

# TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

## COMMITTEE ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 39<sup>TH</sup> SESSION (NEW YORK, 23 JULY-10 AUG 2007) REPUBLIC OF KOREA (5<sup>TH</sup> AND 6<sup>TH</sup> REPORTS)

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### Information Submitted to the Committee

On 31 July 2007, the Republic of Korea submitted its 5<sup>th</sup> and 6<sup>th</sup> periodic reports<sup>1</sup> under the *Convention on the Elimination of All Forms of Discrimination against Women* (the Convention), as well as written responses<sup>2</sup> to the list of issues and questions<sup>3</sup> raised by the Committee on the Elimination of Discrimination against Women (the Committee). The Minister of Gender Equality and Family, Dr. Jang Hajin, led the Korean delegation.

Korea signed and ratified the Convention in 1984 and the Optional Protocol in 2006, with a reservation pertaining to Marriage and Family Life (Article 16(1)(g)).<sup>4</sup> However, the delegation announced that a withdrawal of the reservation is currently under consideration.<sup>5</sup> The reports outline the legal, structural, and policy changes that have been introduced since the submission of Korea's 3<sup>rd</sup> and 4<sup>th</sup> periodic reports at the Committee's 19<sup>th</sup> session in 1998.

<sup>1</sup> <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

<sup>2</sup> <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

<sup>3</sup> <http://www.un.org/womenwatch/daw/cedaw/39sess.htm>.

<sup>4</sup> In article 16, the Convention addresses the issue of marriage and family relations, asserting the equal rights and obligations of women and men with regard to choice of spouse, parenthood, personal rights and command over property.

<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article16>.

<sup>5</sup> The withdrawal would pave the way for a child to adopt its mother's family name if both mother and father agree to it at the time of marriage, rather than for the child to automatically receive the father's name.

A shadow report,<sup>6</sup> submitted by nine nongovernmental organisations (NGOs) to the Committee, acknowledges the considerable progress in legal and policy considerations for women. It emphasises the discriminatory reality Korean women face, and reveals that they are still denied their rights in all areas of society. The report stresses numerous concerns and recommendations, particularly related to the increase in non-regular/part-time workers, the widening wage gap between men and women, and the feminisation of poverty. The NGOs also hint at the limited coverage in the State report of legal enforcement and policy execution, even though the Committee recommended to the Korean government in 1998 to cover those subjects in its subsequent reports.

The Committee praised the delegation for its significant steps to advance women's equality, highlighting the establishment of various institutional mechanisms to enhance the status of women. The Committee also enumerated such challenges as entrenched paternalistic male values, persistent discrimination in the labour market, and the slow progress in promoting women to decision-making positions. They underscored the delegation's need to enforce legislation, and to address the slow progress in implementing measures.

The Republic of Korea is a party to a number of other international instruments including the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Convention on the Protection of the Rights of All Migrant Workers*, and the *Convention on the Rights of the Child*.<sup>7</sup>

## Themes and Issues<sup>8</sup>

### **Institutional and Legislative Framework**

To begin with, the Committee applauded the delegation for strengthening the country's national machinery, particularly the expansion of the Ministry for Gender Equality and Family in 2005, to a current budget of \$1.3 billion. The Committee then turned to the definition of discrimination in the Constitution which, they said, did not encompass both purpose and effect of discrimination. They inquired whether the Government intended to introduce legislation which will explicitly prohibit discrimination against women. The delegation described how the National Human Rights Commission, which investigates gender discrimination and provides remedies, prepared a comprehensive draft Anti-Discrimination Act. This proposed Act stipulates 20 items as bases of discrimination, including gender, and explicitly forbids acts of discrimination. The delegation is also pursuing an amendment of civil law to adjust the legal age for engagement and marriage to 18 years of age for both women and men; currently it is 18 for men and 16 for women.

### **Women in Politics**

The Committee was surprised at the country's slow progress in the public sector. Ms. Jang, head of the delegation, explained that the participation of women in the public sector had been low due to a lack of voter interest in women. Committee expert Ms. Regina Tavares da Silva asked about the measures the Government took to reach its targets, and commended the delegation for the adoption of temporary special measures, as discussed in General Recommendation No. 25. Ms. Jang responded that each of the ministries was very successful in achieving its targets. The situation in the private sector, however, appeared to have changed little since the last report. The delegation responded that it was hard to control the targets in the private sector.

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<sup>6</sup> [http://www.iwraw-ap.org/resources/pdf/Korea\\_per\\_cent20SR\\_per\\_cent20final.pdf](http://www.iwraw-ap.org/resources/pdf/Korea_per_cent20SR_per_cent20final.pdf).

<sup>7</sup> <http://www.unhcr.ch/tbs/doc.nsf/newhvtstatusbycountry?OpenView&Start=1&Count=250&Expand=141#141>.

<sup>8</sup> For a more detailed description of the dialogue between the Committee and the State, please see the press release of the proceedings, available at <http://www.un.org/News/Press/docs/2007/wom1646.doc.htm>.

The Committee pointed out the unambitious targets, and reiterated its concern about measures to increase the participation of women in Parliament, and in the Ministries of Foreign Affairs and Justice. The delegation drew attention to the Public Official Election Act, which was amended to ensure that 50 per cent of the National Assembly members elected by proportional representation be women.<sup>9</sup> The shadow report indicated that the 50 per cent quota has little effect as the number of seats is extremely low. However, the delegation confirmed that NGOs and the Government are working on drafting new legislation to deal with this.

## **Employment**

The Committee underscored the significant discrimination in women's employment, as 42.7 per cent of female salaried workers in 2006 were irregular employees, even though this percentage had decreased from 43.7 per cent in 2004.<sup>10</sup> The delegation confirmed that the Government had adopted a comprehensive policy for public sector irregular workers, and noted that the 2006 Act on Protection of Temporary and Part-time Workers attempts to address these issues, by shifting constantly renewed contractual workers to permanent status, and improving the working conditions of low-wage workers. The Committee queried the implementation of the principle of equal pay for work of equal value, which it had recommended in its previous Concluding Comments. The delegation elaborated that the Government monitors and supervises actual practices of equal employment to ensure implementation of the policy and, so far, 184 cases breaching the rule had been identified and necessary actions were being taken.<sup>11</sup> The delegation also emphasised that, in 2005, the Affirmative Action Plan was brought into effect to improve employment practices, which mainly focused on the Female Employment Target Policy. The shadow report highlighted the gender-discriminating labour market, and the discrepancies in male and female employment ratios and wages that still continue.

Committee expert Ms. Halperin-Kaddari expressed concern that there are currently no laws preventing sexual harassment from clients in the private sector. The delegation head stated that even though there is no clear legal stipulation on sexual harassment by clients, a business owner is responsible for any sexual harassment that takes place in his office. Ms. Jang also conceded that there was room for improvement here.

## **Feminisation of Poverty**

The shadow report recognised the poverty experienced by female-headed households as most serious, as it has been intensifying since the last report in 1998.<sup>12</sup> Ms. Tavares da Silva suggested that the feminisation of poverty could be addressed comprehensively through millennium development plans. Ms. Jang acknowledged that poor women were in desperate need of employment. She also explained that the Government's five-year plan aimed to improve the quality life of rural women, which includes programmes to relieve the burden of child-care to help them concentrate on their agricultural businesses. However, patriarchal attitudes still prevailed in rural areas, making the task of empowering women an arduous one.

## **Education and Gender Mainstreaming**

Ms. Halperin-Kaddari sought clarification regarding the establishment of the Institute for Gender Equality and Education, as she understood that less than one per cent of government employees had signed up for its gender education programmes. She insisted they be obligatory, and also asked if any efforts have been made to increase the number of women working in broadcasting companies, as this would help alleviate the biased stereotyping in the media. Ms. Jang did not discuss whether the programmes should be obligatory but stated

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<sup>9</sup> <http://www.iwraw-ap.org/resources/pdf/Korea%20SR%20final.pdf>.

<sup>10</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N07/368/12/PDF/N0736812.pdf?OpenElement>.

<sup>11</sup> <http://daccessdds.un.org/doc/UNDOC/GEN/N07/368/12/PDF/N0736812.pdf?OpenElement>.

<sup>12</sup> In an annual report of women statistics, 2004, 14.1 per cent of female-headed families live below the poverty line, out of an estimated 19.7 per cent in 2006, of total female-headed families in the country  
<http://www.iwraw-ap.org/resources/pdf/Korea%20SR%20final.pdf>.

that the number of employees to sign up was expected to grow as the Institute continued its activities. Ms. Jang also pointed out that two of the nine key directors in broadcasting are women.

Ms. Tavares da Silva asked whether sanctions were imposed when targets to achieve gender equality were not met, and also wanted to know whether the Government was making efforts to change the attitude towards women in politics and science. Ms. Jang assured the Committee there were mentoring programmes in place to increase the number of female students in various fields, such as WISE (Women Into Science and Engineering), particularly since the Ministry of Gender Equality and Family had allocated a budget for leadership training and educational programmes.

### **Family and Health**

Ms. Halperin-Kaddari expressed apprehension about the Healthy Family Act and called it a “judgmental piece of legislation,” seeking to maintain a traditional family structure while excluding cohabitating and same-sex couples. The delegation did not address her comment, but pointed out that, in 2005, the Government abolished the 'family headship' system, the archetypal policy discriminating against women. The abolition of the family headship system clears the way for the possible withdrawal of reservations on Article 16(g) of the Convention.

Committee member Ms. Arocha Dominguez was interested in how the Government is creating a family-friendly environment in the workplace, and developing home and child-care services to facilitate women's participation in the labour market. The delegation responded that the Government is increasing child-care subsidies and providing services for infants and disabled children. Further, the Policy for Continued Employment after Childbirth and other Acts stipulates that companies should open more child-care centres.

### **Prostitution, Trafficking, and Violence against Women**

Committee expert Ms. Coker-Appiah, asked whether the Government had researched why women went into prostitution. Committee expert Mr. Flinterman inquired if the measures to combat prostitution were gender-neutral, and mentioned concern over the anti-prostitution laws which distinguish between victims of forced prostitution and voluntary prostitutes. The delegation responded that, in 2004, the Government enacted stricter punishment for the procurement of prostitution, and also provides more protection and services for women victimized by prostitution.

Mr. Flinterman asked about the practice of “Wonjokyoje,” where adolescent girls engage in sexual relationships with older men for money, and whether the Government imposes sanctions on those who abuse adolescent girls. The delegation offered that, so far, the Government is responding by disclosing personal identification of sex offenders on websites and is now working to determine sentencing criteria.

Ms. Coker-Appiah challenged what was being done to protect immigrant women who enter into arranged marriages. Ms. Jang conceded there had been a recent rise in the number of such marriages, and in most cases, the women entered the country through brokers. She relayed that the Government is setting up support systems for immigrant women in these marriages.

Ms. Halperin-Kaddari stressed that the reports provided little information on domestic violence and deplored that marital rape was still not prohibited. Ms. Jang stated that in regards to marital rape, public opinion differed from the views of the Ministry of Gender Equality and Family, and said that the challenge to change legislation lies in the cultural mindsets. The delegation was not communicative on the matter of domestic violence, stating that a system to deal with the issue existed.

### **Conclusion and Next Steps**

The Korean delegation did not answer all of the questions asked by the Committee. The answers tended to follow a prior format and they did not engage in communication in an open and succinct manner. Through the presentation, they highlighted new legislation and implementation of programmes, stated goals and targets, and referenced percentages and tables. The Committee struggled to assess an accurate picture of the current situation in the country, and pondered whether some of the statistics were misleading. The delegation conceded that some statistics in the State report may have been misrepresentative. However, the Korean delegation confirmed that it is deeply committed to embracing gender mainstreaming, as the impact of the Convention has been profound for the women in their country. The delegation underlined the progress already made and their commitment to abide by the Beijing Platform for Action and to implement the Convention in more concrete ways.

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