de facto moratorium on the death penalty that remains in force today.² Nonetheless, courts continue to sentence people to death.³ Prior to the de facto moratorium, authorities executed people convicted of civilian offenses by hanging, and people convicted of military offenses by firing squad.⁴
3. South Korea does not limit the death penalty to the most serious crimes. In South Korea, murder and aggravated murder are punishable by death.⁵ Additionally, other offenses that result in death are punishable by death regardless of intent, including: arson, piracy, rape of a person with a physical or mental disability or of a child below the age of 13, abduction of a minor, and fatal hit-and-run offenses.⁶ Several offenses that do not result in death are still punishable by death, such as: various forms of repeat robbery, various forms of aggravated rape, kidnapping, drug trafficking, treason, and espionage, among others.⁷ In February 2021,

¹ Amnesty International, *Death Penalty News: March 1998*, (March 1998), 2. Available online at <https://www.amnesty.org/en/documents/act53/002/1998/en/> (last visited Jan. 23, 2023).

² Sangmin Bae, *South Korea's De Facto Abolition of the Death Penalty*, 82, 3 *Pacific Affairs* 407, 414 (2009). Available online at https://www.jstor.org/stable/25608914?seq=8#metadata_info_tab_contents.

³ Kang Seung-woo, *Horror crimes reignite debate over death penalty*, *The Korea Times*, Sept. 1, 2021, https://www.koreatimes.co.kr/www/nation/2021/09/251_314858.html (last visited Jan. 23, 2023).

⁴ Cornell Center on the Death Penalty Worldwide, "Republic of Korea (South Korea)," accessed Jan. 21, 2023, <https://deathpenaltyworldwide.org/database/#/results/country?id=68>.

⁵ Cornell Center on the Death Penalty Worldwide, "Republic of Korea (South Korea)," accessed Jan. 21, 2023, <https://deathpenaltyworldwide.org/database/#/results/country?id=68>.

⁶ Cornell Center on the Death Penalty Worldwide, "Republic of Korea (South Korea)," accessed Jan. 21, 2023, <https://deathpenaltyworldwide.org/database/#/results/country?id=68>.

⁷ Cornell Center on the Death Penalty Worldwide, "Republic of Korea (South Korea)," accessed Jan. 21, 2023, <https://deathpenaltyworldwide.org/database/#/results/country?id=68>.

the National Assembly increased penalties for child abuse, and the law now authorizes the death penalty for the crime of child abuse homicide.⁸

4. The death penalty is not mandatory for any offense. The Korean Sentencing Commission is responsible for setting and revising sentencing guidelines for criminal offenses.⁹ Judges consult the sentencing guidelines and consider mitigating factors related to the defendant and the offense when determining an appropriate sentence.¹⁰ South Korean courts tend to grant downward adjustments to prison sentences due to mitigating factors.¹¹
5. Efforts to formally abolish the death penalty have had mixed results. In 2021, for the ninth time since 1999, the National Assembly rejected a bill that would have abolished the death penalty.¹² In cases in 1996 and 2010, justices of the Constitutional Court voted in favor of retaining the death penalty in split decisions of 7–2 and 5–4, respectively.¹³ In 2020, however, the Ministry of Justice voiced support for an international debate on the abolition of capital punishment, and cast its first-ever vote in favor of the UN General Assembly resolution calling for a global moratorium on the death penalty.¹⁴ South Korea again voted in favor in 2022.¹⁵
6. Public opinion on the death penalty is mixed. A survey by the National Human Rights Commission showed that 8 out of 10 South Koreans support the death penalty and some respondents support resuming executions.¹⁶ The same survey, however, also found that 70% of respondents favor alternative punishments over the death penalty.¹⁷
7. In 2021, a presidential candidate expressed support for the death penalty on social media after the arrest of a 30-year-old man on charges that he had raped and killed his one-year-old

⁸ Amnesty International, *Death sentences and executions: 2021*, (May 24, 2022), 36. Available online at <https://www.amnesty.org/en/documents/act50/5418/2022/en/> (last visited Jan. 23, 2023).

⁹ Daniel Fiedler, *Sentencing Guidelines in South Korea: Lessons from the American Experience*,

10 Journal of Korean Law 111, 133 (2010), https://s-space.snu.ac.kr/bitstream/10371/85175/1/05Daniel_Fiedler.pdf

¹⁰ Daniel Fiedler, *Sentencing Guidelines in South Korea: Lessons from the American Experience*,

10 Journal of Korean Law 111, 134 (2010), https://s-space.snu.ac.kr/bitstream/10371/85175/1/05Daniel_Fiedler.pdf

¹¹ Daniel Fiedler, *Sentencing Guidelines in South Korea: Lessons from the American Experience*,

10 Journal of Korean Law 111, 134 (2010), https://s-space.snu.ac.kr/bitstream/10371/85175/1/05Daniel_Fiedler.pdf

¹² *Korean religious groups call for abolition of death penalty*, Union of Catholic Asian News, Jul. 18, 2022, <https://www.ucanews.com/news/korean-religious-groups-call-for-abolition-of-death-penalty/98067> (last visited Jan. 23, 2023).

¹³ Yoon Min-sik, *Death penalty revisited*, The Korean Herald, Jul. 19, 2022,

<https://www.koreaherald.com/view.php?ud=20220719000602> (last visited Jan. 29, 2023).

¹⁴ *Id.*

¹⁵ World Coalition Against the Death Penalty, "9th Resolution for a moratorium on the death penalty: the trend is growing," accessed Jan. 29, 2023, <https://worldcoalition.org/2022/12/20/9th-resolution-for-a-moratorium-on-the-death-penalty-the-trend-is-growing/>.

¹⁶ Seo Ji-eun, Yoon So-yeon, *Is it time for Korea to repeal the death penalty?*, Korea JoongAng Daily, Aug. 6, 2022, <https://koreajoongangdaily.joins.com/2022/08/06/why/Korea-death-penalty-constitution/20220806070010230.html> (last visited Jan. 23, 2023).

¹⁷ Molli Mitchell, *Does South Korea Have the Death Penalty? Why 'The Raincoat Killer' Case Sparked Debate*, Newsweek, Oct. 21, 2022, <https://www.newsweek.com/raincoat-killer-yoo-young-chul-death-penalty-south-korea-dead-alive-netflix-1641573> (last visited Jan. 24, 2023).

daughter. The candidate stated that such individuals would be executed if he were elected president.¹⁸

8. There is limited information available about women on death row in South Korea. According to the Cornell Center on the Death Penalty Worldwide and other sources, there are no official public records about people on death row, making it difficult to ascertain information about their demographics and status.¹⁹ A recent domestic news article suggested that, at this time, there are no women currently under sentence of death.²⁰
9. A study published by Statista stated that as of 2021, there were 55 people on death row,²¹ but Amnesty International reported 59 people on death row as of the end of 2021, all of whom are men.²² According to South Korean news outlets, these figures represent a decrease from 2018, when there were 61 people on death row. Statista reported that courts had sentenced people to death for crimes including murder, arson resulting in death, rape, and the kidnapping and murder of minors.²³

II. Detention conditions have a disproportionately negative effect on women (Concluding Observations paragraphs 12-13).

10. In its 2018 Concluding Observations, the Committee expressed concern regarding South Korea's failure to adopt a comprehensive anti-discrimination law.²⁴ Although South Korea responded in its State Party Report that the national government was studying and developing legislative measures for an anti-discrimination framework,²⁵ in 2022 the legislature considered but rejected an anti-discrimination bill that would have outlawed discrimination on the basis of gender.²⁶ Moreover, during his campaign, the current president pledged to dismantle the

¹⁸ Yoon Min-sik, *Death penalty revisited*, The Korean Herald, July 19, 2022,

<https://www.koreaherald.com/view.php?ud=20220719000602> (last visited Jan. 29, 2023).

¹⁹ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses*, (Sept. 2021), 65, <http://fileserver.idpc.net/library/No-One-Believed-Me.pdf>.

²⁰ Yoon Min-sik, *Death penalty revisited*, Korea Herald, Jul. 19, 2022,

<https://www.koreaherald.com/view.php?ud=20220719000602> (last visited Jan. 29, 2023).

²¹ Statista, "Number of prisoners under sentence of death in South Korea from 2011 to 2021,"

<https://www.statista.com/statistics/1222368/south-korea-prisoners-under-sentence-of-death/> (last visited Jan. 24, 2023).

²² Amnesty International, *Death sentences and executions 2021*, (May 24, 2022), 26, 36. Available online at <https://www.amnesty.org/en/documents/act50/5418/2022/en/> (last visited Jan. 23, 2023).

²³ Shin Min-jung, *South Korea has 61 people currently on death row*, Hankyoreh, Oct. 16, 2018, https://english.hani.co.kr/arti/english_edition/e_national/866061.html (last visited Jan. 23, 2023).

²⁴ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report on the Republic of South Korea*, (Mar. 14, 2018), U.N. Doc. CEDAW/C/KOR/CO/8, ¶¶ 12–13.

²⁵ Committee on the Elimination of Discrimination Against Women, *Information received from the Republic of Korea on follow-up to the concluding observations on its eighth periodic report*, (Mar. 18, 2020), U.N. Doc. CEDAW/C/KOR/FCO/8, ¶ 2.

²⁶ Human Rights Watch, "South Korea: Mixed Progress on Rights," accessed Jan. 23, 2023, <https://www.hrw.org/news/2023/01/12/south-korea-mixed-progress-rights>.

Ministry of Gender Equality and Family, claiming there is no systemic gender discrimination in South Korea.²⁷

11. The Government houses people under sentence of death in solitary confinement and prevents them from leaving their cells for long periods of time.²⁸ These conditions of detention subject people on death row to acute distress; between 1993 and 2003, over 100 South Koreans attempted suicide while in segregation cells.²⁹ While some people in solitary confinement are able to participate in recreation or educational programs, such privileges are subject to stringent limitations.³⁰ The National Human Rights Commission of Korea has stated that “[t]he unrestricted practice of consecutive segregation periods results in extreme cases of indefinite deprivation of sunlight and speech, amounting to slow murder.”³¹
12. People in detention lack adequate access to health care, often leading to poor health conditions in prison.³² Lack of adequate health care disproportionately affects women, as studies have shown that women have greater health care needs than men.³³

III. South Korea fails to adequately consider gender-based violence and gender discrimination in legal proceedings involving women in conflict with the law (Concluding Observations paragraphs 22-23).

13. As a signatory to the Convention, South Korea has an obligation to refrain from any act or practice of discrimination against women, to ensure that public authorities and institutions act in conformity with this obligation, and to ensure that women enjoy equality before the law.³⁴
14. The Committee’s 2018 Concluding Observations expressed concern about the increase in reported cases of domestic violence and the lack of accountability for perpetrators.³⁵ The Committee recommended that South Korea amend the domestic violence law “to ensure that

²⁷ Human Rights Watch, “Joint Statement to South Korean president-elect Yoon Seok-youl on Women’s Rights,” accessed Jan. 24, 2023, <https://www.hrw.org/news/2022/04/04/joint-statement-south-korean-president-elect-yoon-seok-youl-womens-rights>.

²⁸ Cornell Law School: Cornell Center on the Death Penalty Worldwide, “*Conditions de détention dans le couloir de la mort: Death Row Conditions*,” <https://deathpenaltyworldwide.org/fr/publication/death-row-conditions/?version=html> (last visited Jan. 24, 2023).

²⁹ Asian Human Rights Commission, *Chained and Segregated in Korean Prisons*, Kim Soo A. Available online at <http://www.humanrights.asia/resources/journals-magazines/article2/focus-detention-and-imprisonment/chained-and-segregated-in-korean-prisons/> (last visited Jan. 17, 2023).

³⁰ Cornell Law School: Cornell Center on the Death Penalty Worldwide, “*Conditions de détention dans le couloir de la mort: Death Row Conditions*,” <https://deathpenaltyworldwide.org/fr/publication/death-row-conditions/?version=html> (last visited Jan. 24, 2023).

³¹ Asian Human Rights Commission, *The National Human Rights Commission of Korea: An assessment after one year*, by Kwak Nohyun, <http://www.humanrights.asia/resources/journals-magazines/article2/focus-reparation-for-victims-of-human-rights-violations/korea-the-national-human-rights-commission-of-korea-an-assessment-after-one-year-professor-kwak-nohyun/> (last visited Jan. 29, 2023).

³² Seohyun Yoon et al., *Health Inequalities of 57,541 Prisoners in Korea: a Comparison with the General Population*, 43 *Epidemiology and Health*, 3 (2021), <https://doi.org/10.4178/epih.e2021033>.

³³ K.D. Berakis et al., *Gender Differences in the Utilization of Health Care Services*, 49 *Journal of Family Practice* 147 (2000); Kenzie A. Cameron et al., *Gender Disparities in Health and Healthcare Use Among Older Adults*, 19 *Journal of Women’s Health* 1643 (2010).

³⁴ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, Art. 2(d), Art. 15.

³⁵ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report on the Republic of South Korea*, (Mar. 14, 2018), U.N. Doc. CEDAW/C/KOR/CO/8, ¶ 22(b).

the safety of the victims and their families becomes its primary purpose,” and to “ensure that perpetrators are criminally punished under statutory sanctions.”³⁶

15. South Korea’s response to the Concluding Observations stresses its efforts to combat domestic violence through a comprehensive legislative scheme, which includes a diversity of measures on the issue.³⁷
16. Despite these efforts, domestic violence and gender-based violence persist at high rates in South Korea.³⁸ Overall, violence against women is common in South Korea. In August 2021, The Ministry of Gender Equality and Family published a report *Women’s lives seen via statistics*, which shows that only two out of 10 women feel that the Korean society is safe.³⁹
17. In 2020, the rates of digital sex crimes, rape, and sexual assault—crimes that largely target women—have increased.⁴⁰ Reports indicate that stalking and physical assault of women are also prevalent in South Korea.⁴¹ In particular, critics have condemned the anti-stalking law as insufficient since it only permits police to take action with the consent of the victim.⁴² The Ministry of Justice has promised to strengthen the law by removing victim consent prior to police action.⁴³
18. In a groundbreaking 2018 study, the Cornell Center on the Death Penalty Worldwide found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-based violence⁴⁴ and manipulative or coercive relationships with male co-defendants.⁴⁵ Cornell’s data indicate that most women

³⁶ Committee on the Elimination of Discrimination Against Women, *Concluding observations on the eighth periodic report on the Republic of South Korea*, (Mar. 14, 2018), U.N. Doc. CEDAW/C/KOR/CO/8, ¶ 23(b).

³⁷ Committee on the Elimination of Discrimination Against Women, *Information received from the Republic of Korea on follow-up to the concluding observations on its eighth periodic report*, (Mar. 18, 2020), U.N. Doc. CEDAW/C/KOR/FCO/8, ¶¶ 3-10.

³⁸ Boram Jang, *Yoon Suk-yeol needs to change the way South Korea treats women*, Amnesty International (May 11, 2022), <https://www.amnesty.org/en/latest/news/2022/05/yoon-suk-yeol-needs-to-change-the-way-south-korea-treats-women/> (last visited Jan. 24, 2023); Human Rights Committee, *Concluding observations on the eighth periodic report on the Republic of South Korea*, (Mar. 14, 2018), U.N. Doc. CEDAW/C/KOR/CO/8, ¶¶ 22–23.

³⁹ Laura Bicker, *Why misogyny is at the heart of South Korea’s presidential elections*, BBC News, Mar. 8, 2022, <https://www.bbc.com/news/world-asia-60643446> (last visited Jan. 24, 2023).

⁴⁰ Boram Jang, *Yoon Suk-yeol needs to change the way South Korea treats women*, Amnesty International (May 11, 2022), <https://www.amnesty.org/en/latest/news/2022/05/yoon-suk-yeol-needs-to-change-the-way-south-korea-treats-women/> (last visited Jan. 24, 2023).

⁴¹ Jean Mackenzie, *Seoul subway murder sparks fury over South Korea’s stalking laws*, BBC News, Sept. 23, 2022, <https://www.bbc.co.uk/news/world-asia-62998084> (last visited Jan. 24, 2023).

⁴² Justin McCurry, *Calls for stalking law overhaul in South Korea as woman’s murder shocks nation*, The Guardian, Sept. 23, 2022, <https://www.theguardian.com/world/2022/sep/23/calls-for-stalking-law-overhaul-in-south-korea-as-womans-shocks-nation> (last visited Jan. 24, 2023).

⁴³ Yoon-min sik, *‘It’s not stalking if you don’t pick up’: Continuing tragedies expose loopholes in anti-stalking law, a year after its introduction*, The Korean Herald, Nov. 15, 2023, <https://www.koreaherald.com/view.php?ud=20221115000538> (last visited Jan. 24, 2023).

⁴⁴ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁴⁵ Cornell Center on the Death Penalty Worldwide, *“No One Believed Me”: A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 6. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

under sentence of death have been sentenced to death for the crime of murder.⁴⁶ These women have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.⁴⁷ In many cases, the abuse has occurred repeatedly. Many women under sentence of death are survivors of gender-based violence and come from disadvantaged socio-economic backgrounds.⁴⁸

19. At a global level, the Cornell study found that sentencing courts typically fail to take into account a defendant's experience as a survivor of gender-based violence or a victim of a manipulative or coercive relationship (for example in cases where women are pressured or tricked into transporting drugs) as mitigating factors during sentencing.⁴⁹ Research also indicates that courts also fail to account for power dynamics and tactics of coercive control that may affect a woman's involvement in and culpability for a crime.
20. Cases documented by the Cornell Center on the Death Penalty Worldwide have shown violations of women's right to a fair trial. A 2021 follow-up study demonstrated that "fair trial principles dictate that courts should consider all relevant mitigating circumstances before imposing a sentence. In practice, however, many courts neglect gender-specific mitigation."⁵⁰ Due to high levels of gender-based violence, women in South Korea are at an elevated risk of being sentenced to death without consideration of gender-based violence as a mitigating factor.
21. Women are also more likely to receive a death sentence when they are perceived to have violated entrenched gender norms and women are often put on trial not only for acts they performed but also for allegedly being "a bad wife, a bad mother, and a bad woman."⁵¹ South Korea's new law authorizing the death penalty for child abuse homicide, referenced in paragraph 3 above, may therefore disproportionately result in capital prosecutions of women.
22. Global trends show that women sentenced to death face intersectional discrimination. According to Cornell's 2018 report, most women on death row come from backgrounds of severe socio-economic deprivation and many are illiterate, which can reinforce unequal access

⁴⁶ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 11. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

⁴⁷ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁴⁸ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁴⁹ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

⁵⁰ Cornell Center on the Death Penalty Worldwide, *"No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

⁵¹ Penal Reform International, "Judged for More Than Her Crime: A Global Study of Women Facing the Death Penalty," <https://www.penalreform.org/blog/judged-for-more-than-her-crime-a-global/> (last visited Jan. 24, 2023).

to effective legal representation.⁵² These women are more likely to be illiterate and unaware of their legal rights.⁵³ Illiteracy and lack of education among poor women leave them more vulnerable to discrimination, coercion, and exploitation.⁵⁴ This intersectional discrimination exacerbates the risk that a woman charged with a capital crime will be subjected to an unfair trial.

IV. Suggested questions for the Government of South Korea:

23. The coauthors suggest the following questions for the Government of South Korea:

- What steps has South Korea taken to abolish the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards?
- What efforts are underway to ensure that, consistent with international human rights standards, no person is sentenced to death except for in a case in which the person intended to kill and did in fact kill?
- Please provide comprehensive data about the number of women charged with capital crimes, sentenced to death, or under sentence of death in South Korea since 2018, disaggregated by age, race, nationality, crime of conviction, date of conviction, relationship to the victim (if any), number and age of minor children (if any), status of any appeals or petitions for clemency, current sentence, and current location.
- In what circumstances may women under sentence of death be kept in solitary confinement? To what extent do their detention conditions differ from the general conditions of detention for women in prison?
- What policies and procedures are in place to ensure that any person charged with a capital offense has access to qualified legal counsel with prior experience in such cases, and to ensure that their legal counsel has adequate resources to conduct investigations and hire experts to mount an effective defense?
- What training is available to capital defense counsel representing women regarding gender-specific defenses and mitigation in capital trials, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities?
- What training is available to judges and other judicial officers presiding over criminal proceedings, particularly in capital cases, to educate them about the importance of considering gender-specific defenses and gender-specific mitigation in capital trials, including trauma, gender-based violence, economic pressures, and family caretaking responsibilities? What training is available to them regarding gender-based

⁵² Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 3. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁵³ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 18. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁵⁴ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 18. Available at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

discrimination, domestic violence, gender-based violence, and tactics of coercive control that can lead to women committing death-eligible offenses?

- What steps, if any, has the State Party taken to codify gender-specific defenses and mitigation in capital cases, encompassing women's experiences of trauma, poverty, and gender-based violence?
- What measures are being taken to facilitate the presence of women in the judiciary?
- What steps has the government taken to build support for formal abolition of the death penalty among lawmakers and the general public?
- What efforts have been undertaken to block any efforts to reintroduce the death penalty in South Korea?
- Please describe any measures taken to eliminate intersecting forms of discrimination in the criminal legal system against women with disabilities, migrant and refugee women, women from disadvantaged socio-economic backgrounds, and women belonging to minority groups.
- Please describe the safeguards in place to ensure the safety, privacy, and health of women who are in detention, including access to adequate toilets and sanitation and feminine hygiene products. How has prison infrastructure design accommodated women's specific needs, including their need for privacy?
- What policies are in place to ensure that women under sentence of death have timely and adequate access to general and female-specific healthcare and counseling, including access to sanitary and menstrual products?
- What measures has the State Party implemented to ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated?
- What mechanisms are in place to ensure that women in custody are free from coercion, sexual harassment and gender-based violence, and how are perpetrators held accountable?
- What remedies are available to women who allege that they experience gender-based violence while in police custody, during the investigative stage of criminal proceedings, or after being sentenced?